

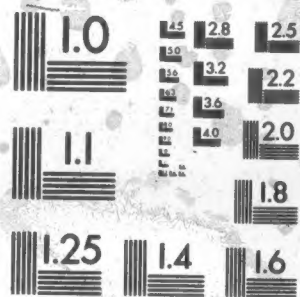
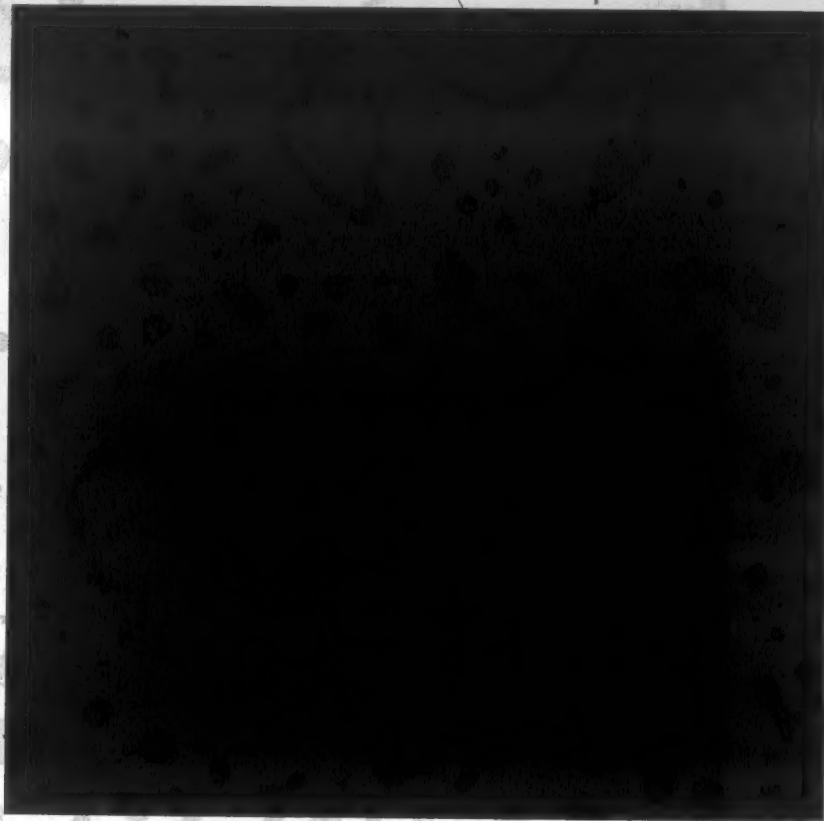
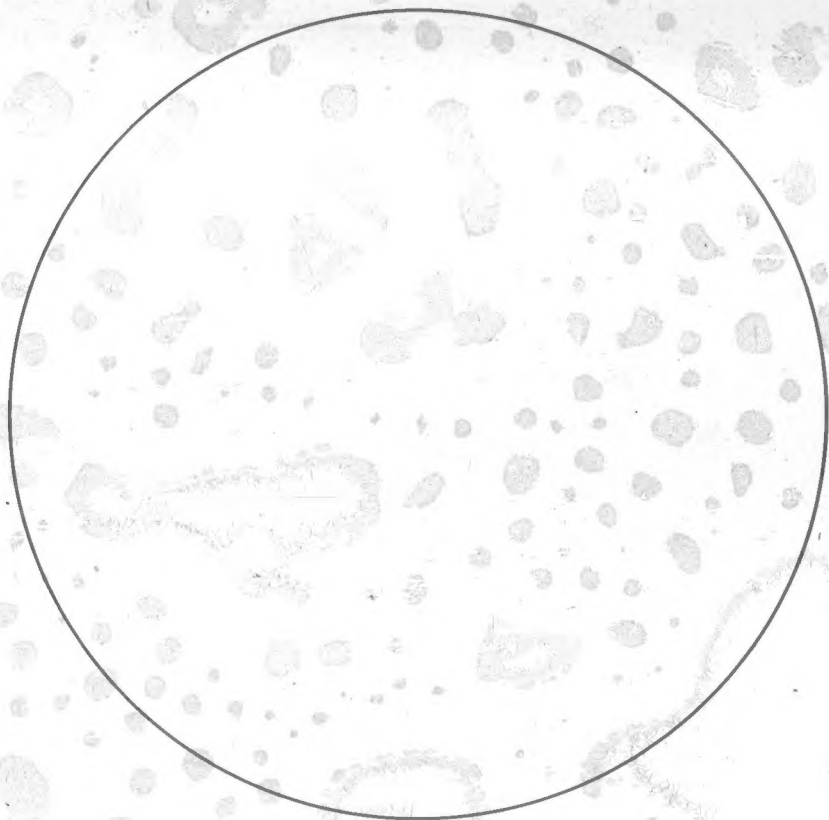




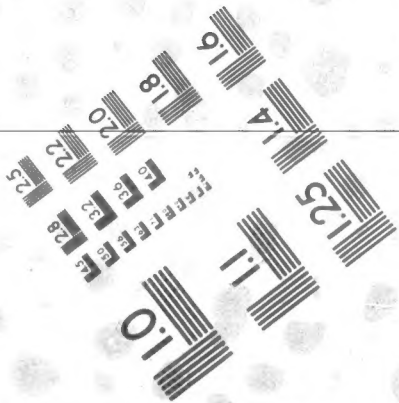


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**NATIONAL ARCHIVES MICROFILM PUBLICATIONS**

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**APPLICATIONS FOR ENROLLMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES**

**1898 - 1914**

**ROLL 58  
CHOCTAW NEW BORN (ACT OF 1905) D72-D235**

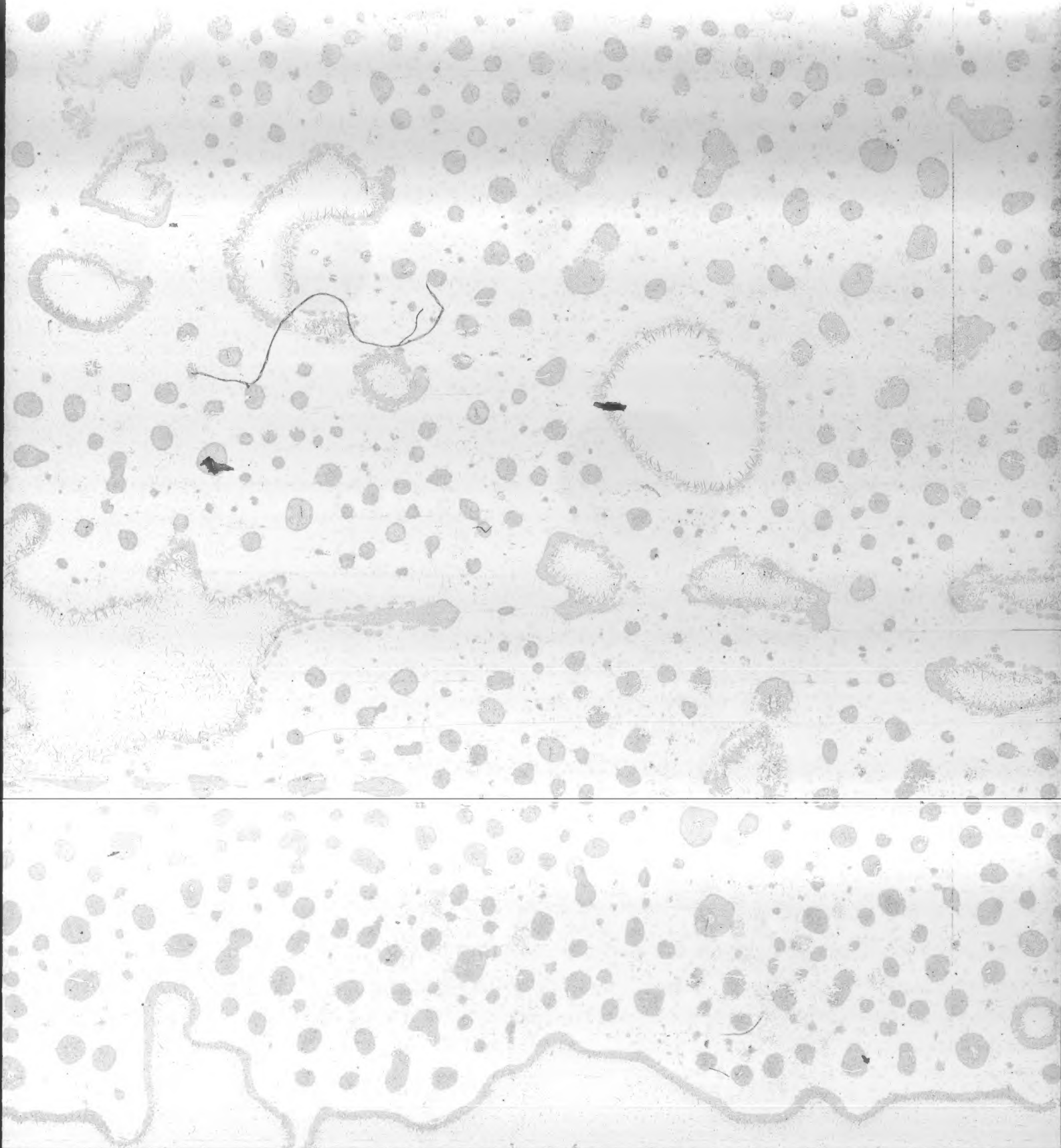
**THE NATIONAL ARCHIVES  
NATIONAL ARCHIVES AND RECORDS SERVICE  
GENERAL SERVICES ADMINISTRATION**

**WASHINGTON: 1983**

Choc D 72

Thomas D. Thompson

D 72



affidavit of  
Mary Cross

Southern District  
Indian Territory

Personally appeared before me a  
Notary Public in and for  
District of Mary Crossen, who having  
by me filed duly sworn, on her  
oath says,

I am a Chickasaw by blood.  
My age is 40 years. My Post office  
address is, "Marionville, Mo."

I was present and witnessed  
the Marriage of Thomas D. Thompson  
to Miss Mariab Shuco, on the day  
of April 1867, in Pondera County  
Chickasaw Nation, which Marriage  
was solemnized, by William George  
County Judge of Pondera County  
Chickasaw Nation.

Said Mariab Shuco was my  
Sister,

Mary Leavens

Sworn to and subscribed before  
me on the 13<sup>th</sup> day of Oct. 1878.

M. C. Wiggins  
Notary Public & Dist  
S. D. Ter.

Chectaw D-72.

Muskogee, Indian Territory, February 26, 1902.

Thomas D. Thompson,  
Kiowa, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Chectaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 3rd 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.

You are further notified that the representatives of the Chectaw 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.

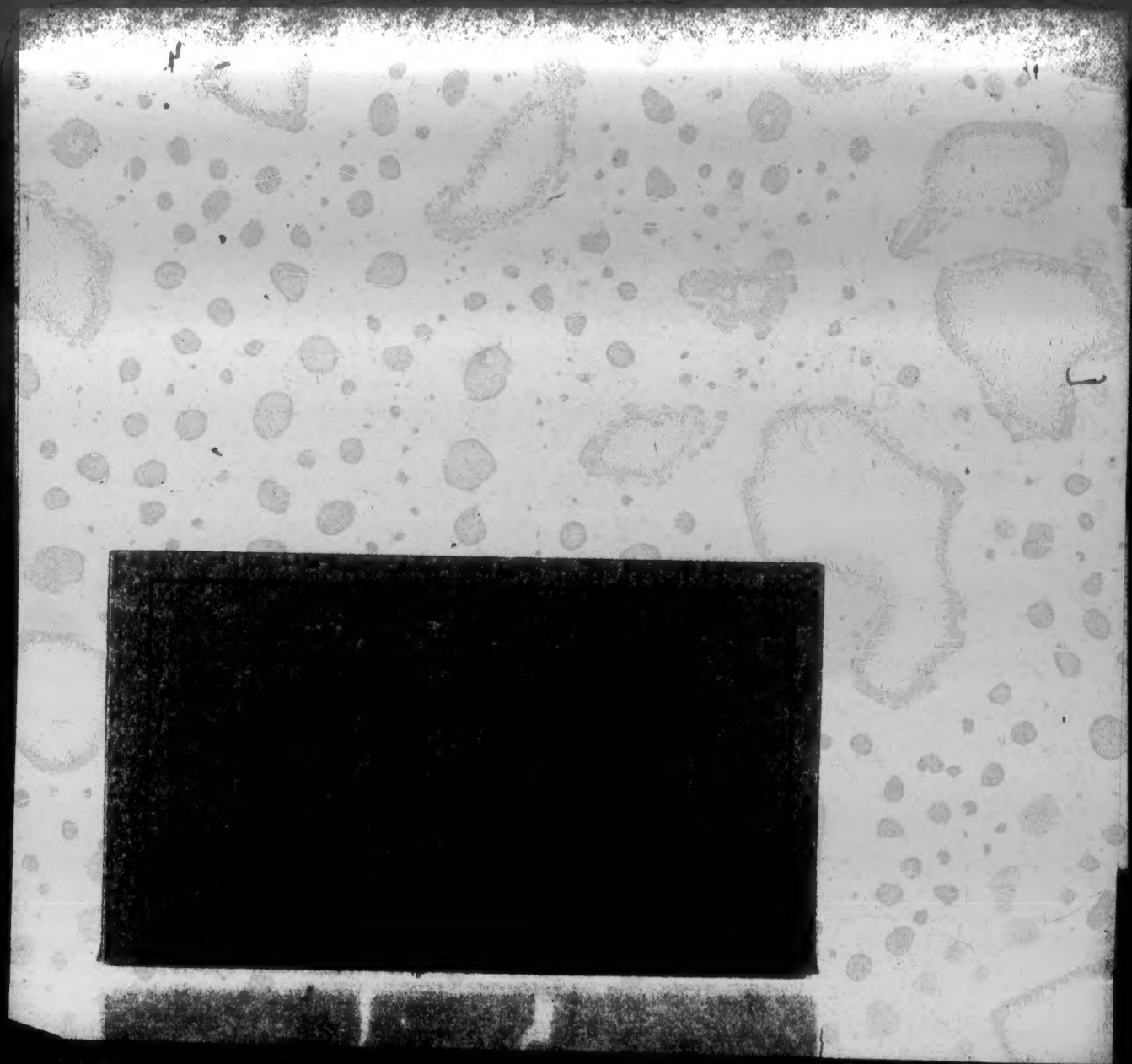
The Commission to the Five Civilized Tribes.

*T. B. Needles.*

Register.

Commissioner in Charge.







(2).

Thomas D. Thompson, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Thomas Thompson. T. D., is the way I always sign my name.
- Q Thomas D. Thompson? A Yes sir, Thomas D. Thompson.
- Q What is your age, Mr. Thompson? A I am Seventy-one, last November. The 7th day of last November.
- Q What is your present post office address? A Why, my present one, I have been staying at Captain LeFlore's, at Limestone Gap right smart, and Kiowa, either one is my post office. I have been staying there with the Captain this winter.
- Q Your home though is at Kiowa, is it? A Yes sir, that's my home. Two miles South of there.
- Q You make this application for enrollment as an intermarried citizen, do you? A Yes sir, that's what they say. I don't know what they wanted with me. I have always been considered as Chickasaw. Went to Colbert and thought everything was all right.
- Q When were you married to a Choctaw woman? A In '67.
- Q 1867? A Yes sir.
- Q Is she living? A No sir, she's dead. Been dead a long time.
- Q Do you remember when she died? A No sir, I don't. Let me see--- about-----it was something like three-----a little more than three years after we was married.
- Q What was her name? A Chico.
- Q Given name? What was her given name? A Maria.
- Q Maria Chico? A Yes sir.
- Q Have you married again since her death? A Yes, I married a white woman in 1870. May, 1870.
- Q Is she living? A No sir, she's dead-----been dead about thirteen or fourteen years.
- Q Did you have any children by your Choctaw wife? A Yes sir, I have got a daughter. She's married. She's Brashears' wife, down on the river. Got a family.
- Q She's of age-----grown? A Oh! yes! she's married and got six or seven children.
- Q You have always lived in the Choctaw Nation? A I have been living in the Choctaw Nation since '53.
- Q Since '53? A Yes sir. Down there South of the salt works, and then Boggy Depot and then Captain LeFlore's, and old man Thomas's at the salt works.
- Q You havn't lived outside of the Territory in the last four years, have you? A No sir. I have been considered an Indian now ever since 1867, and voted and everything.
- :-----

(3).

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 3, 1902, and that the above and foregoing is a full, true and correct transcript of this stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 3 day of April, 1902,

*Clare Mitchell Wood*

Notary Public.

7-D-72

IN RE  
THE DEATH OF


*Thomas D. Thompson*  
a citizen of the

*Choctaw* Nation.  
*59* *1. W.*

Approved ..... 190

.....  
Commissioner.

It appearing from the within affidavits that the applicant, Thomas D. Thompson, died prior to September 25, 1902, I am of the opinion that the application for the enrollment of said applicant as a citizen by intermarriage of the Choctaw Nation should be dismissed and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

NOV 30 1906

DEPARTMENT OF THE INTERIOR  
COMMISSIONER OF THE GENERAL LAND OFFICE

NOV 30 1906

COMMISSIONER

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

In the matter of the death of Thomas D Thompson  
(Here insert name of deceased.)  
a citizen of the Choctaw Nation, who formerly resided at or near  
Kiowa, Ind. Ter., and died on the 11<sup>th</sup> day of  
August, 1902  
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Central DISTRICT. }  
I, R A Thompson, on oath state that I am 47  
years of age and a citizen, by U.S.A., of the U.S.A. Nation;  
that my postoffice address is Kiowa, Ind. Ter.; that I am  
a son of Thomas D Thompson  
(State relationship: as the father; an uncle; a cousin, etc.) (Here insert name of deceased.)  
who was a citizen, by intermarriage, of the Choctaw Nation  
and that said Thomas D Thompson died on the 11<sup>th</sup> day of  
August, 1902  
(Here insert name of deceased.)

WITNESSES TO MARK: R A Thompson  
(Must Be Two Witnesses)

Subscribed and sworn to before me this 26<sup>th</sup> day of Nov., 1906.

Jacoby P Bobo  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Central DISTRICT. }  
I, Ellen Thompson, on oath state that I am 48  
years of age, and a citizen by U.S.A. of the U.S.A. Nation;  
that my postoffice address is Kiowa, Ind. Ter.;  
(Here insert name of postoffice.)  
that I was personally acquainted with Thomas D Thompson  
(Here insert name of deceased.)  
who was a citizen, by intermarriage, of the Choctaw Nation;  
and that said Thomas D Thompson died on the 11<sup>th</sup> day of  
August, 1902  
(Here insert name of deceased.)

WITNESSES TO MARK: Ellen Thompson  
(Must Be Two Witnesses)

Subscribed and sworn to before me this 26<sup>th</sup> day of Nov., 1906.

Jacoby P Bobo  
Notary Public.

7-D-

-72

Muskogee, Indian Territory, November 30, 1906.

R. A. Thompson,

Kiowa, Indian Territory,

Dear Sir:

It appearing from the records of this office that your father, Thomas D. Thompson died prior to September 25, 1902, the Commissioner to the Five Civilized Tribes, on November 30, 1906, dismissed the application for his enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

Commissioner.

Muscogee, Indian Territory,

August 18th, 1900.

Thomas D. Thomson,

Nowa, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. McEnnon, Mansfield, Murray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments to this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-72.



Muskogee, Indian Territory, September 18, 1900.

Thomas W. Thompson,  
 Kiowa, Indian Territory.

Dear Sir:-

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 objection raised is, that you have not complied with the Choctaw intermarriage law.

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.

Muskogee, Indian Territory, February 26, 1903.

Thomas D. Thompson,  
Kiowa, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903.

The act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at this place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Choctaw D 72

Muskogee, Indian Territory, February 12, 1904.

Thomas D. Thompson,  
Kiowa, Indian Territory,

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

~~17-0-72~~

Muskogee, Indian Territory, April 27, 1904.

Aaron Beshirs,

Yuba, Indian Territory

Dear Sir:

Receipt is hereby acknowledged of your letter of April 15, 1904, in which you ask if Thomas D. Thompson, a court claimant has been approved.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Thomas D. Thompson, for enrollment as an intermarried citizen of the Choctaw Nation.

It is noted that you state in your letter that Laura Bell Beshirs is his only daughter and heir. If Thomas D. Thompson is dead, you are requested to forward this office proof of his death and for your convenience there is enclosed herewith a blank form for proof of death.

In having the same executed be careful to see that all blanks are properly filled, all names written in full, and that the Notary Public before whom the affidavits are acknowledged affixes his jurat and seal to each affidavit; signatures by mark must be attested by two witnesses.

Respectfully,

DC.

Chairman.

Chestaw D-72

Muskogee, Indian Territory, May 11, 1904.

Laura B. Boshires,

Yuba, Indian Territory.

Dear Madam:

Receipt is heroby acknowledged of your letter of May 4, in which you ask if you will be permitted to designate land equal in value to \$1041.28 as an allotment for your father, Thomas D. Thompson, now deceased.

In reply to your letter you are informed that it does not appear from our records when the death of Thomas D. Thompson occurred; and for the purpose of making this information a matter of record, there is enclosed herewith a blank form for proof of death, which kindly have executed, and return to this office as early as practicable. Upon receipt of this evidence of death, the matter of your inquiry will receive further consideration.

Respectfully,

Chairman.

D C

Choctaw-D-72.

Muskogee, Indian Territory, July 1, 1904.

Galloway, Heflin & Threadgill,

Attorneys at Law,

Coalgate, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 27th, asking the status of the application of T. D. Thompson, deceased for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter, you are informed that the Commission has not yet passed upon the application of Thomas D. Thompson for enrollment as an intermarried citizen of the Choctaw Nation, and before further consideration can be given this application it will be necessary that testimony be introduced relative to the intermarried status of this applicant on September 25, 1902, the date of the ratification by the Choctaw and Chickasaw Nations of the act of Congress approved July 1, 1902.

Respectfully,

\_\_\_\_\_  
Commissioner in Charge.

Choctaw-D-72.

Muskogee, Indian Territory, July 18, 1904.

Galloway, Heflin & Threadgill,  
Attorneys at Law,  
Coalgate, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of July 2nd, in which you ask if Thomas D. Thompson, an applicant for enrollment as an intermarried citizen of the Chickasaw Nation, will be allowed to furnish evidence of his intermarried status by affidavit.

In reply to your letter, you are informed that it will be necessary for Thomas D. Thompson to appear before the Commission for the purpose of testifying under oath relative to his status as an intermarried citizen of the Choctaw Nation on September 25, 1902, the date of the ratification by the Choctaw and Chickasaw Nations of the act of Congress approved July 1, 1902. Such personal appearance may be made either at the general office at Muskogee, Indian Territory at any time or at the Choctaw Land Office of the Commission, Atoka, Indian Territory, September 6--7, 1904, or at the Chickasaw Land Office of the

G. H. & T.--2.

Commission at Tishomingo, Indian Territory, September 8--9,  
1904.

It appears from the records that application was made for the enrollment of Thomas D. Thompson as an intermarried citizen of the Choctaw Nation, but it is presumed this is the person referred to by you.

Respectfully,

Commissioner in Charge.



7-2-72.

Muskogee, Indian Territory, August 15, 1904.

Thomas D. Thompson,

Kiowa, Indian Territory,

Dear Sir:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

7-9-78.

Muskogee, Indian Territory, October 1, 1904.

Laura Boshires,  
Muba, Indian Territory.

Dear Madam:

Your attention is called to our letter to you of May 11, 1904, in answer to your communication of May 4, 1904, in reference to the designation of an allotment for your father, Thomas D. Thompson, deceased. In our letter we enclosed blank form for proof of death. This has not yet been returned to us, and another blank form for proof of death is enclosed. You are requested to have the same executed before a Notary Public and return to this office as soon as possible.

It will be impracticable for us to take further action in the matter of the application of Thomas D. Thompson for enrollment until we receive this proof of death.

Respectfully,

Env.  
D.C.

Chairman.

7-D-72.

Muskogee, Indian Territory, November 1, 1905.

Postmaster,

Kiowa, Indian Territory.

Dear Sir:

On October 13, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of Thomas D. Thompson as a citizen by intermarriage of the Choctaw Nation. Frequent letters addressed to his last known postoffice address at Kiowa, Indian Territory, have been returned unclaimed. If you have any knowledge relative to the whereabouts of said applicant kindly notify this office of the same at the earliest possible date.

Respectfully,

Commissioner.

T. B.

Thomas D. Thompson died Aug. 11, 1902.

H. B. Rowley, P. M.

Kiowa, I. T. 11/2/05.

REFER IN REPLY TO THE FOLLOWING

7-1-72.

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

Muskegee, Indian Territory, November 1, 1905.

Oswar Crawford,  
Kiowa, Indian Territory.

Dear Sir:

On October 13, 1905, application was made to the Commission to the Five Civilized Tribes for the enrollment of Thomas D. Thompson as a citizen by intermarriage of the Cheotaw Nation. Frequent letters addressed to his last known postoffice address at Kiowa, Indian Territory, have been returned unclaimed. If you have any knowledge relative to the whereabouts of said applicant kindly notify this office of same at the earliest possible date.

Respectfully,



Commissioner.

7-D-72

Muskogee, Indian Territory, November 8, 1905.

H. B. Rowley, Post Master,  
Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 2, 1905, in which you state that Thomas D. Thompson died August 11, 1902.

There is inclosed herewith blank form for proof of death and if you will have the same executed by a relative and an acquaintance of Thomas D. Thompson your action in the matter will be greatly appreciated.

Respectfully,

Commissioner.

B. C.



Choctaw D-72.

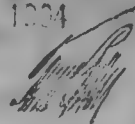
In the matter of the enrollment  
of Thomas D. Thompson as an in-  
termarried citizen of the Choctaw  
Nation.

PROJECT of  
Choctaw and Chickasaw Attorneys

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

**FILED**

FEB 6 1934



CHAIRMAN

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas D. Thompson as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-72.

-----

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al., vs. Choctaw and Chickasaw Nations, No. 64 on the South McAlester Docket, in which the said court will decide the question of the citizenship rights by intermarriage, if any, of those white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

  
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.



Empty

Empty

Empty

Choc D76 Joseph Z. Davis

Jun 19, 1902 Decision prepared  
Granted

Dismissed  
Feb 11, 1907

D76

1

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.....

JOSEPH Z. DAVIS, ~~1111~~ 7-D-76.

Commission to the Five Civilized  
Durant, Indian Territory.

In the enrollment of Joseph Z. Davis as a Choctaw; Lizzie Parris being sworn and examined by Com'r McKennon testifies:

- Q What is your name? A Joseph Z. Davis.
- Q How old are you? A Thirty-nine.
- Q Do you know Joseph Z. Davis? A Yes sir.
- Q Did you know his father Bud Davis? A Yes sir.
- Q Did you know his mother, Sarah Turner? A Yes sir.
- Q You know anything about their marriage? A Yes sir.
- Q What do you know about it? A I was there and saw them married.
- Q Who performed the ceremony? A I have forgotten what the fellow's name was, but I was right there.
- Q Where was that? A It was in Sevier County, Arkansas.
- Q When was that? A It has been sixteen or seventeen years ago.
- Q Was that a preacher or an officer that married them? A A preacher.

-----  
Simon E. Lewis, being sworn and examined, testifies:

- Q What is your name? A Simon E. Lewis.
- Q How old are you? A Fifty-eight.
- Q Do you know this young man, Joseph Z. Davis? A No sir; we registered one at Colbert, I couldn't swear this is the same one.
- Q Upon what ground did you register that one at Colbert?
- A She claimed his father was a Choctaw; after we went to Tuska-homma I asked John Parr and others if such a man lived and they said they did.
- Q What was the father's name? A Davis.
- Q She brought this young man over from Texas? A Yes sir, she said she lived in Texas at the time.
-

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 3, 1902.

.....  
: Joseph Z. Davis :  
: vs. :  
: The Choctaw Nation. :  
:.....

D-76.

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

On the 26th day of February, 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 Joseph Z. Davis for the enrollment of himself 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 3rd day of April, 1902, for final consideration.

Now on this 3rd 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 the 3rd day of April, 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 3 day of April, 1902.

*Charles J. Hollowood*

Notary Public.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Choctaw D-76.

ADDRESS ONLY IN  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 26, 1902.

Joseph Z. Davis,  
Woodville, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 3rd 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.

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.



Choctaw D-76.

In the matter of the enrollment  
of Joseph E. Davis as a citizen  
by blood of the Choctaw Nation.

PROTEST of  
Choctaw and Chickasaw Attorneys

*Protest overruled  
by Department.*

DEPARTMENT OF THE INTERIOR,  
MISSION TO THE FIVE CIVILIZED TRIBES

FILED

FEB 6 1884



CHICKASAW

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joseph Z. Davis as a citizen by blood of the Choctaw Nation, Choctaw Field No. D-76.

-----

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong vs. Choctaw and Chickasaw Nations, No. 59 on the Tishomingo Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the third or the fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaws and Chickasaws, notwithstanding their recognition as citizens by the tribal authorities of the Choctaw Nation; which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

  
Attorneys for the Choctaw and Chickasaw Nations.

January 23, 1904.

7-D-76.

Muskogee, Indian Territory, August 12, 1904.

Joseph Z. Davis,

Dolberg, Indian Territory,

Dear Sir:

In the matter of your application for enrollment as a citizen by blood of the Choctaw Nation, you are advised that before further consideration can be given to your application that it will be necessary for you to furnish the Commission with the testimony of some well known Choctaw citizens as to your citizenship and also as to residence.

This you may do by having them appear before the Commission at the land office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the land office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904, or you may procure affidavits of such persons and forward them to the Commission at Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

7-D-76.

Muskogee, Indian Territory, October 1, 1904.

Joseph Z. Davis,

Dolberg, Indian Territory,

Dear Sir:-

On August 12, 1904, in the matter of your application for enrollment as a citizen by blood of the Choctaw Nation, you were advised that before further consideration could be given your application for enrollment it would be necessary for you to furnish the Commission with the testimony or affidavits of at least two Choctaws by blood as to your citizenship and also as to your residence. No response to said letter has been received.

You are therefore again requested to appear before the Commission with such witnesses at its office in Muskogee, Indian Territory, for the purpose of presenting such evidence as you may have which will enable the Commission to identify you as a citizen by blood of the Choctaw Nation.

Respectfully,

Chairman.

REFER IN REPLY TO THE FOLLOWING:  
7-D-76

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

Muskogee, Indian Territory, November 23, 1905.

Joseph Z. Davis,  
Delberg, Indian Territory.

Dear Sir:

You are advised that it will be necessary for you to appear and testify relative to your residence in the Choctaw-Chickasaw country in the matter of your right to enrollment as a citizen by blood of the Choctaw Nation.

This matter should receive your immediate attention in order that disposition may be made of your application for enrollment.

Respectfully,



Acting Commissioner.

7-D-76  
O.I.J.

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

-----

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

D E C I S I O N .

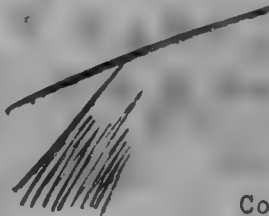
It appears from the record herein that on October 14, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of Joseph Z. Davis as a citizen by blood of the Choctaw Nation.

The applicant is identified upon the 1896 Choctaw Census Roll, opposite No. 3672, as a resident of the Chickasaw District.

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 residents of the 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 Joseph Z. Davis as a citizen by blood of the Choctaw Nation, should be dismissed, and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

SEP 11 1907

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Boctan

also on page 152 - C & K No 2  
note: 13

Old Dist.

also on page 260 C & K No 0

Doubtful Dist.

What Dist.

Dist. 1/2

1/2

25

Muscogee, Indian Territory,

August, 18th, 1900.

Joseph Z. Davis,

Woolville, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. Foreman, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing September, 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.



Chectaw D-76.

Muskogee, Indian Territory, February 26, 1902.

Joseph Z. Davis,  
Woodville, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Chectaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 3rd 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.

You are further notified that the representatives of the Chectaw 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.

*T. B. Needles.*

Register.

Commissioner in Charge.

COMMISSIONERS

HENRY L. DAWES.  
TAMS BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

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

REFER IN REPLY TO THE FOLLOWING

Choctaw D 76

ALLISON I. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 20, 1902.

Guy L. V. Emerson,

Clerk in Charge,

Pauls Valley, Indian Territory,

Dear Sir:

In the matter of the application of Joseph Z. Davis for enrollment as a citizen by blood of the Choctaw Nation, there is inclosed you herewith a duplicate of the record in the above named case, the decision which had already been prepared having been returned by Mr. Hopkins with instructions to secure further evidence.

It is not known at this office whether or not you have already duplicate jacket and record in this case, therefore one has been prepared at this office and is inclosed herewith.

Respectfully,

  
Acting Chairman.

AB 3-20

Choctaw D 76

Muskogee, Indian Territory, February 12, 1904.

Joseph Z. Davis,  
Woodville, Indian Territory,

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by blood of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-D-76

Muskogee, Indian Territory, November 23, 1905.

Joseph Z. Davis,

Dolberg, Indian Territory.

Dear Sir:

You are advised that it will be necessary for you to appear and testify relative to your residence in the Choctaw-Chickasaw country in the matter of your right to enrollment as a citizen by blood of the Choctaw Nation.

This matter should receive your immediate attention in order that disposition may be made of your application for enrollment.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, February 16, 1907.

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

Dear Sir:

There is returned herewith field data in the following applications for enrollment as citizens of the Chickasaw and Choctaw Nations, for the reason that I visited the former post-office addresses of each as given in field data, and made numerous inquiries relative to their whereabouts but was unable to locate any of them:

Augustus Seale	D-81
Foister John Copeland	451
Francis York	23-1228
Celestine Taylor	25-895
Viola Lillie Hickman et al	23-902
Nancy Folsom	D-348
Joseph Z. Davis ✓	D-76
Aaron Silas	D-95
Frank Haley	23- 882
Win J. Manly	D-876.

In the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of Oliver P. Owen, field number 250, you are advised that I made numerous inquiries at Ardmore, Indian Territory, which was his former post-office address but was unable to get any information relative to the death of the applicant. The field data in this case is also returned herewith.

Respectfully,

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Empty



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Choc 087 George W. Smith

087



JAN D. I 87

George W. Smith, et al.

Jun 20, 1904

RECEIVED

COPY OF DECISION FORWARDED  
APPLICANT OCT 15 1904  
COPY OF DECISION FORWARDED  
ATTORNEY OCT 15 1904  
COPY OF DECISION FORWARDED  
ATTORNEY OCT 15 1904

RECORD FORWARDED DEPARTMENT

ACTION APPROVED BY OCT 31 1904  
SECRETARY OF INTERIOR

NOTICE OF APPEAL FORWARDED  
FORWARDED FOR PROTEST  
AND OTHERS AUG 4 - 1905

NOTICE OF APPEAL FORWARDED  
ACTION WAIVED APPLICANT  
AUG 4 - 1905

DECISION RENDERED  
AUG 4 - 1905  
JUN 3 - 1906

REFUSED

COPY OF DECISION FORWARDED  
APPLICANT

COPY OF DECISION FORWARDED  
ATTORNEY JUN 3 - 1906

COPY OF DECISION FORWARDED  
ATTORNEY JUN 3 - 1906

RECORD FORWARDED DEPARTMENT  
over JUN 3 - 1906

Nos. 2-3-495

GRANTED

Transferred to Chestnut Cond No 607

COPY.

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

-----  
In the matter of the application for the enrollment of  
George W. Smith, et al., as citizens of the Choctaw Nation, consoli-  
dating the applications of

George W. Smith, et al.,	7-D-67,
Louanna Smith Terrell,	7-434,
Elmer Terrell,	7-D-296.

-----  
D E C I S I O N .  
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It appears from the census card records in this case that on October 20, 1898, George W. Smith appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Mary E. Smith, and their minor children, Mary D. Smith, Margurite Smith, and George Smith, as citizens by blood of the Choctaw Nation, and that on October 20, 1898, Elmer Terrell appeared before said Commission and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Louanna Smith Terrell, as a citizen by blood of the Choctaw Nation.

Additional proceedings were had in the matter of said applications at Muskogee, Indian Territory, on October 16, 1902, and at Wister, Indian Territory, on December 15, 1902.

October 15, 1904, the Commission to the Five Civilized Tribes rendered its decision in the matter of said applications, denying the applications for the enrollment of George W. Smith and Elmer Terrell as citizens by intermarriage of the Choctaw Nation, and the applications for the enrollment of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith as citizens by blood of said nation, and that said decision was affirmed by the Secretary of the Interior on July 19, 1905, (I.T.D. 11612-1904).

January 31, 1906, Henry W. Blair of Washington, D. C., and Bond & Melton of Chickasha, Indian Territory, attorneys for the applicants, filed with the Department a motion supported by affidavits, praying that a rehearing of the case be granted, and an opportunity given the applicants to furnish additional evidence in support of their applications for enrollment as citizens of the Choctaw Nation.

The Department on March 13, 1906 (I.T.D. 23, 230, 1277-1906), rescinded its action of July 19, 1905, affirming the decision of the Commission adverse to the applicants, and directed the reopening of said case for a further hearing touching the residence and property interests in the Choctaw Nation of the applicants herein.

March 21, 1906, in pursuance of Departmental instructions, this office advised the applicants herein, their attorneys of record and Macsfield, Murray & Cornish, attorneys for the Choctaw and Chickasaw Nations, of the action of the Department, and notified them that on Wednesday, April 18, 1906, at nine o'clock A. M., the Commissioner would at his office at Muskogee, Indian Territory, hear such testimony as might be submitted by the applicants and the attorneys for the Choctaw and Chickasaw Nations.

April 18, 1906, additional proceedings were had in the matter of said applications in accordance with the notices above mentioned.

It appears from the record herein that the applicants, George W. Smith, Mary E. Smith and Louanna Smith Terrell, were admitted to citizenship in the Choctaw Nation by an Act of the Choctaw National Council approved October 20, 1877. The applicants, Mary D. Smith, Margurite Smith and George Smith, are the off-spring of said George W. Smith and Mary E. Smith, and were born subsequent to the Act admitting their parents.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith are identified upon the 189 Choctaw Census Roll, To buckey County, opposite numbers 11314, 11315, 11317, 11318 and 11319, respectively, enrolled thereon as citizens by blood of said nation, and that the applicant, George W. Smith, is identified on said roll, To buckey County, opposite number 15041, enrolled thereon as a citizen by inter-marriage of said nation.

It appears from the record herein that George W. Smith was on January 17, 1869, lawfully married to the applicant, Mary E. Smith; that at the time of said marriage, both of said persons were residents of the State of Alabama; that in about the year 1870, they removed therefrom to the State of Arkansas, where said George W. Smith has continued to reside, up to and including September 25, 1902, with the exception of temporary visits at different periods to the Indian Territory. The evidence further shows that George W. Smith has at no time owned any property interests in the Indian Territory prior to June 28, 1868, and that his residence and place of business for the past fifteen years have been at Fort Smith, Arkansas.

As to Mr. Terrell, the evidence herein shows that he was married to the applicant, Louanna Smith Terrell, under the laws of Arkansas on September 1, 1897; that at the time of said marriage, both of said persons resided at Fort Smith, Arkansas; that on July 15, 1898, they removed to the Chickasaw Nation, where they continued to reside, up to and including September 25, 1902. The evidence further shows that on July 1, 1901, while residing in the Chickasaw Nation, the applicant, Mr. Terrell, was remarried under the laws, customs and usages of the Choctaw Nation to his wife, Louanna Smith Terrell.

As to the physical residence of the applicants, Mary E. Smith and Louanna Smith Terrell, the evidence in this case shows that in May, 1889, Mary E. Smith, after disposing of some property belonging to her and her husband, George W. Smith, removed from Fort Smith, Arkansas, to the home of her father near Canadian, Choctaw Nation, Indian Territory, for the purpose of taking up her residence in the Indian Territory; that she was accompanied by her two children, Annie (the applicant, Louanna Smith Terrell) and Ollie (not an applicant in this case); that Mary E. Smith continued to reside with her father at Canadian, Indian Territory, until September, 1889, when she returned to Fort Smith, Arkansas, for the purpose of placing her children in the public schools of that city; and that she and her children have continued to reside in Fort Smith, Arkansas, continuously from September, 1889, until after June 28, 1904, with the exception of occasional visits to the home of Mrs. Smith's father near Canadian, Indian Territory.

Inasmuch as the testimony relative to the property owned by Mary E. Smith and her children in the Choctaw-Chickasaw country is somewhat conflicting, the testimony of each witness relative thereto will be set forth in detail.

J. Y. Toole testified that on the removal of his sister, Mrs. E. Smith, to the Choctaw Nation in 1889, his father set aside three claims (adjoining that of his father) for her and her two children, Louanna Smith Terrell and Ollie Critz; that the claim set aside for Mrs. E. Smith was known as the "Cooper place", but as to the other two claims, he did not know which one belonged to Louanna Smith or Ollie Critz; that upon the return of Mrs. E. Smith and her children to Arkansas, he, together with his brother, John O. Toole, continued until 1904 to exercise control over said claims, maintaining tenants thereon, and collecting rents therefrom as agents for Mrs. Smith. He, at first, testified that he and his brother had from time to time remitted part of the rent money derived from this claim to the applicant, Mrs. Smith, the remainder being applied to the payment of the improvements placed thereon by the tenants, but subsequently he testified that no money was ever remitted to Mrs. Smith. He further testified that while he and his brother were acting as agents for Mrs. Smith, they had no accounting with her, and does not know whether they are indebted to her or she to them; that after the marriage of the applicant, Louanna Smith Terrell, to the applicant, Oscar Terrell, the witness and his brother continued to have charge of the claim selected for her, and no accounting was ever made therefor to either of them; and that since 1904, these claims have been filed on by parties unknown to the witness.

L. W. Newton, testified that he had been a resident of Canadian, Indian Territory, since 1889; that in 1889, during the time that Mrs. Smith was visiting her father, the latter informed him that he had selected three claims, adjoining that of his own, for Mrs. Smith and her two children, Louanna Smith Terrell and Ollie Critz; that he at said time designated to him the claims selected for each one of said applicants; and that since said time, John Toole and Joe Toole have exercised complete control over these claims.

John O. Toole testified that about a year before the removal of his sister, Mrs. Smith, to the Choctaw Nation, his father

set aside from his claims for Mrs. Smith and her two children, Louanna Smith Terrell and Ollie Critz, two claims, the "Cooper place" for Mrs. Smith and the "Winn place" for her two children; that during his father's life time, the latter continued to improve said claims, and after his death in 1881, the witness and his brother had charge thereof as agents of Mrs. Smith, and from time to time remitted rent money to her; that about three years ago, he purchased from Mrs. Smith the improvements on the "Winn place" for \$150.00, and on selecting his own allotment, he filed on a part of the "Cooper place", without paying anything for the improvements located thereon; and that no final settlement has been made with Mrs. Smith or Louanna Smith Terrell relative to the income from any of these claims.

M. E. Hichtover testified that she resided near Canadian, Indian Territory in 1889, removing therefrom in 1890; that she recollects that during the year 1889, Mrs. Smith and her two children, Louanna Smith Terrell and Ollie Critz, came to the Choctaw Nation from Fort Smith, Arkansas; and that sometime subsequent thereto, she overheard Mr. Toole, a brother of Mrs. Smith, inform her husband that claims had been selected for Mrs. Smith and her children.

Wiley Adams testified that he resided at Canadian, Indian Territory; that in 1889, Mrs. Smith and her two children removed from Fort Smith, Arkansas, to Canadian, Indian Territory; that he had been informed that certain claims, adjoining those of Mrs. Smith's father, had been set aside for Mrs. Smith and her two children.

Robert Turner testified that in 1889 he was residing near Canadian, Indian Territory; that about that year Mrs. Smith and her children removed to said place from Fort Smith, Arkansas; that he had been informed by a member of the Toole family that the "Cooper place" had been set aside for Mrs. Smith; that the "Cooper place" derived its name from Mr. Toole, a non-citizen, who was living thereon as a tenant; that he does not know what became of the "Cooper place", but it was his understanding that it was disposed of by some of the Toole heirs; and that he had no knowledge of the business relations existing between Mrs. Smith and her brothers, J. Y. and J. B. Toole.

Louanna Smith Terrell testified that she was thirty-three years of age; that in 1889, she, together with her mother and three sisters, removed from Fort Smith, Arkansas, to Canadian, Indian Territory; that in 1889 or prior thereto, a separate claim was selected for her, her mother and her sister, Ollie Critz, adjoining the claim of her grandfather, Mr. Toole; that her claim was managed by her uncles, J. Y. and J. B. Toole; that she has never received any rents or profits from said claim, nor has she at any time had an accounting with either of her uncles relative to the management of said claim.

Mrs. J. Smith testified that in 1889, after her removal from Fort Smith, Arkansas, to Canadian, Indian Territory, her father, Mr. Toole, set aside for her and her children an improvement known as the "Cooper place"; that claims were also selected for her children, but she does not know for which one of them any particular "claim" was designated. She testified that she had from time to time received rents out of these claims, and that the last settle-

ment with her brothers, who acted as her agents, was made in 1904. Subsequently, however, she stated that she had never at any time received any cash rent from any of these claims; and that she left the supervision of these claims to her brothers, and does not know how much rent was derived from them, or whether or not she is indebted to them or they to her.

I am of the opinion that the preponderance of the evidence establishes that the applicant, Mary E. Smith, and her children were not residents in good faith of Indian Territory on June 28, 1898; that they possessed no property interests located therein prior to said date; and that the improvements claimed by them were a part of the estate of W. Toole, father of Mary E. Smith.

I am further of the opinion that the decision of the Commission to the Five Civilized Tribes rendered October 15, 1904, denying the applications for the enrollment of George W. Smith and Elmer Terrell as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith as citizens by blood of the Choctaw Nation, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), should be affirmed and it is so ordered.

SIGNED

*Jame Bixby*  
Commissioner.

Muskogee, Indian Territory,

JUN 5 - 1906

( COPY )

C.R.

~~SECRET~~

Y.H.M.

D.C. 9287-1907.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

2910-1907.  
I.T.D. 19700-1906.  
19949-1906.  
2107-1907.

February 14, 1907.

L R S

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

Sir:

June 5, 1906, you transmitted the remanded record in the consolidated case of George W. Smith, et al., applicants for enrollment as citizens of the Choctaw Nation, including your decision of the same date adverse to applicants Mary E. Smith, Louanna Smith Terrall, Mary D. Smith, Margurite Smith, and George Smith, as citizens by blood of the Choctaw Nation, and adverse to George W. Smith and Elmer Terrall, as citizens by intermarriage of said nation.

October 12, 1906, the Department referred the record in the above case to the Assistant Attorney-General for this Department for his opinion thereon.

In his approved opinion of February 9, 1907 (I.T.D. No. 2910), a copy whereof is enclosed for your information, he held that:

"Mrs. Smith and her children and descendants, so far as resident of the territory, are entitled to be enrolled as also Elmer Terrall intermarried to Louanna in conformity with Choctaw law,"

and adverse to George W. Smith.



In accordance therewith, your decision of June 3, 1906, adverse to all the applicants named in the consolidated case of George W. Smith, et al., applicants for enrollment as citizens of the Choctaw Nation, is hereby reversed, except as to George W. Smith, and you are directed to enroll Mary E. Smith, Louanna Smith Terrall, Mary D. Smith, Margurite Smith, and George Smith, as citizens by blood of the Choctaw Nation, and Elmer Terrall, as a citizen by intermarriage of the Choctaw Nation.

The Department has this day been advised by letter, dated February 12, 1907, of local attorney for applicant in above case, that an application filed under act of April 26, 1906, is now pending before your office for the enrollment of Mary Elizabeth Terrall, aged three years, minor child of Louanna Smith Terrall and her husband Elmer Terrall, and descendant of Mary E. Smith, this day directed to be enrolled. You are directed to take immediate action in accordance with the above opinion on the application for the enrollment of said minor child, Mary Elizabeth Terrall.

You will advise applicants, and their resident attorneys, immediately of this action. The Indian Office has been requested this day to advise local counsel of the action taken herein.

A copy of Indian Office letter of October 5, 1906 (Land 82126), recommending the above action is enclosed. The record in the case is returned to the Indian Office for its files, together with a copy hereof.

Respectfully,

(Signed) Theo. Ryan,

First Assistant Secretary.

2 enclosures.  
35 enclosures to Ind. Of.

A F Mc 2-15-07

Leaf  
2136-1906

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

October 5, 1906.

The Honorable,  
The Secretary of the Interior.

Sir:

Referring to Department letter of September 20, 1906, I.T.D. 15282, the record relative to the application of George W. Smith, et al, for enrollment as citizens of the Chester Nation is enclosed.

It appears that on October 20, 1898, George W. Smith applied to the Commission to the Five Civilized Tribes for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Mary E. Smith, and their minor children, Mary D., Margerite, and George Smith, as citizens by blood, and that on the same day Elmer Terrell applied for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Louanna Smith Terrell, as a citizen by blood.

The Commissioner to the Five Civilized Tribes, under date of June 5, 1906, held that the parties to this case, George W. Smith, Elmer Terrell, Mary E. Smith, Louanna Smith Terrell, Mary D., Margerite, and George Smith, were not entitled to enrollment as citizens by intermarriage and blood respectively, of the Chester Nation.

The record now shows that by Act of the National Council of the Chester Nation, approved on October 20, 1877, Mary Smith, her husband,

George W. Smith, and their two children, Louanna and Olive Belinda, and their married daughter, Octavia Balling, her husband, George F. Balling, and two children, John F. and Walter Balling, were admitted to citizenship in the Choctaw Nation.

The Act declares that it shall be in full force and effect from and after its passage.

The decision of the Commission of October 15, 1904, adverse to the applicants, was approved by the Department on July 19, 1905. On March 12, 1906, I.T.D. 1277, the Department rescinded its action of July 19, 1905, and directed the reopening of the case for a further hearing touching the residence and property interests in the Choctaw Nation of the applicants. Additional testimony was taken by the Commissioner.

It appears from the record that Mary E., Margurite, and George Smith are the children of George W. and Mary E. Smith. Mrs. Terrell is also their daughter. In 1903 Mary E. was sixteen years of age, Margurite seventeen, and George nine. They are now nineteen, seventeen, and twelve years of age respectively. George W. Smith was married to Mary E. on January 17, 1869, in accordance with the laws of the State of Alabama, and in 1870 they removed to the State of Arkansas, where George Smith continued to reside up to and including September 25, 1902, with the exception of temporary visits at different periods in the Indian Territory. He did not settle in the Territory prior to June 28, 1898.

Elmer Terrell married Louanna Smith in accordance with the laws of Arkansas on September 1, 1897, and on July 15, 1898, they removed to

the Chickasaw Nation, where they resided up to and including September 25, 1902. On May 1, 1899, they were re-married in accordance with the Choctaw law.

It is shown that Mary E. Smith and Louisa Smith Terrell removed from Fort Smith, Arkansas, to the Choctaw Nation in May, 1899, and that they resided there until September, 1899, when Mrs. Smith returned to Fort Smith for the purpose of educating her children in the public schools of that city. She continued to reside in Arkansas until after June 28, 1898. Mrs. Smith and Mrs. Terrell were accompanied by Annie and Ollie Smith, who were not applicants in this case.

The record strongly indicates that when Mrs. Smith went to the Choctaw Nation in 1899 she exercised control over certain land therein and her right and the right of the other parties to the case, except those who applied as citizens by intermarriage, seems to hinge on whether her residence at that time was in good faith.

The Office is unable to agree, as the record now stands, with the conclusions reached by Mr. Hixby. It believes that from the record that Mrs. Smith and Mrs. Terrell went to the Choctaw Nation in 1899 with the firm intention of making that their home. If this be true the fact that Mrs. Smith returned to Arkansas for the purpose of educating her children and did not again return to the Choctaw Nation until after June 28, 1898, should not bar her from enrollment.

It is shown that in 1899 land adjoining that occupied by Mrs. Smith's father was selected for Mrs. Smith, Mrs. Terrell, and Ollie Critt.

After having given the case careful consideration the Office has reached the conclusion that Mary E. Smith, Louanna Smith Terrell, Mary D., Margurite, and George Smith, are entitled to enrollment as citizens by blood of the Choctaw Nation. George W. Smith never having settled in the nation prior to June 28, 1896, is not, under existing law, entitled to enrollment. If Mrs. Terrell is entitled to enrollment as a citizen by blood, her husband, Elmer Terrell, is undoubtedly entitled to enrollment as a citizen by intermarriage, as he married his wife in accordance with the laws of the Choctaw Nation on May 1, 1899, and is not therefore barred by any existing law relating to the subject.

The names of Mary E. Smith, Louanna Smith Terrell, Mary D., Margurite, and George Smith are found on the Choctaw census roll of 1896 as citizens by blood thereof. The name of George W. Smith appears on said roll as an intermarried citizen of the Choctaw Nation.

As above said, as the record now stands, the Office is of the opinion that all of the applicants are entitled to enrollment except George W. Smith, Elmer Terrell as an intermarried citizen and the others as citizens by blood, and it respectfully recommends that the decision of the Commission be reversed, and that the applicants referred to be enrolled.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GSP-CH

(Copy, I. T. B. 2210-1207).

J.R.W.  
W.C.P.  
F.W.C.

DEPARTMENT OF THE INTERIOR,  
Office of the Assistant Attorney-General,  
WASHINGTON.

I. T. B.  
11412, 1904; 79,  
275, 762, 1763, 2707,  
3229, 1902L, 1762L,  
17844, 1903;  
19700, 1906.

February 9, 1907.

The Secretary of the Interior.

Sir:

I received by reference of October 12, 1906, for my opinion, the cases of Mary E. Smith, her children, Mary D., Margaret, George, and of her husband George W. Smith, intermarried; Louanna Smith Terrall and Elmer Terrall, her husband, for enrollment as citizens of the Choctaw Nation. These applicants also, at the suggestion of the Commissioner to the Five Civilized Tribes, applied for identification as Mississippi Choctaws.

As to all save George W. and Elmer, no question is made of Choctaw blood and by Act of the Choctaw Council October 20, 1877 the right of Mary E., George W., and Louanna to citizenship in the Choctaw Nation was "admitted and established." Mary E. is granddaughter of Allen Gates, white, and his wife Millie, one quarter Choctaw. Allen was a beneficiary of the Dancing Rabbit Creek Treaty (American State Papers VII, pp.53, 129). Mary E. was born in Choctaw County, Alabama, in 1811, and lived there until her marriage January 17, 1866. About 1878 she and her husband George W. removed to Arkansas. Her parents and their family removed into the Nation in 1878, where the parents afterward died and

their descendants are enrolled citizens. All the applicants except Elmer are identified upon the 1896 Cheatew Census Roll. George W. is a physician and permanently located at Ft. Smith, Arkansas, about 1878, where he has ever since practiced his profession. Elmer married Louanna at Ft. Smith September 1, 1897, removed to the Chickasaw Nation July 15, 1898, and remarried Louanna there May 1, 1909, in conformity with Chickasaw laws. The applicants, except Elmer, claimed to have affiliated with the Nation and to have permanently settled therein prior to June 30, 1898 (viz. in 1899) but the Department July 19, 1905, upon the evidence theretofore taken, affirmed the recommendation of the Commission denying enrollment of all the applicants. Upon motion for rehearing March 19, 1906, the decision was vacated and the case reopened -

to determine the exact character of the property interests acquired by Mary E. Smith in the Cheatew Nation in 1899, whether she retained said interests upon her removal therefrom and whether her act of removal to Fort Smith, Arkansas, constituted an abandonment of her Cheatew citizenship rights therein and amounted to her expatriation. The record is remanded for the purpose of readjudication.

There was a rehearing on the matters indicated and the Commissioner, June 5, 1906, reported that -

As to the physical residence of the applicants, Mary E. Smith and Louanna Smith Terrall, the evidence in this case shows that in May 1899, Mary E. Smith, after disposing of some property belonging to her and her husband, George W. Smith, removed from Fort Smith, Arkansas, to the home of her father near Quapaw, Cheatew Nation, Indian Territory, for the purpose of taking up her residence in the Indian Territory; that she was accompanied by her two children, Annie (the applicant Louanna Smith Terrall) and Elsie (not an applicant in this case); that Mary E. Smith continued to reside with her father at Quapaw, Indian Territory, until September, 1900, when she returned to Ft. Smith, Arkansas, for the purpose of placing her children in the public schools

of that city, and that she and her children have continued to reside in Ft. Smith, Arkansas, continuously from September, 1889, until after June 28, 1890, with the exception of occasional visits to the home of Mrs. Smith's father near Canadian, Indian Territory.

X X X X X X

I am of opinion that the preponderance of the evidence establishes that the applicant, Mary E. Smith, and her children were not residents in good faith of Indian Territory on June 28, 1890; that they possessed no property interests located therein prior to said date; and that the improvements claimed by them were a part of the estate of Dr. Teale, father of Mary E. Smith.

The Commissioner recommended adherence to the former decision denying the applicants. The Indian Office on review of the evidence was of opinion and recommended -

that Mrs. Smith and Mrs. Terrall went to the Choctaw Nation in 1889 with the firm intention of making that their home. If this be true the fact that Mrs. Smith returned to Arkansas for the purpose of educating her children and did not again return to the Choctaw Nation until after June 28, 1890, should not bar her from enrollment.

X X X X X X

As the record now stands, the Office is of the opinion that all of the applicants are entitled to enrollment except George W. Smith, Elmer Terrall is an intermarried citizen and the others as citizens by blood.

Upon examination of the record I am of opinion that the weight of the evidence supports the conclusion reached by the Indian Office as to the bona fides of removal of Mrs. Smith and her children then living, and affiliation with the Nation in 1889. Instead of calling "some property belonging to her and her husband" the evidence is that Dr. Smith and his wife sold all their real holdings in Arkansas, his farm and her house in the city, the family home, and removed all the furnishings and personal



and household belongings into the Nation taking claims there for herself and children upon the communal lands, taking the children with her. Such facts are very pregnant of bona fide intent and coupled with the fact of race affinity and right to appropriate communal lands only by integration into the social state owning the lands, forces the mind to the conclusion that this removal was with intent to there permanently reside. Such being the intent the right of citizenship was gained and Mrs. Smith and her children were integrated into the Choctaw Nation. The opinion of the Commissioner that Mrs. Smith and her children were not residents of the territory in good faith June 22, 1898, seems to rest upon a misconstruction of the act of that date, which does not require residence there but an affiliation with, or integration into the Nation by residence there prior to that date. If her removal from the Nation was, as the Commissioner finds, for the purpose of educating the children the implication and presumption is not one to become expatriated and to permanently identify herself with the white race and its future, but rather the contrary. This presumption is supported by the facts of continued holding of claim to communal lands, frequent returns to assert such claim, being recognized by the tribal authorities in recognition of such claim, inscription upon the tribal rolls and finally by actual removal to the Nation when the temporary purpose was accomplished and permanent residence there since. I am therefore of opinion that Mrs. Smith and her children and descendants, so far as residents of the territory, are entitled to be

enrolled as also Elmer Turrell intermarried to Louanna in conformity with Chester Law.

As to George W. Smith the evidence fails to show that he removed to the Nation prior to June 26, 1898, or ever settled there. His only right is that by intermarriage, under article XXVIII of the Treaty of July 10, 1866 (14 Stat., 703) by which the right was conditioned and dependent upon the fact of residence in the Nation and according to domicile. For reasons stated at length in my opinion in case of Joseph M. Smith (I. T. D. 397, 1907), I concur in the opinion of the Indian Office that his application be denied.

Very respectfully,

Frank L. Campbell

Assistant Attorney General.

Approved: February 9, 1907:

E. A. Hitchcock,

Secretary.

Empty

Empty

Choc D90

James M. Davis

D90



*James M. Davis et al*

RECEIVED  
DEPARTMENT OF THE INTERIOR  
WASHINGTON

JAN 14 1907

*Oct. 4, 1906 Brief submitted for consideration*

ACTED FOR AND BY  
SECRETARY OF THE INTERIOR

JAN 14 1907

NOTICE OF DEPARTMENTAL ACTION  
MAILED PARTIES HEREIN.

JAN 31 1907

7891

*Handwritten notes, possibly "10-11-12"*

3

1575

15

1

Of the State of Ohio  
in and for

May 11<sup>th</sup> 22<sup>nd</sup> 1857

John Matmon  
This certificate is to  
certify that the wife  
of John Matmon was  
celebrated before

Mad. Geo. D. Smith  
and Sarah M. C. Pines

given under my  
hand this 22<sup>nd</sup> day and  
Date above given

Rev. P. R. Purdy  
Witness

H. P. Hall  
G. W. Dunn



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

October 18, 1899.

In the enrollment of Mary Davis as a Choctaw; being sworn and examined by Com'r McKennon she testifies as follows:

Q What is your name? A Mary Davis.

Q What is your age? A I cannot tell you, about fifty-six.

Q Are you a Choctaw by blood? A Yes sir.

Q Altogether? A Yes sir, my father was a Choctaw.

Q Was he a full-blood? A Yes sir; he was a full-blood.

Q What was your mother? A She was a Yatase, she is just like a Choctaw and Chickasaw.

Q Is that the same as a person who is half Choctaw and half Chickasaw do you mean? A Yes sir.

Q Whose parents belonged to the Choctaws and Chickasaws?

A Yes sir.

Q What was your husband's name? A My last husband was James H. Davis.

Q It is said that your husband James H. Davis made application for himself and you to the Lawes Commission in 1896, and that that application was denied, and no appeal taken from it; were you at that time living with him, - in 1896? A No, she was not living with him at that time.

Q Were you separated from him at that time? A Yes sir.

Q How long had you been separated from him? A Just about three years.

Q Did he authorize him to make application to the Lawes Commission for you at that time? A No sir.

Q Did you know that he did make application for you? A No sir, I didn't know it. I never give him my consent to it.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

*M. D. Green*

Mary Davis #2)

Q When did you first know that? A I didn't know it until I come here; I just heard it after I come here within the last few days.

Q Were you ever enrolled as a Choctaw before 1896? A Says she don't know anything about it whether she ever was placed on the roll.

Q How long have you been living in the Choctaw and Chickasaw country? A Been here ever since before the War.

Q Where were you born? A In Louisiana.

Q Did you come from ~~xxxxx~~ Louisiana to this country? A Yes, sir, he was brought in this country by the Choctaws- Jim Fletcher, and he told us we must come in Kiamitia; he died in the fall after we come here.

Q Do you know about what time it was? A I cannot tell you.

Q How long before the War was it? A Oh, gracious I had been here a long time before the War.

Q Did you ever draw any moneys here? A Yes sir, I draw with the Choctaws; the last time they was drawing money they drew eight dollars apiece, and we draw.

Q Did you draw the leased District money in 1893? A Yes sir.

Q Were you living all the while in the Chickasaw Nation, or were you living on the Caddo side? A They said that was the line where we was living; we had one house on the Chickasaw side in the Chickasaw Nation and there was a barn and well on the other side, and I went up there and had my home there; the present line runs west of us and leaves us all in the Chickasaw Nation.

(Com'r McKennon: Saw her the appearance of being a full-blood Indian, and speaks Choctaw fairly well, and broken English.

Q You have one daughter living, what's her name? A Sarah Smith, she and her children have been put on a card.

Com'r McKennon: See if daughter and children are on rolls, and were included in judgment of Dawes Com. with mother. The applicant is also on white card-D-90)

Personally appeared before me, E. M. Payne, A Notary Public in and for the Southern District of the Indian Territory, Thomas Waldon and Sophia Waldon, who after being duly sworn deposes and says,-

We are acquainted with James M. Davis and with his wife Mary Davis, and have known them since 1866. They were married at our house in 1867, by an Indian preacher by the name of Istarah. We have known them ever since their said marriage. We lived in Pontotoc County four miles east of Pauls Valley at the time Mr. Davis and his wife were married. We live at Waldon, sixteen miles east of Minco, Indian Territory at present.

Witness

(signed)

his  
Thomas X Waldon  
mark

John A. Tucker

Witness

her  
Sophia X Waldon  
mark

John A. Tucker.

Subscribed and sworn to before me this the 20th day of October, 1898.

E. M. Payne.

My Commission expires, October, 9, 1898.

Oct. 22nd 1896

This is to certify that J. H. Davis and his wife Mary  
Davis and his daughter and family were this day registered  
as Choctaw citizens.

J. C. Fokom

S. E. Lewis

J. J. Gardner.

C O P Y.

Choctaw D-90

Muskogee, Indian Territory, February 26, 1902.

James M. Davis,

Chickasha, Indian Territory.

You are hereby notified that the application for enrollment of yourself and your wife, Mary Davis, will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 3rd 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.

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.

T. B. NEEDLES.

Commissioner in Charge.

Register.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, Indian Territory, April 3, 1902.

.....  
: James M. Davis, et al., :  
: vs. :  
: The Choctaw Nation. :  
:.....

D-90.

In the matter of the application of James M. Davis for  
for the enrollment of himself as a citizen by intermarriage of the  
Choctaw Nation, and for the enrollment of his wife, Mary Davis, as a  
citizen by blood of the Choctaw Nation.

On the 26th day of February, 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 James M. Davis for the  
enrollment of himself and wife as citizens of the Choctaw Nation  
would be taken up by the Commission to the Five Civilized Tribes,  
at its office in Muskegee, Indian Territory, on the 3rd day of April,  
1902, for final consideration.

Now on this 3rd 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 the 3rd day of April, 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 11 day of April, 1902.

*Asa Mutchallwood*

Notary Public.

C O P Y.

Choctaw D-91

Muskogee, Indian Territory, February 26, 1902.

Thad. Smith,

Chickasha, Indian Territory.

You are hereby notified that the application for enrollment of yourself and your wife, Sallie Smith, and your children, Amanda C. Smith, Howard Smith, Carrie Smith, Burey Alvirado Smith and your step-daughter, Annie McKinney as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 3rd 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.

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.

T. B. NEEDLES,

Commissioner in Charge.

Register.





7-D-90.  
7-D-91.

Muskogee, Indian Territory, May 1, 1906.

Col. James A. Randlett,  
Indian Agent,  
Kiowa, Oklahoma.

Dear Sir:

It appears from the records of the Commission to the Five Civilized Tribes that on October 21, 1898, application was made to said Commission for the enrollment of J. M. Davis as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mary Davis, as a citizen by blood of the Choctaw Nation. On said date application was also made by Thad Smith for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sallie Smith, and his minor children, Amanda C., Howard, Carrie, and Burney Alvirado Smith, and his minor step-child, Annie McKinney, as citizens by blood of said nation. The post office of all the above named applicants was given as Chickasha, Indian Territory.

This office has received information to the effect that the above named persons have been enrolled as Caddos, and if such is the case, this office desires a certificate to that effect.

-2-

Your early attention to this matter will be greatly appreciated.

Very respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,  
UNITED STATES INDIAN SERVICE.

Kiowa Indian Agency,

Anadarko, Oklahoma, May 11, 1906.

Hon. Tams Bixby,  
Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

This is to acknowledge receipt of your letter of the 1st instant, stating that the records of the Commission to the Five Civilized Tribes show that on October 21, 1898, application was made to said Commission for the enrollment of J. M. Davis as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mary Davis, as a citizen by blood of the Choctaw Nation, and that on said date application was also made by Thad Smith for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sallie Smith, and his minor children, Amanda C., Howard, Carrie, and Burney Alvirado Smith, and his step-child, Annie McKinney, as citizens by blood of said nation, the postoffice of all the applicants being given as Chickasha, Indian Territory. You state further that your Office has received information to the effect that the above named persons have been enrolled as Caddos and ask, if such is the case, that you be furnished with a certificate to that effect.

Replying thereto, there is enclosed herewith a certificate that all the above named persons, except Thad Smith, are enrolled and allotted as members of the Caddo tribe of Indians, of the Wichita and Affiliated Bands of Indians of this Agency.

Thad Smith is not enrolled a member of any of the tribes of this Agency. His wife is enrolled as Sarah Smith instead of Sallie Smith, and he has a daughter Creggie who is probably the Amanda C. referred to in your letter. Burney Todd Smith, son of Sarah Smith, is probably the Burney Alvirado Smith mentioned in your records.

Very respectfully,

John P. Blackman

U. S. Indian Agent.

CLE

Encl.

DEPARTMENT OF THE INTERIOR,  
UNITED STATES INDIAN SERVICE.  
Apache, Kiowa & Comanche,  
and Wichita & c., Indian Agency,

Anadarko, Oklahoma, May 11, 1906.

This is to certify that the following named persons are enrolled and received allotments as members of the Caddo tribe of the Wichita and Affiliated Bands of Indians of this Agency:

James M. Davis, allotment No. 946, the N 1/2 and SE 1/4 of the NE 1/4 and the NW 1/4 of the SE 1/4 of Sec. 2, Tp. 7 No., R. 8 W., I. M.

Mary Davis, wife of the above, allotment No. 48, the fractional SW 1/4 west of 98 M. of Sec. 1, and the NE 1/4 and Lot 7 of SE 1/4 of Sec. 2, all in Tp. 7 No., R. 8 W., I. M.

Sarah Smith, wife of Thad Smith, allotment No. 42, the SW 1/4 of NE 1/4 and N 1/2 of SW 1/4 and SW 1/4 of SE 1/4 of Sec. 35, Tp. 8 No., R. 8 W., I. M.

Creggie Smith, daughter of Sarah Smith, allotment No. 44, the SW 1/4 of Sec. 26, Tp. 8 No., R. 8 W., I. M.

Howard Smith, son of Sarah Smith, allotment No. 45, the fractional NW 1/4 of Sec. 12, and Lots 1 & 2 of the NE 1/4 of Sec. 11, Tp. 7 No., R. 8 W., I. M.

Carrie Smith, daughter of Sarah Smith, allotment No. 46, the NE 1/4 of Sec. 34, Tp. 8 No., R. 8 W., I. M.

Burney Todd Smith, son of Sarah Smith, allotment No. 47, the NW 1/4 of Sec. 35, Tp. 8 No., R. 8 W., I. M.

Annie McKinney, daughter of Sarah Smith, allotment No. 43, the W 1/2 of NE 1/4 and the E 1/2 of NW 1/4 of Sec. 26, Tp. 8 No., R. 8 W., I. M.

John P. Blackman  
United States Indian Agent.

7-D-90.  
7-D-91.

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

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In the matter of the application for the enrollment of  
Mary Davis, et al., as citizens of the Choctaw Nation.

DECISION.

It appears from the record herein and from the census card records in this case that on October 12, 1899, Mary Davis appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself as a citizen by blood of the Choctaw Nation, and for the enrollment of her husband, James M. Davis, as a citizen by intermarriage of said nation, and on October 21, 1898, application was made to said Commission for the enrollment of Sallie Smith and her five minor children, Amanda C. Smith, Howard Smith, Carrie Smith and Burney Alvirado Smith, and Annie McKinney, as citizens by blood of the Choctaw Nation, and for the enrollment of Thad Smith as a citizen by intermarriage of said nation.

It further appears from the record herein and from the census card records in this case that Mary Davis is a Choctaw by blood, and is the daughter of Nun-che-a-tubby, a full blood Choctaw, and Mary Nun-che-a-tubby, a Choctaw and Chick saw by blood; that Sallie Smith is the daughter of said Mary Davis and James M. Davis; that all of the minor applicants herein, except Annie McKinney, are the children of said Sallie Smith and Thad Smith; that Annie McKinney is the daughter of Sallie Smith and Charlie McKinney, a non-citizen; that James M. Davis claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage to the applicant, Mary Davis, in 1867; and that Thad Smith claims his right to enrollment as a citizen by intermarriage of said nation by virtue of his marriage to the applicant, Sallie Smith.

It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "Mary Davis vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 316), the applicants, Mary Davis, Sallie Smith (as Sarah Smith, Nee Davis), Amanda C. Smith (as Ammanda Smith), Howard Smith, Carrie Smith (as Carson Smith), and Annie McKinney (as Annie Smith), made original application to said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship by blood in the Choctaw Nation; and that on December 2, 1896, said Commission rendered its decision therein denying said application, from which decision no appeal was taken.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office it appears that Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith and Annie McKinney are identified upon the 1896 Choctaw Census Roll, Chickasaw

District, numbers 3673, 11810, 11811, 11812, 11813 and 9536, respectively, all of said applicants being enrolled thereon as citizens by blood.

It further appears from the record herein that all of the above named applicants, with the exception of Thad Smith, are enrolled and have received their allotments as members of the Caddo tribe of Indians of the Wichita and Affiliated Bands of Indians of the Kiowa Agency.

I am, therefore, of the opinion that the application made for the enrollment of James M. Davis and Thad Smith as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirado Smith and Annie McKinney as citizens by blood of said 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,

JUL 10 1900

7-D-90

7-D-91

Muskogee, Indian Territory, July 16, 1906

James M. Davis,

Chickasha, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered July 16, 1906, denying the application for the enrollment of yourself and the enrollment of Thad Smith as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirado Smith and Annie McKinney as citizens by blood of said 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. 7-D-90  
7-D-91.



7-D-90  
7eD-91

Muskogee, Indian Territory, July 16, 1906

Thad Smith,

Chickasha, Indian Territory.

Dear Sir:

Inclosed herewith, you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered July 16, 1906, denying the application for the enrollment of yourself and the enrollment of James M. Davis as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirado Smith and Annie McKinney as citizens by blood of said 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. 7-D-90  
7-D-91.

7-D-90

7-D-91

Muskogee, Indian Territory, July 16, 1906.

Apple & Franklin,

Muskogee, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered July 16, 1906, denying the application for the enrollment of James M. Davis and Thad Smith as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirde Smith and Annie McKinney as citizens by blood of said 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. 7-D-90  
7-D-91.

7-D-90  
7-D-91

Muskogee, Indian Territory, July 16, 1906.

Beaver & Sayer,  
Attorneys at Law,  
Chickasha, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered July 16, 1906, denying the application for the enrollment of James M. Davis and Thad Smith as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirde Smith and Annie McKinney as citizens by blood of said 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. 7-D-90  
7-D-91.

7-D-90  
7-D-91

Muskogee, Indian Territory, July 16, 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 July 16, 1906, denying the application for the enrollment of James M. Davis and Thad Smith as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirde Smith and Annie McKinney as citizens by blood of said 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. 7-D-90  
7-D-91.

Muskogee, Indian Territory, July 16, 1906.

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 James M. Davis and Thad Smith as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirado Smith and Annie McKinney as citizens by blood of said Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated July 16, 1906, denying said application.

Respectfully,

Commissioner.

2 Incl. 7-D-90  
7-D-91

Through the  
Commissioner of Indian Affairs.

J. C. H.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

LLB

D. C. 3567.  
I.T.D. 60-1907.

January 14, 1907.

L R. S.

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

Sir:

October 4, 1906, you transmitted the record in the matter of the application of Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirado Smith, and Annie McKinney for enrollment as citizens by blood of the Choctaw Nation, and of James W. Davis and Thad Smith as citizens of said nation by intermarriage, together with your decision of July 16, 1906, adverse to all the applicants.

The record in the case shows that the applicants for enrollment as citizens by blood are the descendants of Mary Nun-che-atubby, a full-blood Choctaw, and James M. Davis, and were, with the exception of Burney A. Smith, who was not then born, identified upon the 1896 Choctaw census roll, but were denied enrollment by the Commission to the Five Civilized Tribes in its decision of December 2, 1906, from which no appeal was taken. Thad Smith claims by virtue of his intermarriage with Sallie Davis, daughter of Mary and James M. Davis.

In her testimony before the Commission in 1899 Mary Davis testified that the family residence had been right on the line between the Chickasaw Nation and the Caddo tribe of Indians, Kiowa Agency, some of their improvements being on one side of the line and some on the other, but that the present line ran west of them and left them entirely in the Chickasaw Nation.

A certificate of the United States Indian Agent at Anadarko Okla., dated May 11, 1906, confirmed by the report of the Indian Office, shows that each of the applicants, with the exception of Thad Smith, is enrolled and has received an allotment as members of the Caddo tribe of the Wichita and Affiliated Bands of Indians of the Kiowa Agency.

Reporting January 3, 1907 (Land 87867-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed herewith.

The act of the applicants in applying for and accepting an allotment of land in another nation, outside the limits of the Indian Territory, is the legal equivalent of naturalization in that nation, and hence involves a renunciation or waiver of their rights in the Choctaw Nation, as it is impossible for anyone to be a citizen of two different nations at the same time.

The record does not sufficiently disclose the facts relative to the rights of Thad Smith to warrant a positive determination of them, but inasmuch as he claims only by intermarriage, the burden of proof is upon him to show that he is entitled to

enrollment and he, having been duly notified of the hearing and afforded opportunity to introduce additional evidence, and having failed to do so, must be held to have abandoned his claim.

Your decision, adverse to all the applicants, is therefore affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan.  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 4 to Ind.Of.



--Copy--

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

LAND  
D.C. 3567.  
62149-1906  
87867-1906

January 3, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter (I.T.D. 4991-1902), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated July 16, 1906, transmitting the record relative to the application of Mary Davis, et al., for enrollment as citizens of the Choctaw Nation.

On October 12, 1899, Mary Davis applied to the Commission to the Five Civilized Tribes for the enrollment of herself as a citizen by blood and for the enrollment of her husband, James M. Davis, as a citizen by intermarriage.

On October 21, 1898, application was made for the enrollment of Sallie Smith and her five minor children, Amanda C., Howard, Carrie, and Burney A. Smith, and Annie McKinney as citizens by blood, and for the enrollment of Thad. Smith, her husband, as a citizen by intermarriage.

On July 16, 1906, the Commissioner held that the above named applicants were not entitled to enrollment as citizens of the Choctaw Nation.

The record shows that Mary Davis is the daughter of Nun-che-a-tubby, a full-blood Choctaw, and Mary Nun-che-a-tubby, a citizen having both Choctaw and Chickasaw blood. Sallie Smith is the daughter of Mary Davis and James M. Davis, and the minor applicants are her children. James M. Davis and Thad. Smith claim the right to be enrolled as citizens by intermarriage of the Choctaw Nation by virtue of their marriages to Mary Davis and Sallie Smith, respectively.

Mary Davis, Sallie Smith, Amanda C., Howard, and Carrie Smith, and Annie McKinney, are identified at Nos. 3673, 11810, 11811, 11812, 11813 and 9536, respectively, on the 1896 Choctaw Census Roll, Chickasaw District, as citizens by blood.

The Commissioner reports that all the applicants, with the exception of Thad. Smith, are enrolled and have received their allotments as members of the Caddo tribe of Indians of the Wichita and Affiliated Bands of Indians of the Kiowa Agency. The records of this Office verify this report.

On October 4, 1906, a brief was filed by Apple and Franklin, attorneys for the applicant, which has been received and considered

In view of the ruling in the case of Nancy Sky, et al., in Department letter (I.T.D. 4991-1902), all the applicants are excluded from enrollment as citizens of the Choctaw Nation, with the exception of Thad. Smith, and as he claims no right to be enrolled

-3-

as an intermarried citizen of that Nation, other than that derived by virtue of his marriage to Sallie Smith, he is therefore not entitled to such enrollment, and the decision of the Commissioner adverse to the applicants is recommended for approval.

Very respectfully,

C. F. Larrabee,  
Acting Commissioner.

HRD-MH

7-D-90  
7-D-91

Muskogee, Indian Territory, January 31, 1907.

James M. Davis,

Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that on January 14, 1907, the Secretary of the Interior affirmed the decision of this office rendered July 16, 1906, denying the application for the enrollment of yourself and the enrollment of Thad Smith as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirado Smith and Annine McKinley as citizens by blood of said Nation.

7-D-90

7-D-91

Muskogee, Indian Territory, January 31, 1907.

Thad Smith,

Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that on January 14, 1907, the Secretary of the Interior affirmed the decision of this office rendered July 16, 1900, denying the application for the enrollment of yourself and the enrollment of James H. Davis as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirado Smith and Annie McKinney as citizens by blood of said Nation.

Respectfully,

Commissioner.

7-D-90  
7-D-91

Muskogee, Indian Territory, January 31, 1907.

S. A. Apple,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on January 14, 1907, the Secretary of the Interior affirmed the decision of this office rendered July 16, 1906, denying the application for the enrollment of James M. Davis and Thad Smith as citizens by inter-marriage of the Choctaw Nation, and for the enrollment of Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirde Smith and Annie McKinney as citizens by blood of said Nation.

Respectfully,

Commissioner.

7-D-90  
7-D-91

Muskogee, Indian Territory, January 31, 1907.

Beaver & Sayer,

Attorneys at Law,

Chickasaw, Indian Territory.

Gentlemen:

You are hereby notified that on January 14, 1907, the Secretary of the Interior affirmed the decision of this office rendered July 16, 1906, denying the application for the enrollment of James M. Davis and Thad Smith as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirde Smith and Annie McKinney as citizens by blood of said Nation.

Respectfully,

Commissioner.

7-D-90  
7-D-91

Muskogee, Indian Territory, January 31, 1907.

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

Gentlemen:

You are hereby notified that on January 14, 1907, the Secretary of the Interior affirmed the decision of this office rendered July 16, 1906, denying the application for the enrollment of James M. Davis and Thad Smith as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirde Smith and Annie McKimney as citizens by blood of said Nation.

Respectfully,

Commissioner.



Muskogee, Indian Territory, October 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On July 16, 1906, the Commissioner to the Five Civilized Tribes rendered his decision refusing the application for the enrollment of Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirado Smith and Annie McKinney as citizens by blood of the Choctaw Nation and of James K. Davis and Thad Smith as citizens by intermarriage of said nation, and on the same date the record in this case was forwarded the Secretary of the Interior.

I now have the honor to transmit herewith for consideration in connection with this case motion and brief submitted by S. A. Apple, Attorney at Law, Ardmore, Indian Territory.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.

Choctaw D 90.

70090

DEPARTMENT OF THE INTERIOR  
BUREAU OF GEOLOGICAL SURVEY

OCT 3 1906

70090

Refer to  
7-D-90.  
7-D-91.

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

))))))-(((((((

TO THE HONORABLE, THE SECRETARY OF THE INTERIOR:

IN RE

application for the enrollment of  
Mary Davis, Sallie Smith, Amanda C. Smith,  
Howard Smith, Carrie Smith, Burney Alvirado  
Smith and Annie McKinney as citizens by  
blood of the Choctaw Nation and for the en-  
rollment of James M. Davis and Thad Smith  
as citizens by intermarriage of said Nation.

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MOTION AND BRIEF ON BEHALF OF APPLICANTS.

---

M O T I O N

Now come the applicants in the above entitled case, by  
their attorneys, S. A. Apple and Wirt Franklin, and move the Honer-  
able Secretary of the Interior, inasmuch as there is a legal ques-  
tion involved in the determination of their application for enroll-  
ment, that the same be referred for his opinion thereon to the  
Honorable Assistant Attorney-General of the United States for the  
Department of the Interior.

In anticipation of this motion being granted, we beg to  
submit for the consideration of the Department in this case the  
following brief and argument, wherein the contentions of the appli-  
cants are set forth.

*S. A. Apple & Wirt Franklin*  
Attorneys for the applicants.

S T A T E M E N T O F F A C T S

Application was made to the Commission to the Five Civi-  
lized Tribes for the enrollment of all the applicants herein during  
the month of October, 1899.

Mary Davis is a Choctaw Indian by blood, the daughter  
of Nun-che-a-tubby, a full blood Choctaw, and Mary Nun-che-a-tubby,  
a one-half Choctaw and one-half Chickasaw Indian by blood. Said

Mary Davis was lawfully married to James M. Davis, who is a white man, in the year 1867 and as the offspring of this marriage the applicant, Sallie Smith, was born. Said Sallie Smith married the Applicant, Thad Smith, a white man, and as the offspring of this marriage the applicants, Amanda C. Smith, Howard Smith, Carrie Smith and Burney Alvirado Smith, were born. Annie McKinney is the offspring of the marriage of said Sallie Smith and Charlie McKinney, a noncitizen.

On September 9, 1896, in the case entitled "Mary Davis vs. Choctaw Nation" (1896 Choctaw Citizenship case No. 316) application was made to the Commission to the Five Civilized Tribes, under the act of Congress approved June 10, 1896 (29 Stat., 321), for the admission to citizenship in the Choctaw Nation of the applicants, Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith and Annie McKinney, and on December 2, 1896 said Commission denied said application, from which decision no appeal was taken.

The applicants, Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith and Annie McKinney, are identified upon the 1896 Choctaw Census Roll, Chickasaw District, numbers 3673, 11810, 11811, 11812, 11813 and 9536, respectively, all of said applicants being enrolled on said roll as citizens by blood of said Nation. Burney Alvirado Smith was born since said roll was made.

All of the applicants, with the exception of said Thad Smith, have received allotments as members of the Caddo Tribe of Indians of the Wichita and Affiliated Bands of Indians of the Kiowa Agency, Oklahoma.

All of the applicants were residents in good faith of Indian Territory on June 28, 1898.

On July 16, 1906, the Commissioner to the Five Civilized Tribes rendered a decision denying the applications of the applicants in this case on the ground that said applicants have received allotments in the Caddo Tribe, claiming to have taken such action under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495). According to our best information the record in this case is now before the Department of the Interior for review.

I S S U E

The question at issue herein is whether the enrollment and allotment of the applicants as members of the Caddo Tribe will operate to prohibit their enrollment as citizens of the Choctaw Nation, under the laws of the United States and the treaties of the United States with the Choctaw and Chickasaw Tribes of Indians.

B R I E F A N D A R G U M E N T

At the outset we desire to call attention to the fact that the record in this case and the records in charge of the Commissioner to the Five Civilized Tribes clearly show that the applicants are entitled to enrollment as citizens of the Choctaw Nation (following the ruling of the Department in the case of Wiley Adams, I. T. D. 4398-1903), provided the following provision of the Act of Congress approved June 28, 1898 (30 Stat., 495), under which the Commissioner to the Five Civilized Tribes has attempted to deny the enrollment of applicants, does not prohibit the Commissioner from enrolling them:

"The several tribes, may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more 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."

The above provision of law is undoubtedly applicable only when an applicant claims citizenship in two Nations of the Five Civilized Tribes. It can have no reference to any tribe of Indians or to citizens of any Nation other than to the Five Civilized Tribes, for ever the Five Civilized Tribes, and them only, has the Commissioner or Commissioner to the Five Civilized Tribes ever had any jurisdiction. Said Commission, under the law which is supposed to have guided its action, has known and could know no other tribe of Indians or Nation of people than the Five Civilized Tribes. Because a man owns property outside of the Five Civilized Tribes is no reason why his rights as a citizen of one of these tribes should be cut off.

The fact that a man owns lands in the State of Texas or the State of Kansas might just as well and just as reasonably prevent him from being enrolled as a citizen of the Choctaw or any other Nation of the Five Civilized Tribes. As showing how absurd and nonsensical is the Commissioner's interpretation of this provision of law, let us refer to paragraph 3 of the same section 21 of said Act of Congress approved June 28, 1898, where we find:


"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."

If the meaning and intent of this act is as broad as the Commissioner is attempting to make it in this instance, why does he not make "correct rolls of the citizens by blood of all the other tribes" of Indians in the United States? For, certainly, that would be just as reasonable as for him to consider the allotment of lands to these applicants in the Territory of Oklahoma, when deciding upon their right to enrollment as citizens of the Choctaw Nation.

The applicants in this case possess no Indian blood other than Choctaw and Chickasaw blood. Their names are borne upon the tribal rolls of the Choctaw Nation as citizens of said Nation. They have maintained their residence in the Choctaw-Chickasaw country and were residents in good faith of the Chickasaw Nation on June 28, 1898 and prior thereto. All of the circumstances necessary to entitle them to enrollment as citizens of the Choctaw Nation are present and there is no law, applicable to them, which can in any manner deprive them of their rights as citizens of the Choctaw Nation.

In view of the law applicable to this case we submit the same to the consideration of the Department, resting secure in the belief that the Department will direct the enrollment of the applicants herein as citizens of the Choctaw Nation.

Respectfully submitted,

  
Attorneys for the applicants.

Forwarded Commissioner,  
to be transmitted by him  
to Department, 9/22/00.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY, ) ss.  
SOUTHERN DISTRICT. )

I, Wirt Franklin, one of attorneys for applicants, on oath state that on September 22, 1906, I forwarded by registered mail to Mansfield, McMurray and Cornish, South McAlester, Indian Territory a true and perfect copy of the attached motion and brief and argument, and I attach hereto postmaster's receipt for same.

Wirt Franklin

Subscribed and sworn to before me this 22nd day of Sept.

1906.

Grandfather  
Notary Public.

Muskogee, Indian Territory, July 14, 1900.

Messrs Beavers & Sayers,

Attorneys at Law,

Chickasha, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of July 12th, in which you state that a client of yours, Mr. James Davis, of Chickasha, represents to you that he, together with his wife, Mary Davis, were enrolled at Tuskeahoma in the Choctaw Nation, October 22nd, 1896, in the Chickasaw District by Simon Lewis, J. J. Gardner and another as enrolling officers of the Choctaw Nations, and that their names appear upon page 400 of said record. You state that Mr. Davis represents that ascitizens of the Choctaw Nation they, ( his family and himself) have drawn annuities and have been in all manners recognized as citizens of the Choctaw Nation, except that this Commission refused them in 1896, for the reason that he made application to this Commission for enrollment and was refused and that he failed to perfect his appeal within the time required by law. You now desire to be informed if his representations to you are correct, and also the status of his case as shown by the records of this Commission.

You are informed that the records of this Commission show that the name of James M. Davis, sixty years of age, appears upon the 1896 census roll of the Choctaw Nation, page 185, Number 4490, as an intermarried citizen of the Choctaw Nation, and the name of his wife, Mary Davis, sixty years of age, appears on the 1896 census roll of the Choctaw Nation, page 2, Number 1472, as a citizen of the Choctaw



B & S 2.

the Choctaw Nation, page 88, Number 3673, as a citizen of the Choctaw Nation residing in the Chickasaw District. In accordance with the act of Congress of June 10th, 1896, he filed with this Commission an original application for citizenship in the Choctaw Nation; that the original application in the case of Mary Ann Davis vs the Choctaw Nation was filed with this Commission on September 9th, 1896. The parties to that application were Mrs. Mary Ann Davis, sixty years of age, James M. Davis, sixty years of age, Hall Smith, Amanda Smith, Annie Smith, Howard Smith, and Carrie Smith. That the answer of the Choctaw Nation was filed with this Commission October 9th, 1896, and that on December 2nd, 1896, this Commission denied the application. There is no record of any appeal ever having been taken from the decision of this Commission within the time required by law, and the action of this Commission in rejecting the applications of these parties was final as to any rights that they might derive under the act of Congress of June 10th, 1896. On October 21st, 1898, Mary Ann Davis appeared before this Commission as an applicant for the enrollment of herself and her husband as citizens of the Choctaw Nation, Mary Ann Davis applying as a citizen by blood and James M. Davis as an intermarried citizen of the Choctaw Nation. On that date this Commission placed them on the roll of doubtful citizens of the Choctaw Nation.

The Commission has not as yet passed upon the claims of

B & A 3.

doubtful applicants, but contemplates doing so in the near future,  
and until that time no further action can be taken by the Commission  
in the case of Mr. and Mrs. Davis.

Yours truly,

Acting Chairman.

In reply to this letter,  
please refer to 7-D 90

Muscogee, Indian Territory,

August 18th, 1900.

James M. Davis,

Chickasha, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. McKennon, Cassfield, McCurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of many other citizens of the Choctaw Nation.

The Commission, commencing December, 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-90.

Muskogee, Indian Territory, September 18, 1900.

James M. Davis,  
Chickasha, Indian Territory.

Dear Sir:-

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 Commission, upon examination of its records, found that you were rejected in 1896; under the act of Congress of June 10<sup>th</sup>, 1896; your case being No. 316. No appeal being taken from the decision of the Commission, its action at that time became final.

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,

7-D-90

Acting Chairman.

Muskogee, Indian Territory, October 20, 1900.

Norman E. Young,  
Attorney at Law,  
Davis, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 8th instant in which you request to be informed if the name of Mary Davis appears upon the Chickasaw roll of Indians entitled to allotment and if so, when she was enrolled.

You are informed that the records of this Commission contain several parties by the name of Mary Davis as listed for enrollment as citizens of the Choctaw and Chickasaw Nation and before the Commission can furnish you any information of the party of whom you inquire, it will be necessary for you to state her full name and age, the time and place she appeared before the Commission for enrollment, the names of other members of her family making application at the same time and any other information that may lead to her identification. Upon receipt of such information the matter will receive further consideration.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, February 19, 1901.

Beavers & Sayer,  
Attorneys at Law,  
Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 14th instant relative to the rights to enrollment as citizens of the Choctaw nation of James M. Davis and his wife, Mary Davis.

You state in your letter that Mr. Davis has been notified that the attorneys for the Choctaw Nation have been granted until the first of February, 1901, in which to file brief in this case and that Mr. Davis would be allowed until March 1st, 1901 in which to file brief in reply.

You then state that he has had no information in the matter and you as his attorney desire to be advised if any such brief or argument has been filed by the Choctaw Nation and if so that you be furnished with a copy of the same.

Replying to your letter the Commission has to inform you that the time in which the Choctaw and Chickasaw Nations through their attorneys can file written argument or brief in support of these contested enrollment cases has been extended to April 1st, 1901 and the time in which applicants whose rights have thus been protested, for the filing of briefs in reply, has been extended to May 15th of the present year.

D & N S

Up to this time no such brief has been filed by the  
Chestaw Nation relative to their contention in the case of Mr. Davis  
and his wife.

The Commission wrote you on July 14th, 1900, giving you  
full information as to what our records show in regard to this  
application. If you desire a copy of the records as on file with  
the Commission in this case, if you will designate some responsible  
stenographer to make the same, the Commission will allow such copies  
to be made in its office in Muskogee. We cannot however attempt  
to provide attorneys with copies of original papers.

Yours truly,

Acting Chairman.

7-D-90

7-D-90

Muskogee, Indian Territory, April 1, 1904.

James M. Davis,  
Chickasha, Indian Territory.

Dear Sir:-

You are hereby advised that, before further consideration can be given your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary for you to appear in person before the Commission at its office in Muskogee, Indian Territory, for the purpose of testifying as to your status as an intermarried citizen of the Choctaw Nation on September 25, 1902.

You should make this appearance as early as practicable as until you do so appear nothing further can be done toward the final disposition of your application.

Respectfully,

Commissioner in Charge.



Muskogee, Indian Territory, April 17, 1900.

Messrs. Holding & Bond,

Attorneys at Law,

Chickasha, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of April 11, in which you desire to be informed if James M. Davis, Mollie Davis, Sarah Smith, Amanda Craig Smith, Howard E. Smith, Carrie Smith, Todd Smith and Anna McKinney are listed for enrollment with either the Choctaw or Chickasaw Indians.

You are informed that the records of this Commission show that James M. Davis, sixty two years of age, together with his wife, Mary Davis, fifty eight years of age, of Chickasha, were listed for enrollment as doubtful claimants in the Choctaw Nation October 31, 1898. Also Thad Smith, forty years of age, with his wife, Sallie Smith, thirty two years of age, and the following children were listed for enrollment as doubtful Choctaws on the same day: Amanda Craig Smith, Howard, Carrie, and Burney Alvirade Smith. Listed with them is also Anna McKinney, the daughter of Sallie Smith by her former husband Charlie McKinney. The full status of these parties' rights has not yet been determined by the Commission, and cannot be until the final passing upon the rolls by the Commission.

H. A. S.

The matter of the rights of parties to occupy land between the old western boundary of the Chickasaw Nation and the new survey of the 90th meridian will be the subject of another communication.

Yours truly,

Acting Chairman.

In replying to this letter,  
please refer to Choctaw D 90.

Muskogee, Indian Territory, November 27, 1901.

D. F. Bigelow,

El Reno, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you desire to be informed if Mrs. Mary Davis, of Chickasha, Indian Territory, is enrolled as a Choctaw or Chickasaw.

You are informed that it appears from the records of this office, that at Tushkahomma, Indian Territory, on October 12, 1899, Mary Davis, 58 years of age, of Chickasha, Indian Territory, appeared before this Commission and made application for enrollment as a citizen by blood of the Choctaw Nation.

The Commission has not up to this time rendered a decision as to the rights of this applicant to enrollment as a citizen by blood of the Choctaw Nation. When such a decision is rendered the applicant will be advised of any action that may be taken by the Commission.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, March 25, 1902.

James Davis,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter without date in which you state that you will not appear before the Commission on April 3rd, 1902, and that you have no lawyer to represent you.

As stated in our letter of February 26, 1902, an opportunity will be given you on April 3, 1902, to offer any additional testimony you may desire affecting the rights of yourself and your wife, Mary Davis, to enrollment as citizens of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

COMMISSIONERS  
TAMM BIXBY  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE  
W. E. STANLEY

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

REFER IN REPLY TO THE FOLLOWING

7-D-90

ALLISON L. AYLESWORTH  
SECRETARY

Muskogee, Indian Territory, April 1, 1904.

James M. Davis,

Chickasha, Indian Territory.

Dear Sir:-

You are hereby advised that, before any further consideration can be given your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary for you to appear in person before the Commission at its office in Muskogee, Indian Territory, for the purpose of testifying as to your status as an intermarried citizen of the Choctaw Nation on September 25, 1902.

You should make this appearance as early as practicable as until you do so appear nothing further can be done toward the final disposition of your application.

Respectfully,



Commissioner in Charge.

7-D-90.

Muskogee, Indian Territory, October 1, 1904.

Beaver & Sayer,

Attorneys-at-Law,

Chickasha, Indian Territory,

Gentlemen:

In the matter of the application for the enrollment of James M. Davis as a citizen by intermarriage, and for the enrollment of his wife, Mary Davis, as a citizen by blood, of the Choctaw Nation, it appears from the record in said case that you are the attorneys of record for said applicant.

Said applicants have heretofore been several times notified to appear before the Commission at its office in Muskogee, Indian Territory, for the purpose of giving additional testimony in the matter of their enrollment. To said notices no response has been received.

It is essential that the applicants appear in person before the Commission for the purpose of giving such testimony before their rights as such citizens can be determined.

Respectfully,

Chairman.

7-D-90  
7-D-91

Muskogee, Indian Territory, November 8, 1904.

Thad Smith,

Chickasha, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of November 3, 1904, relative to recent letters addressed you by the Commission asking for additional proof in your case and in the case of James M. Davis, in which you request to be advised what proof is necessary and state that you will endeavor to furnish the same.

In reply to your letter you are informed that it appears from our records that James M. Davis and Thad Smith claim rights as intermarried citizens of the Choctaw Nation, but it does not appear that they have introduced personal testimony relative to their intermarried status on September 25, 1902.

You are informed that before further consideration can be given the application of James M. Davis and Thad Smith for enrollment as intermarried citizens of the Choctaw Nation it will be necessary for them to appear in person before the Commission at its office in Muskogee, Indian Territory, for the purpose of testifying relative to their intermarried status on September 25, 1902, the date of the ratification by the citizens of the Choctaw and Chickasaw Nations

T. S. #2

of the Act of Congress of July 1, 1902.

Respectfully,

Chairman.



7-D-90

Muskogee, Indian Territory, March 2, 1905.

Mary J. Hegood,

Bower, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 23, 1905, in which you state that your husband was Jim Davis and that you appeared before the Commission at Canadian and McAlester.

In reply to your letter you are informed that the Commission is still unable to identify you upon its records as an applicant for enrollment in the Choctaw and Chickasaw Nations.

You are requested to advise your age, the names of your parents, whether you claim the right to enrollment as a citizen by blood or intermarriage of the Choctaw or Chickasaw Nation and state also the name under which you were listed for enrollment, the matter of your inquiry will receive further consideration.

Respectfully,

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

7-D-90.

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

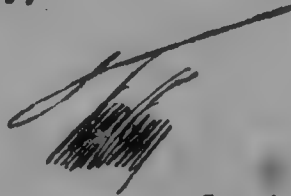
Muskogee, Indian Territory, November 2, 1902.

James M. Davis,  
Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary for you to appear at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and give testimony relative to your status as such intermarried citizen on September 25, 1902.

Respectfully,



Commissioner.

7-D-90

7-D-91

Muskogee, Indian Territory, June 20, 1906.

Apple & Franklin,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 11, 1906, in which you ask that final decision be postponed in the matter of the application of Thad Smith et al., James K. and Mary Davis for enrollment as citizens of the Choctaw Nation as they are considering the advisability of relinquishing their rights with the Caddo tribe of Indians and electing to be enrolled as Choctaw citizens.

In reply to your letter you are advised that the application for the enrollment of the above named persons as citizens of the Choctaw Nation is now receiving consideration and inasmuch as this office has no authority to receive an application to relinquish rights in the Caddo tribe of Indians and as this matter would of necessity be taken up with the Department it is deemed impracticable to comply with your request for a continuance of thirty days in this case.

Respectfully,

Commissioner.

7-D-90

Muskogee, Indian Territory, October 4, 1906.

S. A. Apple,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 22, 1906, transmitting motion and brief in the matter of the application for the enrollment of Mary Davis et al. and requesting that the same be sent to the Secretary of the Interior without delay.

You are advised that on July 16, 1906, the record in this case was forwarded the Secretary of the Interior and the motion and brief submitted by you has been forwarded the Department for consideration in connection with this case.

Respectfully,

Commissioner.

James M. Davis age 62

Int Chor - Riding in C's best

page 75 Age Int Chor - 1st best

with

1.00, age 50

Age Int Chor, in 1st best

page 152 C C K No 2 Chor best

L. K. Perry

290

Commission to the Five Civilized Tribes,  
Tuskeahoma, Indian Territory,  
October, 12th 1899.

In the enrollment of Harry Davis as a Choctaw; being sworn and examined by Co. r McKennon she testified as follows:

- Q. What is your name? A. Harry Davis.
- Q. What is your age? A. I cannot tell you, about fifty six.
- Q. Are you a Choctaw by blood? A. Yes sir.
- Q. Altogether? A. Yes sir, my father was a Choctaw.
- Q. Was he a full-blood? A. Yes sir, he was a full-blood.
- Q. What was your mother? A. She was a Yatasee, she is just like a Choctaw and Chickasaw.
- Q. Is that the same as a person who is half Choctaw and half Chickasaw do you mean? A. Yes sir.
- Q. Whose parents belonged to the Choctaws and Chickasaws? A. Yes sir.
- Q. What is your husbands name? A. My last husband was named James M. Davis.
- Q. It is said that your husband James M. Davis made a application for himself and you to the Dawes Commission in 1896, and that that application was denied, and no appeal taken from it; were you at that time living with him, - in 1896? A. No, she was not living with him at that time.
- Q. Were you seperated from him at that time? A. Yes sir.
- Q. Did you authorize him to make a application to the Dawes Commission for you at that time? A. No sir.
- Q. Did you know that he did make application for you? A. No sir, I didn't know it. I never gave him my consent to it.
- Q. When did you first know it? A. I didn't know it until I come here; I just heard it after I come here within the last few days.
- Q. Were you ever enrolled as a Choctaw before 1896? A. Says she dont know anything about it whether she ever was placed on the roll.
- Q. How long have you been living in the Choctaw and Chickasaw country? A. Been here ever since before the war.
- Q. Where were you born? A. In Louisiana.
- Q. Did you come from Louisiana to this country? A. Yes sir, we was brought to this country by the Choctaws-Jim Fletcher, and he told us we must come in Kiamitsee; he died in the fall after we came here.
- Q. Do you know about what time it was? A. I cannot tell you.
- Q. How long before the war was it? A. Oh, gracious I had been here a long time before the war.
- Q. Did you ever draw any moneys here? A. Yes sir I drew with the Choctaws; the last time they was drawing money they drew eight dollars apiece, and we drew.
- Q. Did you draw the Leased District money in 1893? A. No sir.
- Q. Were you living all the while in the Chickasaw Nation, or were you living on the Caddo side? A. They said that was the line where we was living; we had one house on the Chickasaw side in the Chickasaw Nation and

and there was a barn and well on the other side, and I went up there and had my home there; the present line runs west of us and leaves us all in the Chickasaw Nation

Com'r McKennon- She has the appearance of being a full-blood Indian, and she speaks Choctaw fairly well, and broken English.

Q. You have one daughter living, what's her name?

A. Sarah Smith, she and her children have been put on a card

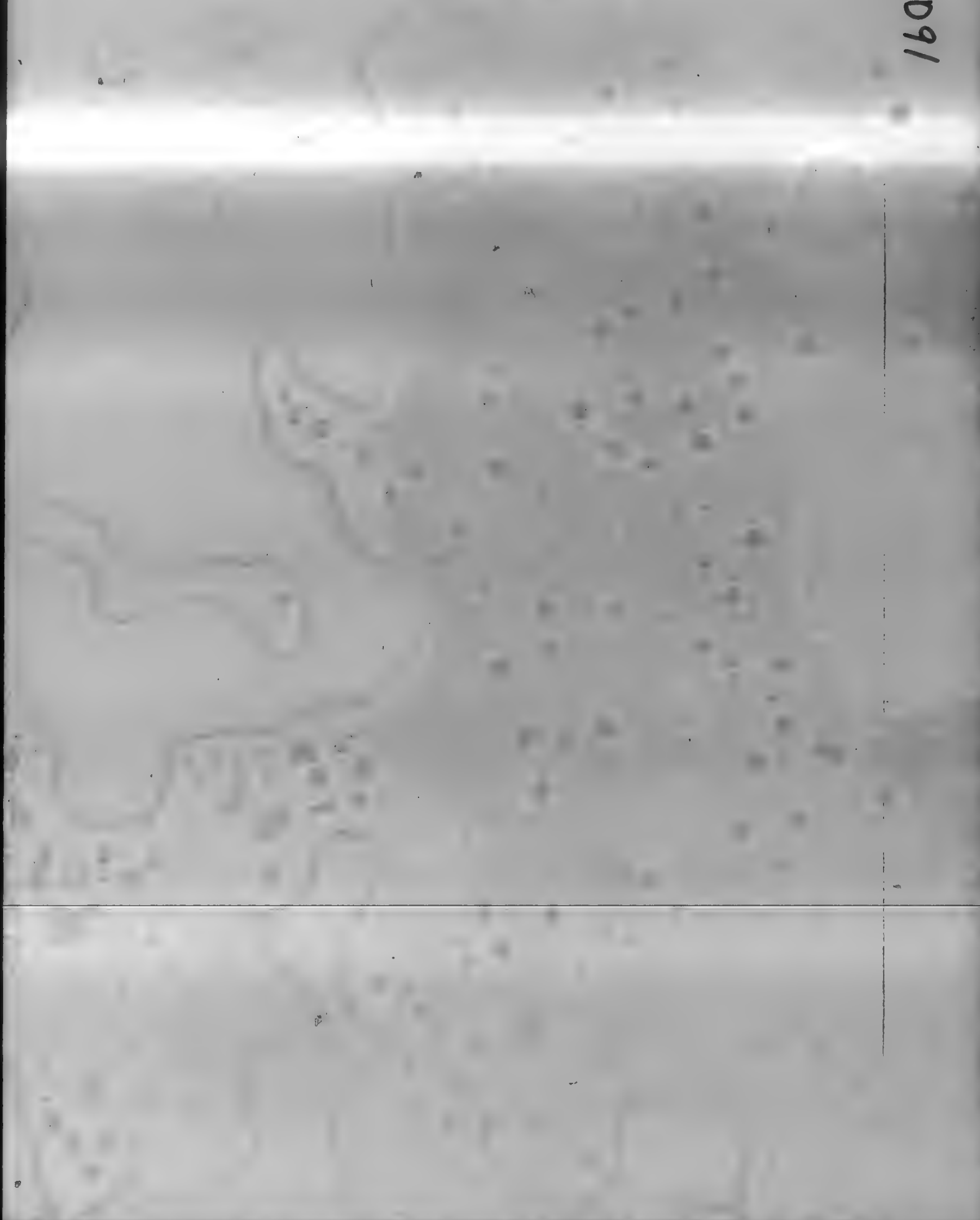
Comr. McKennon- See if daughter and children are on rolls, and were included in judgment of Dawed Commission with mother.

The applicant is also on white card -D-90.

Choc D91

Thed Smith

D91





*Prod. Smith et al.*

RECEIVED  
JUL 10 1907

OFFICE OF THE ATTORNEY GENERAL

NOTICE OF DEPOSITION FORWARDED  
ATTORNEY

DEPARTMENT

*Oct 4, 1906. Brief by motion forwarded Sept.*

ACTION APPROVED BY  
SECRETARY OF INTERIOR  
JAN 14 1907

NOTICE OF DEPARTMENTAL ACTION  
MAILED PARTIES HEREIN

JAN 31 1907

7-D-90  
7-D-91.

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

In the matter of the application for the enrollment of  
Mary Davis et al., as citizens by blood of the Choctaw Nation.

- - : D E C I S I O N : - -

It appears from the record herein, and from the census card records in this case, that on October 12, 1899, Mary Davis appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself as a citizen by blood of the Choctaw Nation, and for the enrollment of her husband, James M. Davis, as a citizen by intermarriage of the Choctaw Nation; and on October 21, 1898, application was made to said Commission for the enrollment of Sallie Smith and her five minor children, Amanda C. Smith, Howard Smith, Carrie Smith and Burney Alvirado Smith, and Annie McKinney, as citizens by blood of the Choctaw Nation and for the enrollment of Thad Smith as a citizen by intermarriage of the Choctaw Nation. The applications for the enrollment of Thad Smith and James M. Davis being differently classified, are not included in this decision.

It further appears from the record herein, and from the census card records in this case, that Mary Davis is a Choctaw by blood, and is the daughter of Nun-che-a-tubby, a full blood Choctaw, and Mary Nun-che-a-tubby, a Choctaw and Chickasaw by blood; that Sallie Smith is the daughter of said Mary Davis and James M. Davis, a non-citizen; that all the minor applicants herein, except Annie McKinney, are the children of said Sallie Smith and Thad Smith, a non-citizen; that Annie McKinney is the daughter of Sallie Smith and Charlie McKinney, a non-citizen; and that all of said applicants were residents in good faith of the Indian Territory on June 28, 1898, all persons listed on census cards in 1898 having been examined as to such fact.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith and Annie McKinney are identified upon the 1896 Choctaw Census Roll, Chickasaw District, Nos. 3673, 11810, 11811, 11812, 11813 and 9536, respectively, all of said applicants being enrolled thereon as citizens by blood. Burney Alvirado Smith, having been born subsequent to the preparation of the last tribal roll is identified by a proper proof of birth filed herewith.

It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "Mary Davis vs. Choctaw Nation", (1896 Choctaw Citizenship Docket, Case No. 316), the applicants, Mary Davis, Sallie Smith

(as Sarah Smith nee Davis), Amanda C. Smith (as Amanda Smith), Howard Smith, Carrie Smith (as Carson Smith), and Annie McKinney (as Annie Smith), made original application to said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship by blood in the Choctaw Nation, and on December 2, 1896, said Commission rendered its decision therein denying said application, from which decision no appeal was taken.

I am of the opinion that, following the ruling of the Department in the case of Wiley Adams (I.T.D. 4398-1903), the denial of the applicants by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), was of no force or effect upon the status of said applicants as citizens by blood of the Choctaw Nation.

I am further of the opinion that, following the ruling of the department in the case of Wiley Adams (I.T.D. 4398-1903), Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirado Smith, and Annie McKinney should be enrolled as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 493), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

JUL 14 1896

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7-D-90

7-D-91

Muskogee, Indian Territory, July 16, 1906.

Thad Smith,

Chickasha, Indian Territory.

Dear Sir:

Inclosed herewith, you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered July 16, 1906, denying the application for the enrollment of yourself and the enrollment of James M. Davis as citizens by intermarriage of the Chotaw Nation, and for the enrollment of Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirado Smith and Annie McKinney as citizens by blood of said 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. 7-D-90

7-D-91

7-D-90

7-D-91

Muskogee, Indian Territory, July 16, 1906.

Apple & Franklin,

Muskogee, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered July 16, 1906, denying the application for the enrollment of James M. Davis and Thad Smith as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirde Smith and Annie McKinney as citizens by blood of said 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. 7-D-90

7-D-91.

7-D-90

7-D-91

Muskogee, Indian Territory, July 16, 1906

COPY

Beaver & Sayer,  
Attorney at Law,  
Chickasha, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered July 16, 1906, denying the application for the enrollment of James M. Davis and Thad Smith as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Mary David, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirde Smith and Annie McKinney as citizens by blood of said 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 D. Stobby*

Commissioner.

Registered.

Incl. 7-D-90

7-D-91

7-D-90

7-D-91

Muskogee, Indian Territory, July 16, 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 July 16, 1906, denying the application for the enrollment of James M. Davis and Thad Smith as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Mary Davis, Sallie Smirh, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirde Smith and Annie McKinney as citizens by blood of said 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. 7-D-90  
7-D-91

Muskogee, Indian Territory, July 16, 1906.

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 James M. Davis and Thad Smith as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirde Smith, and Annie McKinney as citizens by blood of said Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated July 16, 1906, denying said application.

Respectfully,

Commissioner.

2 Incl. 7-D-90  
7-D-91

Through the  
Commissioner of Indian Affairs.



J. C. H.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

LLB

D. C. 3567.  
I.T.D. 60-1907.

January 14, 1907.

L R. S.

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

Sir:

October 4, 1906, you transmitted the record in the matter of the application of Mary Davis, Sallie Smith, Amanda C. Smith, Howard Smith, Carrie Smith, Burney Alvirado Smith, and Annie McKinney for enrollment as citizens by blood of the Choctaw Nation, and of James M. Davis and Thad Smith as citizens of said nation by intermarriage, together with your decision of July 16, 1906, adverse to all the applicants.

The record in the case shows that the applicants for enrollment as citizens by blood are the descendants of Mar, Mun-che-a-tubby, a full-blood Choctaw, and James M. Davis, and were, with the exception of Burney A. Smith, who was not then born, identified upon the 1896 Choctaw census roll, but were denied enrollment by the Commission to the Five Civilized Tribes in its decision of December 2, 1896, from which no appeal was taken. Thad Smith claims by virtue of his intermarriage with Sallie Davis, daughter of Mary and James M. Davis.

In her testimony before the Commission in 1899 Mary Davis testified that the family residence had been right on the line between the Chickasaw Nation and the Caddo tribe of Indians, Kiowa Agency, some of their improvements being on one side of the line and some on the other, but that the present line ran west of them and left them entirely in the Chickasaw Nation.

A certificate of the United States Indian Agent at Anadarko Okla., dated May 11, 1906, confirmed by the report of the Indian Office, shows that each of the applicants, with the exception of Thad Smith, is enrolled and has received an allotment as members of the Caddo tribe of the Wichita and Affiliated Bands of Indians of the Kiowa Agency.

Reporting January 3, 1907 (Land 87867-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed herewith.

The act of the applicants in applying for and accepting an allotment of land in another nation, outside the limits of the Indian Territory, is the legal equivalent of naturalization in that nation, and hence involves a renunciation or waiver of their rights in the Choctaw Nation, as it is impossible for anyone to be a citizen of two different nations at the same time.

The record does not sufficiently disclose the facts relative to the rights of Thad Smith to warrant a positive determination of them, but inasmuch as he claims only by intermarriage, the burden of proof is upon him to show that he is entitled to

enrollment and he, having been duly notified of the hearing and afforded opportunity to introduce additional evidence, and having failed to do so, must be held to have abandoned his claim.

Your decision, adverse to all the applicants, is therefore affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan.  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 4 to Ind.Of.

--Copy--

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

LAND  
D.C. 3567.  
62149-1906  
87867-1906

January 3, 1907.

The Honorable,  
The Secretary of the Interior.

Sir:

Referring to Department letter (I.T.D. 4991-1902), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated July 16, 1906, transmitting the record relative to the application of Mary Davis, et al., for enrollment as citizens of the Choctaw Nation.

On October 12, 1899, Mary Davis applied to the Commission to the Five Civilized Tribes for the enrollment of herself as a citizen by blood and for the enrollment of her husband, James M. Davis, as a citizen by intermarriage.

On October 21, 1898, application was made for the enrollment of Sallie Smith and her five minor children, Amanda C., Howard, Carrie, and Burney A. Smith, and Annie McKinney as citizens by blood, and for the enrollment of Thad. Smith, her husband, as a citizen by intermarriage.

On July 16, 1906, the Commissioner held that the above named applicants were not entitled to enrollment as citizens of the Choctaw Nation.

The record shows that Mary Davis is the daughter of Nun-  
che-a-tubby, a full-blood Choctaw, and Mary Nun-che-a-tubby, a  
citizen having both Choctaw and Chickasaw blood. Sallie Smith  
is the daughter of Mary Davis and James M. Davis, and the minor  
applicants are her children. James M. Davis and Thad. Smith  
claim the right to be enrolled as citizens by intermarriage of  
the Choctaw Nation by virtue of their marriages to Mary Davis  
and Sallie Smith, respectively.

Mary Davis, Sallie Smith, Amanda C., Howard, and Carrie  
Smith, and Annie McKinney, are identified at Nos. 3673, 11810,  
11811, 11812, 11813 and 9536, respectively, on the 1896 Choctaw  
Census Roll, Chickasaw District, as citizens by blood.

The Commissioner reports that all the applicants, with the  
exception of Thad. Smith, are enrolled and have received their al-  
lotments as members of the Caddo tribe of Indians of the Wichita  
and Affiliated Bands of Indians of the Kiowa Agency. The records  
of this Office verify this report.

On October 4, 1906, a brief was filed by Apple and Franklin,  
attorneys for the applicant, which has been received and considered

In view of the ruling in the case of Nancy Sky, et al., in  
Department letter (I.T.D. 4991-1902), all the applicants are ex-  
cluded from enrollment as citizens of the Choctaw Nation, with the  
exception of Thad. Smith, and as he claims no right to be enrolled

-3-

as an intermarried citizen of that Nation, other than that derived by virtue of his marriage to Sallie Smith, he is therefore not entitled to such enrollment, and the decision of the Commissioner adverse to the applicants is recommended for approval.

Very respectfully,

C. F. Larrabee,  
Acting Commissioner.

HRD-EH

Waskogoo, Indian Territory,

August 18th, 1900.

Thad Smith,

Chickasha, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Hamfield, Murray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Sallie, Amanda C., Howard, Carrie, Turney, Alvirgo Smith, and Annie McKinney as citizens of the Choctaw Nation.

The Commission, commencing October 3rd, 1900 held a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-91.

Muskogee, Indian Territory, September 18, 1900.

Thad Smith,

Chickasha, Indian Territory.

Dear Sir:-

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 Commission, upon examination of its records, found that you were rejected in 1896, under the act of Congress of June 10<sup>th</sup>, 1896; your case being No. 316. No appeal being taken from the decision of the Commission, its action at that time became final.

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,



7-D-91.

Muskogee, Indian Territory, October 1, 1904.

Thad Smith,

Chickasha, Indian Territory,

Dear Sir:-

In the matter of your application for enrollment as a citizen by intermarriage, and for the enrollment of your wife, Sallie Smith, and for your children, Amanda C., Howard, Carrie and Burney Alvirado Smith, and your step-daughter, Annie McKinney, as citizens by blood, of the Choctaw Nation, it will be necessary for you and your wife, Sallie Smith, to appear in person before the Commission at its office in Muskogee, Indian Territory, as soon as possible for the purpose of giving additional testimony relative to the rights of yourself and family as citizens of the Choctaw Nation.

You should give this matter your immediate attention.

Respectfully,

Chairman.

7-D-90  
7-D-91

Muskogee, Indian Territory, November 8, 1904.

Thad Smith,

Chickasha, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of November 3, 1904, relative to recent letters addressed you by the Commission asking for additional proof in your case and in the case of James M. Davis, in which you request to be advised what proof is necessary and state that you will endeavor to furnish the same.

In reply to your letter you are informed that it appears from our records that James M. Davis and Thad Smith claim rights as intermarried citizens of the Choctaw Nation, but it does not appear that they have introduced personal testimony relative to their intermarried status on September 25, 1902.

You are informed that before further consideration can be given the application of James M. Davis and Thad Smith for enrollment as intermarried citizens of the Choctaw Nation it will be necessary for them to appear in person before the Commission at its office in Muskogee, Indian Territory, for the purpose of testifying relative to their intermarried status on September 25, 1902, the date of the ratification by the citizens of the Choctaw and Chickasaw Nations

T. S. #2

of the Act of Congress of July 1, 1902.

Respectfully,

Chairman.

7-D-91.

Muskogee, Indian Territory, January 30, 1906.

Thad Smith,

Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary for you to appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and give testimony relative to your intermarried status on September 25, 1902. It will be necessary before such testimony can be heard that Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, at South McAlester, Indian Territory, be notified of the date of said appearance.

Respectfully,

Acting Commissioner.

Registered.

7-2-91

Muskogee, Indian Territory, January 30, 1906.

Thad Smith,

Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of the application for the enrollment of your son, Burney Alvirado Smith, it will be necessary that this office be furnished with proper proof of his birth, and for this purpose there is enclosed herewith a blank proof of birth, which you are requested to have filled in, and return the same to this office at the earliest possible date.

Respectfully,

Acting Commissioner.

Encl. B.A.  
Env.

7-D-90.

7-D-91.

Muskogee, Indian Territory, May 1, 1906.

Col. James A. Handlett,  
Indian Agent,  
Kiowa, Oklahoma.

Dear Sir:

It appears from the records of the Commission to the Five Civilized Tribes that on October 21, 1898, application was made to said Commission for the enrollment of J. W. Davis as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mary Davis, as a citizen by blood of the Choctaw Nation. On said date application was also made by Thad Smith for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sallie Smith, and his minor children, Amanda C., Howard, Carrie, and Burney Alvirado Smith, and his minor step-child, Annie McKinney, as citizens by blood of said nation. The postoffice of all the above named applicants was given as Chickasha, Indian Territory.

This office has received information to the effect that the above named persons have been enrolled as Caddos, and if such is the case, this office desires a certificate to that effect.

-2-

Your early attention to this matter will be greatly appreciated.

Very respectfully,

Commissioner.

7-D-90

7-D-91

Muskogee, Indian Territory, June 20, 1906.

Apple & Franklin,  
Attorneys at Law,  
Armore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 11, 1906, in which you ask that final decision be postponed in the matter of the application of Thad Smith et al., James M. and Mary Davis for enrollment as citizens of the Choctaw Nation as they are considering the advisability of relinquishing their rights with the Caddo tribe of Indians and electing to be enrolled as Choctaw citizens.

In reply to your letter you are advised that the application for the enrollment of the above named persons as citizens of the Choctaw Nation is now receiving consideration and inasmuch as this office has no authority to receive an application to relinquish rights in the Caddo tribe of Indians and as this matter would of necessity be taken up with the Department it is deemed impracticable to comply with your request for a continuance of thirty days in this case.

Respectfully,

Commissioner.



Smith age 40

Swi 23 re - handwriting & his sister

page 102 in his Hall -

OKs list

Managers become to be supplied

(Letter and)

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1/2/91

1/2/91

Allie Louisa age 32  
in Roll Series.

Cher ... in the ...  
No. 432 - 221, 202 ...

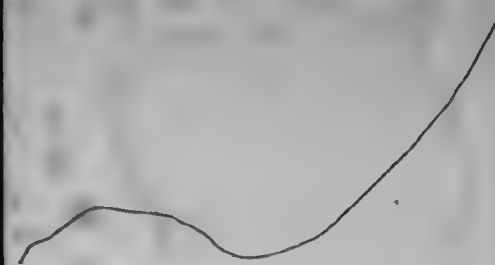
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291



Annice J. Kinney age 14

page 375 CCK No 2 also book -

Armand C. Smith age 10

page 434 CCK No 2 also book -

Armand James age 8 page 434

Annice - on the America age 11

Lucy - on the America age 8 years 11

All these - also book 291  
CCK No 2 also book -

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory, April 3, 1902.

Thad Smith, et al.,  
vs.  
The Choctaw Nation.  
D-91.

In the matter of the application of Thad Smith for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sallie Smith, his four minor children, Amanda C. Smith, Howard Smith, Carrie Smith, and Burney Alvirado Smith, and his step-daughter, Annie McKinney, as citizens by blood of the Choctaw Nation.

On the 26th day of February, 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 Thad Smith for the enrollment of himself, his wife and his minor children 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 3rd day of April, 1902, for final consideration.

Now, on this 3rd 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 the 3rd day of April, 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 3rd day of April, 1902.

*Charles W. Hallwood*

Notary Public.

Empty

Empty

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Empty

Empty

Choc D101 Joseph Kirkendall

Records of all except no. 3 trans  
to Choc card 5736

Cancelled

er

D101

CHOCTAW

7-A-101.

32

INDEXED

RE  
THE DEATH OF

*James Henry Kirkendoll*  
a citizen of the

*Choctaw*. Nation.

Approved *[Signature]* OCT 18 1902 190

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 18 1902

*[Signature]*  
ACTING CHAIRMAN.

CHOCTAW.

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

In the matter of the death of James Henry Kirkendoll  
(Here insert name of deceased.)  
a citizen of the Choctaw Nation, who formerly resided at or near  
Chickasha, Ind. Ter., and died on the \_\_\_\_\_ day of  
(Here insert name of post office.)  
September, 1900.

AFFIDAVIT OF RELATIVE.

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

I, Joseph Kirkendoll, on oath state that I am 51  
years of age and a citizen, by intermarriage, of the Choctaw Nation;  
that my post office address is Chickasha, Ind. Ter.; that I am  
(Here insert name of post office.)  
the father of James Henry Kirkendoll,  
(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 James Henry Kirkendoll died on the \_\_\_\_\_ day of  
(Here insert name of deceased.)  
September, 1900.

WITNESSES TO SIGN:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 15<sup>th</sup> day of October, 1900.

A. Beavers  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

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

I, W. F. Williams, on oath state that I am 44  
years of age, and a citizen, by adoption, of the Choctaw Nation;  
that my post office address is Minco Ind. Ter.;  
(Here insert name of post office.)  
that I was personally acquainted with James Henry Kirkendoll,  
(Here insert name of deceased.)  
who was a citizen, by blood, of the Choctaw Nation;  
and that said James Henry Kirkendoll died on the \_\_\_\_\_ day of  
(Here insert name of deceased.)  
September, 1900.

WITNESSES TO SIGN:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 15<sup>th</sup> day of October, 1900.

A. Beavers  
Notary Public.



Empty

Empty

Choc D 104 James Lee Campbell

records of all except Charlie Gm.  
Campbell trans to choc card 5731

Feb 24, 1903

D 104

75104

CHOCTAW

INDEXED

IN RE  
THE DEATH OF

*Charlie G. M. Campbell*

a citizen of the

*Choctaw* Nation.

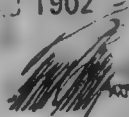
Approved OCT 20 1902 190



Commissioner.

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

OCT 20 1902



CHAIRMAN.

CHOCTAW

R 104

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

In the matter of the death of Charlie G M Campbell  
(Here insert name of deceased.)  
a citizen of the Choctaw Nation, who formerly resided at or near  
Little, Ind. Ter., and died on the 2nd day of  
November, 1901.  
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, James Lee Campbell, on oath state that I am 31  
years of age and a citizen, by blood, of the Choctaw Nation;  
that my post office address is Mico, Ind. Ter.; that I am  
The father of Charlie G M Campbell  
(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 Charlie G M Campbell died on the 2nd day of  
November, 1901.  
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two Witnesses.)

James Lee Campbell

Subscribed and sworn to before me this 17th day of October 1902  
A. Beavers  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, James M Campbell, on oath state that I am 5'5"  
years of age, and a citizen, by blood, of the Choctaw Nation;  
that my post office address is Mico, Ind. Ter.;  
that I was personally acquainted with Charlie G M Campbell  
(Here insert name of deceased.)  
who was a citizen, by blood, of the Choctaw Nation;  
and that said Charlie G M Campbell died on the 2nd day of  
November, 1901.  
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two Witnesses.)

James M Campbell

Subscribed and sworn to before me this 17th day of October 1902  
A. Beavers  
Notary Public.

Empty

Empty

Empty



Choc D108 Ludie Paul Marshall

Cancelled and all except  
William Marshall trans to Choc cord 5720

Feb 24, 1903

D108

Case 2108

No. ....

**Affidavit of Attending Physician  
at Birth of Child.**

IN RE APPLICATION OF

FOR CITIZENSHIP IN

NATION.

**COMMISSION TO FIVE TRIBES.**

No.	Received	Ans.
	NOV 7 1898	

 Affidavit of Attending Physician at Birth of Child. 



INDIAN TERRITORY,

District.

I, Dr. J. T. Wharton, being duly sworn, on oath, state that I was the physician who attended on Mrs. Ludie Marshall on the 30 day of June 1898, and that there was born to her on said date a Boy child, and that said child was named Wilmer Marshall, and is now living.

J. T. Wharton M.D.

Subscribed and sworn to before me this 4 day of November 1898.

John A. Fowler

NOTARY PUBLIC.

70 108.

32 INDEXED

IN RE  
THE DEATH OF

*Wilmar Gladus Marshall*

a citizen of the

*Choctaw* Nation.

Approved. *OCT 22* 1902 190

*[Signature]*  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

OCT 23 1902

*[Signature]*  
ACTING CHAIRMAN

CHOCTAW.

*D 108*

70 108.

INDEXED

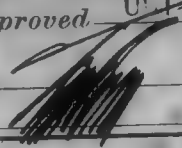
IN RE  
THE DEATH OF

*Wilmar Gladus Marshall*

a citizen of the

*Choctaw* Nation.

Approved OCT 22 1902 190

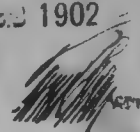


Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

OCT 23 1902



ACTING CHAIRMAN

CHOCTAW.

D 108

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

In the matter of the death of Nilmar Gladus Marshall  
(Here insert name of deceased.)  
a citizen of the Choctaw Nation, who formerly resided at or near  
Marlow, Ind. Ter., and died on the \_\_\_\_\_ day of  
December, 1899.  
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY,  
Southern District. )

I, N. L. Marshall, on oath state that I am 24  
years of age and a citizen, by \_\_\_\_\_, of the United States Nation;  
that my post office address is Alumaca, Ind. Ter.; that I am  
father of Nilmar Gladus Marshall  
(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 Nilmar Gladus Marshall died on the \_\_\_\_\_ day of  
December, 1899.  
N L Marshall

WITNESSES TO MARK:  
(Must be Two Witnesses.)

Subscribed and sworn to before me this 16th day of October 1902.  
[Signature]  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY,  
Southern District. )

I, W A Paul, on oath state that I am 45  
years of age, and a citizen, by adoption, of the Chickasaw Nation;  
that my post office address is Alumaca, Ind. Ter.;  
that I was personally acquainted with Nilmar Gladus Marshall  
(Here insert name of deceased.)  
who was a citizen, by blood, of the Choctaw Nation;  
and that said Nilmar Gladus Marshall died on the \_\_\_\_\_ day of  
December, 1899.  
W A Paul

WITNESSES TO MARK:  
(Must be Two Witnesses.)

Subscribed and sworn to before me this 16th day of October 1902.  
[Signature]  
Notary Public.

Empty

Empty



Choc D111 Mollie Bedingfield

D111

Cancelled

records of all except death of Ruthie  
Bedingfield trans to choc card 5734

no. 71111

Application of  
Mollie A. Campfire  
Beddingfield to have  
her daughter Ruth  
Beddingfield  
Enrolled as a  
member of the  
Choctaw Nation

---

**FILED**

AUG 16 1897

H. W. Faraway  
SECY.

Chickasha

Ind. Ter.

Personally appeared before me a Notary Public in and for the southern District of the Indian Territory, E. M. Payne, who on oath states that he was present and saw F. E. Riddle register a true copy of the application of Mollie A. Campbell Bedingfield hereto attached, to Hon. Green McCurtain, Governor of the Choctaw Nation, Sansbois, Ind. Ter.

That the registry receipt hereto attached numbered 66 is the registry receipt received by the said F. E. Riddle from the postmaster at Chickasha, I. T., for the letter in which was enclosed the true copies as aforesaid.

E. M. Payne

Subscribed and sworn to before me this the 14 day of August, 1897.

W. L. Sawyer

Public.

**REGISTRY RECEIPT.**

Post Office at Chickasha, I. T.

Registered Letter Parcel No. 66 Rec'd. Aug 14 1897

of F. E. Riddle

addressed to Green McCurtain  
Sansbois I. T.

RECORDED P. M. P. M.

Before the Honorable Dawes Commission to the Five Civilized Tribes of the Indian Territory at Ft. Gibson, I. T.

In Re Application of Mollie A. )  
(Campbell) Beddingfield to have )  
her daughter Ruth Beddingfield, )  
enrolled as a member of the )  
Choctaw Tribe of Indians. )

Comes now you applicant Mollie A. Campbell Beddingfield, and represents to your Honorable Commission that she is a duly enrolled member of the Choctaw Tribe of Indians and resides in Chickasha, Chickasaw Nation, Indian Territory.

That she was first enrolled as Mollie A. Campbell and that afterwards she was duly and legally married to Milas Beddingfield in June, 1898, and was after said marriage enrolled as Mollie A. Campbell Beddingfield and drew annuities under said name.

That as a result of said marriage your applicant has had born to her in lawful wedlock with the said Milas Beddingfield <sup>since the 10th day of June 1896,</sup> one child. That said child was born on the 29th day of December, 1898, and that she is still living. The name of said child is, Ruth Beddingfield. That by virtue of your applicant being a Choctaw by blood and a duly enrolled member of the Choctaw Tribe of Indians, her daughter Ruth Beddingfield is entitled to be enrolled as a member of the Choctaw Tribe of Indians and entitled to all the rights and privileges of a Choctaw of the full blood.

Wherefore your petitioner prays that her daughter Ruth Beddingfield be enrolled by your honorable Commission as a member of the Choctaw Tribe of Indians.

*Mollie A. Campbell Beddingfield*  
*By Reader Paper*

Personally appeared before me a Notary Public in and for

the Southern District of the Indian Territory Mollie A. Campbell Bedingfield who on oath states that she has read the foregoing application and that the matters and statements set forth therein are true as she verily believes.

Mollie A. Bedingfield

Subscribed and sworn to before me this the 16<sup>th</sup> day of August, 1897.

J. E. Riddle

Notary Public.

In Re Application of Mollie A.  
Campbell Beddingfield to have  
her daughter Ruth Beddingfield  
Enrolled as a member of the  
Choctaw Tribe of Indians.

Personally appeared before me a Notary Public in and  
for the Southern District of the Indian Territory, Milas Bed-  
dingfield who on oath states, that he is the husband of Mollie  
A. Campbell Beddingfield the applicant herein; that they  
have had born to them since the 10th day of June, 1896 one  
child which is named Ruth Beddingfield. That said child is the  
daughter of his wife Mollie A. Campbell Beddingfield.  
That his wife Mollie A. Campbell Beddingfield is a duly enrol-  
led member of the Choctaw Tribe of Indians. That her name before  
her marriage to affiant was Mollie A. Campbell.

Milas Beddingfield

Subscribed and sworn to before me this the 10 day of Au-  
gust, 1897.

J. E. Riddle

Notary Public.

9.10-111

INDEXED

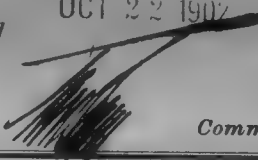
IN RE  
THE DEATH OF

*Ruthie Beddingfield*  
a citizen of the  
*Choctaw* Nation.

Approved

OCT 22 1902

1

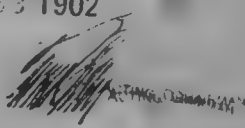


Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 23 1902



CHOCTAW.

111

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

In the matter of the death of *Ruthie Bedingfield*  
a citizen of the *Choctaw* Nation, who formerly resided at or near  
*Chickasha*, Ind. Ter., and died on the *28* day of *March*  
18*99*

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY, )  
*Southern* District. )

I, *Milas Bedingfield* on oath state that I am *39*  
years of age and a citizen, by \_\_\_\_\_, of the *United States* Nation;  
that my post office address is *Chickasha*, Ind. Ter.; that I am  
*the father* of *Ruthie Bedingfield*  
who was a citizen, by *blood* of the *Choctaw* Nation;  
and that said *Ruthie Bedingfield* died on the *28* day of  
*March*, 18*99*.

WITNESSES TO MARK.

*Milas Bedingfield*

(Must be Two Witnesses.)

Subscribed and sworn to before me this *17th* day of *October*, 1902

*J. W. Beavers*  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY, )  
*Southern* District. )

I, *Charles C. Campbell*, on oath state that I am *28*  
years of age, and a citizen, by *blood* of the *Choctaw* Nation;  
that my post office address is *Tuttle*, Ind. Ter.;  
that I was personally acquainted with *Ruthie Bedingfield*  
who was a citizen, by *blood* of the *Choctaw* Nation;  
and that said *Ruthie Bedingfield* died on the *28* day of  
*March*, 18*99*.

WITNESSES TO MARK.

*Charles C. Campbell*

(Must be Two Witnesses.)

Subscribed and sworn to before me this *17th* day of *October*, 1902

*J. W. Beavers*  
Notary Public.



*IN RE*

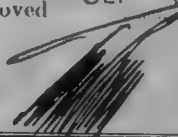
Application for Enrollment of

INFANT CHILD

*Homa Helma Beddingfield*  
as a citizen of

*Choctaw* Nation.

Approved SEP 6 1902 190...



Commissioner.

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

FILED

SEP 1 1902

 ACTING CHAIRMAN

D111

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

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
of Nona Shelma, born on the 22 day of August, 1907  
(Here insert name of child)  
Name of Father: M. D. Bedingfield a citizen of the U.S. Nation.  
Name of Mother: Mollie A. Bedingfield a citizen of the Choctaw Nation.  
Post-office Chickasha I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY }  
Southern District. }  
I, Mollie A. Bedingfield, 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 M. D. Bedingfield, who is a citizen, by  
of the \_\_\_\_\_, of the \_\_\_\_\_ Nation; that a Female child was  
(male or female.)  
born to me on 22 day of August, 1907; that said child has been  
named Nona Shelma, and is now living.

WITNESSES TO MARK:  
(Must be Two Witnesses.) }  
Mollie A. Bedingfield

Subscribed and sworn to before me this 3 day of Sept, 1907  
MY COMMISSION EXPIRES JULY 10, 1934. A. S. Taylor  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, }  
Southern District. }  
I, P. H. Conway, a M.D., on oath state that I  
attended on Mrs. Mollie A. Bedingfield, wife of M. D. Bedingfield  
on the 22 day of August, 1907; 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 Nona Shelma.

WITNESSES TO MARK:  
(Must be Two Witnesses.) }  
P. H. Conway M.D.

Subscribed and sworn to before me this 3 day of Sept, 1907  
MY COMMISSION EXPIRES JULY 10, 1934. A. S. Taylor  
NOTARY PUBLIC

Choc D112 Ethel Rhoades

see card no. 34

Dismissed nov 4, 1904

see Choc 5278

see C. 22

D112

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

In the ma ter of the application for the enroll-  
ment as an intermarried citizen of the Choctaw Nation of-

ETHEL RHOADES      7-D-112.

Choctaw B-112.

Muskogee, Indian Territory, February 26, 1902.

Ethel Rhoades,

Centre, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 3rd 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.

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.

*T. B. Needles.*

Register.

Commissioner in Charge.

COPY

D C No. 5169

~~Ethel Rhoades~~,

Daws Commission,

Muscogee, Ind. T.

Center, Ind. T. 3-29-1902

Sir:

I received notice from you that my case would be taken up on the 3<sup>rd</sup> of April for final settlement now I have not had any notice from the Choctaw Nation and do not know what grounds they expect to contest my case on. I do not think it is necessary for me to be there as you have in your possession the marriage license showing that I am the wife of Emit L. Rhoades married to him in the Chickasaw Nation and still live with him I do not know of any other proof that would be necessary the license establishes the fact that I am the wife of Emit L. Rhoades believing that the Daws Commission involves people according to law I am willing for you to act on my case in my absence unless I knew on what the Choctaw Nation expected to produce against me I would not know of any other evidence on my part that would be necessary.

As ever

Ethel Rhoades.

Center. (Ind. T.)

Case set April 3, 1902.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 3, 1902.

.....  
: Ethel L. Rhoades, :  
: :  
: vs. : D-112.  
: :  
: The Choctaw Nation.:  
.....

In the matter of the application of Ethel Rhoades for enrollment as a citizen of the Choctaw Nation.

On the 26th day of February, 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 Ethel L. Rhoades 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 3rd day of April, 1902, for final consideration.

Now, on this 3rd 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 the 3rd day of April, 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 \_\_\_\_\_ day of April, 1902.

*Clayton C. Wood*

Notary Public.

CAF  
Dew

7-D-112.

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

In the matter of the application for the enrollment  
of Ethel Rhoades as a citizen by intermarriage of the Choctaw  
Nation.

-----

The applicant, Ethel Rhoades, claims the right to  
enrollment as a citizen by intermarriage of the Choctaw Nation by  
virtue of her marriage to one Emmet L. Rhoades.

The right of the applicant's husband, Emmet L.  
Rhoades, to citizenship in the Choctaw Nation having been adverse -  
ly 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 application  
of Ethel Rhoades for enrollment as a citizen by intermarriage of  
the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

Muskogee, Indian Territory,

NOV 4 - 1904



Choctaw D 112

COPY!

Muskogee, Indian Territory, November 4, 1904.

Ethel Rhoades,

Center, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of this Commission dated November 4, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

*James P. Hasty*

Chairman.

Registered.

Incl. 7-D112

Choctaw D 112

COPY.

Muskogee, Indian Territory, November 4, 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 4, 1904, dismissing the application for the enrollment of Ethel Rhoades as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

*Tamc Bixby*

Chairman.

Incl. 7-D-112.

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.

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 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. Rigsby for the enrollment of Ella N. Rigsby as a citizen of the Choctaw Nation; that on January 14, 1899, application was made for the enrollment of Cora 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 N. 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 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, 1898, 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 22, 1897, rendered a judgment admitting Andrew O. Rhoades, Emmet L. Rhoades, Ella N. Riggsby (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 Riggsby, Beatrice Riggsby 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 Riggsby, T. J. Riggsby, Cora Riggsby and Beatrice Riggsby, as citizens of the Choctaw Nation. The petitioners, with the exception of T. G. Olive and T. J. Riggsby, 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. Riggsby,

(mentioned in the petition as Nora Rigsby) 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. Rigsby, is the husband of Ellen N. Rigsby. 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 Rigsby, Beatrice Rigsby and Bessie Rigby are the children of Ellen N. Rigsby and T. J. Rigsby. 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. Rigsby, 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 N. Rigsby, 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. Rigsby, 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 Rigsby, Beatrice Rigsby, 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. Rigsby, 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

*Tamo Birby*

Commissioner.

Muskogee, Indian Territory.

FEB 14 1907

Muskogee, Indian Territory.

August, 18th 1900.

Ethel Rhoades,

Center, Indian Territory,

Dear Madam,-

You are hereby notified that the Choctaw Nation through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

That the Commission, commencing December, 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

7-D-112.

Acting Chairman.

Muskogee, Indian Territory, September 7, 1900

Ethel Rhoades,  
Center, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 29th of August in the matter of the protest filed by the Choctaw Nation as to your enrollment as an intermarried citizen thereof and desire to know upon what grounds the Nation has protested your enrollment and whether it is a question of law or whether you will be required to establish the fact that you are the wife of E. L. Rhoades.

You are informed that the Commission is only in receipt of a general protest from the Choctaw Nation giving the names of certain parties as to whose enrollment they make objection. The Commission in justice to these parties whose enrollment is thus objected to, has notified them of the filing of such protest and has also required of the Choctaw Nation that they prior to October 31st 1900, serve notice on these parties, stating therein the grounds upon which such protest has been made.

At the session of the Commission in Atoka, Commencing December 3rd, there will be a full opportunity granted both the applicants and the Nation to present any additional testimony they may desire and which the Commission may think substantial to the case. After such session it will be the endeavor of the Commission as early as possible to dispose of these cases. A copy of the decision rendered by the Commission, will be furnished each appli-



E. R. 2--

cont, stating therein fully the reason for the action taken by  
the Commission in these cases.

Yours truly,

Acting Chairman.

In reply please  
reference 7-1-50

Muskogee, Indian Territory, September 14, 1900.

Ethel Rhodes,

Cameo, Indian Territory.

Dear Madam:-

Since notifying you on August 15, 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 objection raised is, that you have not complied with the Choctaw intermarriage law.

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.

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 Emitt L. Rhoades and his wife, Ethal 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, 22 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. 126.

You are further advised that on November 22, 1896, Ethal 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 R

and it is probable that no such action will be taken for some time to come.

Yours truly,

Acting Chairman.

7 D 1112

7 4989

Choctaw B 112

Muskogee, Indian Territory, June 2, 1902.

Ethel Rhoades,  
Center, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of May 30, 1902, in which you desire to be informed if you have been enrolled as a Choctaw citizen.

You are advised that on April 3, 1902, the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation was called for final consideration at the office of the Commission at Muskogee, Indian Territory, and no appearance was made by you or on your behalf or on behalf of the Choctaw Nation.

The Commission now considering the case closed, will as early as practicable render a decision in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, of which decision you will be duly advised and also notified of the forwarding of the record in the case to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

COMMISSIONERS  
TAMM BEEDY,  
THOMAS E. NEEDLER,  
C. E. BRACKENRIDGE.

WM. G. BRALL,  
Secretary

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

REFER IN REPLY TO THE FOLLOWING:

7-D-112.

Muskogee, Indian Territory, August 11, 1904.

Ethel Rhoades,  
Center, Indian Territory,

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Chickasaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the land office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the land office at Fishamingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

  
Commissioner in Charge.

2

Wife of Edward L.  
Choder. arrested by  
U.S. Court. Custom Dist  
Court case. Bond to C34

Ethel P. Choder age 17

Sect (Choder)

Married in Choder  
Native born

OK  
Tushy

(White bond)

Not seen recently, with  
Choder  
Customs

D112

D112



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Tishomingo, I. T., September 8, 1904.

TD - 112

-----XX-----  
In the matter of the Application for Enrollment of  
ETHEL RHOADES  
As a citizen by intermarriage of the Choctaw Nation.

-----  
ETHEL RHOADES, having been first duly sworn by Chairman  
Bixby, testified as follows:-

Examination by the Commission:

- Q What is your name ? A Ethel Rhoades.  
Q How old are you ? A I will be 22 the 23rd of November.  
Q What is your postoffice address ? A Rebas, I.T.  
Q How long have you lived in the Chickasaw Nation ? A I have been  
here twelve years.  
Q You are a white woman ? A Yes sir.  
Q You claim to be an intermarried citizen of the Choctaw Nation ?  
A Yes sir.  
Q What is the name of your Choctaw husband ? A Ernest L. Rhoades.  
Q He is what is called a court citizen, is he not ? A Yes sir.  
Q Is his case now pending before the Choctaw-Chickasaw Citizenship  
Court ? A Yes sir.  
Q He has not been admitted by the citizenship court ? A Not yet.  
Q When were you married to him ? A In 1898.  
Q Were you ever married before your marriage to Ernest L. Rhoades ?  
A No sir.  
Q Was he ever married before his marriage to you ? A No sir.  
Q You were never married to him under a license issued by the  
Chickasaw tribal authorities ? A No sir.  
Q You were married under United States authority ? A Yes sir.  
Q Have you lived with him continuously since your marriage in 1898 ?  
A Yes sir.  
Q There has been no separation, desertion or divorce ? A No sir.

-----  
W J Jones on oath states that he reported the testimony taken  
in the matter of the application for enrollment of Ethel Rhoades as  
a citizen by intermarriage of the Choctaw Nation, at the Chickasaw  
Land Office, Tishomingo, I.T., September 8, 1904, and that the fore-  
going is a true and correct transcript of his stenographic notes taken  
in said matter.

*W. J. Jones*  
Subscribed and sworn to before me this  
the 10 day of September, 1904.

*C. L. Gordon*  
Notary Public.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Tishomingo, I. T., September 8, 1904.

7D - 112

In the matter of the Application for Enrollment of  
ETHEL RHOADES  
As a citizen by intermarriage of the Choctaw Nation.

ETHEL RHOADES, having been first duly sworn by Chairman  
Bixby, testified as follows:-

Examination by the Commission:

- Q What is your name ? A Ethel Rhoades.  
Q How old are you ? A I will be 22 the 23rd of November.  
Q What is your postoffice address ? A Behee, I.T.  
Q How long have you lived in the Chickasaw Nation ? A I have been  
here twelve years.  
Q You are a white woman ? A Yes sir.  
Q You claim to be an intermarried citizen of the Choctaw Nation ?  
A Yes sir.  
Q What is the name of your Choctaw husband ? A Remet L. Rhoades.  
Q He is what is called a court citizen, is he not ? A Yes sir.  
Q Is his case now pending before the Choctaw-Chickasaw Citizenship  
Court ? A Yes sir.  
Q He has not been admitted by the citizenship court ? A Not yet.  
Q When were you married to him ? A In 1898.  
Q Were you ever married before your marriage to Remet L. Rhoades ?  
A No sir.  
Q Was he ever married before his marriage to you ? A No sir.  
Q You were never married to him under a license issued by the  
Chickasaw tribal authorities ? A No sir.  
Q You were married under United States authority ? A Yes sir.  
Q Have you lived with him continuously since your marriage in 1898 ?  
A Yes sir.  
Q There has been no separation, desertion or divorce ? A No sir.

W J Jones on oath states that he reported the testimony taken  
in the matter of the application for enrollment of Ethel Rhoades as  
a citizen by intermarriage of the Choctaw Nation, at the Chickasaw  
Land Office, Tishomingo, I.T., September 8, 1904, and that the fore-  
going is a true and correct transcript of his stenographic notes taken  
in said matter.

*W. J. Jones*  
Subscribed and sworn to before me this  
the 10 day of September, 1904.

*W. J. Jones*  
Notary Public.

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Choc D123 J.H. Wolf

Dismissed Feb 1, 1907

D123

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

-----

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

J. H. WOLF (or Wold).....7-D-123.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

*M. D. Green*

Commission to the Five Civilized Tribes,

Alikchi, Indian Territory.

In the matter of the enrollment of J. H. Wold, as a citizen of the Choctaw Nation by marriage. Being sworn by Commissioner McKennon, he testifies as follows:

Q You were married to a Choctaw woman when? A I believe it was September 6th, 1886; I think it is.

Q How long did you live with her? A I lived with her until in 1896, I believe it was 1896.

Q You separated from her then about 1896, did you?

A Or 1895, separated a year or so before I made application for the divorce.

Q Upon what grounds did you obtain a divorce from her?

A Because she willfully abandoned me.

Q Where is she now? A The other side of Coalgate, in Atoka Co.

Q Is she married again? A I don't know; she is living with another man.

Q Since that time you have intermarried with a white woman?

A Yes sir.

Q What was her name? A Dorcas McKee.

Q When was that? A Last March was two years ago.

Q March, 1897? A Yes sir.

Q What day of the month? A I don't remember just the date of the month. I believe though it was about the 15th.

Q Have you any children by your first wife?

A Louisa Jones, Yes sir, two children.

Q Where are they? A She has got them. Anis, my daughter, was born in January, 1889 after the Act passed the Council admitting me and my family. My daughter Eunice is 17 years of age, and was therefore born before the date of the Act admitting me.

This certifies that  
Mr John Henry Wolfe  
and Miss Louisa Jones  
were married by the  
undersigned on the 6th of Sept 1886

W. B. Lloyd

Recorded October 21, 1886

G. W. Oakes

Deputy Clerk

Judicial District

Ch

Marriage

Licence of

for John H. Wolpe  
vs. Emma Jones



Choctaw Nation of  
Blue County

to whom these presents  
May Come

Know Ye that this day  
Personally appeared before me the  
undersigned Authority, John H. Wolfe  
a Citizen of the United States and made  
Application for a license for the  
Express purpose of being united in  
the Holy bonds of Matrimony between  
himself and Miss Louisa Jones a citizen  
of the Choctaw Nation now Sheriff  
as the said John H. Wolfe has complied  
with the laws of said Nation license  
to and is hereby granted the said  
John H. Wolfe for the purpose above  
written

Given this the 6<sup>th</sup> day of Sept.  
1856

G. W. Gardner

County & Pro Judge

Blue Co. &c

Received September 24 1856

J. H. Carter

Warrant Clerk

of Judicial Dist. 27

# THE CHOCTAW NATION.

In the Circuit Court of the 3<sup>rd</sup> Judicial District, Regular *Feb* Term. 1896

A PETITION, OF *J. H. Wolf* being presented by *a Zelle*

Attorney in said Court, for a

## BILL OF DIVORCE,

setting forth the facts, etc., after the Court hearing the Testimony in regard to the Petition do order and decree that a Bill of Divorce be issued to the applicant *J. H. Wolf*

THEREFORE, I do issue a Bill of Divorce to said applicant *J. H. Wolf* forever releasing *him* from the bonds of Matrimony

heretofore existing between *Louisa Wolf* and

*J. H. Wolf*

GIVEN UNDER MY HAND, and seal of office, this 5 day of *Feb* 1896

*P. C. Harris*

Circuit Clerk.

COMMISSIONERS:  
HENRY L. DAWES,  
TANS BIXBY,  
THOMAS B. HEDDLES,  
C. R. BUCKINGHAM.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

August, 18th 1900,

J. H. Woolf,

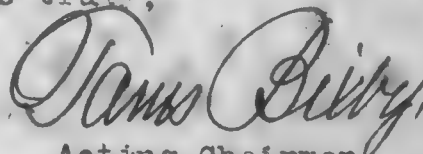
Albion, Indian Territory,

Dear Sir,-

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December, 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony in this case, and well as written arguments therein, and this hearing will be final.

Yours truly,



Acting Chairman.

7-0-123.

*Return to White no  
Swick main house*

FILED  
SEP 20 1900  
COMMISSION TO FIVE TRIBES

7-19-123

ALBION  
SEP 15  
1900  
IND. T.

Department of the Interior.  
Commission to the Five Civilized Tribes.

MUSKOGEE INDIAN TERRITORY  
OFFICIAL BUSINESS  
Penalty for private use \$300  
AUG 17 7:30 AM  
1900  
IND.

J. H. Woolf,

Albion,

Indian Territory

Muskogee, Indian Territory, September 18, 1900.

J. A. Wolf,

Albion, Indian Territory.

Dear Sir:-

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 protest against you is, that you have married out of the Nation.

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.

COMMISSIONERS  
HENRY L. DAWES.  
TAMS BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES. Choctaw D-123.

REFER IN REPLY TO THE FOLLOWING

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1902.

J. H. Wolf,  
Albion, Texas.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 4th 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.

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.

Department of the Interior.  
Commission to the Five Civilized Tribes.

In the matter of the application of  
J. H. Wolf for enrollment as an inter-  
married citizen of the Choctaw Nation.

----D 123----

On the 26th day of February, 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 notified by registered mail, that the application of J. H. Wolf 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 4th day of April, 1902, for final consideration.

Now, on this fourth day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicant being called failed to appear either in person or by attorney, and the Choctaw Nation also failed to appear.

-----

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 4th day of April, 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 C. Risteen*

Subscribed and sworn to before me this 5th day of April,  
1902.

*Wm. M. Caldwell*  
Notary Public.

7-D-759.

Muskogee, Indian Territory, February 27, 1903.

J. H. Wold,

Alikohi, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw nations April 1, 1903. The act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at this place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.



COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

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

REFER IN REPLY TO THE FOLLOWING

Choctaw D 759

ALLISON L. AYLESWORTH  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 10, 1904.

J. H. Vold,

Alikchi, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

COMMISSIONERS:  
TAMM BERRY,  
THOMAS S. WHEELER,  
C. E. BUCKENFEDER.

WM. O. BEALL,  
Secretary.

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

COPIES IN REPLY TO THE COMMISSIONER

7-D-123.

Muskogee, Indian Territory, August 11, 1904.

J. B. Wolf,

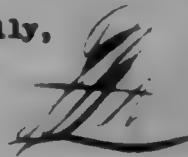
Albion, Texas,

Dear Sir:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Chickasaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the land office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the land office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,



Commissioner in Charge.

75123

Department of the Interior  
Commissioner of the Five Civilized Tribes,  
Muskogee, Okla., U.S.

General Office Chickasaw

Advice that before proper con-  
sideration can be given to ap-  
plication for enrollment it will  
be necessary to appear and testify  
as to intermarried status on Sep  
25, 1902.

J. B. Wolf

Attorney

Texas



State  
med.  
No. 1

7-D-789.

Muskogee, Indian Territory, August 17, 1904.

J. H. Wold,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1904.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

7-D-123.

Muskogee, Indian Territory, November 1, 1906.

Postmaster,

Alikehi, Indian Territory.

Dear Sir:

The records of this office show that application has been made for the enrollment of J. H. Wolf as a citizen by inter-marriage of the Choctaw Nation. Frequent letters addressed to said applicant at Albion, Texas, his last known postoffice address, have been returned unclaimed. If you have any knowledge of the whereabouts of said applicant, kindly notify this office of same at the earliest possible date.

Respectfully,

Commissioner.

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

-----

In the matter of the application for the enrollment of J. H. Wolf (or Wold) as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N .

It appears from the census card record in this case that in April, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of J. H. Wolf (or Wold) as a citizen by intermarriage of the Choctaw Nation, at which time he gave his post office address as Albium, Texas.

This office has for the past six 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 citizens 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 J. H. Wolf (or Wold) as a citizen by intermarriage of the Choctaw Nation should be dismissed, and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

---

Muskogee, Indian Territory,

August, 18th 1900,

J. H. Woolf,

Albion, Indian Territory,

Dear Sir,-

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December, 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony in this case, and well as written arguments therein, and this hearing will be final.

Yours truly,

7-9-193.

Acting Chairman.

Choctaw D-123.

Muskogee, Indian Territory, February 26, 1902.

J. H. Wolf,

Albion, Texas.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 4th 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.

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.

*T. B. Nessées.*

Commissioner in Charge.

Register.



Muskogee, Indian Territory, February 26, 1903.

J. H. Wolf,  
Albion, Texas.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Cheetaw and Chickasaw Nations April 1, 1903.

The Act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Cheetaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Cheetaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 15, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Choctaw D 759

Muskogee, Indian Territory, February 10, 1904.

J. H. Wold,

Alikchi, Indian Territory.

Dear Sir:

You are hereby advised, that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw D 123

Muskogee, Indian Territory, February 12, 1904.

J. H. Wolf,  
Albium, Texas.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-D-123.

Muskogee, Indian Territory, August 11, 1904.

J. B. Wolf,

Albrin, Texas,

Dear Sir:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Chickasaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the land office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the land office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 3, 1904.

Mr. J. H. Wolf,  
Albium, Texas,

Dear Sir:

You are hereby notified that before further consideration can be given your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902. For this purpose you are requested to appear at the general office of the Commission at Muskogee, Indian Territory as soon as possible.

Respectfully,

Chairman.

7-1-1905.

Muskogee, Indian Territory, November 1, 1905.

Postmaster,

Albion, Texas.

Dear Sir:

The records of this office show that application has been made for the enrollment of J. H. Wolf as a citizen by intermarriage of the Choctaw Nation. Frequent letters addressed to said applicant at Albion, Texas, his last known postoffice address, have been returned unclaimed. If you have any knowledge of the whereabouts of said applicant, kindly notify this office of same at the earliest possible date.

Respectfully,

Commissioner.

Department of the Interior.  
Commission to the Five Civilized Tribes.

In the matter of the application of  
J. H. Wolf for enrollment as an inter-  
married citizen of the Choctaw Nation.

----D 123----

On the 26th day of February, 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 notified by registered mail, that the application of J. H. Wolf 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 4th day of April, 1902, for final consideration.

Now, on this fourth day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicant being called failed to appear either in person or by attorney, and the Choctaw Nation also failed to appear.

-----

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 4th day of April, 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 C Risteen*

Subscribed and sworn to before me this 5th day of April,  
1902.

*Wm Mitchell Wood*

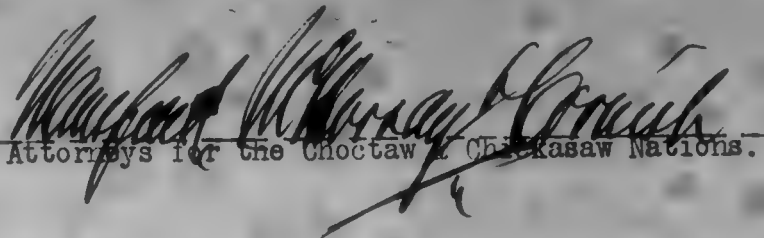
Notary Public.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of I. H. Wold as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-759.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

  
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904



Choctaw 1-123.

In the matter of the enrollment  
of J. A. Wolf as an intermarried  
citizen of the Choctaw Nation.

ACT OF  
Choctaw and Chickasaw Attorneys

*Protest overruled by  
Department, March  
31, 1904.*

DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

FILED

FEB 6 1904



CHAIRMAN

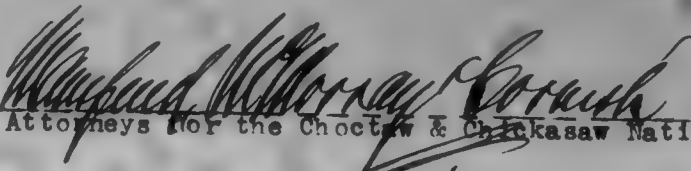
BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
J. H. Wolf as a citizen by intermarriage of the Choctaw Nation,  
Choctaw Field No. D-123.

-----

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

  
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

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Choc D 129 Ed Randolph

Cancelled

Trans to Choc 5755

except proof of death of Luther Randolph

3-21-1904

D129



IN RE  
THE DEATH OF

Luther Randolph

a citizen of the

Choctaw Nation.

APR 4 1902


Approved 1902

C. R. McQuinn  
Commissioner.

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

FILED

APR 4 1902

  
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Luther Randolph
a citizen of the Choctaw Nation, who formerly resided at or near
Harris, Ind. Ter., and died on the 27th day of August
1900.

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Ed Randolph, on oath state that I am 29
years of age and a citizen, by marriage, of the Choctaw Nation;
that my post office address is Goodwater, Ind. Ter.; that I am
father of Luther Randolph
who was a citizen, by blood, of the Choctaw Nation;
and that said Luther Randolph died on the 27th day of
August, 1900.

WITNESSES TO MARK:

Ed Randolph

(Must be Two Witnesses)

Subscribed and sworn to before me this 4th day of April 1900
Clara Mitchell Wood
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, W. J. Whiteman, on oath state that I am
years of age, and a citizen, by marriage, of the Choctaw Nation;
that my post office address is Goodwater, Ind. Ter.;
that I was personally acquainted with Luther Randolph
who was a citizen, by blood, of the Choctaw Nation;
and that said Luther Randolph died on the 27th day of
August, 1900.

WITNESSES TO MARK

W. J. Whiteman

(Must be Two Witnesses)

Subscribed and sworn to before me this 4th day of April 1900
Clara Mitchell Wood
Notary Public.

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Empty

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Empty

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Choc D135 Jimmie Davis

nos 2d3 trans Choc card 5612

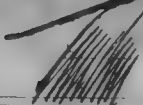
D135



IN RE  
THE DEATH OF

*Jimmie Davis*  
a citizen of the  
*Choctaw* Nation.

Approved **JAN -8 1901** 190

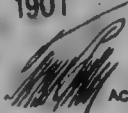


Commissioner.

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

**FILED**

**JAN 8 1901**



ACTING CHAIRMAN.

*Choctaw*  
*NO. 135.*

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *Gimmie Davis* (Here insert name of deceased.) a citizen of the *Choctaw* Nation, who formerly resided at or near *Bethel*, Ind. Ter., and died on the *12<sup>th</sup>* day of *July*, 190*0*.

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY, *Central* District.

I, *Isaac Winship*, on oath state that I am *25* years of age and a citizen, by *Blood*, of the *Choctaw* Nation; that my post office address is *Bethel*, Ind. Ter.; that I am *Aha's brother* of *Gimmie Davis* who was a citizen, by *Blood*, of the *Choctaw* Nation; and that said *Gimmie Davis* died on the *12<sup>th</sup>* day of *July*, 190*0*.

(Must be Two Witnesses.)

Subscribed and sworn to before me this *19* day of *Dec*, 190*0*. *Benny Bowen* Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, *Central* District.

I, *Almond F. Carterby*, on oath state that I am *24* years of age, and a citizen, by *Blood*, of the *Choctaw* Nation; that my post office address is *Bethel*, Ind. Ter.; that I was personally acquainted with *Gimmie Davis* who was a citizen, by *Blood*, of the *Choctaw* Nation; and that said *Gimmie Davis* died on the *12<sup>th</sup>* day of *July*, 190*0*.

(Must be Two Witnesses.)

Subscribed and sworn to before me this *19* day of *Dec*, 190*0*. *Benny Bowen* Notary Public.

Empty

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Empty



Empty

choc D 143 Charles W. Irvin

D143

*Charles W. Ervin*

*Jan 31, 1902* DECISION RENDERED  
**REFUSED**

**GRANTED** OCT 13 1904

DECISION RENDERED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

DECISION RENDERED FEB 25 1905  
**REFUSED**

COPY OF DECISION FORWARDED  
APPLICANT

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS FEB 25 1905

RECORD FORWARDED DEPARTMENT.  
FEB 25 1905

*See Pat. # W-54*

*Charles W. Ervin transferred to Choctaw  
jacket # 406 Oct 31, 1904.*

*See opposite side.*

NOTED BY  
DIRECTOR

FEB 25 1907

RECEIVED  
MAR 20 1907

MAR 20 1907

RECEIVED

MAR 20 1907

C O P Y.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Antlers, I. T. December 2nd, 1902.

Choctaw D-143  
Intermarried

In the matter of the application of Charles W. Ervin for enrollment as an intermarried citizen of the Choctaw Nation. Also for two minor children as citizens of the Choctaw Nation.

Charles W. Ervin being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Charles W. Ervin.  
Q How old are you? A About forty-three this coming January.  
Q What is your post office address? A Grant.  
Q How long have you been a resident of the Choctaw Nation?  
A Ever since '70 -- thirty-two years.  
Q Have you lived here continuously for the past thirty-two years? A Yes sir.  
Q Never made your home anywhere else during that time? A No sir.  
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir  
Q What is the name of your Choctaw wife through whom you claim these rights? A Annie Peter.  
Q Was she a recognized and enrolled citizen of the Choctaw Nation? A She died before this roll was made.  
Q Was she always recognized as a Choctaw citizen by blood?  
A Yes sir.  
Q When were you married to Annie Peter? A If I remember right it was in '87; my papers are here on file.  
Q Where was this marriage ceremony performed? A At old Goodwater, T. E. Oakes'.  
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes sir.  
Q Were you married in accordance with the Choctaw tribal law? A Yes sir.  
Q Did you obtain a marriage license? A Yes sir.  
Q From whom did you get that license? A T. E. Oakes.  
Q What was his official position? A County Judge.  
Q Of what county? A Kiamitia county.  
Q How much did you pay for the license? A I believe, as well as I remember, the license was \$25 at that time I think; I wouldn't be positive.  
Q Who performed the marriage ceremony? A J. P. Givens.  
Q Were you ever married before your marriage to Annie Ervin?  
A No sir.  
Q Was she ever married before her marriage to you? A No sir.

Q How long did you live with her as her husband? A About nine years, as well as I remember; between eight and nine years.

Q Did you live with her continuously up to the time of her death? A Yes sir.

Q There was no separation of any kind whatsoever? A No sir.

Q After her death did you remarry? A Yes sir.

Q What is the name of your second wife? A Dolly Grubbs.

Q Is she a white woman? A Yes sir.

Q Citizen of the United States? A Yes sir.

Q When were you married to her? A It was in May I believe; I don't remember the date though.

Q What year, do you know what year? A '96 I believe.

Q How long after the death of your first wife? A About twelve or thirteen months as well as I remember.

Q Where did you marry this white woman? A I married her at old Judge Everidge's, Supreme Judge of Kiamitia county -- Joel Everidge.

Q Did you obtain a license for this second marriage? A No sir.

Q How long did you live with this white woman? A Still living with her.

Q Are you at present an actual and bona fide resident of the Choctaw Nation? A Yes sir.

Q Do you wish to make application for any one else besides yourself? A Yes sir, two little ones, that's all.

Q You have two little ones that have never been enrolled? A Yes sir, by my last wife.

Q By your white wife? A Yes sir, Lula and Alice.

Q How old is Lula? A She's about four years old - five years old, or going on five years old.

Q How old is Alice? A She will be two years old this coming April.

Q These children have no Indian blood in them at all? A None whatever as I know of.

-----

Albert G. McMillan 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 2nd day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 20 day of January,  
1903.

Charles H. Sawyer  
Notary Public.

(SEAL)

*IN RE*

Application for Enrollment of

INFANT CHILD

*Alice Ervin*

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 *Alice Ervin*, born on the *1* day of *apl*, 1901  
(Here insert name of child)  
Name of Father: *Chas. W. Ervin* a citizen of the *Choctaw* Nation.  
Name of Mother: *Dolly Ervin* a citizen of the *Choctaw* Nation.  
Post-office *Grant S. S.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
*Central* District.

I, *Dolly Ervin*, 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 *Chas. W. Ervin*, who is a citizen, by  
*adoption*, of the *Choctaw* Nation; that a *Female* child was  
(male or female.)  
born to me on *1<sup>st</sup>* day of *apl*, 1901; that said child has been  
named *Alice Ervin*, and is now living.

WITNESSES TO MARK:  
(Must be Two Witnesses.)  
*(Seal)* *Dolly Ervin*

Subscribed and sworn to before me this *21* day of *May*, 1901.  
*D. P. Harold*  
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
*Central* District.

I, *J. D. Abels*, a *Physician*, on oath state that I  
attended on Mrs. *Dolly Ervin*, wife of *Chas. W. Ervin*  
on the *1<sup>st</sup>* day of *apl*, 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 *Alice Ervin*.

WITNESSES TO MARK:  
(Must be Two Witnesses.)  
*(Seal)* *J. D. Abels*

Subscribed and sworn to before me this *21* day of *May*, 1901.  
*D. P. Harold*  
NOTARY PUBLIC.



*Indented*

**IN RE**

Application for Enrollment of

**INFANT CHILD**

*Lula Ervin*

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 Chocktaw Nation,  
of Lula Ervin, born on the 30 day of Aug, 1898  
(Here insert name of child.)  
Name of Father: Chas W Ervin a citizen of the Chocktaw Nation.  
Name of Mother: Dollie Ervin a citizen of the \_\_\_\_\_ Nation.  
Post-office Grant I. T.

AFFIDAVIT OF MOTHER.

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

I, Dollie Ervin, on oath state that I am 26  
years of age and a citizen, by \_\_\_\_\_, of the United States Nation;  
that I am the lawful wife of Chas W Ervin, who is a citizen, by  
Marriage, of the Chocktaw Nation; that a Female child was  
(male or female.)  
born to me on 30 day of Aug, 1898; that said child has been  
named Lula Ervin, and is now living.

WITNESSES TO MARK:  
(Must be Two Witnesses.)

A. W. Whitaker  
C. H. Hill

Dollie Ervin  
mark

(Seal) Subscribed and sworn to before me this 18 day of Dec, 1902

D. P. Harald  
NOTARY PUBLIC  
Grant I. T.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY }  
\_\_\_\_\_ District, }

I, C. C. Calder, a \_\_\_\_\_, on oath state that I  
was present with  
attended on Mrs. Dollie Ervin, wife of Chas W Ervin  
on the 30 day of Aug, 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  
(male or female.)  
named Lula Ervin

WITNESSES TO MARK:  
(Must be Two Witnesses.)

A. W. Whitaker  
C. H. Hill

C. C. Calder  
mark

(Seal) Subscribed and sworn to before me this 18 day of Dec, 1902

D. P. Harald  
NOTARY PUBLIC  
Grant I. T.

7-D-143.

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

In the matter of the application for the enrollment of Lula Ervin and Alice Ervin as citizens of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on December 2, 1902 application was made to this Commission by Charles W. Ervin for the enrollment as citizens of the Choctaw Nation of his two minor children, Lula Ervin and Alice Ervin, aged four years and two years, respectively.

It further appears from the evidence herein that the applicants, Lula Ervin and Alice Ervin, are the children of the said Charles W. Ervin, a white man and an intermarried citizen of the Choctaw Nation, and Dolly Ervin, a noncitizen white woman; and that neither the said Charles W. Ervin nor his wife Dolly Ervin nor the minor applicants herein are of Choctaw blood.

It further appears from the record herein and from the records of the Commission that Charles W. Ervin was on October 30, 1887 married in accordance with the laws, customs and usages of the Choctaw Nation to Annie Peter, a recognized and enrolled citizen by blood of the Choctaw Nation; that the

2.

said Annie Peter died in 1896 and that in 1897 the said Charles W. Ervin was married to Dolly Ervin, a white woman, the mother of the applicants herein; that the right of said Charles W. Ervin as an intermarried citizen of the Choctaw Nation has been adjudicated by this Commission and his name appears as number 1096 upon the lists prepared by this Commission, under the provisions of the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation and approved by the Secretary of the Interior on November 16, 1904.

It is contended for the applicants herein that under article thirty-eight of the treaty of 1866, which is as follows:

"Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw Nations, 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 or Chickasaw."

Charles W. Ervin, the father of these children, became through intermarriage, a citizen of the Choctaw Nation and could confer citizenship rights upon his children by a non-citizen wife in all respects as if he were a native Choctaw and that his said minor children should therefore be enrolled as citizens of the Choctaw Nation.

The Choctaw and Chickasaw Citizenship Court, created under the provisions of the act of Congress approved July 1, 1902 (32 Stat. 641), upon this class of cases and especially

3.

in the case of E. H. Bounds, et al., vs. Choctaw and Chickasaw Nations, case number 9 upon the Tishomingo docket of said court, and in other similar cases, held that, under the article of the treaty above referred to, the rights which an intermarried citizen acquired by virtue of his marriage to an Indian spouse were purely personal in character, and that no right of membership in either the Choctaw or Chickasaw Nation, accrues to a white person who has intermarried with another person who had previously been married to a member by blood of either of said nations, or accrues to the descendants of such white person.

It would seem that in view of all the circumstances and conditions attending the treaty of 1866 and the prior history of the Choctaw and Chickasaw Nations, all doubts with respect to the construction of any treaty entered into by said nations should be resolved in favor of said nations. It is apparent that at the time when this treaty was made an immediate allotment in severalty to the different members of the tribe was contemplated, so that it may be fairly presumed that this article applied to those who had already married into the tribe or those who might by their own voluntary act, and the consent of the tribe, become members of the tribe through intermarriage or adoption, and none others. All authorities agree that, in the construction of treaties with Indians, where the terms of a treaty are vague or uncertain, questions of construction, if any, must be decided in favor of the Indians.

In this connection it is important to note the

4.

construction put upon this treaty by the Choctaw and Chickasaw Nations. The Choctaw Nation, in particular, has never allowed the intermarried citizens to participate in any of their annuities, and an examination of the tribal rolls in the possession of the Commission fails to show a recognition by either nation of any white person other than those who might have been adopted by acts of the Council or who were citizens by intermarriage. At the time of the treaty of 1866 there were intermarried citizens resident in the Choctaw-Chickasaw country who had previously been married to citizens by blood and were then married to noncitizens and had children by such subsequent marriages, but the Commission is unable to discover that any of said white children of intermarried citizens were ever recognized by the tribes.

The Commission is, therefore, of the opinion that an intermarried citizen could confer no rights of citizenship upon a noncitizen spouse or children by such spouse, and that the application for the enrollment of Lula Ervin and Alice Ervin as citizens of the Choctaw Nation 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.

Muskogee, Indian Territory.

FEB 2 - 1905

  
Commissioner.

7-D-143

COPY!

Muskogee, Indian Territory, February 2, 1905.

Charles W. Ervin,  
Grant, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 2, 1905, denying the application for the enrollment of your two minor children, Lula Ervin and Alice Ervin, 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 the Commission is informed of the same.

Respectfully,

SIGNED,

*James Bixby*

Chairman.

Registered.

Incl. 7-D-143.

7-D-143

COPY.

Muskogee, Indian Territory, February 2, 1905.

D. P. Harald,  
Grant, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on February 2, 1905, rendered its decision denying the application for the enrollment of Lula Ervin and Alice Ervin as citizens of the Chectaw 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,

SIGNED,

*Jams Bixby*  
Chairman.

Registered.



7-D-143

COPY.

Muskogee, Indian Territory, February 2, 1905.

Mansfield, McFurray & 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 2, 1905, denying the application for the enrollment of Lula Ervin and Alice Ervin 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 the Commission is informed of the same.

Respectfully,

(SIGNED)

*James Duxey*

Chairman.

Incl. 7-D-143.

Muskogee, Indian Territory, February 2, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith the record of proceedings in the matter of the application of Charles W. Ervin for the enrollment of his two minor children, Lula and Alice Ervin as citizens of the Choctaw Nation, together with the decision of the Commission of February 2, 1905 refusing the application for their enrollment as citizens of the Choctaw Nation.

The question presented in this case is as to the rights of intermarried citizens of the Choctaw and Chickasaw Nations to confer upon their white wives and children by such marriages the right of citizenship in the Choctaw and Chickasaw Nations.

Inasmuch as there are now pending before the Commission a number of cases wherein this question is presented I have the honor to respectfully request that this case receive the early consideration of the Department in order that disposition may be made of the applications of persons occupying an analogous status pending before the Commission.

Respectfully,

*James Bixby.*

Through the Commissioner  
of Indian Affairs.  
Choctaw B 148

Chairman.

Muskogee, Indian Territory, October 26, 1906.

The Honorable

The Secretary of the Interior.

Sir:-

February 2, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Lula Ervin and Alice Ervin as citizens of the Choctaw Nation and on said date the record therein together with the decision denying said application was forwarded to the Department.

For consideration therewith there is enclosed herein a petition filed with this office on January 25, 1906, by Chilson Riley, Attorney at law, Ardmore, Indian Territory, praying for the enrollment of the above named applicants as citizens of the Choctaw Nation.

The name of Charles V. Ervin, father of said applicants, appears as No. 1096 upon the final roll of citizens by intermarriage of the Choctaw Nation approved by the Department November 16, 1904.

Very respectfully,

Inc.-JGG-1-26.

Commissioner.

Through the Commissioner  
of Indian Affairs.

NEW BORN

#67

78143.

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved  
April 26, 1906.

*Lula Erwin*

as a citizen of

*Choctaw* Nation.

Approved..... 190...

Commissioner.

*Born Aug. 30, 1898*

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

AUG 23 1906

Notify Chilion Riley,  
Ardmore, Ind. Terry.,  
of all action taken hereon.

RECEIVED

JUL 11 1906

CHOCTAW

~~111111~~

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

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Lula Erwin, born on the 30 day of August 1898.  
[Here insert name of child]  
Name of Father: Charles W Erwin a citizen of the Choctaw Nation.  
Name of Mother: Dollie Erwin a citizen of the Choctaw Nation.  
Tribal enrollment of father: Inter married Tribal enrollment of mother: none  
Postoffice: Grant Indian Ferry

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }  
Central District. }

I, Dollie Erwin on oath state that I am 30  
years of age and a citizen by I W of the Choctaw Nation;  
that I am the lawful wife of Charles W Erwin, who is a citizen, by  
marriage, of the Choctaw Nation; that a female child was  
born to me on 30th day of August 1898; that said child has been named  
Lula Erwin, and was living March 4, 1906.

Dollie Erwin

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 8th day of May 1906.

My Commission expires Feb'y. 5th, 1907.

John H. Green  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }  
Central District. }

I, Carrie Calder, a midwife, on oath state that I  
attended on Dollie Erwin, wife of Charles W Erwin  
on the 30th day of August, 1898; that there was born to her on said date a female  
child; that said child was living March 4, 1906, and is said to have been named Lula Erwin

Carrie X Calder

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 8th day of May 1906.

My Commission expires Feb'y. 5th, 1907.

John H. Green  
Notary Public.

*IN RE*

Application for Enrollment of

INFANT CHILD

as a citizen of

Nation.

Approved,

190.

Commissioner.

**REFUSED**  
*David*  
*Frederick*

*sub*

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

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
of Alice Erwin, born on the 1<sup>st</sup> day of April, 1901  
(Here insert name of child)  
Name of Father: Chas. W. Erwin, a citizen of the Choctaw Nation.  
Name of Mother: Dolley Erwin, a citizen of the United States Nation.  
Post-office, Grant, T. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Central District.

I, Dolley Erwin, on oath state that I am 26  
years of age and a citizen, by Marriage, of the United States Nation;  
that I am the lawful wife of Chas. W. Erwin, who is a citizen, by  
Intermarriage, of the Choctaw Nation, that a Female child was  
(male or female)  
born to me on the 1<sup>st</sup> day of April, 1901 that said child has been  
named Alice Erwin, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Dolley Erwin

Subscribed and sworn to before me this 27<sup>th</sup> day of May, 1901.

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
District.

I, C. G. Vick, a Physician, on oath state that I  
attended on Mrs. Dolley Erwin, wife of Chas. W. Erwin,  
on the 1<sup>st</sup> 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  
(male or female)  
named Alice Erwin.

WITNESSES TO MARK:

(Must be Two Witnesses)

J. D. Phelps, M. D.

Subscribed and sworn to before me this 27 day of May, 1901.

NOTARY PUBLIC.

NEW BORN

#107  
199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved  
April 26, 1906.

Alice Erwin

as a citizen of

Choctaw Nation.

Approved..... 190.....

Commissioner.

Born April 1, 1901

ACT OF CONGRESS APPROVED APRIL 26, 1906

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

AUG 22 1906

Commissioner

Notify Chilion Riley  
Ardmore, Ind. Terry.,  
of all action taken hereon.

CHOCTAW

JUL 1 1906



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

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Alice Ervin, born on the 1 day of Apr 1901  
[Here insert name of child]  
Name of Father: Charles W Ervin a citizen of the Choctaw Nation.  
Name of Mother: Hollie Ervin a citizen of the " Nation.  
Tribal enrollment of father marriage Tribal enrollment of mother none  
Postoffice Grant Indian Ferry

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,  
Central District.

I, Hollie Ervin on oath state that I am 30  
years of age and a citizen by marriage of the Choctaw Nation;  
that I am the lawful wife of Charles W Ervin, who is a citizen, by  
marriage of the Choctaw Nation; that a female child was  
born to me on 1st day of April, 1901; that said child has been named  
Alice Ervin, and was living March 4, 1906.  
Hollie Ervin

WITNESSES TO MARK:

[Must be Two Witnesses] { .....

Subscribed and sworn to before me this 8th day of May, 1906.  
John F. Lacey Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,  
Central District.

I, ....., on oath state that I  
attended on Mrs. Hollie Ervin, wife of Charles W Ervin  
on the ..... day of .....; that there was born to her on said date a female  
child; that said child was living March 4, 1906, and is said to have been named Alice Ervin.

WITNESSES TO MARK:

[Must be Two Witnesses] { .....

Subscribed and sworn to before me this ..... day of May, 1906.  
..... Notary Public.

JBY  
S.P.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

DC-11704-1907.  
I.T.W. 7782-1906.  
23106-19 06.

February 25, 1907.

DIRECT.

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

Sir:

On June 24, 1905 (Land 10083-05), the Indian Office transmitted the report of the Commission to the Five Civilized Tribes, dated February 2, 1905, in the matter of the application of Charles W. Ervin for the enrollment of his two minor children Lula and Alice Ervin, as citizens of the Choctaw Nation, together with the decision of the Commission, dated February 2, 1905, adverse to the applicants.

The Indian Office recommends that the decision of the Commission be reversed and that it be instructed to enroll the applicants.

On November 17, 1906 (Land 95925), the Indian Office transmitted your report, dated October 26, 1906, forwarding a petition on behalf of these applicants requesting that they be enrolled as citizens of the Choctaw Nation.

In view of the decision of the Attorney General, dated February 19, 1907, in the consolidated case of Cyrus H. Kingsbury, the decision of the Commissioner to the Five Civilized Tribes, dated February 2, 1905, is affirmed.

The petition of the applicants is denied and is returned with the other papers in the case, together with a carbon copy hereof, to the Indian Office.

--2--

A copy of Indian Office letter is inclosed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inc. and 2 to Ind. Of.

AFMc  
2-26-07.

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

DC-11704.  
Land.  
95925-1906.

November 17, 1906.

The Honorable,  
The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of October 26, 1906, from Tams Bixby, Commissioner to the Five Civilized Tribes, who says that on February 2, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Lulu Ervin and Alice Ervin, as citizens of the Choctaw Nation, and on the same date the record therein, together with the decision denying the application was forwarded to the Department.

For consideration therewith Mr. Bixby encloses a petition filed in his office on January 25, 1906, by Chilion Riley, an attorney at law of Ardmore, Indian Territory, praying for the enrollment of the above named applicants as citizens of the Choctaw Nation.

Mr. Bixby reports that the name of Charles W. Ervin, father of these applicants, appears at No. 1097 of the final roll of citizens by intermarriage of the Choctaw Nation, approved by the Department on November 16, 1904.

The case to which this application refers was forwarded to the Department by this office on June 24, 1905, and it has not

--2--

been notified of any action having been taken thereon.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-Y.

7-D-105

Muskogee, Indian Territory, March 21, 1907.

Charles W. Ervin,  
Grant, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of February 2, 1905, denying the application for the enrollment of Lula Ervin and Alice Ervin as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

7-11-10

Muskogee, Indian Territory, March 21, 1907.

D. P. Herald,

Grant, 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 2, 1905, denying the application for the enrollment of Lula Ervin and Alice Ervin as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

7-2-1907

Muskogee, Indian Territory, March 21, 1907.

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

Gentlemen:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of February 2, 1905, denying the application for the enrollment of Lula Ervin and Alice Ervin as citizens of the Choctaw Nation.

Respectfully,

Commissioner.



Muskogee, Indian Territory, May 22, 1901.

Mr. Charles Ervin,

Grant, Indian Territory.

Dear Sir:

The Commission is in receipt of an application for enrollment as a citizen of the Choctaw Nation, of Alice Ervin, the infant daughter of Chas. W. and Dollie Ervin, born April 1, 1901, and the same is hereby returned to you for the reason that it cannot be accepted by the Commission, the affidavit of the mother to the birth of the child containing statements that are not in accordance with the records of the Commission relative to the child's parents.

It is stated in the affidavit of the mother that her name is Dollie Ervin, that she is 26 years old and a citizen by adoption of the Choctaw Nation, and the lawful wife of Chas. W. Ervin, who is a citizen by adoption of the Choctaw Nation.

You are informed that the records of the Commission show that Charles W. Ervin was listed for enrollment as an intermarried citizen of the Choctaw Nation, and his name placed upon Choctaw roll card, field No. D-143, under date of May 8, 1899. The records further show that you were married to Annie Peters, a Choctaw citizen, October 30, 1887, that she died in 1896 and in 1897 you was married to Dollie Grubbs, a white woman and a citizen of the United States. The records of the Commission do

C.W.E.---2.

not show that your present wife, Dollie Ervin, was ever an applicant for citizenship in the Choctaw Nation, and the Commission is unable to understand why she should make a statement under oath that she is a citizen by adoption of the Choctaw Nation.

You are further informed that the expression "citizen by adoption" refers to the freedmen of the Choctaw and Chickasaw Nations, and not to white intermarried citizens.

A new blank is enclosed you herewith for the purpose of making another application for the enrollment of your child. Upon its return properly executed the matter of the enrollment of your child will receive further consideration.

Yours truly,

Acting Chairman.

7-D-143  
DeB-161  
B.C.

Muskogee, Indian Territory, June 3, 1901.

Charles W. Ervin,

Grant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your application for enrollment as a citizen of the Choctaw Nation of Alice Ervin, the infant daughter of Charles W. and Dolly Ervin, born April 1, 1901.

The same is returned to you herewith with the information that the Commission cannot accept the application for the enrollment of this child as a citizen of the Choctaw Nation.

It appears from our records that you as the father of this child claim your right to enrollment as a citizen of the Choctaw Nation by virtue of your marriage to Annie Peters, a Choctaw Indian, in October, 1887; that you have no Choctaw blood but are simply a claimant for enrollment as a citizen by intermarriage of the Choctaw Nation by reason of your marriage to her; the mother of this child, Dolly Ervin, claims no right to enrollment as a citizen of the Choctaw Nation and is a white woman having no Indian blood. This child is therefore the offspring of two white persons having no Choctaw blood and as the Commission is only empowered to enroll citizens by blood or intermarriage of the Choctaw Nation, the application for the enrollment of this child must be refused

CWB 2

and it is returned to you herewith.

Yours truly,

Acting Chairman.

Enc b

7-D-143

7- 1645  
7-D- 143  
19-D- 53

Muskogee, Indian Territory, December 31, 1902.

D. P. Harold,  
Grant, Indian Territory.

Dear Sir:

There was received at this office on December 24, 1902, the application for enrollment as a citizen of the Choctaw Nation of Jamie Tanitubee, infant daughter of Charlie and Amelia Tanitubee, born September 9, 1900. It appears that the Notary Public before whom the affidavits of the mother and the mid-wife were acknowledged has failed to attach his jurat and signature to said affidavits.

For the purpose of assisting you in having this proof of birth in proper form there is enclosed you herewith a new blank, which you are requested to have filled out. 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 are attested by two disinterested parties, witnesses thereto, and the Notary Public before whom the same are acknowledged must affix his notarial jurat and seal to each separate affidavit.

Upon return of the enclosed blank properly executed the matter of the enrollment of this child will receive further consideration.

D. P. Harold-----2

Receipt is also acknowledged of the application for enrollment as a Chickasaw Freedman of Eddie McDonnel, infant son of Eli and Ida McDonnel, born February 21, 1900. Also certificate of marriage between Eli McDonnel and Ida McDonnel, January 1, 1894. It appears in the affidavit of the mother that she is a citizen by adoption of the Chickasaw Nation.

If this is correct kindly state when, where, and under what name and the date of her enrollment, the names of her parents and other members of her family who appeared at the same time, and such other information you may possess which would enable the Commission to identify her upon its records.

Upon receipt of the information requested the matter of the enrollment of this child will receive further consideration.

Receipt is also acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Lula Ervin, infant daughter of Charles W. and Hollie Ervin, born August 30, 1898; also the application for enrollment as a citizen of the Choctaw Nation of Alice Ervin, infant daughter of Charles W. and Hollie Ervin, born April 1, 1901, and the same Indian papers for both have been duly filed with the records of the Commission as evidence of the birth of the above named children.

Receipt is further acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Thomas Briggan Bohanon, infant son of Thomas and Alice Bohanon, born December 15, 1902.

You are advised that the Commission is without authority to enroll this child, it appearing that it was born December 15,

D. P. Harold—8

1902, subsequent to the date of the ratification on September 25,  
1902, of the act of Congress approved July 1, 1902.

Section twenty-eight thereof 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 the issue 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."

Respectfully,

Acting Chairman.

Wm. H. H.

70  
27-143

Muskogee, Indian Territory, July 13, 1903.

Charles W. Ervin,  
Grant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant requesting to be advised whether the names of Lula and Alice Ervin appear upon the citizenship rolls of the Choctaw Nation.

You are informed that it appears from our records that on December 6, 1902 the names of Lula and Alice Ervin, minor daughters of Charles W. and Dolly Ervin, were listed for enrollment as doubtful claimants to citizenship in the Choctaw Nation.

No decision has yet been rendered by the Commission relative to the rights to final enrollment of the above named children; whenever such decision has been made by the Commission a copy of the same will be forwarded to you at your present post office address.

Respectfully,

Commissioner in Charge.



Muskogee, Indian Territory, July 14, 1903.

Charles W. Ervin,  
Grant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant requesting to be advised whether the names of Lula and Alice Ervin appear upon the citizenship rolls of the Choctaw Nation.

You are informed that it appears from our records that on December 6, 1902 the names of Lula and Alice Ervin, minor daughters of Charles W. and Dolly Ervin, were listed among the doubtful claimants for enrollment as citizens of the Choctaw Nation.

No decision has yet been rendered by the Commission relative to the rights to final enrollment of the above named children; whenever such decision has been made by the Commission a copy of the same will be forwarded to you at your present post office address.

Respectfully,

Commissioner in Charge.

Choctaw D 143

Muskogee, Indian Territory, February 12, 1904.

Charles W. Ervin,  
Grant, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of your self as an intermarried citizen or of your minor children Lula and Alice Ervin as citizen by blood of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-D-143

Muskogee, Indian Territory, August 19, 1905.

Charles W. Ervin,  
Grant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 15, 1905, asking for copy of the decision denying the citizenship of your children Lula and Alice Ervin, as citizens of the Choctaw Nation. In compliance with your request there is inclosed herewith copy of the decision of the Commission to the Five Civilized Tribes of February 2, 1905, denying the application for the enrollment of Lula and Alice Ervin, as citizens of the Choctaw Nation.

Respectfully,

LM 2/19

Acting Commissioner.

Choctaw D 143

Muskogee, Indian Territory, October 7, 1906.

Chilion Wiley,  
Attorney at Law,  
Ardenore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 29, asking that you be entered as attorney for the applicants in the matter of the application for the enrollment of Alice and Lula Ervin, children of Charles W. Ervin, as citizens of the Choctaw Nation, and that a copy of the opinion of the Assistant Attorney General in the case of Mary Elizabeth Martin be filed as your brief in this case, and in reply you are advised that your request has been made a matter of record.

Respectfully,

Commissioner.

7-D-143  
23-1107

Muskogee, Indian Territory, December 7, 1906.

Chillion Ailey,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 13, 1906, referring to office letter of November 10, 1906, with which was inclosed copy of the decision of the Commissioner to the Five Civilized Tribes of same date denying the applications for the enrollment as citizens of the Choctaw Nation of Annie Ervin and Edith Ervin, children of Charles W. Ervin an intermarried citizen of the Choctaw Nation and Dollie Ervin a non citizen; you state that in said decision the rights of Lula Ervin and Alice Ervin are not passed upon; you further state that it appears from the records of your office that on December 2, 1902, Charles W. Ervin an intermarried citizen of the Choctaw Nation made application for the enrollment of his minor children Lula and Alice Ervin and that on February 2, 1905, the Commission to the Five Civilized Tribes rendered a decision holding that these applicants were not entitled to enrollment, but this decision has never been confirmed by the Department; you state that it further appears from the records in your office that on February 7, 1906, you filed a petition praying for the enrollment of Lula and Alice Ervin as citizen of the Choctaw Nation

C. R. #2

under the rules and regulations of this office of January 2, 1906 and that on or about the same date you filed petition for the enrollment of Annie Ervin and the records of your office do not show a any application for the enrollment of Ruth Ervin. You state that it also appears that on July 10, 1906, you transmitted to this office applications for the enrollment of Alice, Lula and Annie Ervin under the provision of the Act of Congress approved April 26, 1906, and that on August 22, 1906, receipt was acknowledged of said applications.

Since you can find no records in your office relative to the enrollment of Ruth Ervin, and since it does not appear from the decision of November 10, 1906, that the rights of Annie and Lula Ervin are passed upon, you request to be advised the present status of said applications.

In reply to your letter you are advised that on February 2, 1905, a decision was rendered denying the application for the enrollment of Lula and Alice Ervin as citizens of the Choctaw Nation and on the same date the record in this case was transmitted to the Secretary of the Interior. This case is still pending before the Department and on October 26, 1906, the petition filed by you January 25, 1906, for the enrollment of these persons as citizens of the Choctaw Nation, was transmitted to the Department for consideration in connection with the record and decision already forwarded.

C. R. 43

It further appears that Charles W. and Dollie Ervin at Hugo, Indian Territory, May 8, 1906, made personal application for the enrollment of their child Ruth Ervin born July 8, 1905, and on July 11, 1906, an application was received from you for the enrollment of Annie Ervin, child of Charles and Annie Ervin born January 24, 1903.

The application for the enrollment of Annie and Ruth Ervin was denied by the Commissioner to the Five Civilized Tribes on November 10, 1906, and on the same date the record in this case was forwarded the Secretary of the Interior.

Respectfully,

Acting Commissioner.

Empty



Empty

CHOC D146 ELIZA TREVINO

D146

*Olga Terine et al.*

*Jan 20, 1912* RECEIVED

RECEIVED

APR 25 1906

RECEIVED

APR 25 1906

RECEIVED

RECEIVED

RECORD FORWARDED DEPARTMENT

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

FEB 18 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW TRIBES.

MAR 21 1907

NOTICE OF DEPARTMENTAL  
ACTION MAILED APR 1907

MAR 21 1907

*7-146 consolidated herewith.*

commission to the Five Civilized Tribes,  
Goodland, Indian Territory.

In the matter of the enrollment of Mrs. Eliza Trevino as  
as a citizen of the Choctaw Nation; being sworn and examined by  
Commissioner McKennon, she testifies as follows:

Q Your name is Eliza Trevino? Age fifty-two? A Yes sir.

Q When did you leave the Territory and come to Texas to reside?

A I couldn't tell you what year it was in.

Q About how long ago? A I couldn't tell that.

Q Was that since you were grown? A Yes sir, since I have  
been grown.

Q About how long, has it been twenty-five years? A I  
couldn't say, I don't know; I guess about twenty-five or twenty-  
six years ago; Willie was born in Paris, Texas.

Q How old is he now? A About twenty-five, twenty-six or  
twenty-seven, I think he said it was twenty-seven.

Q You lived there then from that time up to last December?

A Off and on; I would come over here but didn't live here; I was  
working in Texas, had no steady home, just worked at one town and  
another to make my living.

Q This has not been your home then since you went there twenty-  
five years ago, until last December? A I always considered it  
my home; I was born and raised here.

Q Did you have any home here? A Yes sir, years ago.

Q All this while did you have a home here with household plunder  
and all that sort of thing in it? A No sir.

Q Did your children live there with you? A Yes sir, they  
were born there.

Q When did they come back, with you last December?

(Mrs. Eliza Trevino, #2)

A I come in January, and one was in the pen, and just come back the same evening Mr. Haytubby come from Sulphur Springs.

Q That was during this year? A Yes sir.

Q Where did he go to the pen from, Texas? A Yes sir.

Q For an offence committed over there? A Yes sir.

Q Had he up to that time been living there, born and living there? A Yes sir.

Q What's the names of your children? A Oldest one is Willie Hatcher.

Q Next one? A Minnie Dean.

Q She married? A She is not living with her husband, living with me.

Q Next one? A Eddie Dean, that is all but my grandchildren, Lillie Lee and Lilburn Lee. I couldn't bring them here; I was afraid to bring my children here.

Q Why? A Well under the circumstances I couldn't bring them here.

Department of the Interior,

Commission to the Five Civilized Tribes

*I hereby certify that the foregoing is a true and correct copy of the deposition of Mrs. Eliza Trevino, as given before me on the 10th day of August, 1908, at Sulphur Springs, Texas.*

*M. A. H.*

Choctaw D-146.

Muskogee, Indian Territory, February 26, 1902.

Eliza Trevino,

Goodland, Indian Territory.

You are hereby notified that the application for enrollment of yourself and your sons, Eddie Dean, as citizens of the Choctaw Nation, will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory on the 4th, 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.

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.

T. B. Needles.

Commissioner in Charge.

Register.

Department of the Interior.  
Commission to the Five Civilized Tribes.

In the matter of the application of  
Eliza Trevino for the enrollment of  
herself and her minor child, Eddie  
Dean, as citizens by blood of the  
Choctaw Nation.

----D 146----

On the 26th day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Eliza Trevino and Eddie Dean for enrollment 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 4th day of April, 1902, for final consideration.

Now, on this fourth 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.

-----

Harry C Risteen, being first duly sworn, on 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 4th day of April, 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 C Risteen*

Subscribed and sworn to before me this 8th day of April, 1902.

*Chararritellwood*  
Notary Public.

Choctaw D-147.

Muskogee, Indian Territory, February 26, 1902.

Minnie Dean,

Goodland, Indian Territory.

You are hereby notified that the application for enrollment of yourself and your children, Lillie Lee Dean and Lilbon Dean, as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 4th, 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.

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.

T. B. Needles,

Commissioner in Charge.

Register.



Department of the Interior.  
Commission to the Five Civilized Tribes.

In the matter of the application of  
Minnie Dean for the enrollment of  
herself and her two minor children,  
Lillie and Lilbon Lee, as citizens  
by blood of the Choctaw Nation.

----D 147----

On the 26th day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Minnie Dean, Lillie Lee and Lilbon Lee for enrollment 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 4th day of April, 1902, for final consideration.

Now, on this fourth 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.

-----

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 4th day of April, 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 C Risteen*

Subscribed and sworn to before me this 8th day of April, 1902.

*James H. Hillwood*  
Notary Public.

---

*IN RE*  
*Application for Enrollment of*  
*INFANT CHILD*

*as a citizen of the*

*Nation.*

*Approved* \_\_\_\_\_ *190*

*W. B. Keedle.*  
*Commissioner.*

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Lillie Lee, born on the 21 day of February, 1894  
(Here insert name of child.)  
Name of Father: Willie Lee, a citizen of the U.S. Nation.  
Name of Mother: Minnie Dean, a citizen of the Choctaw Nation.  
Post-Office: Goodland, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Central District.

I, Minnie Dean, 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 \_\_\_\_\_, who is a citizen, by  
\_\_\_\_\_, of the \_\_\_\_\_ Nation, that a female child was  
(Male or female.)  
born to me on the 21st day of February 1894, 190\_\_ ; that said child has been  
named Lillie Lee, and is now living.

Minnie Dean.

WITNESSES TO SIGN:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 9th day of May A. D. 1899, 190\_\_

A. S. McKennon  
Commissioner.

*NEELY FIELD*

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Central District.

I, Eliza Trevino, a \_\_\_\_\_, on oath state that I  
attended on Mrs. Minnie Dean, wife of \_\_\_\_\_,  
on the 21st day of Febru, \_\_\_\_\_, 190\_\_ ; 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 Lillie Lee.

WITNESSES TO SIGN:

Eliza Trevino.

(Must be Two Witnesses.)

Subscribed and sworn to before me this 9th day of May A. D. 1899, 190\_\_

A. S. McKennon, Commissioner.

*NEELY FIELD*

*IN RE*

*Application for Enrollment of  
INFANT CHILD*

*as a citizen of the*

*Nation.*

*Approved* \_\_\_\_\_ *190* \_\_\_\_\_

*W B Neelley*

*Commissioner.*

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Lilbon Lee, born on the 16th day of August, 1896,  
(Here insert name of child.)  
Name of Father: Henry Lee, a citizen of the U.S. Nation.  
Name of Mother: Minnie Dean, a citizen of the Choctaw Nation.  
Post-Office: Goodland, I.T.

AFFIDAVIT OF MOTHER.

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

I, Minnie Dean, 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 \_\_\_\_\_, who is a citizen, by  
\_\_\_\_\_, of the \_\_\_\_\_ Nation, that a male child was  
(Male or female.)  
born to me on the 16th, day of August, 1896, 190; that said child has been  
named Lilbon Lee, and is now living.

Minnie Dean

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 9th, day of May A. D., 1899, 190

A. S. McKennon,  
Commissioner.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

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

I, Eliza Trevino, a \_\_\_\_\_, on oath state that I  
attended on Mrs. Minnie Dean, wife of \_\_\_\_\_,  
on the 16th, day of August, 1896, 190; 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 Lilbon Lee.

Eliza Trevino.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 9th, day of May, A. D. 1899, 190

A. S. McKennon,  
Commissioner.

Notary Public.

7-D-146.

7-D-147.

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

-----

In the matter of the application for the enrollment of Eliza Trevino, her children, Eddie Dean and Minnie Dean, and her grandchildren, Lillie Lee and Lilbon Lee, as citizens 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 May 9, 1899, Eliza Trevino appeared before the Commission to the Five Civilized Tribes and made personal application for the enrollment of herself and her minor son, Eddie Dean, as citizens by blood of the Choctaw Nation, and that on the same day Minnie Dean appeared before said Commission and made personal application for the enrollment of herself and her two minor children, Lillie Lee and Lilbon Lee, as citizens by blood of the Choctaw Nation.

Upon an examination of the tribal rolls in the possession of this office, the applicants, Eliza Trevino, Eddie Dean, and Minnie Dean, are identified upon the 1893 Choctaw Leased District Payment Roll, Kiamitia County, Nos. 785, 906, and 905, respectively, enrolled thereon as citizens by blood of said nation. The applicants, Lillie Lee and Lilbon Lee, having been born subsequent to the preparation of said 1893 Choctaw Leased District Payment Roll, are identified by proper birth affidavits filed with and made a part of the record in this case.

It further appears from the census card record in this case and the record herein that the principal applicant, Eliza Trevino, is about fifty-five years old; that she was a resident of the Choctaw Nation from the date of her birth until about 1872 or 1873, when she removed to the State of Texas; that the applicants, Eddie Dean, Minnie Dean, Lillie Lee, and Lilbon Lee, were born in the State of Texas; and that all of the applicants herein continued to live in said State of Texas until January, 1899, when they removed to the Choctaw Nation.

From the above facts it is considered that said applicants were not residents in good faith of the Indian Territory on June 28, 1898.

I am, therefore, of the opinion that the applications made for the enrollment of Eliza Trevino, Eddie Dean, Minnie Dean, Lillie Lee and Lilbon Lee, as citizens 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 28 1906

7-D-146  
7-D-147.

COPY

Muskogee, Indian Territory, April 28, 1906.

Eliza Trevino,

Goodland, Indian Territory.

Dear Madam:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, denying the application for enrollment of yourself and child Eddie Dean 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,

SIGNED

*Tama Wiley*

Commissioner.

Registered.

Incl. 7-D-146,  
7-D-147.

7-D-146  
7-D-147.

COPY

Muskogee, Indian Territory, April 28, 1906.

Minnie Dean,

Goodland, Indian Territory.

Dear Madam:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, denying the application for enrollment of yourself and two children, Lillie Lee and Lilbon Lee 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,

SIGNED *James Dinby*  
Commissioner.

Registered.

Incl. 7-D-146,  
7-D-147.



7-D-146,  
7-D-147.

COPY

Muskegee, Indian Territory, April 28, 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 28, 1906, denying the application for the enrollment of Eliza Trevino, Eddie Dean, Minnie Dean, Lillie Lee and Lilbon Lee 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,

*W. D. Doby*

Commissioner.

Incl. 7-D-146,  
7-D-147.

Muskogee, Indian Territory, April 28, 1906.

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 Eliza Trevino, Eddie Dean, Minnie Dean, Lillie Lee and Lilbon Lee as citizens by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated April 28, 1906, denying said application.

Respectfully,

W. J. D. BIRD  
W. J. D. BIRD

Commissioner.

2 Incl. 7-D-146,  
7-D-147.

Through the  
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

S.P.

I.T.D. 24146-1906.

February 13, 1907.

L R S

DIRECT.

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

Sir:

November 26, 1906, the Indian Office transmitted the record, together with your decision adverse to the applicants in the matter of the application of Eliza Trevino, Eddie Dean, Minnie Dean, Lillie Lee and Lilbon Lee for enrolment as citizens of the Choctaw Nation. You state that the principal applicant was a resident of the Choctaw Nation from the date of her birth to about 1872 or 1873, when she removed to the State of Texas and that all of the applicants continued to live in Texas until January 1899 when they removed to the Choctaw Nation.

The Indian Office recommends that the applicants be admitted as the Choctaw constitution contains no expatriation clause and as the principal applicant appears to have been a recognized citizen of the Choctaw Nation prior to June 28, 1898. The Indian Office refers to the fact that the names of several of the applicants appeared on the 1893 Choctaw leased district payment roll.

A copy of Indian Office letter is inclosed.

In view of section 21 of the act of June 28, 1898 (30 Stat., L. 495), which provides "that no person shall be enrolled who has not

heretofore removed to and in good faith settled in the nation in which he claims citizenship", the Department is of opinion that your decision, adverse to the applicants, is correct and is accordingly affirmed.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

1 inc. and  
3 for Ind. Of.

(Signed) Thos. Ryan,

First Assistant Secretary.

A F Mc

2 - 14 07.

LAND  
38943-1906

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

( COPY )

November 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of June 8, 1904 (I.T.D. 4416) and May 21, 1903 (I.T.D. 3836), there is enclosed herewith a report from the Commissioner to the Five Civilized Tribes dated April 28, 1906, transmitting the record relative to the application of Eliza Trevino, et al., for enrollment as citizens of the Choctaw Nation.

On May 9, 1899, Eliza Trevino applied to the Commission to the Five Civilized Tribes for the enrollment of herself and her minor son, Eddie Dean, as citizens by blood and on the same day, Minnie Dean, daughter of Eliza Trevino, applied for the enrollment of herself and her two minor children Lillie Lee and Lilbon Lee, as citizens by blood.

On April 28, 1906, a decision was rendered by the Commissioner excluding all the above named applicants from enrollment as citizens of the Choctaw Nation on the ground that they were not residents in good faith of that nation on June 28, 1898, within the provisions of Section 21 of the Act of June 28, 1898 (30 Stat.L., 495).

An examination of the tribal rolls in the possession of the Commissioner's office shows that Eliza Trevino and Eddie and Minnie Dean, her children, are identified on the 1893 Choctaw Leased District Payment Roll, Kiamitia County, at Numbers 785, 906 and 905, respectively,

as citizens by blood of the Choctaw Nation and Lillie Lee and Lilbon Lee, having been born subsequent to the preparation of the 1893 Choctaw Leased District Payment Roll, are identified by proper birth affidavits filed with and made part of the record in this case.

It appears from the record and from the census card record that the principal applicant, Eliza Trevino is about fifty-five years of age and that she was a resident of the Choctaw Nation from the date of her birth until about 1872 or 1873, when she removed to the State of Texas. The other applicants, Eddie and Minnie Dean and Lillie and Lilbon Lee, were born in the State of Texas and resided there until January, 1899, when they removed to the Choctaw Nation.

The evidence shows that Eliza Trevino was a citizen of the Choctaw Nation previous to her removal to the State of Texas in 1872 or 1873 and according to her testimony, she never became a citizen of the State of Texas but always regarded the Choctaw Nation as her home. ~~This~~ testimony is substantiated by the fact that her name appears on the 1893 Choctaw Leased District Payment Roll, Kiamitia County. The Choctaw constitution contains no expatriation clause and as the principal applicant appears to have been a recognized citizen of the Choctaw Nation prior to June 28, 1898, she should not, in the opinion of this Office, be denied enrollment as a citizen of the Choctaw Nation under the provisions of Section 21 of the Act of June 28, 1898 (30 Stat.L., 495).

Inasmuch as Section 1, of the Act of April 26, 1906 (34 Stat.L.,

137), provides that the Secretary of the Interior may enroll persons as citizens of the Choctaw Nation whose names appear on any of the tribal rolls and for whom the records of the Commissioner show that application was made previous to December 1, 1905, and not allowed solely because not made within the time prescribed by law, this applicant seems to be entitled to such enrollment.

As Eddie and Minnie Dean, children of Eliza Trevino, were also recognized citizens of the Choctaw Nation, their names appearing on the 1893 Choctaw Leased District Payment Roll above mentioned, previous to June 28, 1898, and as Lillie and Lilbon Lee, having been born since the preparation of this roll, were identified by proper birth affidavits, these applicants should not be denied enrollment as citizens of the Choctaw Nation under Section 21 of the Act of June 28, 1898 (30 Stat.L.,495) in view of the provisions of Section 1 of the Act of April 26, 1906 (34 Stat.L.,137). This Office is also of the opinion that Section 21 of the Act of June 28, 1898 (30 Stat.L.,495), being one of limitation, would not run as against the minor applicants during their minority.

Therefore in view of the record and of the decisions of the Department contained in Department letters of June 8, 1904,(I.T.D.4416) and May 21, 1903 (I.T.D.3836), which involve facts similar to those involved in this case, it is recommended that Commissioner Bixby be instructed to enroll all the above named applicants, herein, as citizens by blood of the Choctaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD

C

7-D-146

Huskogee, Indian Territory, March 21, 1907.

Eliza Trevino,

Goodland, 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 April 28, 1906, denying the application for enrollment of Eliza Trevino and Eddie Dean as citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner.



7-D-146

Tuskogee, Indian Territory, March 21, 1907.

Minnie Dean,  
Goodland, 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 April 28, 1906, denying the application for the enrollment of Minnie Dean, Lillie Lee and Lilbon Lee as citizens by blood of the Cherokee Nation.

Respectfully,

Commissioner.

7-1-1

Muskogee, Indian Territory, March 21, 1907.

Mansfield, Murray & Cornish,

Attorneys for Choctaw and Chickasaw Nations

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 13, 1907, the Secretary of the Interior affirmed the decision of this office of April 26, 1906, denying the application for the enrollment of Eliza Trevino, Eddie Dean, Minnie Dean, Lillie Lee and Lilbon Lee as citizens by blood of the Choctaw Nation.

respectfully,

Commissioner.

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muscogee, Indian Territory,

August 18th, 1900.

Eliza Trevino,

Goodland, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Eddie Dean as citizens of the Choctaw Nation.

The Commission, commencing December, 3rd, 1900 hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,



Acting Chairman.

7-D-146.

D.C. 9247-1907.

C R W

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

S.P.

I.T.D. 24146-1906.

February 13, 1907.

L R S

DIRECT.

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

Sir:

November 26, 1906, the Indian Office transmitted the record, together with your decision adverse to the applicants in the matter of the application of Eliza Trevino, Eddie Dean, Minnie Dean, Lillie Lee and Lilbon Lee for enrolment as citizens of the Choctaw Nation. You state that the principal applicant was a resident of the Choctaw Nation from the date of her birth to about 1872 or 1873, when she removed to the State of Texas and that all of the applicants continued to live in Texas until January 1899 when they removed to the Choctaw Nation.

The Indian Office recommends that the applicants be admitted as the Choctaw constitution contains no expatriation clause and as the principal applicant appears to have been a recognized citizen of the Choctaw Nation prior to June 28, 1898. The Indian Office refers to the fact that the names of several of the applicants appeared on the 1893 Choctaw leased district payment roll.

A copy of Indian Office letter is inclosed.

In view of section 21 of the act of June 28, 1898 (30 Stat., L. 495), which provides "that no person shall be enrolled who has not

heretofore removed to and in good faith settled in the nation in which he claims citizenship", the Department is of opinion that your decision, adverse to the applicants, is correct and is accordingly affirmed.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

1 inc. and  
3 for Ind. Of.

(Signed) Thos. Ryan,

First Assistant Secretary.

A F Mc

2 - 14 07.

LAND  
38943-1906

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

( COPY )

November 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of June 8, 1904 (I.T.D. 4416) and May 21, 1903 (I.T.D. 3836), there is enclosed herewith a report from the Commissioner to the Five Civilized Tribes dated April 28, 1906, transmitting the record relative to the application of Eliza Trevino, et al., for enrollment as citizens of the Choctaw Nation.

On May 9, 1899, Eliza Trevino applied to the Commission to the Five Civilized Tribes for the enrollment of herself and her minor son, Eddie Dean, as citizens by blood and on the same day, Minnie Dean, daughter of Eliza Trevino, applied for the enrollment of herself and her two minor children Lillie Lee and Lilbon Lee, as citizens by blood.

On April 28, 1906, a decision was rendered by the Commissioner excluding all the above named applicants from enrollment as citizens of the Choctaw Nation on the ground that they were not residents in good faith of that nation on June 28, 1898, within the provisions of Section 21 of the Act of June 28, 1898 (30 Stat.L., 495).

An examination of the tribal rolls in the possession of the Commissioner's office shows that Eliza Trevino and Eddie and Minnie Dean, her children, are identified on the 1893 Choctaw Leased District Payment Roll, Kiamitia County, at Numbers 785, 906 and 905, respectively,

as citizens by blood of the Choctaw Nation and Lillie Lee and Lilbon Lee, having been born subsequent to the preparation of the 1893 Choctaw Leased District Payment Roll, are identified by proper birth affidavits filed with and made part of the record in this case.

It appears from the record and from the census card record that the principal applicant, Eliza Trevino is about fifty-five years of age and that she was a resident of the Choctaw Nation from the date of her birth until about 1872 or 1873, when she removed to the State of Texas. The other applicants, Eddie and Minnie Dean and Lillie and Lilbon Lee, were born in the State of Texas and resided there until January, 1899, when they removed to the Choctaw Nation.

The evidence shows that Eliza Trevino was a citizen of the Choctaw Nation previous to her removal to the State of Texas in 1872 or 1873 and according to her testimony, she never became a citizen of the State of Texas but always regarded the Choctaw Nation as her home. This testimony is substantiated by the fact that her name appears on the 1893 Choctaw Leased District Payment Roll, Kiamitia County. The Choctaw constitution contains no expatriation clause and as the principal applicant appears to have been a recognized citizen of the Choctaw Nation prior to June 28, 1898, she should not, in the opinion of this Office, be denied enrollment as a citizen of the Choctaw Nation under the provisions of Section 21 of the Act of June 28, 1898 (30 Stat.L., 495).

Inasmuch as Section 1, of the Act of April 26, 1906 (34 Stat.L.,

137), provides that the Secretary of the Interior may enroll persons as citizens of the Choctaw Nation whose names appear on any of the tribal rolls and for whom the records of the Commissioner show that application was made previous to December 1, 1905, and not allowed solely because not made within the time prescribed by law, this applicant seems to be entitled to such enrollment.

As Eddie and Minnie Dean, children of Kliza Trevino, were also recognized citizens of the Choctaw Nation, their names appearing on the 1893 Choctaw Leased District Payment Roll above mentioned, previous to June 28, 1898, and as Lillie and Lilbon Lee, having been born since the preparation of this roll, were identified by proper birth affidavits, these applicants should not be denied enrollment as citizens of the Choctaw Nation under Section 21 of the Act of June 28, 1898 (30 Stat.L., 495) in view of the provisions of Section 1 of the Act of April 26, 1906 (34 Stat.L., 137). This Office is also of the opinion that Section 21 of the Act of June 28, 1898 (30 Stat.L., 495), being one of limitation, would not run as against the minor applicants during their minority.

Therefore in view of the record and of the decisions of the Department contained in Department letters of June 8, 1904, (I.T.D. 4416) and May 21, 1903 (I.T.D. 2836), which involve facts similar to those involved in this case, it is recommended that Commissioner Rixby be instructed to enroll all the above named applicants, herein, as citizens by blood of the Choctaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

REC  
C



Department of the Interior.  
Commissioner to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

*P.D. 111314*

*22636*

JUN 9 1906

DEPARTMENT OF THE INTERIOR.  
Commissioner to the Five Civilized Tribes.

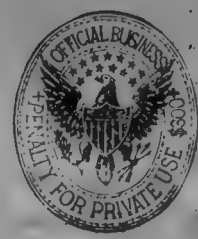
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*906*

*1111*

Eliza Trevino,  
Hugo, Indian Territory.

Commissioner



5458

1006

*1111-11-6*

REFER IN REPLY TO THE FOLLOWING

7-D-146

7-D-147.

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

Muskogee, Indian Territory, April 28, 1906.

Eliza Trevino,

Goodland, Indian Territory.

Dear Madam:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, denying the application for enrollment of yourself and child Eddie Dean 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. 7-D-146,  
7-D-147.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

225

Eliza Trevino

2871

Goodland

J. J.

41110CB

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE

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

REFER IN REPLY TO THE FOLLOWING

Choctaw D-146

ALLISON L. AYLESWORTH.  
SECRETARY

ADDRESSES ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1902.

Eliza Trevino,

Goodland, Indian Territory.

You are hereby notified that the application for enrollment of yourself and your son, Eddie Dean, as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 4th 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.

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,

  
Commissioner in Charge.

Register.

Choc D 147 minnie DEAY

D147

*Minnie Dean et al.*

*Jun 20. 1907*

REC'D

RECEIVED  
APR 28 1906  
DEPT OF THE INTERIOR

ADMISSION FEE PAID  
APR 25 1906

RECORD FORWARDED DEPARTMENT.

APR 28 1906

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

FEB 13 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

MAR 2 1 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

MAR 2 1 1907

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

MAR 3 1 1907

*See also 7-10-146.*

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.

Muscogee, Indian Territory,  
August 18th, 1900.

Minnie Dean,  
Goodland, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cerniah, has filed with this Commission a notice of protest to your enrollment and the enrollment of Lillie Lee and Lilbon Lee as citizens of the Choctaw Nation.

The Commission, commencing December, 3rd, 1900, held a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,



Acting Chairman.

7-D-147.

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRISKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Choctaw D-147

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1902.

Minnie Dean,


Goodland, Indian Territory,

You are hereby notified that the application for enrollment of yourself and your children, Lillie Lee Dean and Lilbon Dean as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 4th 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 effecting said application.

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,

  
\_\_\_\_\_  
Commissioner in Charge

Register.



D.C. 9247-1907.

C R W

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

S.P.

I.T.D. 24146-1906.

February 13, 1907.

L R S

DIRECT.

Commissioner to the Five Civilised Tribes,  
Muskegee, Indian Territory.

Sir:

November 28, 1906, the Indian Office transmitted the record, together with your decision adverse to the applicants in the matter of the application of Eliza Trevino, Eddie Dean, Minnie Dean, Lillie Lee and Lilbon Lee for enrolment as citizens of the Choctaw Nation. You state that the principal applicant was a resident of the Choctaw Nation from the date of her birth to about 1872 or 1873, when she removed to the State of Texas and that all of the applicants continued to live in Texas until January 1899 when they removed to the Choctaw Nation.

The Indian Office recommends that the applicants be admitted as the Choctaw constitution contains no expatriation clause and as the principal applicant appears to have been a recognized citizen of the Choctaw Nation prior to June 28, 1896. The Indian Office refers to the fact that the names of several of the applicants appeared on the 1899 Choctaw leased district payment roll.

A copy of Indian Office letter is inclosed.

In view of section 21 of the act of June 28, 1896 (30 Stat., L. 495), which provides "that no person shall be enrolled who has not

heretofore removed to and in good faith settled in the nation in which he claims citizenship", the Department is of opinion that your decision, adverse to the applicants, is correct and is accordingly affirmed.

The papers in the case, together with a carbon copy herof, have been sent to the Indian Office.

Respectfully,

1 inc. and  
3 for Ind. Of.

(Signed) Theo. Ryan,

First Assistant Secretary.

A Y Mc

3 - 14 07.

LAND  
36949-1906

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

( COPY )

November 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of June 8, 1904 (I.T.D. 4416) and May 21, 1903 (I.T.D. 3886), there is enclosed herewith a report from the Commissioner to the Five Civilized Tribes dated April 28, 1906, transmitting the record relative to the application of Eliza Trevino, et al., for enrollment as citizens of the Choctaw Nation.

On May 9, 1898, Eliza Trevino applied to the Commission to the Five Civilized Tribes for the enrollment of herself and her minor son, Eddie Dean, as citizens by blood and on the same day, Minnie Dean, daughter of Eliza Trevino, applied for the enrollment of herself and her two minor children Lillie Lee and Lilben Lee, as citizens by blood.

On April 28, 1906, a decision was rendered by the Commissioner excluding all the above named applicants from enrollment as citizens of the Choctaw Nation on the ground that they were not residents in good faith of that nation on June 28, 1898, within the provisions of Section 21 of the Act of June 28, 1898 (30 Stat.L., 495).

An examination of the tribal rolls in the possession of the Commissioner's office shows that Eliza Trevino and Eddie and Minnie Dean, her children, are identified on the 1893 Choctaw Leased District Payment Roll, Kiamitia County, at Numbers 704, 906 and 905, respectively.

as citizens by blood of the Choctaw Nation and Lillie Lee and Lilbon Lee, having been born subsequent to the preparation of the 1893 Choctaw Leased District Payment Roll, are identified by proper birth affidavits filed with and made part of the record in this case.

It appears from the record and from the census card record that the principal applicant, Eliza Trevino is about fifty-five years of age and that she was a resident of the Choctaw Nation from the date of her birth until about 1872 or 1873, when she removed to the State of Texas. The other applicants, Eddie and Minnie Dean and Lillie and Lilbon Lee, were born in the State of Texas and resided there until January, 1899, when they removed to the Choctaw Nation.

The evidence shows that Eliza Trevino was a citizen of the Choctaw Nation previous to her removal to the State of Texas in 1872 or 1873 and according to her testimony, she never became a citizen of the State of Texas but always regarded the Choctaw Nation as her home. This testimony is substantiated by the fact that her name appears on the 1893 Choctaw Leased District Payment Roll, Kiamitia County. The Choctaw constitution contains no expatriation clause and as the principal applicant appears to have been a recognized citizen of the Choctaw Nation prior to June 25, 1898, she should not, in the opinion of this Office, be denied enrollment as a citizen of the Choctaw Nation under the provisions of Section 21 of the Act of June 25, 1898 (30 Stat.L., 495).

Inasmuch as Section 1, of the Act of April 26, 1906 (34 Stat.L.,

137), provides that the Secretary of the Interior may enroll persons as citizens of the Choctaw Nation whose names appear on any of the tribal rolls and for whom the records of the Commissioner show that application was made previous to December 1, 1905, and not allowed solely because not made within the time prescribed by law, this applicant seems to be entitled to such enrollment.

As Eddie and Minnie Dean, children of Eliza Trevino, were also recognized citizens of the Choctaw Nation, their names appearing on the 1898 Choctaw Leased District Payment Roll above mentioned, previous to June 28, 1898, and as Millie and Lilbon Lee, having been born since the preparation of this roll, were identified by proper birth affidavits, these applicants should not be denied enrollment as citizens of the Choctaw Nation under Section 21 of the Act of June 28, 1898 (30 Stat.L., 495) in view of the provisions of Section 1 of the Act of April 26, 1906 (34 Stat.L., 137). This Office is also of the opinion that Section 21 of the Act of June 28, 1898 (30 Stat.L., 495), being one of limitation, would not run as against the minor applicants during their minority.

Therefore in view of the record and of the decisions of the Department contained in Department letters of June 8, 1904, (I.T.D. 4416) and May 21, 1903 (I.T.D. 3836), which involve facts similar to those involved in this case, it is recommended that Commissioner Bixby be instructed to enroll all the above named applicants, herein, as citizens by blood of the Choctaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HED

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COMMISSION TO THE FIVE CIVILIZED TRIBES,

Goodland, Indian Territory.

In the matter of the enrollment of Mrs. Eliza Trevino as as a citizen of the Choctaw Nation; being sworn and examined by Commissioner McKennon, she testifies as follows:

- Q Your name is Eliza Trevino ? Age fifty-two ? A Yes sir.
- Q When did you leave the Territory and go to Texas to reside ?
- A I couldn't tell you what year it was in.
- Q About how long ago ? A I couldn't tell that.
- Q Was that since you were grown ? A Yes sir, since I have been grown.
- Q About how long, has it been twenty-five years ? A I couldn't say, I don't know; I guess about twenty-five or twenty-six years ago; Willie was born in Paris, Texas.
- Q How old is he now ? A About twenty-five, twenty-six or twenty-seven, I think he said it was twenty-seven.
- Q You lived there then from that time up to last December ?
- A Off and on; I would come over here but didn't live here; I was working in Texas, had no steady home, just worked at one town and another to make my living.
- Q This has not been your home then since you went there twenty-five years ago, until last December ? A I always considered it my home; I was born and raised here.
- Q Did you have any home here ? A Yes sir, years ago.
- Q All this while did you have a home here with household plunder and all that sort of thing in it ? A No sir.

#2 (Mrs. Eliza Trevino)

- Q Did your children live there with you ? A Yes sir, they were born there.
- Q When did they come back, with you last December ? A I come in January, and one was in the pen, and just come back the same evening Mr. Maytubby come from Sulphur Springs.
- Q That was during this year ? A Yes sir.
- Q Where did he go to the pen from, Texas ? A. Yes sir.
- Q For an offence committed over there ? A Yes sir.
- Q Had he up to that time been living there, born and living there ? A Yes sir.
- Q What's the name of your children ? A Oldest one is Willie Hatcher.
- Q Next one ? A Minnie Dean.
- Q She married ? A She is not living with her husband, living with me.
- Q Next one ? A Eddie Dean, that is all but my grand-children Lillie Lee and Lilburn Lee. I couldn't bring them here; I was afraid to bring my children here.
- Q Why ? A Well under the circumstances I couldn't bring them here.

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

(Signed) M. D. Green.

INDIAN TERRITORY,  
NORTHERN DISTRICT.

I, Clara Mitchell Wood, a notary public in and for the Northern Judicial District of Indian Territory, do hereby certify the above and foregoing to be a true, full and correct copy of the original testimony in the case of Eliza Trevino, for enrollment as a citizen of the Choctaw Nation, Choctaw No. D 146.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal as such notary public this June 21, 1902:

  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.

In the matter of the application of  
Minnie Dean for the enrollment of  
herself and her two minor children,  
Lillie and Lilbon Lee, as citizens  
by blood of the Choctaw Nation.

----D 147----

On the 26th day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Minnie Dean, Lillie Lee and Lilbon Lee for enrollment 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 4th day of April, 1902, for final consideration.

Now, on this fourth 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.

-----

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 4th day of April, 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 8th day of April, 1902.

*Margaret Hillwood*  
Notary Public.



7-D-146.

7-D-147.

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

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In the matter of the application for the enrollment of Eliza Trevino, her children, Eddie Dean and Minnie Dean, and her grandchildren, Lillie Lee and Lilbon Lee, as citizens 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 May 9, 1899, Eliza Trevino appeared before the Commission to the Five Civilized Tribes and made personal application for the enrollment of herself and her minor son, Eddie Dean, as citizens by blood of the Choctaw Nation, and that on the same day Minnie Dean appeared before said Commission and made personal application for the enrollment of herself and her two minor children, Lillie Lee and Lilbon Lee, as citizens by blood of the Choctaw Nation.

Upon an examination of the tribal rolls in the possession of this office, the applicants, Eliza Trevino, Eddie Dean, and Minnie Dean, are identified upon the 1893 Choctaw Leased District Payment Roll, Kiamitia County, Nos. 785, 906, and 906, respectively, enrolled thereon as citizens by blood of said nation. The applicants, Lillie Lee and Lilbon Lee, having been born subsequent to the preparation of said 1893 Choctaw Leased District Payment Roll, are identified by proper birth affidavits filed with and made a part of the record in this case.

It further appears from the census card record in this case and the record herein that the principal applicant, Eliza Trevino, is about fifty-five years old; that she was a resident of the Choctaw Nation from the date of her birth until about 1872 or 1873, when she removed to the State of Texas; that the applicants, Eddie Dean, Minnie Dean, Lillie Lee, and Lilbon Lee, were born in the State of Texas; and that all of the applicants herein continued to live in said State of Texas until January, 1899, when they removed to the Choctaw Nation.

From the above facts it is considered that said applicants were not residents in good faith of the Indian Territory on June 28, 1898.

I am, therefore, of the opinion that the applications made for the enrollment of Eliza Trevino, Eddie Dean, Minnie Dean, Lillie Lee and Lilbon Lee, as citizens 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.

SIGNED *Tamie Dixby*

Commissioner.

Muskogee, Indian Territory,

APR 20 1905

---

7-D-146  
7-D-147

COPY.

Muskogee, Indian Territory, April 28, 1906.

Eliza Trevino,  
Goodland, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, denying the application for enrollment of yourself and child Eddie Dean 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,

SIGNED *Tams Bixby*  
Commissioner.

Registered.

Incl. 7-D-146.  
7-D-147.

7-D-146  
7-D-147

COPY.

Muskogee, Indian Territory, April 28, 1906.

Minnie Dean,

Goodland, Indian Territory.

Dear Madam:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, denying the application for enrollment of yourself and two children, Lillie Lee and Lilbon Lee 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,

*Tamm B...*

Commissioner.

Registered.

Incl. 7D-146  
7-D-147.

7-D-146  
7-D-147

COPY.

Muskogee, Indian Territory, April 28, 1906.

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 April 28, 1906, denying the application for the enrollment of Eliza Trevino, Eddie Dean, Minnie Dean, Lillie Lee and Lilbon Lee 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,

SIGNED \_\_\_\_\_  
Commissioner.

Incl. 7-D-146  
7-D-147.

COPY.

Muskogee, Indian Territory, April 28, 1906.

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 Eliza Trevino, Eddie Dean, Minnie Dean, Lillie Lee, and Lilbon Lee as citizens by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated April 28, 1906, denying said application.

Respectfully,

Commissioner.

2 Incl. 7-D-146  
7-D-147

Through the  
Commissioner of Indian Affairs.

D.C. 9247-1907.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

S.P.

I.T.D. 24146-1906.

February 13, 1907.

L R S

DIRECT.

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

Sir:

November 26, 1906, the Indian Office transmitted the record, together with your decision adverse to the applicants in the matter of the application of Eliza Trevino, Eddie Dean, Minnie Dean, Lillie Lee and Lilbon Lee for enrollment as citizens of the Choctaw Nation. You state that the principal applicant was a resident of the Choctaw Nation from the date of her birth to about 1872 or 1873, when she removed to the State of Texas and that all of the applicants continued to live in Texas until January 1898 when they removed to the Choctaw Nation.

The Indian Office recommends that the applicants be admitted as the Choctaw constitution contains no expatriation clause and as the principal applicant appears to have been a recognized citizen of the Choctaw Nation prior to June 28, 1898. The Indian Office refers to the fact that the names of several of the applicants appeared on the 1898 Choctaw leased district payment roll.

A copy of Indian Office letter is inclosed.

In view of section 21 of the act of June 28, 1898 (30 Stat.,  
L. 495), which provides "that no person shall be enrolled who has not

heretofore removed to and in good faith settled in the nation in which he claims citizenship", the Department is of opinion that your decision, adverse to the applicants, is correct and is accordingly affirmed.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

1 inc. and  
3 for Ind. Of.

(Signed) Thos. Ryan,

First Assistant Secretary.

A F Mc

2 - 14 07.

LAND  
28948-1906

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

( COPY )

November 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of June 8, 1904 (I.T.D. 4416) and May 21, 1903 (I.T.D. 3836), there is enclosed herewith a report from the Commissioner to the Five Civilized Tribes dated April 28, 1906, transmitting the record relative to the application of Eliza Trevino, et al., for enrollment as citizens of the Choctaw Nation.

On May 9, 1899, Eliza Trevino applied to the Commission to the Five Civilized Tribes for the enrollment of herself and her minor son, Eddie Dean, as citizens by blood and on the same day, Minnie Dean, daughter of Eliza Trevino, applied for the enrollment of herself and her two minor children Lillie Lee and Lilbon Lee, as citizens by blood.

On April 28, 1906, a decision was rendered by the Commissioner excluding all the above named applicants from enrollment as citizens of the Choctaw Nation on the ground that they were not residents in good faith of that nation on June 28, 1898, within the provisions of Section 21 of the Act of June 28, 1898 (30 Stat.L., 495).

An examination of the tribal rolls in the possession of the Commissioner's office shows that Eliza Trevino and Eddie and Minnie Dean, her children, are identified on the 1893 Choctaw Leased District Payment Roll, Kiamitia County, at Numbers 785, 906 and 905, respectively,



as citizens by blood of the Choctaw Nation and Lillie Lee and Lilbon Lee, having been born subsequent to the preparation of the 1898 Choctaw Leased District Payment Roll, are identified by proper birth affidavits filed with and made part of the record in this case.

It appears from the record and from the census card record that the principal applicant, Elisa Trevino is about fifty-five years of age and that she was a resident of the Choctaw Nation from the date of her birth until about 1872 or 1873, when she removed to the State of Texas. The other applicants, Eddie and Minnie Dean and Lillie and Lilbon Lee, were born in the State of Texas and resided there until January, 1899, when they removed to the Choctaw Nation.

The evidence shows that Elisa Trevino was a citizen of the Choctaw Nation previous to her removal to the State of Texas in 1872 or 1873 and according to her testimony, she never became a citizen of the State of Texas but always regarded the Choctaw Nation as her home. This testimony is substantiated by the fact that her name appears on the 1898 Choctaw Leased District Payment Roll, Kiamitia County. The Choctaw constitution contains no expatriation clause and as the principal applicant appears to have been a recognized citizen of the Choctaw Nation prior to June 28, 1898, she should not, in the opinion of this Office, be denied enrollment as a citizen of the Choctaw Nation under the provisions of Section 21 of the Act of June 28, 1898 (30 Stat.L., 495).

Inasmuch as Section 1, of the Act of April 26, 1906 (34 Stat.L.,

197), provides that the Secretary of the Interior may enroll persons as citizens of the Choctaw Nation whose names appear on any of the tribal rolls and for whom the records of the Commissioner show that application was made previous to December 1, 1905, and not allowed solely because not made within the time prescribed by law, this applicant seems to be entitled to such enrollment.

As Eddie and Minnie Dean, children of Eliza Trevino, were also recognized citizens of the Choctaw Nation, their names appearing on the 1898 Choctaw Leased District Payment Roll above mentioned, previous to June 28, 1898, and as Lillie and Edibon Lee, having been born since the preparation of this roll, were identified by proper birth affidavits, these applicants should not be denied enrollment as citizens of the Choctaw Nation under Section 21 of the Act of June 28, 1898 (30 Stat.L., 495) in view of the provisions of Section 1 of the Act of April 26, 1906 (34 Stat.L., 197). This Office is also of the opinion that Section 21 of the Act of June 28, 1898 (30 Stat.L., 495), being one of limitation, would not run as against the minor applicants during their minority.

Therefore in view of the record and of the decisions of the Department contained in Department letters of June 8, 1904, (I.T.D. 4416) and May 21, 1903 (I.T.D. 3826), which involve facts similar to those involved in this case, it is recommended that Commissioner Bixby be instructed to enroll all the above named applicants, herein, as citizens by blood of the Choctaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

Department of the Interior.  
Commissioner to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

7-2-146

DEPARTMENT OF THE INTERIOR.  
Commissioner to the Five Civilized Tribes.  
FILLED  
APR 20 1906  
NND  
UNCLAIMED

22634

Minnie Dean,  
Hugo, Indian Territory.



5457

7-2-147

REFER IN REPLY TO THE FOLLOWING

7-D-146  
7-D-147.

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

Muskogee, Indian Territory, April 28, 1906.

Minnie Dean,

Goodland, Indian Territory.

Dear Madam:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, denying the application for enrollment of yourself and two children, Lillie Lee and Lilbon Lee 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. 7-D-146,  
7-D-147.

Choc D148. Henry L. Gooding

D148

CHOCTAW D. 148

Henry L. Gooding,  
no 2 et al.

DECISION RENDERED

ATTESTED BY CHIEF OF BUREAU JUN 15 1906

COPY OF DECISION FORWARDED TO ATTORNEYS

RECORD FORWARDED DEPARTMENT JUN 15 1906

No. 1 GRANTED and transferred to Choctaw card No. 1610. Sept. 1906  
Per Petition # W 58

ACTION APPROVED BY SECRETARY OF INTERIOR

FEB 25 1907

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICK-SAW NATIONS.

MAR 2 1907

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT

MAR 2 1907

May 28-07 motion for writ  
deft.

June 17-07 motion denied by  
deft.

July 18-07 notices sent parties

7-20-148

~~445~~  
100

IN RE

Application for Enrollment of

**MINOR CHILD**

Act of Congress Approved  
April 20, 1906.

*Esther May Gooding*

as a citizen of

*Choctaw* Nation.

Approved..... 1906

Commissioner.

*Born July 24, 1893*

ACT OF CONGRESS APPROVED APRIL 20, 1906.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER OF THE FIVE CIVILIZED TRIBES

AUG 22 1906

*Notify William Riley,  
Adams, Ind. Ind.*

*of all action taken hereon*

CITIZENSHIP

RECORDED

JUL 1 1906



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

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Eather May Gooding, born on the 24<sup>th</sup> day of July, 1893.  
[Here insert name of child]  
Name of Father: Henry L. Gooding, a citizen of the Choctaw Nation.  
Name of Mother: Roxie A. Gooding, a citizen of the " Nation.  
Tribal enrollment of father: Choctaw Tribal enrollment of mother: "  
Postoffice: Grant Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,  
Central District.

I, Roxie A. Gooding, on oath state that I am Forty-two  
years of age and a citizen by marriage, of the Choctaw Nation;  
that I am the lawful wife of Henry L. Gooding, who is a citizen, by  
marriage, of the Choctaw Nation; that a female child was  
born to me on Twenty-fourth day of July, 1893; that said child has been named  
Eather May Gooding, and was living March 4, 1906.  
Roxie A. Gooding

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 13 day of May, 1906.

My commission expires July 2-1908 John L. [Signature]  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,  
Central District.

I, Henry L. Gooding, on oath state that I  
attended on Mrs. Roxie A. Gooding, wife of Henry L. Gooding  
on the 24<sup>th</sup> day of July, 1893; that there was born to her on said date a Female  
child; that said child was living March 4, 1906, and is said to have been named Eather May  
Gooding.  
Henry L. Gooding

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 12 day of May, 1906.

My commission expires July 2-1908 John L. [Signature]  
Notary Public.

Gooding Case

JAN 23 1906

Chilion Riley  
Atty for Pet  
Ardmore ID

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

.....

Commissioner to the  
Five Civilized Tribes.

Sir:

Your petitioner, Henry I. Gooding, respectfully states that he is an intermarried citizen of the Choctaw Nation and his enrollment as such upon the final roll of the citizens of said nation duly approved by the Honorable Secretary of the Interior.

Your petitioner further represents that since the death of his Indian wife that he has married again and that his second wife is a white woman, by whom he has one child, to-wit: Esther May Gooding, who is now living; that said child is now and has since the date of her birth resided with your petitioner, her father, in the Choctaw Nation.

Your petitioner further states that at the time he made his application for enrollment, in the year 1899, as a citizen by intermarriage of the Choctaw Nation, he also, at said time and at the same place made application for the enrollment of his said child as a citizen of the Choctaw Nation. Your petitioner states that said child is entitled to enrollment by virtue of being his child and born in lawful wedlock.

WHEREFORE, Petitioner asks that his said child, Esther May Gooding, be enrolled as a citizen of the Choctaw Nation.

Respectfully submitted,

Henry L. Gooding

Petitioner.

Chilion Riley

Attorney for Petitioner.

Henry L. Gooding, being duly sworn states that he has read the foregoing petition and that the facts therein setforth are true.

Henry L. Gooding

Subscribed and sworn to before me this the 15<sup>th</sup> day of January, A. D. 1906.

W. Hill

Notary Public.

*Deal*

Fred V. Kinkade being first duly sworn on oath states that he transmitted by registered mail to Mansfield, McMurray & Cornish, South McAlester, Indian Territory, attorneys for the Choctaw and Chickasaw Nations a carbon copy of above petition; that the registry receipt hereto attached is for letter in which said copy was sent.

Fred V. Kinkade

Subscribed and sworn to before me this the \_\_\_\_\_ Day of January, A. D. 1906.

Robert Lee Russell

Notary Public.

Registry receipt attached.

7-D-148.

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

-----

In the matter of the application for the enrollment of  
Esther May Gooding as a citizen of the Choctaw Nation.

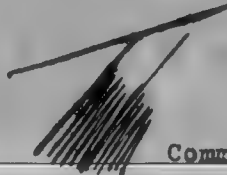
D E C I S I O N .

It appears from the census card record in this case that on May 9, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Esther May Gooding as a citizen of the Choctaw Nation.

It further appears from the record herein that under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there was filed on January 25, 1906, by Chilion Riley of Ardmore, Indian Territory, attorney for the petitioner, a petition verified by Henry L. Gooding and submitted on behalf of his minor child, Esther May Gooding, praying that she be enrolled as a citizen of the Choctaw Nation.

The record in this case shows that the applicant is the daughter of Henry L. Gooding, a white man, whose name appears as number 994 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., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior May 7, 1904, and Roxie Gooding, a non-citizen white woman.

I am, therefore, of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application and petition for the enrollment of Esther May Gooding as a citizen 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,

JUN 15 1906

7-D-148

Muskogee, Indian Territory, June 15, 1906.

Henry L. Gooding,

Grant, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 15, 1906, denying the application and petition for the enrollment of Esther May Gooding 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

*James Birby*  
Commissioner.

Registered.

Incl. 7-D-148

7-D-148

Muskogee, Indian Territory, June 15, 1906.

Chilion Riley,  
Attorney at Law,  
Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 15, 1906, denying the application and petition for the enrollment of Esther May Gooding 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,

*James D. Doby*

Commissioner.

Registered.

Incl. 7-D-148

7-D-148

Muskogee, Indian Territory, June 15, 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 June 15, 1906, denying the application and petition for the enrollment of Esther Way Gooding 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,

Incl. 7-D-148

*W. H. H. H.*  
Commissioner.



Muskogee, Indian Territory, June 15, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application and petition for the enrollment of Esther May Gooding as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, rendered June 15, 1906, denying said application and petition.

Respectfully,

*W. C. C. J.*

2 Incl. 7-D-148

Commissioner.

Through the  
Commissioner of Indian Affairs.

(COPY)

W.H.M.

G.R.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T D. 21210-1906. February 25, 1907.

L.R.S.  
Direct.

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

Sir:

In accordance with the recommendation of the Indian Office of October 22, 1906 (Land 51505), and in conformity with the opinion of the Attorney-General of the United States of February 19, 1907, in the case of Cyrus H. Kingsbury, et al, your decision of June 15, 1906, denying the application for the enrollment of Esther May Gooding as a citizen of the Choctaw Nation, is hereby affirmed.

You will advise the applicant of this action.

The record in the case has this day been returned for the files of the Indian Office, together with a carbon copy hereof.

A copy of Indian Office letter, recommending the above action, is enclosed for your information.

Respectfully,

(Signed) Jesse E. Wilson,  
Assistant Secretary.

1 enclosure, and  
2 enclosures to Ind. Of.,  
with carbon hereof.

A.F.Mc  
2-26-07

(COPY)

Land  
51505, 1906.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, October 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the five Civilized Tribes dated June 15, 1906, enclosing the record in the matter of the application and petition of Esther May Gooding for enrollment as a citizen of the Choctaw Nation.

The record in this case consists of the petition of Henry L. Gooding and the decision in the case, no testimony or other exhibits having been introduced. The petitioner sets forth in his petition that he is an intermarried citizen of the Choctaw Nation, and that since the death of his Indian wife he has married a second time, and that his present wife is a white woman, by whom he has one child, Esther May Gooding, now living.

The Commissioner to the Five Civilized Tribes, following the ruling of the Department in the Mary Elizabeth Martin case (I.T.D. 4048-1906), denied the petition and refused to enroll Esther May Gooding as a citizen of the Choctaw Nation, on June 15, 1906. The Office is of the opinion that the decision of the Commissioner at the time it was rendered was correct and that it is made stronger by the Act of Congress approved June 21, 1906, which

provides for the enrollment of minors "the children of Indians by blood". The Office therefore respectfully recommends that the decision of the Commissioner denying the petition and application be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWB-McC.

W-58

Muskogee, Indian Territory, March 2, 1907.

Henry L. Gooding,  
Grant, Indian Territory.

Dear Sir:

You are hereby advised that on February 25, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered June 15, 1906, denying the application for the enrollment of Esther May Gooding as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

V-58

Muskogee, Indian Territory, March 2, 1907.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on February 25, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered June 15, 1906, denying the application for the enrollment of Esther May Gooding as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

W-58

Muskogee, Indian Territory, March 2, 1907.

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

Gentlemen:

You are hereby advised that on February 25, 1907,  
the Secretary of the Interior affirmed the decision of the  
Commissioner to the Five Civilized Tribes, rendered June 15,  
1906, denying the application for the enrollment of Esther  
May Gooding as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, May 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

June 15, 1906, the Commissioner to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Esther May Gooding as a citizen of the Choctaw Nation, and on February 25, 1907, this action was approved by the Secretary of the Interior.

I now have the honor to transmit herewith motion and protest submitted by Chilion Riley, Ardmore, Indian Territory, for consideration in connection with this case.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner.

W 58.



7-1-148  
60-58

DEPARTMENT OF THE INTERIOR

CPL.

I.T. 50548-1907. WASHINGTON.

Subject: June 17, 1907.  
Motion and protest in  
enrollment case of  
Esther May Gooding.

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

Sir:

On May 28, 1907, you transmitted a motion filed in your office on May 27, 1907, by Chilion Riley, attorney for Esther May Gooding, applicant for enrollment as a citizen of the Choctaw Nation.

The records show that on February 25, 1907, the Department affirmed the decision of the Commissioner to the Five Civilized Tribes of June 15, 1906, denying the application for the enrollment of Esther May Gooding as a citizen of the Choctaw Nation.

By the provisions of the Act of April 26, 1906 (34 Stat., L., 137), the rolls of citizens of the Five Civilized Tribes were closed on March 4, 1907. Since that time the Department has had no jurisdiction over any citizenship matter, and is without authority to take any action that in any way affects the tribal status of any person or applicant for citizenship in any of the Five Civilized Tribes. The motion is therefore denied. You will so notify the interested parties.

EWE-EH

Very respectfully,

George W. Woodruff  
Acting Secretary.  
SVP.

Through the Commissioner  
of Indian Affairs.

7-D-148

Muskegee, Indian Territory, January 5, 1906.

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

Dear Sir:

You are hereby advised that the name of Esther May Gooding has been placed upon Choctaw card D 148.

You are therefore directed to add the name of this applicant to your list of undetermined applicants for enrollment as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-148

Muskogee, Indian Territory, January 5, 1906.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that the name of Esther May Gooding has been placed upon Choctaw card D 148.

You are therefore directed to add the name of this applicant to your list of undetermined applicants for enrollment as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

7-1610

Muskogee, Indian Territory, August 21, 1906.

Chillion Riley,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Roxie  
A. Gooding and Henry L. Gooding to the birth of Esther May Gooding,  
child of Henry L. and Roxie A. Gooding, July 24, 1893.

Respectfully,

Commissioner.

Choc D149

missouri L. Bingham

D149



RECEIVED FEB 25 1968

FEB 25 1968

ADMIN APPROVED BY  
SPECIAL AGENT IN CHARGE

NOTICE OF DEPARTMENTAL ACTION  
FOR HONORED ATTORNEYS FOR CHOCORAW  
AND OTHER ALABAMA NATIONS  
FEB 25 1968

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

In the matter of the enrollment of Missouri I. Bingham  
as a citizen of the Choctaw Nation; being sworn by Commissioner  
McKennon, she testifies as follows:

Q Your name is Missouri I. Bingham? A Yes sir.

Q What is your age? A Forty-five.

Q Where do you reside? A Jackson, Indian Territory.

Q How long have you been living there?

A I believe it has been about nine years; I have lived in the  
Indian Territory about twenty years.

Q Did you make application to the Dawes Commission for admission  
as a citizen? A I did.

Q You received this notice exhibited did you? A I did.

Q Your name is not M. T. Bingham? A It is M. I. Bingham.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as  
stenographer to above named Commission, that this  
transcript is a true, full and correct translation of  
my stenographic notes.

*M. E. Green*

Choctaw D-147.

Muskogee, Indian Territory, February, 26, 1902.

Missouri I. Bingham,

Bennington, Indian Territory.

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation, will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 4th, 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.

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.

T. B. Needles,

Commissioner in Charge.

Register.



Department of the Interior.  
Commission to the Five Civilized Tribes.

In the matter of the application of  
Missouri I. Bingham for enrollment  
as a citizen of the Choctaw Nation.

----D 149----

On the 26th day of February, 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 notified by registered mail, that the application of Missouri I. Bingham 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 4th day of April, 1902, for final consideration.

Now, on this fourth 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.

-----

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 4th day of April, 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 C Risteen*

Subscribed and sworn to before me this 8th day of April, 1902.

*W. Smithell Wood*

Notary Public.

J.W.L.  
E.H.

7 D 149

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

In the matter of the application for the enrollment of  
Missouri I. Bingham as a citizen of the Choctaw Nation.

D E C I S I O N .

It appears from the census card records of the Commission and the record in this case that Missouri I. Bingham appeared before the Commission at Goodland, Indian Territory, on May 11, 1899, and made personal application for the enrollment of herself as a citizen of the Choctaw Nation.

It does not appear from the evidence in this case or the records of this Commission that the applicant herein has ever been recognized or enrolled by the tribal authorities of the Choctaw Nation as a citizen of said tribe in Indian Territory; 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 Stats., 321); nor does it appear that she has ever been married in accordance with the laws, customs and usages of the Choctaw Nation to a duly recognized and enrolled citizen of said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that in the cause entitled "M. I. Bingham, et al., vs. Choctaw Nation" (1896 Docket "C", Choctaw number 611), on the 3rd day of September, 1896, the applicant, with others, made original application to this Commission under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321), for citizenship in the Choctaw Nation, claiming by virtue of being a child of one Isaac Newman, who is alleged to have been a missionary to the Choctaw Indians, and to have lived among them for many years. On December 2, 1896, this Commission rendered a decision as fol-

Missouri I. Bingham.--

2

laws:

"No jurisdiction to determine rights of applicants; children of missionaries.", from which decision of the Commission no appeal was taken.

It is, therefore, the opinion of this Commission that the application for the enrollment of Missouri I. Bingham as a citizen of the Choctaw Nation should be denied under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

FEB 25 1903

COPY

Choctaw D. 149

Muskogee, Indian Territory, February 28, 1903.

Missouri I. Bingham,  
Bennington, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*James Bixby.*

Chairman.

Registered.

Enc. MT. 5

Choctaw D. 149

Muskogee, Indian Territory, February 25, 1903.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Missouri I. Bingham as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Enc. VT. 6

COPY.

Muskogee, Indian Territory, February 25, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Missouri L. Bingham for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission dated February 25, 1903, denying said application.

Respectfully,

J. S. D.

John S. D.  
Chairman.

2 inclosures: Choctaw D.149

Through the  
Commissioner of Indian Affairs.

(COPY)

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

Land  
13,862-1903.

December 10, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith, a report from the Commission to the Five Civilized Tribes, dated February 25, 1903, transmitting the record relative to the application of Missouri I. Bingham for enrollment as a citizen of the Choctaw Nation.

February 25, 1903, the Commission held that the applicant was not entitled to enrollment.

The record in the case does not show that the applicant has ever been admitted to citizenship in the Choctaw Nation by the tribal authorities, the commission or the court; neither does it appear that she has been married to a recognized and enrolled citizen of the Choctaw Nation in accordance with the laws, customs and usages of that nation.

In the commission's decision it is stated that an examination of the records in its possession shows that in case entitled M.I. Bingham, et al., versus the Choctaw Nation, in 1896, this applicant, with others, applied to the commission for citizenship in the Choctaw Nation in accordance with the provisions of the Act of June 10, 1896, claiming rights to citizenship by reason of being the child of one Isaac Newman who it was alleged had been a missionary to the

Choctaw Indians and who had lived among them for many years. Said decision further shows that on December 2, 1896, the commission held that it had "no jurisdiction to determine rights of applicants, children of missionaries", and that no appeal was taken from such decision.

From the record in this case it does not appear that this applicant is of Choctaw blood, but that she bases a right to enrollment by reason of her father having been a missionary among the Choctaw Indians.

The office does not believe that she is entitled to enrollment and the approval of the commission's decision adverse to her is recommended.

Very respectfully,

W. A. Jones,

Commissioner

(G.A.W.) P.



DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

WCY  
FHE

I.T.D. 8784-1903.  
2164-1904.

May 25, 1904.

RS

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

Gentlemen:

February 25, 1903, you transmitted the record in the matter of the application of Missouri I. Bingham for enrollment as a citizen of the Choctaw Nation, including your decision of the same date, denying said application.

Reporting in the matter December 10, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

Choctaw D-149

Muskogee, Indian Territory, June 6, 1904.

Missouri I. Bingham,

Bennington, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of May 25, 1904, affirmed the decision of this Commission dated February 25, 1903, refusing your application for enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Choctaw D-149

COPY.

Muskogee, Indian Territory, June 6, 1904.

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

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of May 26, 1904, affirmed the decision of this Commission dated February 25, 1903, refusing the application of Missouri I. Bingham for enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Choctaw D 149

Muskogee, Indian Territory, November 26, 1902.

Missouri Bingham,

Bennington, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you desire to be advised why a decision has not been rendered in your case.

In reply to your letter you are advised that it appears from our records that on May 11, 1899, Missouri I. Bingham, 45 years of age of Bennington, Indian Territory, made application to this Commission for enrollment as a citizen of the Choctaw Nation. No decision has up to this time been rendered in the matter of such application but will be rendered at as early a date as practicable. When a decision is rendered in the matter of your application, you will be duly advised thereof.

Respectfully,

Acting Chairman.

7-D-149.

Muskogee, Indian Territory, February 6, 1904.

Missouri I. Bingham,

Bennington, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen of the Choctaw Nation, you are advised that the attorneys for the Choctaw and Chickasaw Nations have this day forwarded through the Commission to the Honorable Secretary of the Interior a request that final decision in your case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Julia London, et al., vs. Choctaw and Chickasaw Nations, No. 55 on the South McAlester Docket.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On February 25, 1903, the Commission rendered a decision denying the application of Missouri I. Bingham for enrollment as a citizen of the Choctaw Nation, and on the same day forwarded the original record in the case, together with the decision of the Commission therein, to the Department, and also notified the applicant and the attorneys for the Choctaw and Chickasaw Nations of the action of the Commission in denying said application.

The Commission is now in receipt of a request by the attorneys for the Choctaw and Chickasaw Nations, on behalf of said nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Julia London, et al., vs. Choctaw and Chickasaw Nations, No. 55 on the South McAlester Docket.

Said request is transmitted herewith.

Respectfully,

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.  
1 inclosure (W. F. 7-D-149).

Empty

Choc D151 Tennessee Askew

D151



D. 151.

Thurston (Shaw) et al.

(to Chertaw for the amount of \$1169).

17-11-5-6-7

(if these applicants are refused as Chertaw by deed it should be without prejudice to their rights as Chertaw (Shaw)).

NOTICE APPROVED BY  
SECRETARY OF INTERIOR.

245  
NOTICE OF DEPARTMENTAL ACTION  
APPLICANTS

APR 6 - 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED

17-1169.

C O P Y .

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Ardmore, Indian Territory, September 23rd, 189 8.

In the matter of the application of Susan Harris for enrollment as

Phillip Stevenson, being duly sworn by Commissioner T.B. Needles, testified as follows:

Examination by Commissioner Tams Bixby:

- Q Where do you live? A I live near Springer.
- Q Indian Territory? A Yes, sir.
- Q Do you know Susan Harris? A Yes, sir.
- Q How long have you known her? A About twenty years I reckon.
- Q Did you know her mother? A Yes, sir.
- Q How long did you know her? A Thirty-five or forty years since I knowed her.
- Q Where did you know her? A At the mouth of Boggy in the Choctaw Nation.
- Q How many years were you acquainted with her down there? A It has been about thirty-five or forty -- thirty-five years any way -- when I first got acquainted with her down there.
- Q How long did you know her? A I knowed her always, until she died.
- Q When did she die? A I cannot tell the year. She died in ---
- Q About how long ago? A Well, I suppose she has been dead about twenty-five years.
- Q Then you knew her about ten years? A Yes, sir.
- Q What was she? A She was a James.
- Q What was her first name? A I do not know ---

Q Tennessee? A Tennessee James.

Q Was she an Indian or colored woman? A An Indian.

Q Choctaw or Chickasaw? A Choctaw.

Q How do you know she was a Choctaw Indian? A I knowed it by her people - John James and Felix James, her brothers, who was called Choctaws, and I was well acquainted with them. They was Choctaws.

Examination by A. Tell, of the Choctaw Commission:

Q You say she was a sister of Felix James and John James?

A Yes, sir.

Q Are you positive of that? A Yes, sir, I am.

Q Who was Felix James, was he a Choctaw or Chickasaw? A He was a Choctaw. John James I knowed him when I was a boy, I growed up with him. He used to be a clerk at Old Fort Washita.

Q Did she have any other kin folks -- that James stock people?

Q I do not know anything more about it, more than John James, Susan Colbert -----

Q She was a sister of her's also? A No, Susan Colbert raised her.

Q What kin was she to Susan Colbert? A I do not know what relation she was -- some kin, but old Susan Colbert raised her. She was living with her when I first got acquainted with her. I brought her money home with me -- \$600.00.

Q Was John James a blind man? A No sir.

Q How about Felix? A John, he was kinder of near sighted.

Felix was always blind. John always looked as if he was blind. He could not see but little.

Q Who was John James' wife? A I do not know who his wife was; I cannot tell anything about his wife. I just know him and Felix.

Q This girl, Tennessee, she was a sister of their's? A Yes sir.

Examination of witness by Commissioner T.B. Needles:

Q Was she a full blood Chickasaw or only a part? A No, Choctaw.

Q I mean a full blood Choctaw? A I think she was a Choctaw, I would not be positive about it, - she drew Choctaw annuity.

Examination by Mr A. Tell of the Choctaw Commission:

Q How do you know? A I went down to Atoka when she drew and brought it home with me. I saw her draw her money and brought her back with me in the wagon.

Q Are you the man that was here this morning? A No sir.

Q Another man made that same statement this morning? A No sir, I went down with her and brought the money back for her.

Q He said he went down and brought the money back for her?

A I knowed what I done. I went down and brought her back and her money.

Examination by Mr. Bourland of the Chickasaw Commission:

Q Just \$500.00 was drawn? A I think that is all she drew.

Q Did she not give some as a lawyer's fee? A Yes sir, I guess so.

Examination by Commissioner Tams Bixby:

Q How much was she entitled to? A I do not know.

Q How many were in her family? A I do not know that.

By Overton Love, Chickasaw Commissioner:

Q Did you not say she was raised by Susan Colbert at the mouth of Big Boggy? A Not right at the mouth of Boggy. She raised ✓

her and had her on the farm.

Q How many miles from the mouth of Boggy? A I do not know.  
I was not much acquainted with that country. I live here on Blue.

By Charles Cohee, of the Chickasaw Freedmen Commission:

Q Whom did you live with there? A I lived with Joe Colbert  
on Blue.

-----

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

In the matter of the enrollment of Agnes Harrison, (or Georgia Harrison) as a citizen by blood of the Choctaw Nation. Charles Cohe, being sworn and examined by Commissioner McKennon, testifies as follows:

Q Your name is Charles Cohe? A Yes sir.

Q How old? A Fifty-one years old.

Q Do you know this little girl standing before you? A Yes sir.

Q What is her name? A Her name is Agnes Harrison, we always called them Harris, but it was Harrison I suppose.

Q Did you know her mother? A Yes sir.

Q Who was she? A She was Susan Harris.

Q Who was Susan's mother? A Tennessee James.

Q Who was Tennessee James? A She was a Choctaw half-breed.

Q What was her mother, do you know? A I didn't know her mother.

Q Was she a slave or a free woman?

A She was a free woman, an Indian, Tennessee was.; not a slave, not regarded as a colored person.

Q Did you know this child's father? A Yes sir.

Q What was his name? A Tom Harrison.

Q What was he? A Freedman.

Q Colored man? A Yes sir.

Q (Judge Dukes) Where did Tennessee live? A She lived  
Molsey  
down here with old lady ~~xxxx~~ Colbert. I used to know them up  
on Blue.

Q (Dukes) That is where you got acquainted with them?

A Yes sir.

(Agnes Harrison, -Chas. Cohe, wit-#2)

Q (Dukes) This girl's mother, what was she, half-breed Choctaw?

A Yes sir.

Q Her father was a freedman? A Yes sir.

Q And this girl's mother's father was a freedman? A Yes sir.

Q And its grandmother was a Choctaw? A Yes sir, her grandmother.

Q (Dukes) What was this girl's grandmother's name now?

A Tennessee James.

Q (Captain Maytubby) Did you know Tennessee James? A Yessir.

Q Where did you know her at? A Up on Blue.

Q (Judge Dukes) She lived there? A No sir, they lived up on the forks of Boggy.

-----  
E. D. Colbert, being sworn and examined by Commissioner McKennon, testifies as follows:

Q What is your name? A E. D. Colbert.

Q What is your age? A Going on sixty-five.

Q Did you know Tennessee James? A Yes sir.

Q What was she? A An Indian woman, Choctaw.

Q Who were her brothers and sisters, do you know? A Yes sir, Felix, John, Ennis and Amos James.

Q Did she have a daughter Susan? A Yes sir.

Q Do you know who she married? A No sir, I don't know who she married, but I know she had that girl.

Q You know what her husband's name was afterwards?

A No, but I know his son.

Q You know whether she had any other children or not?

A I heard they had children, I never saw them.

(Agnes Harrison, E.D. Colbert, wit. #2)

Q What was she? A She must have been what Tennessee James was.

Q Was she a full-blood Choctaw? A No sir, her father was a black man.

Q And her mother was a Choctaw? A Choctaw Indian, yes sir.

Q Full-blood? A Pretty bright, tolerable fair, must have been a little white blood in her I ~~guess~~ think.

Q (Dukes) Mixed blood of what? A White and Indian, Tennessee I think was mixed, pretty fair, fairest of any one, there was two other sisters of them.

Q What was their names? A Siney and Sukey.

Q Did you know Tom Harrison? A Yes sir.

Q Colored man? A Yes sir.

Q You know whether he married Susan or not? A I heard he married them.

Q Did you know whether they lived together or not, did you ever see them together? A No sir, I never have seen them since they married; Susan, though, was Tennessee's daughter.

Q (By Capt. Maytubby) Where did Tennessee die at? A Down here at old Susy Colbert's place.

Q What Susy Colbert was that? A Sam Colbert's mother.

Q At what place? A We always colled it BOGEY, just above the forks of BOGEY.

Q Did she use to make visits up in the Chickasaw Nation?

A Yes sir, she used to visit up there backwards and forwards.

Q ~~She~~ had relatives up there? A Yes, ~~she~~ had a brother up there, John James.

Q Up in the Chickasaw Nation? A Yes sir, John James lived in the Chickasaw Nation; there about Fort Washita I think.

-----



(Agnes Harrison, Peter Maytubby, witness)

Peter Maytubby, being sworn and examined by Commissioner McKennon, testifies as follows:

Q How old are you? A Sixty-two.

Q Did you know Susan, who was the daughter of Tennessee James?

A I didn't know her, that is the child she had, but I didn't know the name.

Q You know that Tennessee did have a child by a colored man?

A Yes sir.

Q You don't know what her name was? A No sir.

Q That was how long ago, Captain? A I am sixty-two years old, - just about twenty- about forty years ago.

Q That woman if living would be about forty years old, the colored child? A Yes, I am satisfied it would be.

Q I understand that is the woman who claims to be the mother of this child? A Yes sir.

Q You don't know what became of that girl? A No sir I do not.

Department of the Interior,

Commission to the Five Civilized Tribes.

*I hereby certify that the foregoing is a true and correct copy as deposited in this office, and that this is the original of the same as submitted to the Commission of the Interior.*

*M. D. Green*

Department of the Interior,  
Commission to the Five Civilized Tribes.

I hereby certify that the foregoing is a true and correct copy of the deposition of  
Dick Roebuck, taken at the Commission of

*M. D. Green*

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

In the matter of the enrollment of Georgia, or Agnes, Harrison, (nine years old,) as a citizen by blood of the Choctaw Nation. Dick Roebuck, being sworn and examined by Commissioner McKennon, testifies as follows:

Q What is your name? A Dick Roebuck.

Q Choctaw citizen? A Yes sir.

Q By blood? A No sir, my father was Indian, my mother a colored woman; I am a Choctaw freedman.

Q Have you been enrolled as such? A Yes sir.

Q What is your age? A I don't know my age exactly, I reckon I am about fifty-eight or nine.

Q You know Agnes, or Georgia, Harrison? A Yes sir, I know her when I see her, but I don't know she is the child of this woman, but I know the mother; the mother left this County and went to the Chickasaw Nation; I don't know that this is the child no more than by the father, he told me he married this woman in the Chickasaw Nation.

Q The father dead? A Yes sir.

Q Mother dead? A Yes sir, so I am told; died in the Chickasaw Nation.

Q What was the mother's name? A I don't remember. The father was a colored man and the mother was an Indian, staid with the Colberts, I cannot remember the name, I knew them well though. Edmond Colbert lived right in the same family.

C O P Y.

N O. 384.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA )  
INDIAN TERRITORY ) SS: To any person authorized by law  
SOUTHERN DISTRICT. ) to solemnize marriage—GREETING:

You are Hereby Commanded, To solemnize the rite and publish the bans of matrimony between Mr. F.C. Askew, of Woodford, in the Indian Territory, aged 40 years, and M.. Tennessee Harris, of Woodford, in the Indian Territory, age 20 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 31 day of March, A.D. 1899.

(Signed) C.M. Campbell,

Seal.

Clerk of the United States Court.

CERTIFICATE OF MARRIAGE.

United States of America )  
The Indian Territory ) ss. I, W. McKeney, a minister  
Southern District ) of the gospel, do hereby  
certify, that on the 1 day of April A.D. 1899, I did duly and according to law, as commanded in the foregoing license, solemnize the rite and publish the Bans of Matrimony between the parties therein named.

Witness my hand this 1 day of April, 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 B, Page...

(Signed) I.W. McKeney,

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 credentials have first been recorded in the Clerk's office.

Endorsed on back:

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 . P.O. Askew and M.. Tennessee Harris were filed in my office in said Territory and District the 12 day of Apl, A.D. 1899 and duly recorded in Book D, page 144.

Witness my hand and seal of said Court, at Ardmore, this 22 day of Apl. A.D. 1899.

(Signed) C.M. Campbell, Clerk.

F I L E D    A P R    12    1899  
C. M. C A M P B E L L, Clerk.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
F I L E D  
APR 9 1901, Tams Bixby, Acting Chairman.

---

*IN RE**Application for Enrollment of**INFANT CHILD**Frederick Askew**as a citizen of the**Choctaw Nation.*

---

*Approved JUN 6 1901**Tams Bixby**Commissioner.*

---

Department of the Interior  
Commission to the Five  
Civilized Tribes.

F I L E D

JUN 6 1901.

Tams Bixby, 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 Frederick Askew, born on the 12th day of Nov., 1900.  
(Here insert name of child.)  
 Name of Father: Frank Askew, a citizen of the United States Nation.  
 Name of Mother: Tennessee Askew, a citizen of the Choctaw Nation.  
 Post-Office: Woodford, I.T.

### AFFIDAVIT OF MOTHER.

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

I, Tennessee Askew, 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 Frank Askew, who is a citizen, by  
 \_\_\_\_\_, of the United States Nation, that a male child was  
(Male or female.)  
 born to me on the 12th day of Nov., 1900; that said child has been  
 named Frederick Askew, and is now living.

Tennessee + Askew  
 mark

WITNESSES TO MARK:

(Must be Two Witnesses.) { Jesse Akers  
Johnson Franklin

Subscribed and sworn to before me this 25th day of March, 1901.

C.H. Clark

Seal.

*Notary Public.*

### AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

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

I, Nancy Stephenson, a midwife, on oath state that I  
 attended on Mrs. Tennessee Askew, wife of Frank Askew,  
 on the 12th day of Nov., 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

her  
Nancy + Stephenson  
 mark

WITNESSES TO MARK:

(Must be Two Witnesses.) { Jesse Akers  
J.A. Woods.

Subscribed and sworn to before me this 26th day of Mch, 1901.

C.H. Clark

Seal.

*Notary Public.*

Department of the Interior  
Commission to the Five Civilized Tribes  
Ardeners, I.T. October 27, 1902.

Choctaw D-151.

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Tennessee Askew and her minor child Frederick Askew and her three minor sisters, Josephine, Frances and Mary Harris.

Tennessee Askew being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Tennessee Askew.  
Q How old are you? A Twenty-two years old.  
Q What is your post office address? A Milo.  
Q How long have you lived in the Chickasa Nation? A I was raised here.  
Q Lived here all of your life? A Yes, sir  
Q Lived here in the Chickasaw Nation all of your life? A Yes, sir  
Q Ever lived in the Choctaw Nation? A Yes, sir  
Q How long? A Just for a week or two on a visit.  
Q When did you come before the Commission before? A I never went for myself.  
Q Are you an applicant before the Commission for enrollment as a citizen by blood of the Choctaw Nation? A Yes, sir.  
Q Have you ever been recognized or enrolled as a member of the Choctaw tribe of Indians? A Yes, sir.  
Q When were you recognized by the tribal authorities? A I disremember when it was; I was small.  
Q Were you ever put on the roll of Choctaw citizens prepared by the Choctaw tribe? A I think so.  
Q Do you know anything about it? A Well I know mother went off to have us enrolled.  
Q Did you ever draw any money as a member of the Choctaw tribe of Indians? A Yes, sir.  
Q When did you draw this money? A In '95 my mother drew for us.  
Q Where were you at that time? A On the Washita.  
Q How much money did your mother draw? A \$300.00  
Q How many persons were in your family at that time? A My mother and five children.  
Q Are you sure she drew three-hundred dollars? A Yes, sir.  
Q What year you think that was in? A '95.  
Q Did you ever draw any money known as the Leased District payment? A No, sir.  
Q Did you ever hear of any such payment being made? A No, sir.  
Q Through whom do you claim your Indian blood? A My mother.  
Q How much Indian blood did she have? A She was a half Indian I guess.  
Q What was your father? A My father was a Choctaw freedman.  
Q Who was Tennessee James, did you ever hear of her? A Yes; I heard of her; that was my grandmother.  
Q The mother of your mother? A Yes, sir.  
Q Was she an Indian? A Yes, sir  
Q Full blood? A Yes, sir.

#2

- Q What was your grandfather? A He was a Choctaw or Chickasaw freedman,--one I don't know exactly which.
- Q Is your mother living now? A No, sir.
- Q When did she die? A She has been dead three or four years.
- Q She was dead at the time you were first enrolled? A No, sir; she was here then.
- Q Did she enroll you? A Yes, sir.
- Q By Chickasaw Commissioner Murray.
- Q Where did your mother enroll you at? A At Oakland I think.
- Q The Choctaw or Chickasaw country? A In the Choctaw country.
- Q There is no place by the name of Oakland in the Choctaw country is there? A It is Okra I think.
- Q You don't know just where she enrolled you? A No, sir; I do not
- Q You are sure your mother enrolled you? A Yes; she enrolled me.

By the Commission.

- Q Did your mother enroll ~~you~~ herself at the same time? A Yes, sir
- Q Where were you living in 1896? A There on the Washita.
- Q Was your name ever put on the census roll of the citizens of the Choctaw Nation? A I think so.
- Q Did any one come around and get your name in 1896 and put it on the roll of citizens of the Choctaw or Chickasaw Nations? A Yes; I believe they did.
- Q Who came around? A I don't know.
- Q Do you remember anything about it? A Yes, sir.
- Q How old are you at that time? A I don't know how old I was.
- Q Are you married? A Yes, sir.
- Q What is the name of your husband? A Frank Askew.
- Q Is he an applicant before the Commission for enrollment as an intermarried citizen? A No, sir.
- Q He is a non-citizen? A Yes, sir.
- Q Have you got any children? A Yes, sir.
- Q How many? A One.
- Q What is the name? A Frederick
- Q How old is he? A Eleven months.
- Q Have you got any brothers and sisters? A Yes, sir.
- Q State their names? A Tommie, Josephine, Frances, Agnes and Mary. ---Agnes is dead.
- Q Agnes is dead? A Yes, sir.
- Q Was Tommie Harris ever enrolled as a Choctaw? A Yes, sir.
- Q When was application made for him? A The same time the rest of them.
- Q Is your brother Tom enrolled as an Indian or Freedman? A He is enrolled as an Indian? My mother enrolled him as an Indian and my Pa enrolled him as a freedman.
- Q Was application ever made for the enrollment of any of your brothers or sisters, with the exception of Tom, as freedmen of the Choctaw Nation--any of the rest of them put down as Chickasaw Freedmen? A Yes, sir.
- Q Which ones? A All of us.
- Q Was application made for you? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported, in full all the proceedings had in the above entitled



#3

cause on October 27, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 29 day of November 1902.

*L. Rosenwinkel*  
*Charles H. Sawyer*

Notary Public.

Copy.

United States of America.

In the Chickasaw Nation Pickens County, I. T. 6/6/03  
I (Philip Stephenson) of Springer I. T. and in the above  
County and Nation testify under oath that Susan Harris is a  
Choctaw Indian by blood and that I brought her from Atoka once  
after she had drawn her annuity. Said Annuity money however  
was bought and drawn by a Merchant of Atoka whose name was or  
is Philips.

Philip <sup>his</sup> X Stephenson  
mark

Philip Stephenson jr  
-----

victoria stekhensn

(SEAL)

I B C Franklin a notary public in and for the  
Southern District testify that Philip Stephenson appeared on  
6/6/03 before me and executed the foregoing instrument vol-  
untarily

My Commission expires 4/13/07. B C Franklin  
a notary public.

-----

In the Chickasaw Nation Pickens County  
June 5, 1903 I (Albert Johnson) of perwyn I. T. in the  
County and Nation above mentioned sware on oath that the said  
Susan Harris is a daughter of Tennessee James and a Citizen  
by blood of the Choctaw Nation.

Albert <sup>his</sup> X Johnson  
mark

C D Jackson  
Mack Whitlow (SEAL)

I, C B Franklin) A notary public in and for the  
Southern district testify that Albert Johnson of perwyn I.T.  
appeared before me on the 6/5/03 and stated that he voluntarily  
executed the foregoing instrument

My Commission expires 4/13/07 B C Franklin  
A notary public.

-----

In the United States of America

In the Chickasaw Nation Pickens County  
June 5, 1903, I (July Joseph of Milo I.T. in the County  
and nation above ~~mentioned~~ mentioned sware on oath that the s  
said Susan Harris is a daughter od Tennessee James and a  
citizen by blood of the Choctaw Nation.

C.D Jackson  
Mack Whitlow, (B C Franklin) a Notary public in and for the

7-D-151.

Affidavit of July Joseph--2.

Southern District testify that July Joseph of Milo, I. T. appeared before me on the 5th day of June 1903 and stated that he executed the above instrument voluntarily.

My Commission expires 4/13/07. B C Franklin,  
A Notary Public.

United states of America

In the Chickasaw Nation, in Indian Territory

I (Mack Stephenson) on oath sware that I carried Susan Harris to Atoka for the purpose of drawing Annuity money and that the said money was drawn by a merchant names Phillips who lived in Atoka. Said merchant Phillips having given Susan Harris' brother on mothers side (Adam Stephenson) four hundred dollars for the six hundred dollars. I further sware that the said Susan Harris is a daughter of Tennessee James and a Choctaw citizen by blood. Sworn to this 5 day of June 1903.

his  
Mack X Stephenson  
mark

E. N. Carter

A. C. Stephenson  
-----

I B. C. Franklin A Notary Public in and for the Southern District Indian Territory testify that Mack Stephenson appeared before me on the 6/5/03 and stated voluntarily that he carried the said Susan Harris to Atoka for the purpose of drawing annuity money and that the said money was drawn by a merchant in Atoka names Phillips, he Phillips having given Susan Harris brother (Adam Stephenson) four hundred dollars for the <sup>said</sup> six hundred dollars.

B C Franklin  
A Notary Public

My Commission expires 4/13/07.

Endorsed on back:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED JUL 6 1903.  
TAKE BIXBY, Chairman.

Department of the Interior, before the Commission to the Five  
Civilized Tribes of the Indian Territory at Muskogee.

Tennessee Askew, nee Harris for herself

and as natural guardian of Tom Harris Jr.,

her minor brother, Josephine, Frances and Mary Harris

her minor sisters and Fred Askew her minor son.

Claimants.

vs.

Motion for Rehearing

The Choctaw Nation,  
Defendants.

Now, comes Tennessee Askew, nee Harris for herself and in  
behalf of and as natural guardian of her minor brother, Tom  
Harris Jr., and her minor sisters Josephine, Frances and Mary  
Harris and her minor son Fred Askew, claimants and petitioners  
herein and prays for a reopening of and rehearing in the above  
entitled cause before the Commission to the Five Civil-  
ized Tribes of the Indian Territory for the following reasons  
to-wit:

That they are Choctaw Indians by blood and that in compliance  
with the then existing statutes, laws, rules and regulations  
providing for the enrollment of Choctaw Indians, Susan Harris  
the mother and grandmother the maternal ancestor of these claim-  
ants was identified and enrolled upon their application from  
Wilson Jones who was then <sup>the</sup> Chief of the Choctaw Council and  
regularly placed upon the pay roll of the said Choctaw Nation.

That their mother Susan Harris was the daughter of Ten-  
nessee James both of whom were duly recognized Choctaw Indians  
by blood and not otherwise.

That claimants maternal ancestor, Susan Harris did on or  
about the time and at Atoka, in the Choctaw Nation, Indian  
Territory, draw their annuity (except for her minor child,  
then unborn) and that prior to now and up to the time of

hearing that their names appeared upon the roll of freedmen were duly recognized in every way whatsoever as Choctaw Indians by blood.

The petitioners made their former and makes this application in good faith and states that in their examination first had in the premises, they were not aware of any denial of their rights and status as Choctaw Indians in view of their relationship to the tribe as aforesaid, nor were they aware of any effort or mistake prejudicial to their rights as aforesaid, in face of the record in their case.

That petitioners have in their behalf newly discovered evidence in corroboration with the facts contained in this ~~mark~~ motion and evidence material in this case.

Wherefore, claimants and petitioners herein pray the Commission to the Five Civilized Tribes of the Indian Territory that their cause may be ordered opened for a rehearing of proof and testimony in their behalf and that upon final hearing ~~in~~ in the premises the names of claimants herein be transferred to the Roll of the Choctaw Indians by blood

-----  
-----  
I have read the foregoing petition subscribed by me and know the contents thereof, that the same is true of my own knowledge.

her  
Tennessee X Askew  
mark.

Henry Stephenson

Subscribed and sworn to before me this --day -f --

A.D. 1903  
(SEAL)

B C Franklin  
Notary Public.

Endorsed on back: Department of the Interior Received

APR 4-1904

Enc. No. 1 of No 2651

Indian Territory Division.

Tennessee Askew, et al, Claimants, VS. The Choctaw Nation Defendants  
Motion for rehearing.

Department of the Interior, before the Commission to the Five  
Civilized Tribes of the Indian Territory at Muskogee.

Tennessee Askew, nee Harris for herself

and as natural guardian of Tom Harris Jr.,

her minor brother, Josephine, Frances and Mary Harris

her minor sisters and Fred Askew her minor son.

Claimants.

vs.

Motion for Rehearing

The Choctaw Nation,

Defendants.

Now, comes Tennessee Askew, nee Harris for herself and in  
behalf of and as natural guardian of her minor brother, Tom  
Harris Jr., and her minor sisters Josephine, Frances and Mary  
Harris and her minor son Fred Askew, claimants and petitioners  
herein and prays for a reopening of and rehearing in the above  
entitled cause before the Commission to the Five Civil-  
ized Tribes of the Indian Territory for the following reasons  
to-wit:

That they are Choctaw Indians by blood and that in compliance  
with the then existing statutes, laws, rules and regulations  
providing for the enrollment of Choctaw Indians, Susan Harris  
the mother and grandmother the maternal ancestor of these claim-  
ants was identified and enrolled upon their application from  
Wilson Jones who was then <sup>the</sup> Chief of the Choctaw Council and  
regularly placed upon the pay roll of the said Choctaw Nation.

That their mother Susan Harris was the daughter of Ten-  
nessee James both of whom were duly recognized Choctaw Indians  
by blood and not otherwise.

That claimants maternal ancestor, Susan Harris did on or  
about the time and at Atoka, in the Choctaw Nation, Indian  
Territory, draw their annuity (except for her minor child,  
then unborn) and that prior to now and up to the time of

hearing that their names appeared upon the roll of freedmen were duly recognized in every way whatsoever as Choctaw Indians by blood.

The petitioners made their former and makes this application in good faith and states that in their examination first had in the premises, they were not aware of any denial of their rights and status as Choctaw Indians in view of their relationship to the tribe as aforesaid, nor were they aware of any effort or mistake prejudicial to their rights as aforesaid, in face of the record in their case.

That petitioners have in their behalf newly discovered evidence in corroboration with the facts contained in this ~~not~~ motion and evidence material in this case.

Wherefore, claimants and petitioners herein pray the Commission to the Five Civilized Tribes of the Indian Territory that their cause may be ordered opened for a rehearing of proof and testimony in their behalf and that upon final hearing in the premises the names of claimants herein be transferred to the Roll of the Choctaw Indians by blood

(Signed) Tennessee Askew  
by her Atty. S. T. Wiggins.

I have read the foregoing petition subscribed by me and know the contents thereof, that the same is true of my own knowledge.

her  
Tennessee X Askew  
mark.

Henry Stephenson

Subscribed and sworn to before me this --day -f --

A.D. 1903  
(SEAL)

B C Franklin

Notary Public.

Endorsed on back: Tennessee Askew vs. The Choctaw Motion

Motion for rehearing S. T. Wiggins Atty for Claimants  
DEPARTMENT OF THE INTERIOR? COMMISSION TO THE FIVE CIVILIZED  
TRIBES FILED SEP 28 1903 Tans Bixby Chairman.

Affidavit of Phillip Stephens in support of the  
motion herein.

United states of America,  
Indian Territory,  
Southern District.

I, Phillip Stephens on oath state that I am 75  
years of age and a citizen by freedwoman of the Chickasaw  
Nation, that Susan Harris returned in company with me from  
Atoka, Indian Territory in the Choctaw Nation thither she had  
gone for the purpose of drawing her annuity money to my perso-  
nal knowledge; that she exhibited to me some of the money, drawn  
his  
Philip X Stephens  
mark

Witness to mark:

R. P. Colbert

Henry Colbert

Subscribed and sworn to before me this 28 day of August 1903

B C Franklin

Notary Public.

My Commission expires, April 13, 1907. (SEAL)

-----  
Endorsed on back: DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED , Sep 28 1903 .

Tams Bixby, Chairman.



Affidavit of July Joseph  
in support of the motion herein.

United States of America,  
Indian Territory,  
Southern District.

I, July Joseph on oath state that I am 70 years  
of age and a citizen by freedwoman of the Choctaw Nation: That  
I did know Tennessee James up to the time of her death to be a  
free and recognized citizen by blood of the Choctaw Nation:  
that there were born to her two children whose names were  
Susan and Adam: that as soon as the girl child (Susan) became  
of age she was married to Tom Harris: that there was born to  
Tom and Susan Harris five children whose names are Tennessee  
(Harris ) Askew, and Tom Jr., Josephine, Frances and  
Mary, all of whom are yet alive.

July            his  
                  X        Joseph  
                  mark

Witnesses to mark:

Adge Stephenson

Henry Stephenson

Subscribed and sworn to before me this 31 day of Aug  
1903.

B C Franklin  
Notary public.

(SEAL)

My Commission expires April 13, 1907.

Endorsed on back:

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

FILED SEP 28 1903.

Tans Bixby, Chairman

Affidavit of Mack Stephens in support of the  
motion herein.

United States of America,  
Indian Territory,  
Southern District.

I, Mack Stephenson do oath state that I am 84 years  
of age and a citizen, be freedwoman of the Chickasaw Nation:  
that I knew Susa warris personally; that I did carry her  
(Susan Harris) to Atoka in the Choctaw Nation in the year of --  
for the purpose of drawing her annuity money ; that I did in  
the presence of one Henry Bintum identify her (Susan warris) be  
fore Wilson Jones, who was then chief of the Choctaw Council x  
and that he (Wilson Jones) placed her (Susan warris) upon the  
Choctaw Indian Payroll; that the money due her and her four  
children , Tennessee, Tom Jr., Josephine and Frances was the  
sum of six hundred Dollars (\$600), that she (Susan Harris)  
brother sold the money at a discount of two hundred dollars  
(\$200) to a merchant whose name was Joe Phillips who then lived  
in Atoka; that he (Joe Phillips) did draw the said annuity money  
in the sum of six hundred Dollars (\$600 )

his  
Mack X Stephens  
mark

Witness to mark:  
Henry Stephenson

Z S Stephenson

(SEAL)

Subscribed and sworn to before me this 31 day of  
Aug 1903

B C Franklin

My Commission expires, April 13/07----1903 Notary Public.

Endorsed on back: DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED SEP 28 1903

TAMS BIXBY, Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Muskogee, Indian Territory,  
December 2, 1903.

-----:-----  
Choctaw D. 151.

In the matter of the application for the enrollment of  
Tennessee Askew, et al., as citizens by blood of the Choctaw Nation.

Applicants represented by S. T. Wiggins, attorney of  
record.

(Statement by S. T. Wiggins) Upon the basis of the motion filed  
for a rehearing, September 28, 1903, with the Commission to the  
Five Civilized Tribes, wherein Tennessee Askew for herself and as  
natural guardian for Thomas Harris, Jr., her minor brother, Jose-  
phine, Frances and Mary Harris, her minor sisters, and Fred Askew,  
her minor son; wherein she applies for a rehearing in the case,  
and that said applicants be transferred to the Choctaw Indian roll.  
The said motion for a rehearing was granted by the Commission to  
the Five Civilized Tribes, and applicants were allowed to intro-  
duce proof upon the basis of the facts contained in said motion  
and affidavits in support of same.

(By the Commission to S. T. Wiggins) Have you filed notice of the  
taking of this testimony upon the Attorneys for the Choctaw and  
Chickasaw Nations? A No, personally, I have not.

Q Has the Nation any notice of the taking of this testimony?  
A Personally, I do not know.

(By the Commission) No appearance on behalf of the Choctaw and  
Chickasaw Nations, nor has any proof of service in the taking of  
this testimony been filed with the records in the case.

(By S. T. Wiggins) Counsel, appearing, is not personally aware of  
any service having been previously given to the Choctaw Nation,  
and so states.

-----:-----  
Tennessee Askew, being first duly sworn, on her oath,  
testified as follows:

Examination by attorney, S. T. Wiggins.

- Q What is your name? A Tennessee Askew.  
Q How old are you? A Twenty-two or twenty-three years old.  
Q Have you any brothers or sisters? A Yes, sir.  
Q Give their names? A Tommie Harris, Josephine, Frances and Mary.  
Q Have you any children? A Yes, sir.  
Q Give their names? A Frederick.  
Q Are there any other children, sisters or brothers? A No, sir.

Choctaw D 151

Tennessee Askew, et al. 2

- Q These are all alive? A Yes, sir.  
Q Who is the mother of Thomas, Josephine, Frances and Mary and yourself? A Susan Harris.  
Q What is your father's name? A Tom Harris.  
Q What was Susan Harris' mother's name? A Tennessee James.  
Q Do you remember Tennessee James in your life time? A No, sir.  
Q Is your mother living or dead? A Dead.  
Q Do you know whether or not she in her life time was ever enrolled as a Choctaw Indian? A Why, that's what they told me.  
Q Do you know? A No, I never made application for enrollment only a year ago at Ardmore.  
Q Do you know whether or not your mother, Susan Harris, drew annuity in the Choctaw Nation? A Yes, sir.  
Q Did you ever since her death make application before the Dawes Commission as a citizen of the Choctaw Nation? A Yes, sir, once down here at Ardmore.  
Q Did you make that application for yourself and those whom you represent in this case? A Yes, sir.  
Q Did your mother, Susan Harris, draw annuity in the Choctaw Nation? A Yes, sir.

-----:-----  
Examination by the Commission.

- Q What is your mother's name? A Susan Harris.  
Q Was she a Choctaw Indian? A Yes, sir.  
Q When did she die? A I don't remember what year it was she died; she has been dead six years.  
Q Was -- while she was living she was recognized as a Choctaw? A Yes, sir.  
Q You said she drew annuity? A Yes, sir.  
Q What annuity did she draw? A I don't know.  
Q When did she draw it? A I don't know.  
Q How much did she get? A I don't know.  
Q Who got the money? A Drew it herself.  
Q Where did she draw it? A At Atoka, Indian Territory.  
Q About how long ago was that? A I don't remember.  
Q When was you born? A I don't know what year.  
Q How old are you? A Twenty-two or twenty-three.  
Q Ever been recognized as a citizen of the Choctaw Nation? A Yes, sir.  
Q Ever been recognized as a citizen by the Choctaw tribal authorities? A Yes, sir.  
Q Are you on any tribal roll? A I ought to be.  
Q Are you? A No, sir.  
Q Where was you living in 1893? A ON Washita Creek.  
Q Did you draw the Leased District Payment of the Choctaw Nation in 1893? A Yes, sir.  
Q How much did you draw? A I couldn't tell you.  
Q Who drew it for you? A My mother, she drew for all of us children, except one.

The names of Susan Harris, Tennessee, Josephine, Agnes, and Frances Harris do not appear upon the 1893 Leased District Payment Roll of the citizens of the Choctaw Nation, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, with the exception of the roll of Choctaw freedmen living in the Chickasaw Nation, made by the Choctaw tribal authorities in 1896, the names of the applicants herein appearing upon said roll on page 444, under the name of Harrison.

-----:-----  
Examination by attorney, S. T. Wiggins.

- Q Were you under the age of eighteen at the time of the drawing of your money? A Yes, sir.  
Q When she drew the annuity? A Yes, sir.

-----:-----  
Examination by the Commission.

- Q Have you always lived in the Choctaw Nation? A No, sir, I never have lived in the Choctaw Nation.  
Q Where have you lived? A Lived in Indian Territory.  
Q What Nation? A Chickasaw Nation.  
Q Have you lived any where else than in the Chickasaw Nation? A No, sir.  
Q How long since your father's death? A Seven years.  
Q Was he a Choctaw freedman? A Yes, sir.  
Q How old was your mother when she died? A I couldn't tell you how old she was.  
Q About how old? A I couldn't tell you nothing about how old she was -- something like thirty or forty.  
Q Did your father and mother both live in the Chickasaw Nation? A Yes sir.  
Q Do you know where they were born? A In the Choctaw Nation.  
Q Did your mother go by any other name than Susan Harris? A That's all the name.  
Q Were they ever known by the name of Harrison? A Yes, sir.  
Q Any other name she was known by? A Not that I know of.  
Q When she lived in the Choctaw Nation, do you know what county it was? A No, sir.  
Q What county do you live in in the Chickasaw Nation? A Pickens County.  
Q What is your post-office? A Milo, Indian Territory.  
Q You, yourself, never drew any money? A Yes, sir.  
Q Did you get it yourself? A No, sir, I didn't get it but my mother drew it for me.  
Q About how old were you when your mother drew this money for you? A About eleven, I guess.  
Q Where was your mother living at the time she drew this money? A In the Chickasaw Nation.

Choctaw D 151

Tennessee Askew, et al. 4

Examination by attorney, S. T. Wiggins.

- Q Can you read? A No, sir.  
Q Can you write? A No, sir.  
Q All you know about these things is from memory? A Yes, sir.

-----:-----  
-----:-----

July Joseph, witness on behalf of the applicants, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A July Joseph.  
Q How old are you? A About sixty-five.  
Q Where do you live, Mr. Joseph? A I live over there about Ardmore.  
Q What Nation? A Chickasaw Nation.  
Q How long have you lived in the Chickasaw Nation? A I have been living in the Choctaw and Chickasaw Nations all my days.  
Q How long have you lived in the Chickasaw Nation? A Been about twenty-five or thirty years.  
Q Came over after freedom to the Chickasaw Nation? A Yes, sir.  
Q Before that you lived in the Choctaw Nation? A Yes, sir.  
Q Do you know Tennessee Askew? A Yes, sir.  
Q How long have you known her? A Knew her from a little girl up.  
Q A Little girl? A Yes, sir, from a baby.  
Q Where was she living all this time? A Living on the Washita in the Chickasaw Nation.  
Q Her brother and sisters too? A Yes, sir.  
Q Do you know their names? A Yes, sir.  
Q What was the name of the mother of Tennessee? A Susan Harris.  
Q Do you know what was the name of their father? A Thomas Harris.  
Q Are they living? A No, sir, both dead.  
Q How long had you known Thomas Harris and Susan Harris? A Known Susan all her days.  
Q Did you live close to them? A Yes, sir, lived close together.  
Q Was Susan -- what was she; was she a freedman or was she an Indian? A She was an Indian by blood.  
Q Did she look like an Indian? A Yes, sir, she looked like an Indian.  
Q What was Thomas Harris? A He was a freedman.  
Q Did they live together as man and wife a good many years? A Yes, sir, lived together a while as man and wife.  
Q Did you ever know Susan Harris in the Choctaw Nation? A Yes, sir.  
Q Who was her father and mother; who was her mother? A Tennessee James.  
Q What was she? A She was a Choctaw Indian.  
Q Do you know anything at all whether Susan Harris ever drew any money from the Choctaw Nation? A Yes, sir.  
Q Do you know how much she drew? A No, sir. I couldn't tell you that.  
Q Do you know how long ago it was? A Not exactly.  
Q About how long? A About ten or eleven years ago.

Choctaw D 151

Tennessee Askew, et al. 5

- Q Do you know where she drew it? A Think she drew it at Atoka, Indian Territory.
- Q You don't know, yourself, as to whether she drew it? A No, sir, she says she drew it.
- Q Do you know how much she drew? A No, sir. I could not tell you.
- Q Did Susan Harris ever go by any other name than Susan Harris? A Before she was married by the name of Susan Joseph.

-----:-----

Examination by attorney, S. T. Wiggins.

- Q Can you read or write? A No, sir.
- Q You are the father of Susan Joseph (Susan Harris)? A Yes, sir, that was the claim.
- Q Are you the one that made original application at Ardmore? A Yes, sir.
- Q For the claim to be transferred from the freedman roll to the Indian roll? A Yes, sir.

-----:-----

Examination by the Commission.

- Q You said the mother of Susan Harris was Tennessee James? A Yes, sir.
- Q And you are her father -- Susan Harris' father? A Yes, sir.
- Q You claim that Tennessee Askew and Josephine Harris, Frances Harris, and Mary Harris are one-fourth bloods? A Yes, sir.

-----:-----  
-----:-----  
-----:-----

Albert Johnson, witness on behalf of the applicants, being first duly sworn, on his oath, testified as follows:

Examination by the Commission.

- Q What is your name? A Albert Johnson.
- Q What is your age? A I am about forty-three years old. I was twelve years old at the beginning of the war.
- Q Where do you live? A I was raised in the Choctaw Nation.
- Q Where do you live now? A I live in the Chickasaw Nation now.
- Q How long have you lived there? A Came from the Choctaw Nation after the war.
- Q Lived there ever since? A Yes, sir.
- Q How far do you live from Milo? A Fifteen or sixteen miles.
- Q Do you know Tennessee Askew? A Yes, sir.
- Q Her mother and grandmother? A Yes, sir.
- Q How long have you known them? A Tennessee James -- I knowed her all my life. She was raised right -- I knowed her ever since I was

- a boy twelve years old on up.
- Q What was Susan Harris? A Susan Harris -- she was an Indian by blood -- mother was an Indian; her father was a colored man.
- Q Tennessee Askew's mother was Susan Harris and she was a Choctaw? A Susan Harris' mother, Tennessee James, was a Choctaw by blood.
- Q Susan Harris? A Mother was an Indian and her father was freedman -- black man.
- Q The father of Tennessee Askew was Thomas Harris, a Choctaw freedman? A Yes, sir.
- Q Do you know as to whether Susan Harris ever drew any annuities? A Yes, sir.
- Q How do you know it? A Well, she went down to Atoka to draw annuity money and after she went down there and got this money she come back and got me to take care of the money -- take the money and keep it for her. She come to me and asked me about it and I told her that I could get the money out of the bank and get the bank men to transfer the money from the Denison bank to the Ardmore bank.
- Q How much was it? A Well, it was something over \$400 -- might have been something over -- right about that.
- Q You were not at Atoka when she drew the money? A No, sir.
- Q All you about drawing the money was what she told you? A Yes, sir. She returned with money and said it was annuity money.
- Q Do you know for whom she drew? A She went down there to Atoka County and went down there and she had staid there quite a while -- didn't pay at the time -- she sold her scrip to a man by the name of Joe Phillip. The money she was to get she claimed was about six hundred dollars. She sold it to him and she sold him her paper for about four hundred dollars and I think he got six hundred dollars.
- Q Who was this Joe Phillip? A He was a white man.
- Q What was his business? A He was running a big store at Atoka.
- Q Is he living? A No, sir.
- Q Do you know when he died? A No, sir.
- Q Is there anything else you know about this case -- about Susan Harris -- her being recognized as a Choctaw Indian? A She was recognized as a Choctaw Indian.
- Q In what way? A She drew annuities -- money -- and everybody ))) Tennessee James -- she was a relation to the people I belonged to. Susan James was a Choctaw Indian all right.

-----

Examination by attorney, S. T. Wiggins.

- Q What relation was Tennessee James to your mistress? A According to what they always told me my mistress and her must have been first cousins. Tennessee James was a cousin of Walsey Colbert, my owner.
- Q You say you had known Tennessee James all her -- your -- life? A Yes, sir, I knowed her all my life -- knowed her ever since I could recollect.
- Q Susan Harris was the grandmother of these applicants? A Yes, sir, grandmother of this Tennessee Askew.
- Q She was the mother of Susan Farris? A Yes, sir. Susan Harris was her mother.
- Q You are a freedman, are you? A Yes, sir.
- Q Can you read or write? A No, sir.
- Q The only way you have to fix ideas is by memory? A Yes, sir.



Choctaw D 151

Tennessee Askew, et al. 7

Q Is Tennessee Askew, Mary Harris, Josephine Harris, Frances Harris and Thomas Harris, Jr. minor children at the death of Susan Harris?  
A Yes, sir.

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-----  
-----

Ephraim James, being duly sworn, on his oath, testified on behalf of the applicants, as follows:

Examination by the Commission.

- Q What is your name? A Ephraim James.  
Q How old are you? A About fifty-five.  
Q Where do you live? A Live on the Washita.  
Q How far do you live from Milo? A I don't know that place, that Milo. I live three miles from Berwyn.  
Q How far do you live from Tennessee Askew? A Live about twenty-five miles.  
Q How long have you known her? A For ever since she was little.  
Q Do you know her mother? A Yes, sir.  
Q Who was she? A Susan Harris.  
Q What was she? A She was a Choctaw by blood.  
Q Did she look like one? A Yes, sir.  
Q How much Indian blood did she have? A I don't know. Guess was half and half.  
Q Who was the father of Tennessee; do you know him? A I know who they called her father.  
Q Who was he? A Thomas Harris.  
Q What was he? A Choctaw freedman.  
Q How long had you known Susan Harris? A Known her ever since she was small.  
Q Do you know Susan Harris was recognized by the Choctaws? A Says she was.  
Q Do you really know anything at all about it yourself? A No, sir, just heard some say she had Choctaw blood.  
Q Just heard some say she had Choctaw blood? A No, I know she had Choctaw blood.  
Q Who was Susan Harris' mother? A Tennessee James.  
Q Was she an Indian? A Yes, sir.  
Q Do you know that or just heard it? A I know it; I was raised right there with them.  
Q Who was the father of Susan Harris? A Susan Harris' father was named July Joseph.  
Q The gentleman who testified here this morning? A Yes, sir.  
Q Do you know Susan Harris ever drew any money? A I don't know. I heard she drew money.  
Q You don't know anything about it yourself? A I seen money.  
Q How much did you see at one time? A I never seen much of it at one time.  
Q How long ago was that? A I couldn't tell.  
Q About twenty years ago? A May have been twenty and may not have been -- took no account of it.  
Q Do you know how much she drew? A No, sir.  
Q Where she drew it? A Choctaw Nation, Atoka.

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Tennessee Askew, et al. 8

- Q Don't know yourself about it? A No, sir. I didn't go down there.  
Q She went away and when she came back she had a little money; that's all you know about it? A Yes, sir.

-----

Examination by attorney, S. T. Wiggins.

- Q Do you know who came back with her? A I think it was Phillip.  
Q Phillip who? A Phillip Stevenson.  
Q Do you know who went down with her? A Mack Stevenson.  
Q What relation is he to Phillip? A Two brothers.  
Q Can you read or write? A No, sir.  
Q Only way you have to fix dates and events is by memory? A Yes, sir.  
Q You don't want to swear positively as to dates? A No, sir, I don't.  
Q Did you say you knew Tennessee James all your life? A Yes, sir, knowed her all my life.  
Q Knew her to be an Indian? A Yes, sir.  
Q Was she related to the people that owned you? A Yes, sir.  
Q Do you know what kin she was? A She was a sister to my old master's mother.

-----

Examination by the Commission.

- Q You are a Choctaw freedman? Or Chickasaw? A Choctaw.  
Q Are you on the final rolls? A Yes, sir.  
Q Have you taken your allotment? A No, sir.  
Q Did you know Susan Harris by any other name than Susan Harris? A No, sir. I guess she went by Susan Joseph until she was married.  
Q Any other name? A No, sir.

-----

Examination by attorney, S. T. Wiggins.

- Q Do you know whether or not they ever mistook the name Harris for Harrison? A No, sir.

-----

-----

Phillip Stevenson, witness on behalf of the applicants, being first duly sworn, on oath, testified as follows:

Examination by the Commission.

- Q What is your name? A Phillip Stevenson.  
Q How old are you? A About seventy-five.  
Q Where do you live? A I live about two miles west of Springer.

Choctaw D 151

Tennessee Askew, et al. 9

- Q Chickasaw Nation? A Yes, sir.  
Q You are a freedman? A Yes, sir.  
Q What Nation? A Chickasaw Nation.  
Q Are you listed for enrollment? A Yes, sir.  
Q Do you know Tennessee Askew and her brothers and sisters? A Yes, sir.  
Q Do you live any where near where they live? A Yes, sir.  
Q How near? A I live about twelve miles from where they live now.  
Q Did you know her mother? A Yes, sir.  
Q What was her name? A Her name was Susan.  
Q What was she? A She was a Choctaw.  
Q She was a full blood Choctaw, was she? A No, she was a half.  
Q Who was the father of this young woman, Tennessee Askew? A Tom Harris.  
Q Who was Susan Harris' mother? A Tennessee.  
Q What was her other name? A Tennessee James.  
Q Who was the father of Susan Harris? A July Joseph.  
Q He was a freedman? A Yes, sir.  
Q Was Susan Harris an illegitimate child? A Yes, sir, I suppose she was.  
Q Do you know Tennessee James and July Joseph were married when this Susan Harris was born? A No, sir, I don't.  
Q You stated just now that Susan Harris was a Choctaw; how do you know that? A I know for her mother -- her mother was a Choctaw.  
Q How do you know her mother was a Choctaw? A Cause I knowed her family all my days and I used to be around there and she was a relation to the man that raised me, Joe Colbert.  
Q What relation was Joe Colbert to Tennessee James? A Cousin.  
Q Closely related? A Yes, sir, close kin.  
Q Was Tennessee James a freedman; wasn't she a slave? A Never was a slave.  
Q What about Susan Harris; was she a slave? A No, sir.  
Q Do you know whether Susan James ever drew any money from the Choctaw Nation? A Yes, sir.  
Q How do you know it? A I know it cause I was with her.  
Q Where did Susan Harris draw this money? A She drew it at Atoka.  
Q Now, have you any idea how long ago that was? A No, sir, not exactly. I suppose it was six or seven years ago -- may be longer.  
Q Were you at Atoka at that time? A Yes, sir. I was at Atoka at that time.  
Q What were you doing there? A I went down there to see some of my kin folks down there.  
Q When you saw her at Atoka, did she draw money? A She had drawn it.  
Q Then did you and she go together? A Yes, sir.  
Q ~~Where did you both go to or was anybody else with you?~~ A No, there was nobody else with me.  
Q Now you and Susan Harris were together; where did you go? A Went home up on the Washita.  
Q Went from Atoka to the Chickasaw Nation with her? A Yes, sir.  
Q How did you go? A Went in a buggy.  
Q To Washita? A Yes, sir.  
Q She had the money with her all this time? A Yes, sir.  
Q What did she do with the money? A Placed it in the hands of Albert Johnson.  
Q How much was it? A About four hundred dollars.  
Q What took place then? A Well, I suppose Albert Johnson took the money and turned it over to her.

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Tennessee Askew, et al. 10

Examination by attorney, S. T. Wiggins.

Q Were you there at Atoka when she made the deal with old man Phillip, the merchant? A No, I wasn't there then when she made the deal.

-----

Examination by the Commission.

Q Where did you get the money? A Got it from Joe Phillips.  
Q So you got the money from Joe Phillips? A Yes, sir, I went with her over and got the money.

-----

Examination by attorney, S. T. Wiggins.

Q Where is Mack Stevenson? A Dead now.  
Q Is that the brother of yours that went with Susan Harris to be enrolled and draw annuity money? A Yes, sir.

-----

(By the Commission to Attorney S. T. Wiggins) Do you intend to introduce any further testimony? A No, sir, not that I know of.  
Q The case will be held for thirty days for the introduction of any additional testimony that the applicants may desire to present. After that the case will be considered closed and the decision of the Commission rendered upon such evidence as then presented.

---

Wirt Franklin, being first duly sworn, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported all proceedings had in the above entitled cause at Muskogee, Indian Territory, on December 2, 1903, 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 8<sup>th</sup> day of December, 1903.

Charles H. Sawyer  
Notary Public.

INDEXED

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IN RE  
THE DEATH OF

*Agnes Harris*  
a citizen of the  
*Choctaw* Nation.

Approved *Nov-1* 1902

*James Bixby*  
Commissioner.  
*J. B.*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED NOV 1 1902  
T.M.S. BIXBY,  
Acting Chairman.

(Copy)

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

In the matter of the death of Agnes Harris  
(Here insert name of deceased.)  
 a citizen of the Choctaw Nation, who formerly resided at or near  
Milo  
(Here insert name of postoffice), Ind. Ter., and died on the 1 day of  
September, 1899

**AFFIDAVIT OF RELATIVE.**

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, Tennessee New, on oath state that I am 22  
 years of age and a citizen, by Blood, of the Choctaw Nation;  
 that my postoffice address is Milo, Ind. Ter.; that I am  
(Here insert name of postoffice.)  
the sister of Agnes Harris  
(State relationship as: the father, an uncle; a cousin, &c.) (Here insert name of deceased.)  
 who was a citizen, by Blood, of the Choctaw Nation;  
 and that said Agnes Harris died on the 1 day of  
September, 1899 Tennessee West  
(Here insert name of deceased.) at New  
mark

WITNESSES TO MAKE:  
(Must be Two Witnesses.) { G. D. Rodgers  
Chas. W. John

Subscribed and sworn to before me this 27 day of October, 1902.  
C. D. Johnson  
 Notary Public.

**AFFIDAVIT OF ACQUAINTANCE.**

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, C. W. John, on oath state that I am 45  
 years of age, and a citizen by the State Nation;  
 that my postoffice address is Merwin, Ind. Ter.;  
(Here insert name of postoffice.)  
 that I was personally acquainted with Agnes Harris  
(Here insert name of deceased.)  
 who was a citizen, by Blood, of the Choctaw Nation;  
 and that said Agnes Harris died on the 1 day of  
September, 1899 C. D. Johnson  
(Here insert name of deceased.)

WITNESSES TO MAKE:  
(Must be Two Witnesses.) {

Subscribed and sworn to before me this 27 day of October, 1902.  
C. D. Johnson  
 Notary Public.

{ Seal }

{ Seal }

(COPY)

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Tennessee Askew, Josephine Harris, Agnes Harris, Frances Harris, Mary Harris and Frederick Askew as citizens by blood of the Choctaw Nation, Choctaw field No. D-151.

-----

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Julia London, et al., vs. Choctaw and Chickasaw Nations, No. 55 on the South McAlester Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the third or the fourteenth articles of the treaty of 1830 as necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaws and Chickasaws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Wansfield, McMurray & Cornish,  
Attorneys for the Choctaw & Chickasaw Nations.  
January 23, 1904.

-----

Endorsed on back:  
Choctaw D-151.

In the matter of the enrollment of Tennessee Askew and her sisters, Josephine, Frances and Mary Harris, and her child Frederick Askew, as citizens by blood of the Choctaw Nation. Also Agnes Harris (dead)

PROTEST of Choctaw and Chickasaw Attorneys

PROTEST overruled by Department

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

FILED FEB 6 1904.

TALC BIXBY, Chairman.

915

7-D-151.

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

In the matter of the application for the enrollment of Tennessee Askew, Thomas Harris, Josephine Harris, Agnes Harris, Frances Harris, Mary Harris and Frederick Askew as citizens by blood of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the census card record in this case and the record herein that application was made at Goodland, Indian Territory on May 24, 1899, for and in behalf of Tennessee Askew (nee Harris or Harrison), Thomas Harris (or Harrison), Josephine Harris (or Harrison), Agnes Harris (or Harrison), Frances Harris (or Harrison) and Mary Harris (or Harrison) for enrollment as citizens by blood of the Choctaw Nation. Subsequently on June 6, 1900 there was filed with this Commission written application for the enrollment of Frederick Askew as a citizen by blood of the Choctaw Nation, born November 12, 1900 to the applicant Tennessee Askew and Frank Askew, a citizen of the United States. Further proceedings were had in this case at Ardmore, Indian Territory on October 27, 1902 and at Muskogee, Indian Territory on December 2, 1903.

It further appears from the census card record in this case and the record herein that the applicant Tennessee Askew was born about 1884; that the applicant, Thomas Harris, was born about 1886; that the applicant Josephine Harris was born about 1887; that the applicant Agnes Harris was born about 1888; that the applicant Frances Harris was born about 1891; that the applicant Mary Harris was born about 1895; that all of said applicants are the offspring of Susan Harris (nee Joseph), deceased, an alleged half blood Choctaw Indian, and Tom Harris, deceased, a Choctaw freedman; that said Susan Harris and Tom Harris are identified upon the 1896 Choctaw Census Roll of freedmen, Chickasaw District, numbers 1973 and 1972, respectively, and that said Susan Harris was the offspring of Tennessee James, deceased, an alleged full blood Choctaw Indian, and July Joseph, a Choctaw freedman whose name appears as number 2603 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 642), of persons entitled to enrollment as freedmen of the Choctaw Nation and approved by the Secretary of the Interior on June 11, 1902.

It does not appear from the evidence offered in



support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that any of the applicants herein has ever been enrolled as a citizen by blood of the Choctaw Nation; nor does it appear that any of them has been admitted to citizenship as a citizen by blood of the Choctaw Nation by the legally constituted authorities of said nation. It does appear that the applicants, Tennessee Askew, Josephine Harris, Agnes Harris, Frances Harris and Mary Harris are identified upon the 1896 Choctaw Census Roll of freedmen, Chickasaw District, numbers 1974, 1976, 1977, 1978 and 1975, respectively.

It does not appear from an examination of the records in the possession of the Commission that any of the applicants herein has ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes or by a decree of 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 further appears that all of the applicants herein who were then living were residents in good faith of Indian Territory on June 28, 1898.

It further appears from the record herein that the applicant Agnes Harris died in September 1899.

It is the opinion of this Commission that the application for the enrollment of Agnes Harris as a citizen by blood of the Choctaw Nation should be dismissed and that the application for the enrollment of Tennessee Askew, Thomas Harris, Josephine Harris, Frances Harris, Mary Harris and Frederick Askew as citizens by blood of the Choctaw Nation 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.

It is further the opinion of this Commission that Tennessee Askew, Thomas Harris, Josephine Harris, Frances Harris, Mary Harris and Frederick Askew should be enrolled as Choctaw freedmen, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 341), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.

  
Commissioner.

Muskogee, Indian Territory,

  
Commissioner.

Choctaw D 151

Y.

Muskogee, Indian Territory, February 7, 1905.

Tennessee Askew,

Milo, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 7, 1905, dismissing the application for the enrollment of Agnes Harris as a citizen by blood, denying the application for the enrollment of yourself, your son, Frederick Askew, your brother, Thomas Harris, and of your sisters, Josephine Harris, Frances Harris and Mary Harris, as citizens by blood of the Choctaw Nation, and granting the application for the enrollment of yourself, your son, Frederick Askew, your brother, Thomas Harris, and of your sisters, Josephine Harris, Frances Harris and Mary Harris, as Choctaw freedmen.

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. B. R.

*W. B. R.*

Registered.

Chairman.

Incl. 7-D-151.

Choctaw D 151

COPY!

Muskogee, Indian Territory, February 7, 1905.

Wiggins & Brown,  
Attorneys at Law,  
Ardmore, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on February 7, 1905, rendered its decision dismissing the application for the enrollment of Agnes Harris as a citizen by blood, denying the application for the enrollment of Tennessee Askew, Thomas Harris, Josephine Harris, Frances Harris, Mary Harris and Frederick Askew, as citizens by blood of the Choctaw Nation, and granting the application for the enrollment of Tennessee Askew, Thomas Harris, Josephine Harris, Frances Harris, Mary Harris and Frederick Askew, as Choctaw freedmen.

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.

*W. H. H. H.*

Chairman.

Registered.

Choctaw D 151

COPY.

Muskogee, Indian Territory, February 7, 1905.

Cruce, Cruce & Bleakmore,  
Attorneys at Law,  
Ardmore, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on February 7, 1905, rendered its decision dismissing the application for the enrollment of A nes Harris, as a citizen by blood, denying the application for the enrollment of Tennessee Askew, Thomas Harris, Josephine Harris, Frances Harris, Mary Harris, and Frederick Askew, as citizens by blood of the Choctaw Nation, and granting the application for the enrollment of Tennessee Askew, Thomas Harris, Josephine Harris, Frances Harris, Mary Harris and Frederick Askew, as Choctaw freedman.

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,

SIGNED

*James Bixby*

Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 7, 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 7, 1905, dismissing the application for the enrollment of Agnes Harris as a citizen by blood, denying the application for enrollment of Tennessee Askew, Thomas Harris, Josephine Harris, Frances Harris, Mary Harris and Frederick Askew, as citizens by blood of the Choctaw Nation, and granting the application for the enrollment of Tennessee Askew, Thomas Harris, Josephine Harris, Frances Harris, Mary Harris and Frederick Askew as Choctaw freedmen.

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,

(SIGNED)

*James Birby*

Incl. 7-D-151

Chairman.

Registered.

COPY,  
Muskogee, Indian Territory, February 7, 1908.

The Honorable,  
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings, with the decision of the Commission dated February 7, 1906, dismissing the application for the enrollment of Agnes Askew as a citizen by blood, denying the application for the enrollment of Tennessee Askew, Thomas Harris, Josephine Harris Frances Harris, Mary Harris and Frederick Askew, as citizens by blood, of the Choctaw Nation, and granting the application for the enrollment of Tennessee Askew, Thomas Harris, Josephine Harris, Frances Harris, Mary Harris and Frederick Askew, as Choctaw freedmen.

Respectfully,

(SIGNED)

*James Bixby*

Chairman.

2 Incl. 7-D-151

Through the  
Commissioner of Indian Affairs.

DC.13627-1905.  
ITD.2224-1905.  
L. R. S.

(COPY). G.R. RJH.  
DEPARTMENT OF THE INTERIOR,  
WASHINGTON, March 14, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

February 7, 1905, you transmitted the record of the application for the enrollment of Tennessee Askew, Thomas Harris, Josephine Harris, Agnes Harris, Frances Harris, Mary Harris and Frederick Askew as citizens by blood of the Choctaw Nation, including your decision dated February 7, 1905, admitting to enrollment, as Choctaw freedmen, the above named applicants.

March 3, 1905, the Acting Commissioner of Indian Affairs, reporting in the matter, recommended that your decision, admitting said applicants as Choctaw freedmen, be affirmed. A copy of his letter is herewith inclosed.

The Department concurs in the recommendation made, and your decision dated February 7, 1905, admitting said applicants to enrollment as Choctaw freedmen, is hereby affirmed.

Your attention is invited to the fact that the name of Tennessee Harris, age 18, female, census card 816, is found on the roll of Choctaw freedmen, list No. 2, opposite No.1777, which list was approved by the Acting Secretary of the Interior on April 8, 1903. You are requested to ascertain whether Tennessee Harris, as above enrolled, is identical with Tennessee Askew (nee Harris), one of the applicants admitted to enrollment as a Choctaw freedman under your

decision dated February 7, 1905, which is hereby affirmed; and if it be found that Tennessee Harris, whose name is enrolled opposite No. 1777, above cited, is identical with Tennessee Askew (nee Harris), applicant herein, you are requested to cancel the name of Tennessee Harris opposite No. 1777 upon list No. 2 of the Choctaw freedmen roll, approved by the Acting Secretary of the Interior on April 8, 1903, and make report of your action in the matter direct to the Department.

Respectfully,

THOS. RYAN,

Acting Secretary.



Land.  
11502-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, March 3, 1905.

(COPY).

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 7, 1905, transmitting the record of the application for enrollment as citizens by blood of the Choctaw Nation by Tennessee Askew (born Harris), Thomas Harris, Josephine Harris, Agnes Harris, Frances Harris, Mary Harris and Frederick Askew.

February 7, 1905, the Commission decided adversely to all the applicants as citizens by blood of the Choctaw Nation and favorably as Choctaw Freedmen to Tennessee Askew, Thomas Harris, Josephine Harris, Frances Harris, Mary Harris and Frederick Askew.

The record shows that all of the applicants were born since 1884, and all except Frederick Askew are the children of Susan Harris (born Joseph), deceased, an alleged half blood Choctaw Indian, and Tom Harris, deceased, a Choctaw Freedman; that Susan and Tom Harris are identified upon the 1896 Choctaw Census Roll of Freedmen at No. 1975 and 1972. It is further shown that Frederick Askew is the child of Tennessee Askew, a non-citizen.

It does not appear that any of the applicants has ever been enrolled or admitted to citizenship as a citizen by blood by any tribal authority of the Choctaw Nation or by any United States tribunal.

It appears from the record that Agnes Harris died in September

1899 and that all the applicants who were then living, were residents in good faith of Indian Territory, on June 28, 1898.

In view of the record the approval of the Commission's decision adverse to Tennessee and Frederick Askew and Thomas, Josephène, Frances and Mary Harris as citizens by blood and favorably to them as Choctaw Freedmen is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.

W.

7-D-151

COPY.

Muskogee, Indian Territory, April 6, 1908.

Tennessee Askew,  
Milo, Indian Territory,

Dear Madam:

You are hereby notified that on the 14th day of March, 1908, the Secretary of the Interior affirmed the decision of this Commission, rendered February 7, 1908, denying the application for the enrollment yourself, your brother, Thomas Harris, your sisters Josephine Harris, Frances Harris and Mary Harris, and your minor child Frederick Askew, as citizens by blood of the Choctaw Nation, and granting the application for the enrollment of yourself, said brother, sisters and child, as Choctaw freedmen.

Your names will now be placed upon the final rolls of the Choctaw freedmen to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

*T. B. Needles.*

Commissioner in Charge.

15  
7-D-151

COPY

Muskogee, Indian Territory, April 4, 1905.

S. T. Wiggins,  
Attorney at Law,  
Tishomingo, Indian Territory,

Dear Sir:

You are hereby notified that on the 14th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission, rendered February 7, 1905, denying the application for the enrollment of Tennessee Askew, Thomas Harris, Josephine Harris, Frances Harris, Mary Harris and Frederick Askew, as citizens by blood of the Choctaw Nation, and granting the application for their enrollment as Choctaw freedmen.

Their names will now be placed upon the final rolls of the Choctaw freedmen to be submitted to the Secretary of the Interior for his approval.

Respectfully,  
SIGNED

*T. B. Needles.*

Commissioner in Charge.

COPY,

7-D-151

Muskogee, Indian Territory, April 6, 1905.

Cruce, Cruce & Bleakmore,  
Attorneys at Law,  
Ardmore, Indian Territory,

Gentlemen:

You are hereby notified that on the 14th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission, rendered February 7, 1905, denying the application for the enrollment of Tennessee Askew, Thomas Harris, Josephine Harris, Frances Harris, Mary Harris and Frederick Askew, as citizens by blood of the Choctaw Nation, and granting the application for their enrollment as Choctaw freedmen.

Their names will now be placed upon the final rolls of the Choctaw freedmen to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

*T. B. Needles.*

Commissioner in Charge.

7-D-151

COPY:

Muskogee, Indian Territory, April 6, 1905.

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

Gentlemen:

You are hereby notified that on the 14th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission, rendered February 7, 1905, denying the application for the enrollment of Tennessee Askew, Thomas Harris, Josephine Harris, Frances Harris, Mary Harris and Frederick Askew, as citizens by blood of the Choctaw Nation, and granting the application for their enrollment as Choctaw freedmen.

Their names will now be placed upon the final rolls of the Choctaw freedmen to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

*T. B. Needles.*

Commissioner in Charge.

45

COPY.

Muskegee, Indian Territory, April 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of March 14, 1906, (I.T.D. 2824-1906), confirming the decision of the Commission of February 7, 1906, admitting to enrollment as Choctaw Freedmen Tennessee Askew, Thomas Harris, Josephine Harris, Frances Harris, Mary Harris and Frederick Askew.

The Department invites attention to the fact that the name of Tennessee Harris, age 16, female, Census Card 616, is found on the roll of Choctaw Freedmen, list Number 2, opposite Number 1777, which list was approved by the Acting Secretary of the Interior on April 6, 1903, and desires to be informed whether Tennessee Harris, as above enrolled, is identical with the Tennessee Askew (nee Harris), the principal applicant admitted to enrollment as a Choctaw Freedman by the decision of the Commission of February 7, 1906.

Reporting in this matter, I have the honor to advise that Tennessee Harris, whose name appears opposite Number 1777 on the list constituting a part of the final roll of Choctaw Freedmen, transmitted by the Commission with its letter of March 14,

1903, and approved by the Acting Secretary of the Interior on April 8, 1903, was identified from the 1896 census roll of Choctaw Freedmen, as a resident of Jackson County, her name appearing upon said roll opposite Number 1923. Tennessee Harris was enrolled as a resident of Jackson County, Choctaw Nation, and her post office address is Oberlin, Indian Territory.

She is a daughter of John Harris and Eliza Garrett, the latter being enrolled as a Choctaw Freedman and her name appearing opposite Number 1776 upon the partial roll of Choctaw Freedmen, as approved by the Acting Secretary of the Interior on April 8, 1903.

Tennessee Askew (nee Harris), the principal applicant admitted to enrollment as a Choctaw Freedman under the decision of the Commission of February 7, 1906, was identified from the 1896 census roll of Choctaw Freedmen, as a resident of the Chickasaw Nation, her name appearing upon said roll opposite Number 1974. Tennessee Askew resides in the Chickasaw Nation, her present post office address being Springer, Indian Territory.

She is a daughter of Tom and Susan Harris (or Harrison), both of whom are now dead, and who were, during their lifetime, recognized Choctaw Freedmen and residents of the Chickasaw Nation.



In as much as it is conclusively demonstrated that the Tennessee Harris, whose name appears opposite Number 1777 upon the approved roll of Cheataw Freedmen, is not identical with the Tennessee Askew (nee Harris) enrolled by the decision of the Commission of February 7, 1908, no action has been taken as to the cancellation of the name of Tennessee Harris, Number 1777, from the approved roll of Cheataw Freedmen, and the name of Tennessee Askew will now be included upon a schedule of Cheataw Freedmen to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) *T. B. Needles*

Commissioner in Charge.

Through the Commissioner  
Of Indian Affairs.

Tennessee Askew, Et al, )  
Vs 7-D-151 ) SS.  
The Choctaw Nation. )

To the Honorable Secretary of the Interior:

In the matter of the application of Tennessee, Nee Harris and her minor brother, Thomas Harris, and her minor sisters, Josephine, Frances and Mary Harris, and her minor children, Frederick Askew, Maggie Askew, three years old, and Lillie Askew, one year old and Velmore Harris, three years old, and Burnie Harris, one year old; and respectfully petitions the Honorable Secretary of the Interior for the exercise of his supervisory authority and for the correction of an erroneous decision rendered March 14, 1905, in which your petitioners were, and always have been, applicants by blood, as citizens of the Choctaw Nation, were incorrectly enrolled as freedman under protest against the said petitioners' wishes, and as grounds for said petition and motion shows, to-wit:

In the records of said case now on file before the Department, that Tennessee Askew testified that she was an applicant before the Commission for enrollment as a Choctaw by blood. That she had been enrolled as a Choctaw by blood by the tribe, and that she drew Lease District money in 1893, \$300; that her mother was a half-breed Indian woman, that her father was a Choctaw freedman; that her brothers were also enrolled as Indians.

Peter Vaytubby, a leading and an official Chickasaw Indian, testified: "I knew Tennessee James (who was the grandmother of Tennessee Askew) had a child by a negro. I don't know the child, but this woman is claimed to be the child, who is the mother of this applicant."

July Joseph, a Choctaw freedman, testified that Susan Harris, (that is the mother of this applicant) is a daughter of Tennessee James, a citizen of the Choctaw Nation.

Mack Stephens testified that he saw this applicant and her

----2.

mother, Susan Harris, draw the Lease district money.

Philip Stephenson testified that he has known Susan Harris thirty-five or forty years in the Choctaw Nation, and that her maiden name was Susan James, a Choctaw Indian, and that her brothers, John and Feli James, were also Choctaw Indians, and all drew the Choctaw Annuity in 1893. That he went with Susan Harris, nee James- to Atoka, Indian Territory, and saw her draw the money, \$600- for her and this applicant, and came back home with her.

Charles Cohe testified that Tennessee was a half-blood Choctaw her mother a fullblood Choctaw Indian and her father a negro freedman named Tom Harris.

E. D. Colbert testified that he knew Tennessee James (who is the grandmother of this applicant) that she was a Choctaw Indian and that she had brothers, Felix, John, Ennis and Amos, and that she, Tennessee had a daughter named Susan, who is the mother of this applicant, and of Finney and Sukey.

Which makes these applicants one quarter Choctaw Indian blood and they take their status as to their blood from the side of the woman down the entire line as follows:

Grandmother, Tennessee James, a full blood Choctaw Indian and their mother (daughter of Tennessee James) Susan Harris, a Half breed Choctaw Indian, makes these applicants one quarter Choctaw Indians) and born in allegiance to the Choctaw Nation and never was out of the Indian Territory in their lives.

The Attorney General, in his opinion in the case of Mary Elizabet Martin, and said opinion properly approved by E. A. Hitchcock, Secretary of the Interior, on the 8th day of December, 1905, says as follows:

That under the act of June 10, 1896, supra, the Commissioners were 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

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so admitted and enrolled. 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 provide further that the rolls of citizenship of the several tribes, as now existing are hereby confirmed.

And further on down he states: "The tribal rolls were confirmed and the Commission was required to give due force and effect to the rolls, usages, customs and laws of the tribes not inconsistent with the treaties of the United States and its laws.

The Commission had no authority to purge the rolls, nor deny citizenship to those entitled thereto under treaties and laws of the United States, or under Indian laws, usages and customs not inconsistent therewith."

He next quotes the Act of June 28, 1898, (30 Stat. 495-502) to which your attention is invited.

He next quotes the Act of May 31, 1900 (31-231-230) that says that said Commission shall continue to exercise all authority heretofore conferred upon it by law, and so on.

He next quotes the Act of July 1, 1902, (32- Stat. 641-646) which by section 27, requires the Commission, to proceed in strict accordance with the Act of June 28, 1898, and May 31, 1900. Supra.

As above shown, these applicants were within the meaning and the letter of the law on the rolls, being born to enrolled parents and grandparents, and being on the rolls of 1896 themselves.

Therefore, the Attorney General says, that neither the Commission nor the Court had any jurisdiction to deny their enrollment, and that no judgment of the Court, (nor of the Commission) in assuming jurisdiction could bar applicants from their rights to be enrolled as Indians by blood.

The Attorney General in the case of Joe and Dillard Perry,

----4.

holds and the holding approved February 21, 1905, by E. A. Hitchcock, Secretary, (and quotes as authority the case of Kelly's Heirs, vs. McGuire, 15th Ark. 585) that reputation or heresy is admissible in all matters of pedigree and so the reputed declarations of the father that he married and by the marriage had two children, naming them; his recognition of them as his legitimate children, their recognition of him as their father, and of each other as brother and sister and the fact that the marriage and legitimacy of the children, were known and spoken of in the family, are sufficient to prove the marriage of the father and the legitimacy of the children. This within itself would settle the question as to the evidence above indicated, being conclusive and the parties entitled to be enrolled as Choctaw Indians by blood.

Applicants respectfully represent that the Commission erred in placing the names of these applicants upon the freedmen's roll instead of the Citizen's roll by blood. They having applied for enrollment as citizens by blood within the time prescribed by law, and they having been born upon the rolls of the Choctaw Nation, confirmed by Congress as being legal rolls of the said Nation and having drawn the Lease District money; their mother and their grandmother having been born upon the same rolls and the previous rolls of said Nation and all their relations on the side of their mother legally enrolled Citizens of said Choctaw Nation.

In proof of this, the Attorney General since said time, has held that persons of this class and blood should be transferred from the freedmen's roll to the citizen's roll by blood.

In the Joe and Perry Willard case, to which your Honor is referred, and of which decision your Honor approved and it became official by said approval, as well as the decision of the Attorney General. Also the Attorney General has indicated the same in several decisions made by him recently, and in no instance where the appli-

----5.

cation was within the time limited by law but what he has held in like manner.

WHEREFORE, the premises considered, petitioner Prays your Honor that her name and that of her brother and sisters, as indicated in the petition, be transferred from the Freedman's roll to the Citizen's roll by blood of the Choctaw Nation.

Petitioner further Prays that the children born under her since her said application to-wit: Maggie Askew and Lillie Askew be also enrolled with them upon the citizen's roll by blood of the Choctaw Nation, and also further Prays that Belmore Harris and Burnie Harris, the children of Josephine Harris, be also admitted and enrolled upon the rolls as citizens by blood of the Choctaw Nation.

That all have been born since said application was made, but under the late Acts of Congress are entitled to be placed upon the rolls with their parents. Josephine Harris, sister to Tennessee Askew, is unmarried and those two children of hers are illegitimate children, but under the rulings of the Commission to the Five Civilized Tribes, approved by your Honor; they take their status in cases of illegitimate children from their mother; therefore, in accordance with your former rule, they are equally entitled with their mothers. All four of said children being born in allegiance to the Choctaw Nation through parents, grandparents and great-grandparents by blood all upon side of the mother.

And all heretofore enrolled upon the citizens roll by blood of the Choctaw Nation.

(Her mark)

Tennessee X Askew

Witness T. S. Roberts X  
J. H. Hansard.

Petitioner prays your Honor that this case be not as heretofore referred to the Commissioner to the Five Civilized Tribes for appropriate action, as shown by letter from your office, hereto attached, of June 13, 1905, because of the fact that said Commission refuses to consider this case, as shown by letter of the Chairman of

-----6.

said Committee to J. O. Pool hereto attached, of June 21, 1905, in pursuance of yours of June, 13, 1905.

This plaintiff respectfully represents to your Honor, that they are very poor, don't own anything in the world and almost upon the mercies of the world for something to eat. Their condition is such that it would melt the heart of a christian man, and he could not abstain from granting assistance. Therefore, on account of the condition of these parties, I Pray your Honor that you grant them a speedy hearing.

DEPARTMENT OF THE INTERIOR, F.M.S.  
WASHINGTON.

June 13, 1905.

I.T.D. 5279-1905.

LRS

Mr. J. C. Pool, attorney,  
Nocoma, Texas.

Sir:

The Department is in receipt of your communication relative to transfer from Choctaw freedman rolls to Choctaw roll by blood of Tennessee Askew, and you are advised that it has been referred to the Commission to the Five Civilized Tribes for appropriate action.

Respectfully,

(Signed) Wm Miller.  
Assistant Secretary.



7 D 151  
17-1169  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES..

Muskogee, Indian Territory, June 21, 1905.

J. O. Pool,  
Attorney at Law.  
Nocoma, Texas.

Dear Sir:

Your petition addressed to the Secretary of the Interior for the enrollment of Tennessee Askew et al., as citizens by blood of the Choctaw Nation instead of Choctaw freedmen, has been by him referred to this Commission for consideration; receipt is also acknowledged of your letter of June 17, 1905, in the same matter in which you ask that this case be reopened for the introduction of additional testimony and that a date be set for rehearing at Ardmore, Indian Territory.

In reply to your letter you are advised that on March 14, 1905, the Secretary of the Interior affirmed the decision of the Commission refusing the application of Tennessee Askew and her son Frederick Askew, her brother Thomas Harris, and her sisters Josephine, Frances and Mary Harris as citizens by blood of the Choctaw Nation and granting their applications for enrollment as Choctaw freedmen. The Commission therefore considers this case closed.

Respectfully,

(Signed) Tams Pixby,  
Chairman.

UNITED STATES OF AMERICA,  
CHICKASAW NATION, INDIAN TERRITORY.

Personally appeared before me the undersigned authority,  
Tennessee Askew, who being by me duly sworn according to law, on oath  
states:

That she is the principal applicant in the foregoing case  
titled Tennessee Askew, Et al; that she <sup>heard</sup> has read over the petition  
and that she thoroughly understands the contents of the same and that  
the statements contained therein are correct and true.

She further states that she has declined to take allotment  
under the enrollment as a Choctaw Freedman and so has her brother  
and sisters. She further says that she was born and raised, and has  
ever lived in the Choctaw Nation, born to the allegiance of her tribe

And this petition is filed in good faith that justice may  
be done and not for the purpose of delay, and that a true and correct  
copy thereof, together with the exhibits has been forwarded to the  
Attorneys for the Choctaw and Chickasaw Nations, Messrs. Mansfield,  
McMurray & Cornish, by registered letter, to their post office  
address South McAlester, Indian Territory.

Witness T. S. Roberts. x

Tennessee Askew  
Her Mark.

J. H. Hansard.

Sworn and subscribed to by Tennessee Askew before me this 18 day of  
April, A. D., 1906.

(SEAL)

J. A. Williams  
Notary Public.

The receipt of the Post Master for the registered Letter  
to Mansfield McMurray & Cornish is hereto attached for Proof.

(Registry Receipt Attached)

UNITED STATES OF AMERICA,  
CHICKASAW NATION ,  
INDIAN TERRITORY.

Personally appeared before me the undersigned authority  
Thomas Harris who being by me duly sworn according to law, on oath  
says, that they have read the foregoing petition and that the same,  
as to the facts therein stated, is true and correct.

Thomas X Harris  
His Mark.

Witness C.B. Love.  
T.S. Roberts.

Sworn and subscribed to before me, on this the 18 April, A. D.,  
1906.

J. A. Williams.  
Notary Public.

(SEAL)

UNITED STATES OF AMERICA,  
CHICKASAW NATION,  
INDIAN TERRITORY.

Personally appeared before me the undersigned authority  
Josephine Harris who being by me duly sworn according to law, on  
oath says, that they have read the foregoing petition and that the  
same, as to the facts therein stated, is true and correct.

Witness T. S. Roberts.

Her  
Josephine X Harris  
Mark.

J. H. Hansard.

Sworn and subscribed to before me, on this the 18 April, A.D., 1906

(SEAL)

J. A. Williams.  
Notary Public.

Tennessee Askew et al., )  
Vs )  
The Choctaw Nation. )  
) )

Comes now the applicant, Tennessee Askew, for herself and children and for her Brother and Sisters and Sisters children, and prays the Honorable Commissioners to the Five Civilized Tribes, to reconsider and reopen the motion or petition filed in said case on the 7th of 13th day of June, 1905, in said cause, asking for a transfer of the names of the parties in said petition, from the Freedman's Roll to the Rolls of Choctaws by blood; and that the same be set for hearing as early as possible.

For the following reasons, to-wit:- The Commission erred in not placing said names on the Rolls by Blood, instead of the Freedmans Rolls, as shown in the decision of the Attorney General, recently rendered in the Joe & Dillsrd Perry Case, and others. They having applied for enrollment as Indians by Blood, as shown by the Records in said case, and they being on the Rolls of 1893, and having drawn their prorata share of the annuity money, known as the Lease District Payments.

The Attorney General having heretofore held that persons of this class and blood ought to be transferred to the Rolls by blood; and the law now is that they should be on the Rolls by Blood.

That this motion is not made for delay, but that Justice may be done.

Tennessee Askew.

By J. O. Pool  
Attorney for Applicants.

The State of Texas, )  
County of Montague. )

Before me, the undersigned authority, on this day personally appeared J. O. Pool, one of the Attorneys for appli-

cants, and being by me duly sworn on his oath says, that he has served a copy of the foregoing motion, upon Mansfield, McMurray & Cornish, Attorneys for the Choctaw Nation, by mailing to them a copy of said motion, by registered letter, directed to them at South McAlester, Indian Territory, their present Post Office address. The Post Office receipt for said Letter is hereto attached for proof of same.

J. O. Pool

(SEAL)

Sworn to and subscribed before me this 13th day of March, 1906.

W. T. Russell  
Notary Public Montague County,  
Texas.

(Registry Receipt Attached)

Muscogee, Indian Territory,

August 18th, 1900.

Tennessee Harris,

Goodland, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. Johnson, Mansfield, McMurray, & Cornish, has filed with this Commission notice of protest to your enrollment and the enrollment of Josephine, Agness, Frances, and Mary Harris as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

*Tams Bixby.*

Acting Chairman.

Muskogee, Indian Territory, December 10, 1900.

W. C. Layton,

Graham, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 30th of November in which you ask information relative to the enrollment of Tennessee Harris and her children.

You are informed that the records of the Commission show that Tennessee Harris, 15, years of age, the daughter of Tom and Susan, Harris, of Goodland, Indian Territory, and her sisters, Josephine, Agnes, Frances and Mary Harris are listed for enrollment by this Commission as doubtful claimants to citizenship in the Choctaw nation.

Yours truly,

*James Bixby.*

Acting Chairman.

7-D-151



Muskogee, Indian Territory, February 28, 1901.

Tennessee Askew,

Milo, Indian Territory.

Dear Madam:

The Commission has had before it for some time your letter of the 5th instant in which you state that you forwarded to the Commission from Elk, Indian Territory, on December 11th, 1900, the name of your boy child to be enrolled on the Choctaw rolls but that you have not up to this time heard from the Commission relative to any action taken in the matter of your application.

You desire in your letter to be informed if the Commission has received such an application.

Replying to your letter you are informed that the Commission has this day received a letter from you dated at Elk, Indian Territory, December 5th and enclosing the application for enrollment as a citizen by blood of the Choctaw Nation of Frederick Askew, born September 12th, 1900, and the infant son of F. C. and Tennessee Askew.

In your letter of December 5th enclosing this application, you state that Charles Coker informed you that you and your sisters and brothers were transferred from the freedman roll to the Indian roll at Goodland on May 11th, 1899. That your mother's name is Susan Harris and your grand mother's name was Tennessee Harris.

The application enclosed in your letter of December 5th is returned to you herewith for the reason that the same is not in proper form for the enrollment of an infant child. For this

T H 2

purpose the Commission uses a blank, one of which is enclosed you herewith and upon which may be stated all the information necessary in the matter of the enrollment of your child. In having the same executed, be careful to see that all names are properly spelled, all blanks filled 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 parties as witnesses thereto.

The Notary Public taking the acknowledgments of the mother and attending physician or nurse must affix his notarial jurat and seal to each separate affidavit.

As to your enrollment, the Commission desires more specific information as to the time and place that you made such an application. It is noted in the application made for the enrollment of your child that you state you were enrolled under the name of Tennessee Harris and our records show that on August 21st, 1899, Tennessee Harris, 15 years of age, was listed for enrollment as a Choctaw freedman. The name of her mother given at that time was Eliza Garrett and the name of her father, John Harris. If you are the mother of the child for whom this application is now made, are the identical person who was listed for enrollment as a Choctaw freedman under the name of Tennessee Harris on the date above given, you are requested to so inform the Commission, also explaining the discrepancy in the age as given at the time of your enrollment and as it appears in the application. In August, 1899, your age was given as fifteen years while on December 4th, 1900 it is stated that you are twenty years of age.

T H 3

It is also noted in the application for the enrollment of your child that you state that you are the lawful wife of F. C. Askew, who is a citizen by blood of the Choctaw Nation.

You are requested to inform the Commission as to your husband's full name, his age, the time and place he made application for enrollment, the names of other members of his family who made application at the same time and any other information that may enable the Commission to identify him as having been listed for enrollment as a citizen by blood of the Choctaw Nation.

It will also be necessary that the Commission be supplied with either the original or certified copy of the marriage license and certificate between you and your husband, F. C. Askew, as authority for the changing of your name upon our records from Harris to Askew.

Upon receipt of the information requested and the evidence of marriage to your husband and the return of the application for the enrollment of your child in proper form, the matter will receive further consideration.

Yours truly,

*Tams Bixby.*

Acting Chairman .

BC

Enc 1

17-816

(Copy)

Milo, I. T., March 25th, 1901.

To the Hon. Daws Commission;

Gentlemen, Sirs:

Yours to hand and contents noted in reply I have not made any application for enrollment as my mother enrolled all of us but one at Cado Station, Just before the last paym nt. I don't know exacty how long its been. I think about Nine or Ten years ago. Judge McStephenson went with Mother and he says that we were enrolled at Cado Station as Indians by blood and these are the names of the witnesses When we were enrolled. Wilson Jones and Venson allso. You may write to George Colbert and Anna Moore, they know my mother and will states facts about us. We are Indians by blood, have drew Anuity. My name is Tennessee. My mothers name Susan Harris. My Father Tom Harris. My Grandma Tennessee James. Names of my Sisters & Bro. that were enrolled at Cado: Tomie, Josephine, Agness, Frances. My youngest sister have been born since, her name is Mary Harris. As to my age I don't know the year that I was born in, but I am satisfied I am 20 or more. As to my Husban I don' t know whether he is and Indian or not he claims he is by blood. Was Raised in Mississippi. As to his parents I don' t know any of his people. don't know where he made application for enrollment. He says he will write you a letter Stating himself.

Yours obedient,

Tennessee Askev.

P. S. fine enclosed Marriage License.

# CORRECTION

THIS DOCUMENT  
HAS BEEN  
REPHOTOGRAPHED  
TO ASSURE  
LEGIBILITY

(Copy) INDEXED

COMMISSION TO FILE CLAIMS.			
No.	Received	ANSWERED	
		Book	Page
4705		48	277
1901			

APR 9 1901

CHICKASAW

Askew, Tennessee,

Milo, I. T.

Mch. 25/01.

Enclo. birth certificate of  
Frederick Askew and marriage  
license of F. C. Askew and  
Tennessee Harris to be filed in  
support of claim.

JUN 5 1901

File with Choctaw Card D. 151.

(Copy)

Milo, I. T., March 25th, 1901.

To the Hon. Daws Commission,

Gentlemen, Sirs:

Yours to hand and contents noted in reply I have not made any application for enrollment as my mother enrolled all of us but one at Cado Station, Just before the last payment. I don't know exactly how long its been. I think about Nine or Ten years ago. Judge McStephenson went with Mother and he says that we were enrolled at Cado Station as Indians by blood and these are the names of the witnesses When we were enrolled. Wilson Jones and Venson allso. You may write to George Colbert and Anna Moore, they know my mother and will states facts about us. We are Indians by blood, have drew Anuity. My name is Tennessee. My mothers name Susan Harris. My Father Tom Harris. My Grandma Tennessee James. Names of my Sisters & Bro. that were enrolled at Cado: Tomie, Josephine, Agness, Frances. My youngest sister have been born since, her name is Mary Harris. As to my age I don't know the year that I was born in, but I am satisfied I am 20 or more. As to my Husband I don' t know whether he is and Indian or not he claims he is by blood. Was Raised in Mississippi. As to his parents I don' t know any of his people. don't know where he made application for enrollment. He says he will write you a letter Stating himself.

Yours obedient,

Tennessee Askew.

P. S. fine enclosed Marriage License.

Muskogee, Indian Territory, April 9, 1901.

Tennessee Askew,

Mile, Indian Territory,

Dear Madam:-

Receipt is hereby acknowledged of your letter of March 25, 1901, enclosing the application for enrollment as a citizen of the Choctaw Nation of Frederick Askew, infant son of Frank Askew and Tennessee Harris, born November 12, 1900, and the same is returned to you herewith for the reason that it cannot be accepted in its present form.

On February 25, 1901, the Commission wrote you, returning the application for enrollment as a citizen of the Choctaw Nation of Frederick Askew, the infant son of F. C. Askew and Tennessee Askew, stating therein the reasons for returning same. There was also enclosed you in the letter of the Commission a blank such as is in use by the Commission in the matter of the enrollment of infant children, with explicit instructions relative to the proper execution of the same. In the application contained in your letter, referred to above, it is stated that the name of your child is Frederick Askew, the infant son of Frank Askew and Tennessee Harris. You enclose also the original license for the marriage of F. C. Askew to Tennessee Harris, dated March 31, 1899, and a certificate to the effect that the marriage ceremony was performed thereunder April 1st, 1899, and in the statement in the application for the en-



Tennessee Askew -2-

rollment of your child the name of the mother should appear as Tennessee Askew. The application should also state whether or not F. C. Askew is a citizen of the Choctaw Nation or a citizen of the United States.

From the information contained in your letter of March 25, 1901, you are informed that the Commission is now able to identify you as Tennessee Harris, whose name appears on Choctaw doubtful card Field No. 153, under date of May 24, 1899.

Upon return of this application, with all blanks properly filled, all names written in full and properly acknowledged before a notary public, the matter of enrollment of your child will receive further consideration by the Commission.

Your marriage license and certificate have been duly filed with the records in your case.

Yours truly,

*Jams Bixby.*

Acting Chairman.

I.S.N. 60

Enc. B.C.

7-151

Muskogee, Indian Territory, June 6, 1901.

Tennessee Askew,

Mile, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 16th of May, enclosing the application for the enrollment of Frederick Askew, the infant son of Frank and Tennessee Askew, born November 12, 1900.

The Commission has finally been able to identify you as having been listed for enrollment under the name of Tennessee Harris and as there has now been filed with the records of the Commission the marriage license and certificate between yourself and Frederick Askew, the Commission will accept the application for the enrollment of your child as evidence of its birth and the same will be filed and made a part of the original application for the enrollment of yourself and sisters as citizens by blood of the Chectaw Nation.

Yours truly,

*Tams Bixby.*

Acting Chairman.

17-1169

Muskegee, Indian Territory, June 1, 1903.

Tennessee Askew,

Milo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of May 27, relative to your enrollment.

In reply to your letter you are informed that on May 27, 1903, the Commission addressed a letter to you giving you full information relative to your enrollment.

Respectfully,

*T. B. Needles*

Commissioner in Charge.

Muskogee, Indian Territory, September 28, 1903.

S. T. Wiggins,

Tishomingo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, enclosing a motion for re-opening and rehearing in the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Tennessee Askew and her sisters, Josephine, Agnes, Frances and Mary Harrison, and her minor son, Frederick Askew, and you forward affidavits of Philip Stephenson, July Joseph and Mack Stephenson, and the same have been duly filed with our records in the above named case, together with your motion for a rehearing in the matter.

You are informed if you desire to introduce further testimony in support of the application of the parties named for enrollment as citizens by blood of the Choctaw Nation the Commission will hear the same upon the personal appearance of such witnesses at this office at Muskogee, Indian Territory. The introduction of such additional testimony, however, should be made with as little delay as possible.

Respectfully,

*Tams Bixby.*

Chairman.

Choctaw Freedman .  
1169

Muskogee, Indian Territory, October 27, 1903.

John Hardy,

Berwyn, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 12, in which you state that you desire to have the names of Tennessee Askew and her sisters, Josephine, Agnes, Frances and Mary Harrison, and her minor son Frederick Askew transferred from the Choctaw freedmen to the Choctaw rolls, and give information as to where their mother drew the leased district payment in the Choctaw Nation.

In reply to your letter you are advised that on September 28, 1903, S. T. Wiggins, attorney for Tennessee Askew et al., was informed that he would be permitted to introduce further testimony in support of the application of the persons above named for enrollment as citizens by blood of the Choctaw Nation. He was further informed that such testimony should be introduced with as little delay as possible.

Respectfully,

*T. B. Noddles*

Commissioner in Charge.

7-D-151  
17-1169

Muskogee, Indian Territory, October 28, 1903.

Tennessee Askew,  
Milo, Indian Territory.

Dear Madam:

Your letter of September 20, 1903, to the Secretary of the Interior has been by him referred to this Commission for consideration and appropriate action.

Relative to the right of yourself, your child, and your sisters to enrollment as citizens by blood of the Choctaw Nation, you are advised it appears from our records that there is pending before this Commission the application for enrollment of Tennessee Askew and her minor child, Frederick Askew, and Josephine, Agnes, Frances and Mary Harris as citizens by blood of the Choctaw Nation.

The application made in behalf of the above named persons, with the exception of Frederick Askew, was presented to the Commission May 24, 1899. We are unable to find the names of any of these persons upon the tribal rolls of the Choctaw Nation in possession of this Commission, with the exception of the 1896 roll of the freedmen of the Choctaw Nation; nor does it appear they have ever been admitted to citizenship in the Choctaw Nation by any tribal authorities thereof or any duly constituted authority of the United States. As far as we are able to ascertain these applicants if

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entitled to any recognition should be enrolled as Choctaw freedmen, being the descendants of Tom Harris, who was apparently the slave of a Choctaw Indian. You are advised, however, that on September 28, 1903, there was filed with the Commission, by S. T. Wiggins of Tishomingo, Indian Territory, a motion for a rehearing in the matter of the application of Tennessee Askew, and others, for enrollment as citizens by blood of the Choctaw Nation; on that same date Mr. Wiggins was advised that if it was desired to introduce further testimony in support of the application of the applicants named in the petition for enrollment as citizens of the Choctaw Nation, the Commission would hear the same upon the personal appearance of the applicants and such witnesses as might be presented at its office at Muskogee, Indian Territory, but the introduction of such additional testimony should be made with as little delay as possible.

Respectfully,

*T. B. Neelios*

Commissioner in Charge.

Choctaw D 151

Muskogee, Indian Territory, November 7, 1903.

W. C. Layton,

Graham, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 31, in which you ask the status of the enrollment of Tennessee Harris as a citizen of the Choctaw nation.

In reply to your letter you are advised that it appears from our records that Tennessee Askew, formerly Tennessee Harris, daughter of Tom and Susan Harris, is an applicant to this Commission for the enrollment of herself and her son, Frederick Askew and her sisters, Josephine, Frances and Mary Harris, as citizens by blood of the Choctaw nation. No decision has yet been reached relative to their right to such enrollment and they have been advised, through their attorney, S. T. Wiggin, that they would be allowed to introduce such additional evidence as they might desire in support of this application.

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Respectfully,

*Tams Bixby.*

Chairman.



Choctaw D 151

Muskogee, Indian Territory, December 31, 1903

W. C. Layton,

Graham, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 19, asking the status of the enrollment of Tennessee Askew.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Tennessee Askew for enrollment as a citizen by blood of the Choctaw Nation. As soon as a decision is reached she will be notified of the action taken in her case.

Respectfully,

*Tame Bixby.*

Chairman.

Choctaw D 151

Muskogee, Indian Territory, February 12, 1904.

Tennessee Askew,

Milo, Indian Territory,

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of yourself, your sisters Josephine Harris, Agnes Harris, Frances Harris, Mary Harris, and your minor child Frederick Askew, as citizens by blood of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

*I. B. Needles*

Commissioner in Charge.

Choctaw D 151

Muskogee, Indian Territory, February 18, 1904.

B. C. Franklin,  
Springer, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 26, in which you ask what disposition has been made of the case of Tennessee Askew, et al.

In reply to your letter you are advised that the commission has not yet passed upon the application of Tennessee Askew et al. for enrollment as citizens of the Choctaw Nation. As soon as a decision is reached in this case she will be notified of the action taken.

Respectfully,

*I. B. Needles*

Commissioner in Charge.

Choctaw D 151

Muskogee, Indian Territory, March 12, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory,

Dear Sir:

There is inclosed you herewith general office letter 7427-1904, Tennessee Askew, Milo, Indian Territory, of March 8, 1904, in which she states that she appeared at the Chickasaw Land Office for the purpose of filing a contest on March 2, 1904, which she was not permitted to do, and she asks what protection she has and how to proceed.

You are advised that the names of Tennessee Askew, Thomas Harris, Jr. Josephine, Frances and Mary Harris, her brother and sisters, and her child Fred Askew, appear on Choctaw roll card D 151, as applicants for enrollment as citizens by blood of the Choctaw Nation, and the Commission has not yet passed upon their application.

If it is true, as alleged by Tennessee Askew, that she was not permitted to file a contest for land claimed by her, please advise this office the reason for such refusal. In this connection your attention is invited to section sixteen of the rules and regulations governing the selection of allotments and the designation of

Chickasaw I. O. 2

homesteads in the Choctaw and Chickasaw Nations:

"When a selection of land has been made by a citizen, freedman or identified Mississippi Choctaw, and the land so selected is claimed by a person whose rights as a citizen or freedman have not been finally determined, contest for the land so selected may be instituted by the person claiming the land, formal application for the land being first made as is required by the Rules of Practice in Choctaw and Chickasaw allotment contest cases."

The names of the persons above referred to also appear on Choctaw freedman card Number 1169, where they have been listed for enrollment as Choctaw freedmen but their final rights to enrollment as Choctaw freedmen have not been adjudicated, pending the adjudication of their claim to enrollment as citizens by blood of the Choctaw Nation.

You are requested to take the necessary steps to notify Tennessee Harris in the matter of her application to institute contest proceedings, if she is entitled, under the rules of practice in Choctaw and Chickasaw allotment contest cases, to file such contest, and forward this office a carbon copy of your letter to her, together with the return of the inclosed communication.

Respectfully,

*T. B. Needles*

Commissioner in Charge.

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7-1169

Tishomingo, Indian Territory, March 16, 1904.

Tennessee Askew,  
Milo, Indian Territory.

Dear Madam:

Your letter of the 7th inst., to the Commission at Muskogee has been forwarded to this Office and in reply, you are advised that the names of yourself and your minor child, Frederick Askew, appear upon the list of Choctaw Freedmen applicants, whose rights to enrollment has not yet been finally determined.

You are advised that upon your appearance before this Office, you will be permitted to institute a contest in behalf of yourself and said minor child.

In reply to your request, as to whether your husband can institute contest for you under power of attorney, there is herewith enclosed a copy of the rules and regulations governing the selection of allotments and designation of homesteads in the Choctaw and Chickasaw Nations. Rules 2, 9 and 11 of which will show you under what circumstances allotments may be selected under power of attorney. The same person, who makes selection of allotments, must institute contest.

Yours truly,

*T. B. Needles*

Commissioner in Charge.

1 HCM 2

Choctaw D 151

Muskogee, Indian Territory, March 21, 1904.

Commissioner in Charge,  
Chickasaw Land Office,  
Tishomingo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 17, relative to the claim of Tennessee Askew as a citizen of the Choctaw Nation and her application to institute contest for land in the Chickasaw Nation, in which you ask that your office be authorized to add the name of this applicant to your list of applicants for enrollment as Choctaw citizens whose status is yet undetermined.

In reply to your letter you are advised that your office is authorized to add to the schedule of applicants for enrollment in the Choctaw nation whose status is undetermined, the following names:

Askew, Tennessee	Choctaw D 151
Harris, Josephine	Choctaw D 151
Harris, Frances,	Choctaw D 151
Harris, Mary	Choctaw D 151
Askew, Frederick	Choctaw D 151

Respectfully,

*T. B. Nesàles*

Commissioner in Charge.

~~Choctaw~~ D-151

Muskogee, Indian Territory, April 13, 1904.

Tennessee Askew,

Milo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 28, in which you ask relative to your right to initiate a contest for land claimed by you and which has been filed on by other persons. You state that you contend for the right to enrollment as a citizen by blood of the Choctaw Nation and if more evidence in your case is desired or if the same has been protested you request to be notified.

In reply to your letter you are informed that the Commission has not yet passed upon your application for the enrollment of yourself and your minor son, Frederick Askew and your sisters, Josephine, Frances and Mary Harris, as citizens by blood of the Choctaw Nation. As soon as a decision is reached in your case you will be notified of the action taken therein. In the event further evidence is necessary to enable the Commission to determine your right to enrollment as citizens by blood, or freedmen, of the Choctaw Nation you will be advised.

You are further informed that you will be permitted to in-



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stitute contest proceedings for the land claimed by you and on which you have improvements in the event same has been filed on by other citizens or freedmen of the Choctaw or Chickasaw Nations.

Respectfully,

*I. B. Needles*

Commissioner in Charge.

Choctaw D 151  
Choctaw F 1169

Muskogee, Indian Territory, April 18, 1904.

Tennessee Askew,

Milo, Indian Territory.

Dear Madam:

Your letter of March 28, 1904, addressed to the Secretary of the Interior has been, by him, referred to the Commission for consideration and appropriate action. You state therein that you have proved your right to enrollment as a citizen by blood of the Choctaw Nation and you further state that you have never made application to be enrolled as a Choctaw Freedman. You state that it is now over three months since you produced your evidence before the Commission to show that you are a Choctaw by blood and that your rights have not yet been determined. You therefore ask for early action in your case.

In reply to your letter you are informed that the Commission has not yet passed upon your application for enrollment as a citizen by blood of the Choctaw Nation. As soon as a decision is reached you will be notified of the action taken therein.

Respectfully,

*Tams Bixby.*

Chairman.

Choctaw D 151  
Choctaw F 1169

Muskogee, Indian Territory, April 19, 1904.

Tennessee Askew,

Milo, Indian Territory.

Dear Madam:

Your letter of March 28, 1904, addressed to the Secretary of the Interior has been, by him, referred to the Commission for consideration and appropriate action. You state therein that you have proved your right to enrollment as a citizen by blood of the Choctaw Nation and you further state that you have never made application to be enrolled as a Choctaw Freedman. You state that it is now over three months since you produced your evidence before the Commission to show that you are a Choctaw by blood and that your rights have not yet been determined. You therefore ask for early action in your case.

In reply to your letter you are informed that the Commission has not yet passed upon your application for enrollment as a citizen by blood of the Choctaw Nation. As soon as a decision is reached you will be notified of the action taken therein.

Respectfully,

*Tams Bixby.*

Chairman.

7 D-151  
19-671

Muskogee, Indian Territory, September 1, 1904.

Messrs. Wiggins & Brown,  
Attorneys at Law,  
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 23rd ultimo in which you request to be informed as to the present status of the application of Tennessee Askew, et al., for enrollment as citizens of the Choctaw Nation, and whether or not the Commission will hear additional testimony in this case at the session of the Commission at Tishomingo, Indian Territory, on September 8 and 9, 1904.

In reply you are advised that on December 2, 1903, at the office of the Commission at Muskogee, Indian Territory, S. T. Wiggins, representing the applicants in the matter of the application of Tennessee Askew, et al., for enrollment as citizens by blood of the Choctaw Nation, was advised that he would be allowed thirty days from that date within which to introduce such additional testimony as the applicants wished to present, and that after that date the case would be considered closed and the decision of the Commission rendered upon such evidence as had then been presented.

V. & B.

- 2 -

The record in this case now being complete, the Commission has the same under consideration and a decision will be rendered in the near future. You are, therefore, advised that no additional testimony will be heard in this case at the appointment of the Commission at Tishomingo, Indian Territory in September.

In the matter of the application of Matilda Florence, et al., the Commission will hear such testimony as may be presented in support of the application for the enrollment of Matilda Florence, her son, Willie Davis, and her grandson, Alberta Davis, for enrollment as Chickasaw freedmen, but will not receive and consider any testimony in support of the alleged claim that these persons are citizens by blood of the Chickasaw Nation, inasmuch as no application has ever heretofore been made for their enrollment as such.

Yours truly,

*Tams Bixby.*

Chairman.

7-D-151  
17-1169

Muskogee, Indian Territory, October 3, 1904.

B. C. Franklin,

Springer, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 26, 1904, requesting to be advised relative to the enrollment of Tennessee Askew and her family as citizens by blood of the Choctaw Nation.

You are informed that the Commission has not yet passed upon the application for enrollment of Tennessee Askew and her family as citizens by blood of the Choctaw Nation. As soon as a decision is rendered in her case she will be duly notified of the action taken therein.

Respectfully,

*Tams Bixby.*

Chairman.

Choctaw D 151

Muskogee, Indian Territory, December 31, 1904.

Cruce, Cruce & Bleakmore,  
Attorneys at Law,  
Ardmore, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of December 28, asking the status of the application of Tennessee Askew for enrollment as a citizen by blood of the Choctaw nation.

In reply to your letter you are advised that Tennessee Askew, and her son, Frederick Askew, and her brother and sisters, Thomas, Josephine, Frances and Mary Harris, are applicants for enrollment as citizens by blood of the Choctaw nation and the Commission is now considering this application but no decision has yet been reached. The names of these persons are not found on any of the rolls of the Choctaw Nation except a roll of Choctaw freedmen, but they contend that they are entitled to enrollment as citizens by blood of the Choctaw nation by reason of their being the children of Susan Harris, who, they allege, was a Choctaw citizen.

Respectfully,

*Tame Bixby.*

Chairman.

Muskogee, Indian Territory, January 30, 1905.

Tennessee Askew,

Milo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 25, 1905, asking the status of your enrollment.

In reply to your letter you are informed that the Commission is now considering the application for the enrollment of yourself, your sisters and brothers and your child Fredrick Askew as citizens by blood of the Choctaw Nation, and when a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.



DC.13627-1905.  
ITD.2224-1905.  
L. R. S.

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G.R. RJH.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, March 14, 1905.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

February 7, 1905, you transmitted the record of the application for the enrollment of Tennessee Askew, Thomas Harris, Josephine Harris, Agnes Harris, Frances Harris, Mary Harris and Frederick Askew as citizens by blood of the Choctaw Nation, including your decision dated February 7, 1905, admitting to enrollment, as Choctaw freedmen, the above named applicants.

March 3, 1905, the Acting Commissioner of Indian Affairs, reporting in the matter, recommended that your decision, admitting said applicants as Choctaw freedmen, be affirmed. A copy of his letter is herewith inclosed.

The Department concurs in the recommendation made, and your decision dated February 7, 1905, admitting said applicants to enrollment as Choctaw freedmen, is hereby affirmed.

Your attention is invited to the fact that the name of Tennessee Harris, age 18, female, census card 816, is found on the roll of Choctaw freedmen, list No. 2, opposite No.1777, which list was approved by the Acting Secretary of the Interior on April 8, 1903. You are requested to ascertain whether Tennessee Harris, as above enrolled, is identical with Tennessee Askew (nee Harris), one of the applicants admitted to enrollment as a Choctaw freedman under your

decision dated February 7, 1905, which is hereby affirmed; and if it be found that Tennessee Harris, whose name is enrolled opposite No. 1777, above cited, is identical with Tennessee Askew (nee Harris), applicant herein, you are requested to cancel the name of Tennessee Harris opposite No. 1777 upon list No. 2 of the Choctaw freedmen roll, approved by the Acting Secretary of the Interior on April 8, 1903, and make report of your action in the matter direct to the Department.

Respectfully,

THOS. RYAN,

Acting Secretary.

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11502-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, March 3, 1905.

(COPY).

The Honorable,  
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 7, 1905, transmitting the record of the application for enrollment as citizens by blood of the Choctaw Nation by Tennessee Askew (born Harris), Thomas Harris, Josephine Harris, Agnes Harris, Frances Harris, Mary Harris and Frederick Askew.

February 7, 1905, the Commission decided adversely to all the applicants as citizens by blood of the Choctaw Nation and favorably as Choctaw Freedmen to Tennessee Askew, Thomas Harris, Josephine Harris, Frances Harris, Mary Harris and Frederick Askew.

The record shows that all of the applicants were born since 1884, and all except Frederick Askew are the children of Susan Harris (born Joseph), deceased, an alleged half blood Choctaw Indian, and Tom Harris, deceased, a Choctaw Freedman; that Susan and Tom Harris are identified upon the 1896 Choctaw Census Roll of Freedmen at No. 1973 and 1972. It is further shown that Frederick Askew is the child of Tennessee Askew, a non-citizen.

It does not appear that any of the applicants has ever been enrolled or admitted to citizenship as a citizen by blood by any tribal authority of the Choctaw Nation or by any United States tribunal.

It appears from the record that Agnes Harris died in September

1890 and that all the applicants who were then living, were residents in good faith of Indian Territory, on June 28, 1898.

In view of the record the approval of the Commission's decision adverse to Tennessee and Frederick Askew and Thomas, Josephene, Frances and Mary Harris as citizens by blood and favorably to them as Choctaw Freedmen is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.W.  
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COPY.

Muskogee, Indian Territory, April 6, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of March 14, 1905, (I.T.D. 2224-1905), confirming the decision of the Commission of February 7, 1905, admitting to enrollment as Choctaw Freedmen Tennessee Askew, Thomas Harris, Josephine Harris, Frances Harris, Mary Harris and Frederick Askew.

The Department invites attention to the fact that the name of Tennessee Harris, age 18, female, Census Card 616, is found on the roll of Choctaw Freedmen, list Number 2, opposite Number 1777, which list was approved by the Acting Secretary of the Interior on April 8, 1903, and desires to be informed whether Tennessee Harris, as above enrolled, is identical with the Tennessee Askew (nee Harris), the principal applicant admitted to enrollment as a Choctaw Freedman by the decision of the Commission of February 7, 1905.

Reporting in this matter, I have the honor to advise that Tennessee Harris, whose name appears opposite Number 1777 on the list constituting a part of the final roll of Choctaw Freedmen, transmitted by the Commission with its letter of March 16,

1903, and approved by the Acting Secretary of the Interior on April 8, 1903, was identified from the 1896 census roll of Choctaw Freedmen, as a resident of Jackson County, her name appearing upon said roll opposite Number 1923. Tennessee Harris was enrolled as a resident of Jackson County, Choctaw Nation, and her post office address is Oberlin, Indian Territory.

She is a daughter of John Harris and Eliza Garrett, the latter being enrolled as a Choctaw Freedman and her name appearing opposite Number 1776 upon the partial roll of Choctaw Freedmen, as approved by the Acting Secretary of the Interior on April 8, 1903.

Tennessee Askew (nee Harris), the principal applicant admitted to enrollment as a Choctaw Freedman under the decision of the Commission of February 7, 1906, was identified from the 1896 census roll of Choctaw Freedmen, as a resident of the Chickasaw Nation, her name appearing upon said roll opposite Number 1974. Tennessee Askew resides in the Chickasaw Nation, her present post office address being Springer, Indian Territory.

She is a daughter of Tom and Susan Harris (or Harrison), both of whom are now dead, and who were, during their life time, recognized Choctaw Freedmen and residents of the Chickasaw Nation.

In as much as it is conclusively demonstrated that the Tennessee Harris, whose name appears opposite Number 1777 upon the approved roll of Choctaw Freedmen, is not identical with the Tennessee Askew (nee Harris) enrolled by the decision of the Commission of February 7, 1905, no action has been taken as to the cancellation of the name of Tennessee Harris, Number 1777, from the approved roll of Choctaw Freedmen, and the name of Tennessee Askew will now be included upon a schedule of Choctaw Freedmen to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) *T. B. Needles*

Commissioner in Charge.

Through the Commissioner  
Of Indian Affairs.

7 D 151  
17-1169

Muskogee, Indian Territory, June 21, 1905.

J. O. Pool,  
Attorney at Law,  
Wokoma, Texas.

Dear Sir:

Your petition addressed to the Secretary of the Interior for the enrollment of Tennessee Askew et al., as citizens by blood of the Choctaw Nation instead of Choctaw freedmen, has been by him referred to this Commission for consideration; receipt is also acknowledged of your letter of June 17, 1905, in the same matter in which you ask that this case be reopened for the introduction of additional testimony and that a date be set for rehearing at Ardmore, Indian Territory.

In reply to your letter you are advised that on March 14, 1905, the Secretary of the Interior affirmed the decision of the Commission refusing the application of Tennessee Askew and her son Fredrick Askew, her brother Thomas Harris, and her sisters Josephine, Frances and Mary Harris as citizens by blood of the Choctaw Nation and granting their applications for enrollment as Choctaw freedmen. The Commission therefore considers this case closed.

Respectfully,

Chairman.



7-D-181  
17-1169  
P-198

Muskogee, Indian Territory, June 28, 1906.

J. O. Pool,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 9, 1906, and your recent letter without date in the matter of the application for the transfer from the roll of Choctaw freedmen to the roll of citizens by blood of the Choctaw Nation of Tennessee Askew and her children; you state that these people have never been given any hearing and have received no notice of any action taken in this case and you therefore ask what time they will be permitted to appear at this office and give a hearing in their case.

In reply to your letter you are advised that the petition forwarded by you for the transfer of the names of Tennessee Askew, her brother Thomas Harris, her sisters Josephine, Francis and Mary Harris, and her children Frederick, Aggie and Lillie Askew and her nieces Velmore and Bernie Harris from the roll of Choctaw freedmen to the roll of citizens by blood of the Choctaw Nation has been filed in this office but no action has been taken thereon.

When this petition is taken up for consideration, however,

J. O. P. #2

you will be notified of such action as is taken therein and if a date is set for hearing in said case you will be duly advised.

Respectfully,

Commissioner.

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

In the matter of the enrollment of Melissa C. Strickler  
as a citizen of the Choctaw Nation; being sworn and examined by  
Commissioner McKennon, she testifies as follows:

Q Your name is Melissa C. Strickler is it? A Yes sir.

Q You are fifty-two years of age? A Yes sir.

Q Did you make application for admission to the Dawes Commission?

A Yes sir.

Q Did you receive this paper exhibited? A Yes sir.

Q Was your application made in the name of M. C. Strickler?

A Yes sir.

Q Your proper name is Melissa C. Strickler? A Yes sir.

Q You are the identical person? A Yes sir.

Q Where are you living? A Blue County, I have been living  
in the Choctaw Nation continuously ever since 1859.

Department of the Interior,  
Commission to the Five Civilized Tribes.

I hereby certify, upon the oath of both us  
stenographers to above named Commission, that this  
transcript is a true and correct translation of  
the foregoing testimony.

M. D. Green

Choctaw D-156.

Muskogee, Indian Territory, February 27, 1902.

Melissa C. Strickler,

Bokchito, Indian Territory.

You are hereby notified that the application for enrollment of yourself, as a citizen of the Choctaw Nation, will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 4th, 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.

You are further notified that the Representatives of the Choctaw Nation will also, at the sametime, be afforded an opportunity to introduce testimony affecting your right to enrollemnt, 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.

T. B. Needles,

Commissioner in Charge.

Register.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Melissa E. Strickler  
for enrollment as a citizen of the Choctaw Nation.

---D 156--

On the 27th day of February, 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 notified by registered mail that the application of Melissa C. Strickler 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 4th day of April, 1902, for final consideration.

Now, on this fourth 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.

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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 4th day of April, 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 C Risteen*

Subscribed and sworn to before me this 8th day of April, 1902.

*James M. Hillwood*  
Notary Public.

RRB  
7-7-186.

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

In the matter of the application for the enrollment of  
Melissa G. Strickler as a citizen of the Choctaw Nation.

-1-1-1 D E C I S I O N -1-1-

It appears from the record in this case that Melissa G. Strickler appeared before the Commission at Goodland, Indian Territory, on the 11th day of May, 1896, and made personal application for enrollment as a citizen of the Choctaw Nation.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has ever been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that in the case entitled "N. T. Bingham, et al., vs Choctaw Nation", (1896 Docket "G", Choctaw Number 811), on the 3rd day of September, 1896, original application was made to this Commission under the provisions of the act of Congress of June 10, 1896, (29 Stat., 521), in behalf of this applicant, and others, claiming by virtue of being the adopted child of one Isaac Newman, a missionary to the Choctaw Indians. On December 2, 1896, a decision was rendered by this Commission, as follows:

"No jurisdiction to determine rights of applicants; children of missionaries.", from which decision of this Commission no appeal was taken.

Neither does it appear that the said Melissa G. Strickler has ever been married to a duly recognized and enrolled citizen of the Choctaw Nation.

It is therefore the opinion of this Commission that the application of Melissa G. Strickler for enrollment as a citizen

of the Cherokee Nation should be refused under the twenty first section of the act of Congress approved June 25, 1898, (30 Stat., 486), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Dated at Muskogee,  
Indian Territory, this

DEC -1 1907

COPY

Choctaw D 156

Muskogee, Indian Territory, December 1, 1902.

Melissa C. Strickler,

Bokohite, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. 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.

Acting Chairman.

Registered.  
Enc. MT 11

Muskogee, Indian Territory, December 1, 1908.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Melissa C. Brickler as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

W. W. WOOD.

Acting Chairman.

Enc. MT 12

COPY.

Muskogee, Indian Territory, December 1, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Melissa C. Strickler for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission dated December 1, 1902, denying said application.

Respectfully,

(SIGNED)

Acting Chairman.

Enc. Choctaw D. 156



(COPY)

D.C.17545

W.C.F.

ITB. 4878-1903.

EAF.

L.R.S.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

June 15, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

December 1, 1902, you transmitted the record in the matter of the application for enrollment of Melissa C. Strickler as a citizen of the Choctaw Nation.

The evidence furnished by the record fails to show that the applicant has ever been admitted to citizenship in the Choctaw Nation by the tribal authorities thereof, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory or that she has ever been married according to the tribal laws and customs to a recognized and enrolled citizen of the Choctaw Nation.

It appears from the decision of the Commission that in 1896 the applicant was a party in the case of M. T. Bingham, et al. vs. the Choctaw Nation, in which she claimed rights to Choctaw lands by virtue of being adopted child of one Isaac Newman, a Missionary to the Choctaw Indians. On December 2, 1896, the Commission rejected the applicant in said case, deciding that it had no jurisdiction to determine the rights of children of Missionaries.

No appeal was taken from this decision.

-2-

You refused the application December 1, 1902.

Reporting June 4, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

E. A. Hitchcock,  
Secretary.

1 inclosure.

(COPY)

Land.  
72596--1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, June 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes dated December 1, 1902, forwarding the record relative to the application of Melissa C. Strickler for enrollment as a citizen of the Choctaw Nation.

December 1, 1902, the Commission held that the applicant was not entitled to enrollment.

From the record it does not appear that the applicant has ever been enrolled as a citizen of the Choctaw Nation by the tribal authorities, the Commission or the Court. The record shows that in 1896 this applicant was a party to the application of N. T. Bingham, et al., that the applicant claimed right to enrollment by reason of being the adopted child of Isaac Newman, a missionary to the Choctaw Indians; that the Commission on December 2, 1896, rendered a decision holding that it had no jurisdiction to determine the rights of applicants children of missionaries, from which decision no appeal was taken.

As the applicant has never been recognized and enrolled as a citizen of the Choctaw Nation the approval of the decision of the Commission adverse to her is recommended.

very respectfully,

AC. Tomer,

Acting Commissioner.

G.A.W.(S)

COPY.

Choctaw-D-156

Muskogee, Indian Territory, July 14, 1903.

Melissa C. Strickler,  
Bokchite, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, under date of June 15, 1903, affirmed the decision of this Commission, dated December 1, 1902, refusing your application for enrollment as a citizen of the Choctaw Nation.

Respectfully,  
(SIGNED)

*T. B. Needles*  
Commissioner in Charge.

Muskogee, Indian Territory, July 14, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Chectaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior, under date of June 15, 1903, affirmed the decision of this Commission, dated December 1, 1902, refusing the application made by Melissa C. Strickler, for enrollment as a citizen of the Chectaw Nation.

Respectfully,

*I. B. Needles.*

Commissioner in Charge.

Empty

Empty



Empty

Empty

Empty

Empty

Draw

Joseph G. Harmon

Record transferred to Chaclaw  
card # 682

CHOCTAW D 164

*Minnie Everidge*

*Record transferred to  
Choctaw card # 1781*

D. ...

Mary J. Wright

Record transferred to Choctaw  
card # 1817.

2

D. 100  
Fannie Wallace, et al.

Record transferred to Chaetain  
card # 5650



D 107

William J. Hewett.

Record transferred to

GEOTAW: # 5799.

CHOCUTAW D 168

Henry C. Edwards,  
et al.

Records transferred to

CHOCUTAW # 5823

D 109

George Isaacs

Record transferred to Charters  
card # 5677

CHOCTAW

D 170

*Thomas B. Edwards, et al*

*Thomas B. Edwards  
transferred to Choctaw  
# 5857, Nov. 26, 1904.*

CHOCOTEAU & 171

Albert Davis

Transferred to Choc.  
#5881 Jan 28-1905

Choc D172 willam Bennett

Dismissed 11-23-04

D172

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

In the matter of the application for the enrollment  
as an intermarried citizen of the Choctaw Nation of-

WILLIAM BENNETT      7-D-172.

14

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

In the matter of the enrollment of William Bennett as an  
intermarried citizen of the Choctaw Nation James Martin being  
sworn and examined by Commissioner Needles, testifies:

Q What is your name? A James Martin.

Q Where do you live? A In the Choctaw Nation about three  
miles from here

Q How old are you? A Forty-five.

Q Do you know Ella Bennett? Yes sir.

Q What was her maiden name? A Martin, she was my daughter

Q What was her first name? A Her first name was Martin

Q Didn't have any other name but Martin? A Not until she  
married . Martin, ~~William Bennett's daughter~~ Ella Martin first and  
she married Mr. Bennett and changed her name to Ella Bennett

Q Do you know whether the Ella Bennett mentioned in this de-  
gree is the same person as Louella Martin mentioned in this mar-  
riage license? A Yes sir, she is the same woman, I know.

)-----

John Cowen being sworn and examined by Commissioner  
Needles testifies as follows:

Q What is your name? A John Cowen.

Q Do you know Ella Bennett? A Yes sir

Q Do you know Louella Martin? A Yes sir I did know she was  
Louella Martin before she married old man Bennett

Q The order of court here admitted to citizenship Ella Bennett,  
and it appears that there is a record of marriage here between  
William Bennett and Louella Martin? A Yes sir, well this girl  
was named Martin before he married her



William Bennett, John Cowen #2)

Q You know whether Louella Martin and Ella Bennett are the same person? A Yes sir. I know they are.

Q What relation are you to them? A None.

Q (Lewis) She was married to Bennett at the time this decision was rendered wasn't she? A Yes sir.

Q And married over? A Yes sir.

Department of the Interior,

*...with us  
...that this  
...translation of*

*M. D. Green*

Dec 29 1897.

The Choctaw Nation  
Cedar County.

To all to whom these present shall  
come greeting: know ye that  
J. J. Nelson Co & pro clerk  
in and for the County of Cedar  
C. N. have this day granted  
and issued a License unto  
one William Bennett a citizen  
of the United States to marry  
the Choctaw woman citizen  
by blood according to the laws  
of the Choctaw Nation

Therefore under the law of  
1887 I hereby under my hand  
issued a license to marry one  
Lawella Martin a citizen of  
the Choctaw Nation.

Given and as official seal this  
29th day of Dec 29 1897.

J. J. Nelson  
Co Clerk

C. C. C. N.

This is to Certify that I have this day duly record  
the Marriage License & Certificate this 12<sup>th</sup>  
day of January A. D. 1898

Wm. Day, Cor  
Circuit Court C. N.

-OFFICE OF-

W. M. KEITH

-DEALER IN-

GENERAL MERCHANDISE  
HARDWARE, STOVES AND FARMING IMPLEMENTS.

Antlers, I. T., Dec 30 1897

To all whom it may concern  
Know ye that D W M Keith  
have this the above day and  
date joined in the Holy  
estate of matrimony - W M -  
Bennet and Lavelle ~~Keith~~

W. M. Keith

Minister of the Gospel

This is to Certify, That I have this day duly  
received the "Marriage License and Certificate"  
this 12<sup>th</sup> day of January U. S. 1898.

Simon Taylor  
Clerk Jewish  
C. N.

Choctaw D-172.

Muskogee, Indian Territory, February 27, 1902.

William Bennett,  
Antlers, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 4th 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.

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.

*T. B. Needles.*

Register.

Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of William Bennett for enrollment as an intermarried citizen of the Choctaw Nation.

---D 172---

On the 27th day of February, 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 notified by registered mail that the application of William Bennett 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 4th day of April, 1902, for final consideration.

Now, on this fourth day of April, 1902, this cause coming onto be heard pursuant to said notice, the Choctaw Nation failed to appear and the applicant, being called, appeared in person.

William Bennett, the applicant, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A William Bennett.  
Q How old are you? A I will be sixty three the 15th day of this month.  
Q What is your post office address? A Antlers, Choctaw Nation.  
Q What is your father's name? A James Bennett.  
Q Is he living? A No sir, he is dead.  
Q Was he a white man or a Choctaw? A White man.  
Q What was your mother's name? A Catherine.  
Q Was she a white woman or a Choctaw? A White woman.  
Q You claim as an intermarried white person? A Yes sir.  
Q What was your Choctaw wife's name? A Luella Martin, but it has gone up in several cases as Ella Martin.  
Q When were you married to her? A I have been married to her twice; I was first married to her at Ardmore.  
Q About how long ago? A It has been about seven or eight years ago.  
Q Was her name Martin when you married her? A Yes sir.  
Q She up to the time you married her the first time had never been recognized as a Choctaw citizen? A No sir.  
Q She applied in 1896 as a Choctaw? A Yes sir, I forget the date.  
Q Did you make application with her? A Yes sir.  
Q You and your wife applied together? A Yes sir.  
Q She was admitted by the United States Court at South McAlester?  
A Yes sir.  
Q And you were denied? A I was rejected, yes sir.  
Q Since that judgment you took out a Choctaw license and married your wife again? A Yes sir.  
Q That was some time in 1897? A I suppose so.  
Q Your second marriage was under a license issued by the Choctaw Nation? A Yes sir.

William Bennett-----2

- Q You paid the fifty dollars for the license? A One hundred dollars.
- Q You had never been divorced from your wife? A No sir.
- Q Simply took out this second license in order to procure inter-married rights as a Choctaw? A Yes sir, that was the intention of course.
- Q Have you any children born since you were married the second time? A Yes sir, I have two-- I had one born the tenth day of last month
- Q When was the oldest child born since that judgment? A Born May 10, 1899.
- Q What is the name of the oldest of these two children? A Bettie Rosettie.
- Q She was born May 10, 1899? A Yes sir, as near as I can get it.
- Q What is the name of the youngest child? A Lena.
- Q Born tenth day of March, 1902? A Yes sir.
- Q You have never made any application for these children? A Yes sir.
- Q You have sent up the birth affidavits? A Yes sir.

-----

By the Commission: This case will be considered by the Commission upon the evidence and record as now made up.

-----

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 4th day of April, 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 C. Risteen*

Subscribed and sworn to before me this 8th day of April, 1902.

*Harold Mitchell*

Notary Public.

ans  
Rhd

7-D-172.

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 of William  
Bennett.

-----

The applicant, William Bennett, claims the right to  
enrollment as a citizen by intermarriage of the Choctaw Nation by  
virtue of his marriage to one Ella Bennett.

The right of the applicant's wife, Ella Bennett, to  
citizenship in the Choctaw Nation having been adversely determined  
by a decree of the Choctaw and Chickasaw Citizenship Court on Sep-  
tember 19, 1904, in case number 114 upon the South McAlester dock-  
et of said court, it is hereby ordered that the application of  
William Bennett for enrollment as a citizen by intermarriage of  
the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
-----  
Chairman.

Muskogee, Indian Territory,  
NOV

7-D-172

COPY:

Muskogee, Indian Territory, November 23, 1904.

William Bennett,  
Purcell, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 23, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

*John D. Kirby*

Registered.

Chairman.

Incl. 7-D-172.



7-D-172

COPY.

Muskogee, Indian Territory, November 23, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the order of  
this Commission, dated November 23, 1904, dismissing the applica-  
tion for the enrollment of William Bennett as a citizen by inter-  
marriage of the Cheetaw Nation.

Respectfully,

(SIGNED)

*James Dixby*

Chairman.

Incl. 7-D-172.

Wash., D.C., Indian Territory,

April 14, 1900.

William Bennett,  
Indian Territory,

Dear Sir:

Your letter of the 11th inst. is received. It is  
after the receipt of your letter, dated March 10, 1900,  
filed in the office of the Indian Commissioner, and  
as a result of the same, the following is the result:

The Commissioner, on March 3rd, 1900, held a hearing  
at Atoka, Oklahoma. At this hearing, the following  
National Association of American Indians testified and  
argued in support of their position.

Yours truly,

Acting Chairman.

7-D-128.

Muskogee, Indian Territory, September 18, 1900,

William Bennett,

Antlers, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Cheetaw Nation to your enrollment as a citizen of the Cheetaw 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 Cheetaw 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-D-172

Muskogee, Indian Territory, June 4, 1904.

William Bennett,

Purcell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 26, 1904, stating that Purcell, Indian Territory, will hereafter be your postoffice address.

You are advised that the same has been made of record in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

7-D-172.

Muskogee, Indian Territory, August 13, 1904.

William Bennett,

Purcell, Indian Territory,

Dear Sir:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Chickasaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the land office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the land office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

Choc D 173

Rhoda Leader

D173

3.  
A. C. C. Leader et al.

GRANTED

set of April 26-06  
Frank Inayur transferred to  
Chic. N.B. #453 (Apr. 26-06)

Rec'd transferred as to No. 1  
to Chicago # 1343.

IN RE  
THE DEATH OF

*Benjamin Frazier*  
a citizen of the

*Choctaw* Nation.

Approved NOV 22 1902 190

*[Signature]*  
Commissioner.

It appearing from the within affidavits that Benjamin Frazier died prior to September 25, 1902, it is hereby ordered that the application made for the enrollment of said Benjamin Frazier as a citizen by blood of the Choctaw Nation be dismissed.

*W. O. Beall*

ACTING Commissioner.

Muskogee, Indian Territory,

AUG 29 1906

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 22 1902

*[Signature]*

ACTING CHAIRMAN.



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

In the matter of the death of Benjamin Frazier  
(Here insert name of deceased.)  
a citizen of the Choctaw Nation, who formerly resided at or near  
Stringtown, Ind. Ter., and died on the 31 day of  
(Here insert name of postoffice.)  
January, 1900

AFFIDAVIT OF RELATIVE.

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

I, Simon Frazier, on oath state that I am 43  
years of age and a citizen, by blood, of the Choctaw Nation;  
that my post office address is Owl, Ind. Ter.; that I am  
father of Benjamin Frazier,  
(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 Benjamin Frazier died on the 31 day of  
January, 1900

WITNESSES TO MARK:

(Must be Two Witnesses.)

Wm. Leaky  
Wm. Leaky

Simon Frazier  
mark

Subscribed and sworn to before me this 19 day of Nov. 1902

R. H. Linebaugh  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

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

I, Rason Bond, on oath state that I am 32  
years of age, and a citizen, by blood, of the Choctaw Nation;  
that my post office address is Stringtown, Ind. Ter.;  
(Here insert name of post office.)  
that I was personally acquainted with Benjamin Frazier,  
(Here insert name of deceased.)  
who was a citizen, by blood, of the Choctaw Nation;  
and that said Benjamin Frazier died on the 31 day of  
January, 1900

WITNESSES TO MARK:

(Must be Two Witnesses.)

Rason Bond

Subscribed and sworn to before me this 19 day of November 1902

R. H. Linebaugh  
Notary Public.

Margaret Boardman

Transferred to Choc.  
#5889. Feb 11-1905

CHOTAW

D. 175

Ido Spring, et al.

Record transferred to  
Chotaw card # 5631

2

CHOCTAW D

*Amos Williams et al.*

*Transferred to* CHOCTAW #1929

CHOCTAW D 177

*Nancy Freeman  
et al*

GRANTED

*and transferred  
to Choctaw-5923.*

MAY 11 1905

178  
Genesis Allen, et al.

RECEIVED  
AUG 21 1956

Record transferred to Choctaw  
# 6038.  
Sept. 10/56.

D 179

Ike K. Polk

Record transferred to  
Charlton card # 1934

CHOCTAW A 180

Mary J. Walker

Transferred to photo  
#3 - Feb. 5 - 1905



D. 181

Georgia Kennedy, et al.

Records transferred to  
C. K. Law card - 5624

1887

D 182

Minnie Thomas.

Record transferred to  
Chastain card # 4008.

CHOCTAW D 183

Minnie Woods

Transferred to Chic.  
# 5887 Jan. 78 - 1905

MISSISSIPPI

D. 184

Thomas Watson

Record transferred to  
Choctaw card #5632

D-185.

Elmira whale

Transferred to Choctaw  
# 2074.

D. 183

James Newson.

Record transferred to  
Choctaw card # 2155

CHOCTAW D 187

*Ida L. Foucar.*

GRANTED

*and transferred  
to Choctaw 5924*

MAY 15 1905

D. 188

Chester H de Flore

Record transferred to  
Choctaw card # 5776



MISSISSIPPI

D. 189

Margaret Mc Ferrin

Record transferred to  
Choctaw card # 2201

RECORDS

D. 190

Walter N. Durant

Record transferred to  
Chastaw card #5632

D. 191

Marshall A. Davis, et al.

Records of Nos. 1-3-4 and 5  
Transferred to Chartau  
card #5779

D. 192

Burk Davis

Record transferred to  
Choctaw card #5780

D. 193

Joe Davis.

Record transferred to  
Choctaw card # 5690

Choc D194 Amanda J. Freeze

D194

NOV 19

194

*Amanda J. Freeze  
(See Chockaw 10. 195)*

COPY OF DECISION FORWARDED  
APPLICANT

RECORD FORWARDED DEPARTMENT.

*Duplicate record found*

*Remanded by Department for re-  
adjudication, Nov. 28, 1905.*

*Record returned to Dept. 1/8-06.*

*Apr. 6, 1906, department sets aside all  
previous action herein, and orders a new  
hearing. (I.D. 8162-1905; 3798-1906).*

*Apr. 16, 1906, hearing set for May 9, 1906, at 9  
o'clock, a.m. and all parties advised thereof*

REFUSED. JAN 26 1907

COPY OF DECISION FORWARDED

APPLICANT JAN 26 1907

COPY OF DECISION FORWARDED  
ATTORNEY FOR

RECORD FORWARDED DEPARTMENT.

*(over)*

ACTION APPROVED BY  
SECRETARY OF INTERIOR

MAR 4 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

APR 18 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR APPLICANTS

APR 18 1907

NOTICE OF DEPARTMENTAL  
ACTION FILED APPLICANTS

APR 18 1907



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 5, 1902.

Amanda J. Freeze, et al.,  
vs.  
The Choctaw Nation.

In the matter of the application of Amanda J. Freeze for the enrollment of herself and her two minor children, Damon Freeze and Raymond Freeze as citizens by blood of the Choctaw Nation.

On the 27th day of February, 1902, the principal 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 Amanda J. Freeze for the enrollment of herself and her minor children 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 5th day of April, 1902, for final consideration.

Now on this 5th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation appears by its attorneys, Mansfield, McMurray & Cornish, and the applicant being called failed to appear, and the case is submitted upon the evidence and record as now made up.

-----;-----  
Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Five Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 5th day of April, 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 7 day of April, 1902.

Notary Public.

7-D-195  
7-D-194  
7-D-197  
7-D-196  
23-929.

COPY

O.L.J.

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

-----  
In the matter of the application for the enrollment of  
Napoleon B. Brashears, et al., as citizens of the Choctaw Nation.

DECISION.

It appears from the census card records in this case that on June 5, 1899, Napoleon B. Brashears (50 years of age), appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and his minor children, LaFayette (20 years of age), Arthur (15 years of age), Fred S. (18 years of age), and Logan Brashears (11 years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mary J. Brashears (49 years of age), as a citizen by intermarriage of said nation. June 5, 1899, application was made by Amanda J. Freeze (24 years of age) for the enrollment of herself and her two minor children, Damon Freeze (6 years of age) and Raymond Freeze (4 years of age), as citizens of the Choctaw Nation. Subsequently, on December 23, 1902, and December 24, 1902, respectively, written applications were made for the enrollment of Ruby Freeze (born June 27, 1898) and Karl Freeze (born January 4, 1901). June 5, 1899, application was made by Sarah E. Scott, formerly Salmon, (27 years of age) for the enrollment of herself and her two minor children, John C. Salmon (7 years of age) and Fannie Salmon (5 years of age), as citizens by blood of the Choctaw Nation. December 24, 1902, written application was made for the enrollment of Lois Salmon (born May 18, 1896), as a citizen by blood of said nation. June 5, 1899, application was made by Ollie Duncan (27 years of age), for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Ida M. Duncan (22 years of age), and his minor child, Dora M. Duncan, as a citizen by blood of said nation. October 6, 1899, application was made for the enrollment of Francis E. Duncan (born February 4, 1899), as a citizen by blood of said nation.

On May 8, 1906, written application was made for the enrollment of Leo Lester Brashears (born December 30, 1902), and Floyd Lafayette Brashears (born January 7, 1904), as citizens by blood of the Choctaw Nation, and on May 14, 1906, written application was made for the enrollment of Alvy Fred Brashears (born December 12, 1905), as a citizen by blood of said nation. January 4, 1906, application was made for the enrollment of Myrthe Viola Duncan (born in 1904), as a citizen by blood of the Choctaw Nation.

It further appears from the records in the possession of this office that on September 8, 1896, in the case entitled "Napoleon P. Brashears vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 877), original application was made to said Commission, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for the admission of the applicants, Napoleon B. Brashears, LaFayette Brashears, Arthur Brashears, Fred S. Brashears and Logan Brashears, as citizens by blood of the Choctaw Nation, and for the admission of Mary J. Brashears as a citizen by intermarriage of said nation; and that on December 4, 1896, said application was denied, from which decision no appeal was taken

The records in the possession of this office further show that on September 9, 1896, in the case entitled "Ellen Salmon vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 1385), original application was made to the Commission to the Five Civilized Tribes for the admission of Sarah E. Salmon, John C. Salmon, Forny Salmon and Lois Salmon as citizens by blood of the Choctaw Nation; and that on December 8, 1896, said application was denied, from which decision no appeal was taken.

It further appears from the records in the possession of this office that on September 8, 1896, in the case entitled "Ida M. Duncan vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 328), original application was made to the Commission to the Five Civilized Tribes for the admission of Ida Mary Duncan and Dora M. Duncan as citizens by blood of the Choctaw Nation and for the admission of Ollie Duncan as a citizen by intermarriage of said nation; and that on December 2, 1896, said Commission denied said application, from which decision no appeal was taken.

January 19, 1905, the Commission to the Five Civilized Tribes denied the applications for the enrollment of Napoleon B. Brashears, LaWayette Brashears, Arthur Brashears, Fred S. Brashears, Logan Brashears, Ida M. Duncan, Dora M. Duncan, Francis E. Duncan, Amanda J. Freeze, Damon Freeze, Raymond Freeze and Earl Freeze as citizens by blood of the Choctaw Nation, and for the enrollment of Mary J. Brashears and Ollie Duncan as citizens by intermarriage of said nation.

February 6, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Sarah E. Salmon, John C. Salmon, Fannie Salmon and Lois Salmon as citizens by blood of the Choctaw Nation.

The Department on July 17, 1905 (I.T.D. 8162, 1942-1905), returned to the Commissioner to the Five Civilized Tribes the record in the matter of the application for the enrollment of Napoleon B. Brashears, et al., for enrollment as citizens of the Choctaw Nation, with directions to permit the applicants in said case to introduce such additional testimony as might be necessary for a full presentation of the merits of their case in conformity with the approved opinion of the Assistant Attorney General for the Department of the Interior of July 10, 1905.

The Department on November 28, 1905 (I.T.D. 1270, 2300, 2530, 15660-1905), upon the request and suggestion of the Commissioner to the Five Civilized Tribes of November 3, 1905, returned to the Commissioner the record in the matter of the applications for the enrollment of Amanda Freeze, et al., Sarah Salmon, et al., and Ollie Duncan, et al., as citizens of the Choctaw Nation, to be consolidated with the record in the matter of the application for the enrollment of Napoleon B. Brashears, et al., as citizens of the Choctaw Nation, in order that the proceedings directed by the Department in its letter of July 17, 1905, might be applicable to all of said cases.

December 18, 1905, the applicants, their attorneys, and the attorneys for the Choctaw and Chickasaw Nations, were advised of the action of the Department, and notified that the Commissioner to the Five Civilized Tribes would, at his office at Muskogee, Indian Territory, on Wednesday, January 3, 1906, at nine o'clock A. M. hear such testimony as might be presented by the applicants and the attorneys for the Choctaw and Chickasaw Nations, in reference to the right to enrollment of the applicants herein as citizens of the Choctaw Nation.

January 3, 1906, proceedings were had at Muskogee, Indian Territory, in the matter of said applications in accordance with the notices above mentioned.

January 9, 1906, the Commissioner to the Five Civilized

Tribes transmitted to the Department the record in the matter of the above applications, together with the proceedings had on January 3, 1906, with the recommendation that the decisions of the Commission to the Five Civilized Tribes of January 9, 1905, and February 6, 1905, be affirmed.

The Department on April 6, 1906 (I.T.D. 8162-1905, 3798-1906), in acknowledging receipt of the foregoing report, directed that inasmuch as it did not appear that a rehearing de nove had been had, that all previous action in this case be set aside, and returned the record therein to the end that a complete investigation of the merits of the case might be made.

Due notice having been given to all parties in interest, additional proceedings were had in the matter of the said applications at Muskogee, Indian Territory, on May 9, 1906. Further proceedings were had therein at Duncan, Indian Territory, June 27, 1906, and at Blocker, Indian Territory, November 7, 1906. At the latter hearing, at the request of the attorney for the applicants, a copy of the testimony of Sarah A. Harlan, taken May 16, 1906, in the matter of the application of Joseph Moncrief for identification as a Mississippi Choctaw, was made a part of the record in this case.

It appears from the record herein and from the census card records in this case, that the applicants, LaFayette Brashears, Arthur Brashears, Fred S. Brashears, Logan Brashears, Amanda J. Freeze, Sarah E. Scott (formerly Salmon), and Ida M. Duncan, are the children of Napoleon B. Brashears and Mary J. Brashears; that the applicants, Damon Freeze, Raymond Freeze, Ruby Freeze and Earl Freeze, are the children of Amanda J. Freeze and J. A. Freeze, a non-citizen; that the applicants, John C. Salmon, Fannie Salmon and Lois Salmon, are the children of Sarah E. Scott (formerly Salmon) and John Salmon, a non-citizen; that the applicants, Dora M. Duncan, Francis E. Duncan and Myrthe Viola Duncan, are the children of Ida M. Duncan and Ollie Duncan; and that the applicants, Leo Lester Brashears, Floyd Lafayette Brashears and Alvy Fred Brashears, are the children of Fred S. Brashears and Maud May Brashears, a non-citizen.

The applicant, Mary J. Brashears, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage to Napoleon B. Brashears, and the applicant, Ollie Duncan, claims his right to enrollment as a citizen by intermarriage of said nation by virtue of his marriage to the applicant, Ida M. Duncan.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicants, Napoleon B. Brashears, Mary J. Brashears, LaFayette Brashears, Arthur Brashears, Fred S. Brashears, Logan Brashears, Amanda J. Freeze, Damon Freeze, Raymond Freeze, Sarah E. Scott (formerly Salmon), John C. Salmon, Fannie Salmon, Ollie Duncan, Ida M. Duncan and Dora M. Duncan, are identified upon the 1896 Choctaw Census Roll, opposite numbers 2009, 2011, 2012, 2014, 2013, 4571, 4572, 4573, 11751, 11752, 11753, 3659, 3668 and 3660, respectively, as citizens of the Choctaw Nation.

In the proceedings had before this office on May 9, 1906, the applicant, Napoleon B. Brashears, testified that he was born in the State of Arkansas in the year 1849, and was a son of Mortimer Brashears, a Choctaw Indian, and Sarah Vaughan, who he also understood was possessed of Choctaw blood; that the father of Mortimer Brashears was Joseph Brashears; that the latter was a son of Zadeck Brashears, a Choctaw Indian, "who was enrolled in Mississippi or Alabama"; that Joseph Brashears was born in the State of Mississippi and removed to the State of Missouri about the time that the Choctaws removed west to the Indian Territory;

that he afterwards removed to the State of Arkansas, and died at Fayetteville some time prior to the War; that said Joseph Brashears had two or three brothers, two of whom were named William and Vaughan Brashears; that his father, Mortimer Brashears, died in August, 1863, at the age of about forty years; that his father and mother were married in the State of Arkansas; that he did not know and had no knowledge of any of his mother's ancestors; and that he was related to Turner and Vaughan Brashears, who were Choctaw Indians and resided in the Indian Territory.

In the petition filed with the Commission to the Five Civilized Tribes on September 8, 1896, by the applicant, Napoleon B. Brashears, he stated: "My father, Mortimer M. Brashears, was the son of Joseph Brashears, whose father was Zadoc Brashears. All these Brashears were Choctaw Indians". In a statement attached thereto, and signed by the applicant, Napoleon B. Brashears, it is stated that Richard Prashears, seventy-five years of age, and a servant in the Brashears family, belonged to Vaughan Brashears, a Choctaw Indian; that the said Vaughan Brashears, Jr., was a son of Vaughan Brashears, Sr., who was a brother of Joseph Brashears, the paternal grandfather of the applicant, Napoleon B. Brashears; and that Zadoc Brashears was the father of Vaughan and Joseph Brashears, above mentioned.

On May 10, 1906, Richard Brashears, a Choctaw freedman, testified that he was born in Sumpter County, Alabama, in 1821, where he resided until about the year 1829, when he removed with his master, Vaughan Brashears, to Honey Island, Yazoo River, Mississippi; that in the year 1831, he removed with his master to the Choctaw Nation; that he continued to reside with said Vaughan Brashears until the death of the latter about two years prior to the War; that he was acquainted with Joseph Brashears, son of Zedec Brashears, Jr., who was part Choctaw and part French; that Zedec Brashears, Jr., had three children, whose names were Joseph, William and Turner; that Zedec Brashears, Sr., had four children, Jesse, Zedec, Jr., Vaughan and Turner; that Zedec Brashears, Jr., was killed in a horse race in the State of Alabama; that Joseph Brashears had two brothers, William and Turner; that at the time of his removal from the State of Alabama in about the year 1829, Joseph Brashears was attending school and was unmarried; and that he did not see said Joseph Brashears again until about the year 1838 or 1839, when said Joseph Brashears was passing through Tuskahoma, Indian Territory, where the witness resided, on his way to Fayetteville, Arkansas.

On September 8, 1896, there was filed with the petition for the admission of Napoleon B. Brashears, et al., as citizens of the Choctaw Nation the joint affidavit of James D. Coyle and Lucy Josephine Jones, wherein it was stated that they were personally acquainted with the applicant, Napoleon B. Brashears, who was the son of Mortimer M. Brashears, whose father was Joseph Brashears, and that said Joseph Brashears was a son of Zadoc Brashears, all of whom were Choctaw Indians.

On June 27, 1906, Josephine Jones, one of the parties in the joint affidavit above mentioned, testified that she was fifty-seven years of age, and was born at Jefferson City, Missouri; that she was the daughter of James Coyle and Mary Jane Brashears, who was born in the State of Missouri in 1816; that Mary Jane Brashears was the daughter of Joseph Brashears, who died in the State of Missouri; that she does not know who Zedec Brashears was, and that she had heard and known several people in the Indian Territory who bore the name of Brashears, but had never been able to ascertain what relation, if any, they bore to one another.

Said witness further testified that she was a cousin of the applicant, Napoleon B. Brashears, her mother and Napoleon B. Brashears' father being brother and sister; and that she does not know any other facts relative to the residence or ancestors of Joseph Brashears other than above stated. The witness refused to state that she was of Choctaw descent, but testified that she had been informed by her mother that she was related to the Indians.

On November 7, 1906, Sarah A. Harlan, who was a beneficiary under Article Fourteen of the Treaty of 1830, testified that she was born in Sumpter County, Alabama, in about the year 1829; that she was the daughter of Sampson Moncrief, a white man, and Sophia Brashears, who was the daughter of Zedec Brashears, Sr., a white man, who resided in Sumpter County, Alabama, and Susan Vaughan, a one-half blood Choctaw Indian; that Zedec Brashears, Sr., and Susan Brashears had nine children, whose names were Jesse, Zedec, Jr., Vaughan, Turner, Susan, Elizabeth, Anne, Sophia and Brashears; that Jesse Brashears died in the State of Mississippi; that Zedec Brashears, Jr., died in the State of Alabama a few years after the treaty of 1830; that Vaughan and Turner Brashears came to the Indian Territory, where they resided at the date of their death; that Susan Brashears died in Jackson, Mississippi; and that Elizabeth, Anne and Sophia (her mother) died in the State of Alabama; that the wife of Zedec Brashears, Jr., was a white woman by the name of Anne Brashears, by whom he had four children, Turner, who died in 1845, John and William (twins), and Oleana; that John and William Brashears died in the State of Alabama; and that after their death the remaining child, Oleana, removed with her mother, Anne Brashears, to the State of Texas; that Zedec Brashears, Sr., and Susan Vaughan had no descendant whose name was Joseph Brashears, and that the only children of said ancestors who removed west of the Mississippi River were Vaughan and Turner Brashears.

The testimony of the witness, Sarah A. Harlan, taken at Muskogee, Indian Territory, on May 16, 1906, in the matter of the application for the identification of Joseph Moncrief as a Mississippi Choctaw, which was made a part of the record in this case on motion of the attorney for the applicants, and the records in the possession of the Indian Office as set forth in Indian Office letter of July 1, 1904 (Land 53455-1903), in so far as the same applies to this case, is corroborative of the testimony given by the witness, Sarah A. Harlan, on November 7, 1906.

It will also be noticed that the testimony of Richard Brashears, to the effect that at the time of his removal from Sumpter County, Alabama, in 1829, Joseph Brashears was attending school and was unmarried, is materially inconsistent with the testimony of Josephine Jones, who testified that her mother, Mary Jane Brashears, was the daughter of Joseph Brashears, and was born in the State of Missouri in 1816.

I am of the opinion that the evidence clearly establishes that the Joseph Brashears through whom the applicants herein claim descent was not a descendant of Zedec Brashears, Sr., and Susan Brashears (nee Vaughan), and that none of the applicants herein are possessed of Choctaw blood.

I am further of the opinion that inasmuch as none of the applicants herein are possessed of Choctaw blood, the enrollment of the applicants whose names appear upon the 1896 Choctaw Census Roll was without authority of law, and that under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), their names should be stricken therefrom.

I am further of the opinion that the applications for the enrollment of Napoleon B. Brashears, Lafayette Brashears, Arthur Brashears, Fred S. Brashears, Logan Brashears, Amanda J.

6.

Freeze, Damon Freeze, Raymond Freeze, Ruby Freeze, Earl Freeze, Sarah E. Scott (formerly Salmon), John C. Salmon, Fannie Salmon, Lois Salmon, Ida M. Duncan, Dora M. Duncan, and Francis E. Duncan as citizens 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.

I am further of the opinion that the applications for the enrollment of Mary J. Brashears and Ollie Duncan as citizens by intermarriage 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.

I am further of the opinion that the applications for the enrollment of Lee Lester Brashears, Floyd Lafayette Brashears, Alvy Fred Brashears, and Myrthe Viola Duncan as citizens by blood 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 *Tams Bixby*

Commissioner.

Muskogee, Indian Territory,

JAN 26 1907

Kassogee, Indian Territory,

August 18th, 1900.

Amanda J. Drake,

Cowen, Indian Territory.

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. Cannon, Mansfield, Murray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Dixon and Raymond Preece as citizens of the Choctaw Nation.

The Commission, commencing December 2nd, 1900, holds a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-194.



COPY.

Muskogee, Indian Territory, January 31, 1903.

Amanda J. Freeze,

South McAlester, Indian Territory.

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cornish, has protested against the enrollment of yourself and your children, Damon and Raymond Freeze, as citizens of the Choctaw Nation, on the grounds that your names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that your said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given you to introduce any additional testimony or written briefs which you may have to offer in support of your application.

Respectfully,

SIGNED

*Tams Dixby*

Acting Chairman.

W  
Choctaw D 194  
Choctaw D 195  
Choctaw D 196

COPY.

Muskogee, Indian Territory, April 2, 1903.

Mansfield, McMurray & Cernish,  
South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of March 28, inquiring the citizenship status of N. B. Brashears, Mary J. Brashears, William W. Brashears, Lafayette Brashears, Arthur Brashears, Logan Brashears, Fred A. Brashears, Troy Lambert, Amandy Y. Brashears now Freeze, Daman , Rayman and Jacob Freeze, Ida M. Brashears, now Duncan, Olie Duncan and Dora M. Duncan.

You state that understand that these people were never placed upon the tribal rolls of the Choctaw Nation unless by what is known as the "Revisory Board" which operated after September 10, 1896; and further, that these people applied to this Commission in 1896, under the act of June 10, 1896, and were rejected and no appeal taken to the United States Court, and you wish to be informed if these are the facts as shown by our records.

In reply to your letter you are advised that it appears from our records that Napoleon B. Brashears, his wife, Mary J. Brashears, and their children Lafayette, Arthur, Fred S., and Logan Brashears, Amanda J. Freeze, formerly Brashears, and her children, Damon, Raymond, Ruby and Earl Freeze, and Ida M. Duncan, formerly Brashears,

M McM & C 2

her husband, Ollie Duncan, and children, Dora M. and Francis E. Duncan, have been listed among the doubtful claimants to enrollment in the Choctaw Nation, and their final right to such enrollment has not yet been determined.

It further appears from our records that the persons above named, with the exception of Ruby and Earl Freeze and Francis E. Duncan, were applicants to this Commission for citizenship in the Choctaw Nation under the provisions of the act of congress of June 10, 1896, and were denied by the Commission, and that no appeal was taken from said decision of the Commission within the time prescribed by the act of Congress of June 10, 1896.

You are informed that it has been claimed that these persons were not enrolled by the Choctaw tribal authorities until January 6, 1897, but there is not evidence filed in any of these cases, to substantiate this claim, nor are their names among the names referred to by Simon E. Lewis in his testimony of February 10, 1903, as having been enrolled without authority of law.

You are further advised that it does not appear from our records that any applications have been made to this Commission for the enrollment of William W. Brashears, Troy Lambert or Jacob Freeze.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

Choctaw D 194

COPY.  
Muskogee, Indian Territory, February 12, 1904.

Amanda J. Freeze,  
South McAlester, Indian Territory,

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of yourself and minor children, Damon, Raymond, Ruby and Earl Freeze, as citizens by blood of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

SIGNED *T. B. Needles*  
Commissioner in Charge.

7-D-194

COPY.

Muskogee, Indian Territory, March 15, 1905.

Mrs. Amanda J. Freeze,

Care of George W. Scott, Conductor C. O. & G. R. R.,  
Haileyville, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 2, 1905, in which you state you have just learned from the South McAlester post office of a registered letter addressed to you at that place which has been returned to the Commission; you therefore ask that the same be forwarded you at Haileyville, Indian Territory, in care of George W. Scott.

In compliance with your request there is returned herewith letter and copy of the decision of the Commission of January 19, 1905, refusing the application for the enrollment of yourself and your four minor children as citizens by blood of the Choctaw Nation.

Respectfully,

*Jame D. Dancy*

Chairman.

EB2-15

DEPARTMENT OF THE INTERIOR,

D C  
I T D

54003-1905. WASHINGTON .  
1270, 2300  
2830, 15660-1905.

JWR  
HJR.

November 25, 1905.

LRS

Commissioner to the Five Civilized Tribes,  
Waskogee, Indian Territory.

Sir

In your communication of November 3, 1905, you requested that the Department return to you the records in the following Choctaw enrollment cases: Amanda J. Froese et al., Sarah E. Salmon et al., and Ollie Duggan et al., in order that the same may be consolidated with the Choctaw enrollment case of Napoleon B. Brashears et al., which was remanded July 17, 1905, for further investigation in accordance with the approved opinion of the Assistant Attorney-General of July 10, 1905.

Transmitting your communication on November 21, 1905, the Indian Office concurred in your recommendation.

It appears that the principal applicants in the cases referred to above are the children of the said Napoleon B. Brashears. Accordingly, it is considered proper that their cases be reinvestigated in connection with his.

You are directed to make such investigation, advising all parties in interest of the points involved and their right to be heard, allowing reasonable time for such hearing and continuances if shown necessary.

-2-

Copies of Indian Office letters of February 3,, March 7, and March 11, 1905, relating respectively to the cases of Amanda J. Freeze et al., Sarah E. Samon et al., and Ollie Duncan et al., with the records in said cases, are returned herewith.

Respectfully,

THOS RYAN,

First Assistant Secretary

11 inclosures.

Through the Commissioner  
of Indian Affairs.

COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

Land.  
86258-1905.  
90156-1905.

WASHINGTON. November 21, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commissioner to the Five Civilized Tribes of the 3rd instant, referring to the fact that on July 17 (I. T. D. 8162, 1942-1905), the Department, with the return of the record in the matter of the application of Napoleon B. Brashears et al., for enrollment as citizens of the Choctaw Nation, transmitted an opinion of the Assistant Attorney General for the Interior Department of July 10, 1905, and directed after due notice to all parties in interest, to permit the applicants to introduce such additional testimony as might be necessary for a full presentation of the merits of their case.

There was also transmitted an application of Chester Howe, attorney for Napoleon B. Brashears, et al., for the consideration by the Department of certain affidavits setting forth the facts in connection with the case. The papers attached to the application submitted by Mr. Howe consist of an affidavit of Napoleon B. Brashears, the certificate of



A. R. Durant, chairman of the Revisory Board of the Choctaw Nation, relative to the enrollment of Napoleon B. Brashears and the members of his family, January 6, 1897, the affidavit of W. C. Williams, Ollie Duncan, E.D. Johnson, John Perry, Stephen Cooper, John W. White, Ida M. Duncan, Ananda J. Freeze, Sarah E. Scott (formerly Salmon), W. C. Thompson, and George W. Scott.

The Commissioner says it appears from these papers that they were intended to apply not only to the application of Napoleon B. Brashears and the members of his immediate family, but also to such of his descendants as were recognized and enrolled by the Revisory Board of the Choctaw Nation in January, 1897.

In this connection the Commissioner desires to invite attention to the following cases decided adversely to the applicants by the Commission to the Five Civilized Tribes, and now pending before the Department:

Ananda J. Freeze et al., for enrollment as citizens of the Choctaw Nation, transmitted January 19, 1908.

Sarah E. Salmon et al., for enrollment as citizens of the Choctaw Nation, transmitted February 6, 1908.

Ollie Duncan, et al., for enrollment as citizens of the Choctaw Nation, transmitted January 19, 1908.

The Commissioner further says the applicants, Ananda J. Freeze, Sarah E. Salmon and Ida M. Duncan, are the children of Napoleon B. Brashears, and the other persons

whose applications were passed upon by the Commission to the Five Civilized Tribes in the above entitled cases are their children, with the exception of Ollie Duncan, who claims his right as an intermarried citizen of the Choctaw Nation by virtue of his marriage on August 8, 1897, to Ida M. Duncan.

The question of law and fact presented in the cases of Amanda J. Freeze et al., Sarah E. Salmon et al., and Ollie Duncan et al., for enrollment as citizens of the Choctaw Nation are identical with those presented in the case of Napoleon B. Brashears et al.

The Commissioner therefore requests that the Department return to his office the record in the three cases referred to in order that they may be consolidated with the record in the matter of the application for the enrollment of Napoleon B. Brashears et al. as citizens of the Choctaw Nation, and that he be authorized to proceed with the re-adjudication thereof in conformity with Departmental directions of July 17, 1905, in which recommendation I concur.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

IBH-WDV

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

Land.  
5863-1905.

February 3, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 19, 1905, transmitting the record of the application for enrollment as citizens by blood of the Choctaw Nation by Amanda J. Freeze for herself and her four minor children, Damon, Raymond, Ruby and Earl Freeze.

January 19, 1905, the Commission decided adversely to the applicants.

The record shows that none of the applicants has ever been enrolled or admitted to citizenship by any legal tribal authority of the Choctaw Nation or by any United States tribunal.

It is shown that on January 6, 1897, application was made for the enrollment of Amanda J. Freeze, Damon Freeze and Raymond Freeze to the so-called Revisory Board of the Choctaw Nation and they were by said Board enrolled upon the 1896 Choctaw Census Roll, but it is shown by the record that the said Revisory Board had no legal existence at the time of such enrollment.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee,  
Acting Commissioner.

M. WM

V.

REFER IN REPLY TO THE FOLLOWING:  
.....  
.....

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

Muskogee, Indian Territory, December 18, 1905.

Amanda J. Freeze,  
South McAlester, Indian Territory.

Dear Madam:

For your information there is enclosed herewith copy of Departmental letter of November 28, 1905, accompanied by the reports of the Acting Commissioner of Indian Affairs of November 21, 1905, and February 3, 1905, remanding to this office for further investigation in accordance with an approved opinion of the Assistant Attorney General for the Department of the Interior of July 10, 1905, the record in the matter of your application for the enrollment of yourself and your four minor children as citizens by blood of the Choctaw Nation.

You are hereby advised that the Commissioner to the Five Civilized Tribes will, at his office at Muskogee, Indian Territory, on Wednesday, January 3rd, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as may be submitted by the applicants and the attorneys for the Choctaw and Chickasaw Nations in reference to the right to enrollment of yourself and children as citizens of the Choctaw Nation.

Respectfully,

McK 16/7

Commissioner.

copy

Muskogee, Indian Territory, January 9, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department on July 17, 1905 (I.T.D. 8162, 1942-1905), with the return of the record in the matter of the application for the enrollment of Napoleon B. Brashears et al., as citizens of the Choctaw Nation, transmitted an approved opinion of the Assistant Attorney General for the Department of July 10, 1905, and directed the Commissioner to the Five Civilized Tribes to permit the applicants in said case, in accordance with the opinion referred to, to submit such additional testimony as might be necessary for a full presentation of the merits of their case.

November 3, 1905, I invited the attention of the Department to the cases of Amanda J. Freeze, et al., Sarah E. Salmon, et al., and Ollie Duncan, et al., then pending before the Department, and requested that the records therein be returned to this office in order that the same might be consolidated with the record in the matter of the application for the enrollment of Napoleon F. Brashears, et al., as citizens of the Choctaw Nation and that I be authorized to proceed with said cases in conformity with the Department's directions of July 17, 1905.

The Department on November 28, 1905 (I.T.D. 1270, 2300, 2530, 15660-1905), returned the records in the matter of the application of Amanda J. Freeze, et al., Sarah E. Salmon, et al., and Ollie Duncan, et al., for enrollment as citizens of the Choctaw Nation and authorized the consolidation thereof with the record in the matter of the application of Napoleon B. Brashears, et al., for enrollment as citizens of the Choctaw Nation, and instructed that the investigation directed by the Department on July 17, 1905, be made applicable to all four of the cases.

December 18, 1905, the principal applicant, Napoleon B. Brashears, at Wilburton, Indian Territory; Sara E. Salmon, at Hartshorns, Indian Territory; Ollie Duncan, at Archibald, Indian Territory, Amanda J. Freeze, at South McAlester, Indian Territory; their attorneys of record, Chester Howe, Washington, D. C. and James E. Gresham, South McAlester, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were advised that the Commissioner to the Five Civilized Tribes would, at his office at Muskogee, Indian Territory, on Wednesday, January 3, 1906, at nine o'clock A. M., hear such testimony as might be presented by the applicants and the attorneys for the Choctaw and Chickasaw Nations relative to the right to enrollment of Napoleon B. Brashears and the members of his family, as citizens of the Choctaw Nation.

Proceedings were had before this office January 3rd and 4th, 1906, the applicants being represented by M. M. Lindly of South McAlester, Indian Territory, appearing on behalf of Chester Howe, of Washington, D. C., the Choctaw and Chickasaw Nations being represented by G. Rosenwinkle of Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations.

I have the honor to return herewith the original records in the matter of the application of Napoleon B. Brashears, et al., Sarah E. Salmon, et al., Amanda J. Freeze, et al., and Ollie Duncan, et al., for enrollment as citizens of the Choctaw Nation; the papers transmitted with Departmental letter of July 17, 1905, and a copy of the proceedings had before this office in conformity with the instructions contained therein.

I can find nothing in the subsequent proceedings which warrants any other opinion than that these applicants were rightfully refused enrollment as citizens of the Choctaw Nation by the original decisions of the Commission to the Five Civilized Tribes, and I have therefore to respectfully recommend that the decisions of said Commission of January 19, 1905, refusing the application for the enrollment of Napoleon B. Brashears, LaFayette Brashears, Arthur Brashears, Fred S. Brashears and Logan Brashears as citizens by blood, and Mary J. Brashears as a citizen by intermarriage of the



Choctaw Nation; of February 6, 1905, refusing the application of Sarah E. Salmon, John C. Salmon, Fannie Salmon, and Lois Salmon as citizens by blood of the Choctaw Nation; of January 19, 1905, refusing the application for the enrollment of Amanda J. Freeze, Damon Freeze, Raymond Freeze, Ruby Freeze and Earl Freeze as citizens by blood of the Choctaw Nation, and of January 19, 1905, refusing the application for the enrollment of Ollie Duncan as a citizen by intermarriage, and for the enrollment of Ida M. Duncan, Dora M. Duncan and Francis E. Duncan as citizens by blood of the Choctaw Nation be affirmed.

Respectfully,

(Signed) Tams Bixby.

Commissioner.

Through the

Commissioner of Indian Affairs.

BPS 9/1.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.

PHE.

D.C. 13176-1906.  
I.T.D. 8162-1905.  
3798-1906.

April 6, 1906.

L.R.S.

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

Sir:

The receipt is acknowledged of your report of January 9, 1906, returning the record in the Choctaw enrollment case of Napoleon B. Brashears, et al, which was remanded for further investigation by departmental letter of July 17, 1905.

On November 28, 1905, complying with your request of November 3, 1905, the Department returned to you the records in the following Choctaw cases: Amanda J. Freeze et al., Sarah E. Salmon et al., and Ollie Duncan et al, in order that the same might be consolidated with the Brashears case, which was remanded for further investigation as noted above, to be made in accordance with the approved opinion of the Assistant Attorney General of July 10, 1905, relative to said case.

In your report returning the consolidated record in these cases, you recommended that the original action of the Commission, adverse to the applicants, be affirmed.

Reporting in the matter February 28, 1906, the Indian Office recommended, in view of the approved opinion of the Assistant Attorney General of March 3, 1905, in the William C. Thompson case, that the applicants be enrolled as Choctaw citizens.

The Department finds that the papers as submitted do not constitute such a record as should be made up before final determination is reached in this case. Apparently, you misapprehend the purpose of the Department in remanding these cases for further investigation. In approving the opinion of July 10, 1905, in the case of the principal applicant, the Department held "that a rehearing de novo should be ordered." When the case was remanded by departmental letter of July 17, 1905, you were directed therein "to permit the applicants in said case to introduce such additional testimony as may be necessary for a full presentation of the merits of their case." Notwithstanding these instructions, it seems that the testimony in the Brashears case was confined to certain jurisdictional questions, and that other testimony, the purpose of which was to show the right of the applicants to enrollment as citizens by blood, was excluded. See page 9 of the testimony taken at the hearing which began January 3, 1906. As a matter of fact, it was particularly desired that testimony of the very kind excluded should be taken.

The names of these applicants appear upon the 1896 roll of the Choctaw Nation, and therefore it is to be determined whether their

names shall be allowed to remain upon such roll or be stricken therefrom. In other words, are they eligible to be so enrolled?

The rule of eligibility is found in the approved opinion of the Assistant Attorney General of February 19, 1906, in the case of James S. Long, et al, a copy of which was recently furnished you.

By the grant of authority contained in section 21 of the act of June 28, 1898 (30 Stat., 495), the Department has jurisdiction to dispose of this case according to the very right of the matter. Testimony should therefore be taken showing the blood, residence and ancestry of the applicants, also concerning any other material matter which may tend to show their right to citizenship in the Choctaw Nation. Such testimony should include copies of the papers referred to in the record under consideration submitted to the Commission in 1896. This follows, because the present proceeding lies between the same parties as the one instituted in that year.

All previous action in this case is hereby set aside, and the papers are returned herewith, to the end that a complete investigation of the merits of the case may be made. No time should be given to all parties in interest of the points to be investigated. A copy of Indian Office letter of February 28, 1906, is also inclosed.

Respectfully,

(signed) Theo. Ryan,  
First Assistant Secretary.

4 inclosures.

Through the Commissioner  
of Indian Affairs.

Refer in reply  
to the  
following:

Land.  
3866-1906.

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

COPY.

February 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 9, 1906, transmitting the record of the consolidated applications for enrollment as citizens of the Choctaw Nation by Napoleon B. Brashears for himself and his minor children, La Fayette, Arthur, Fred S., and Logan Brashears, and for his wife, Mary J. Brashears, as a citizen by intermarriage; by Amanda J. Freese for herself and her four minor children, Damon, Raymond, Baby, and Earl Freese; by Ollie Duncan as a citizen by intermarriage, and for his wife, Ida K. Duncan, and their children, Dora M., and Francis E. Duncan; by Sarah E. Salmon for herself, and her three minor children, John C., Fannie, and Lois Salmon. January 19, and February 6, 1905, the Commission to the Five Civilized Tribes decided adversely to all the applicants.

July 17, 1905 (ITD 1342-05) and November 28, 1905 (ITD 15660-05), the Department remanded the records for consolidation and for additional testimony for a full presentation of the merits of the case.

January 9, 1906, the Commissioner recommended that the former adverse action be adhered to.

It appears from the record that all of the applicants, except Ruby and Karl Freeze, Francis E. Duncan, and Lois Salmon, are enrolled upon the 1896 Choctaw Census Roll as citizens of the Choctaw Nation; that Ruby and Karl Freeze are the minor children of Amanda J. Freeze, an enrolled Choctaw citizen and J. A. Freeze, a non-citizen white man; that Francis E. Duncan is the minor child of Ollie Duncan and Dora W. Duncan, both enrolled citizens of the Choctaw Nation; and that Lois Salmon is the minor child of Sarah E. Salmon, an enrolled Choctaw citizen, and John Salmon, a white man having no rights to enrollment.

In view of the record and of the decision of the Department of March 3, 1905 (ITD 187-1905) in the case of William C. Thompson et al., the disapproval of the Commissioner's decision adverse to the applicants, and that they be duly enrolled as Choctaw citizens, is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING

7-D 194

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

Muskogee, Indian Territory, April 16,,1906.

Amanda J. Freeze,  
South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior on April 6, 1906 (I.T.D. 8162-1905, 3798-1906), returned to the Commissioner to the Five Civilized Tribes all the papers in the Choctaw enrollment case of Napoleon B. Brashears, et al., with advice that all previous action was set aside and that a complete investigation of the merits of the case should be made.

The Department in returning the case to the Commissioner, states as follows:

"By the grant of authority contained in section 21 of the act of June 28, 1898 (30 Stat., 495), the Department has jurisdiction to dispose of this case according to the very right of the matter. Testimony should therefore be taken showing the blood, residence and ancestry of the applicants, also concerning any other material matter which may tend to show their right to citizenship in the Choctaw Nation. Such testimony should include copies of the papers referred to in the record under consideration submitted to the Commission in 1896. This follows, because the present proceeding lies between the same parties as the one instituted in that year."

You are accordingly advised that the Commissioner to the Five Civilized Tribes will, at his office at Muskogee, Indian Territory, on Wednesday, May 9, 1906, at 9 o'clock A. M., hears such testimony and receive such other evidence as may be submitted by

(2)

the applicants and the attorneys for the Choctaw and Chickasaw Nations in reference to the right to enrollment of the applicants included in the Choctaw enrollment case of Napoleon B. Brashears, et al.

Respectfully,



Acting Commissioner.



LRB.

G.R.

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

LLB.

I.T.D. 5912-1907.  
D. C. 13316-1907.

March 4, 1907.

Direct

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

Sir:

In accordance with the opinion of the Attorney-General of the United States of February 19, 1907 (I.T.D. 4564), in the consolidated case of William C. Thompson et al., your decision of January 26, 1907, denying the application for the enrolment of Napoleon B. Brashears et al as citizens of the Choctaw Nation, is hereby affirmed.

A copy of Indian Office letter of February 27, 1907 (Land 10771), recommending the above action, is inclosed.

The papers in the case, and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

H. A. Hitchcock

Secretary.

1 inc. and 3 to Ind. Of.

WCF 3/4/07.

COPY

946/468

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

Land.  
10771-1907.

February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the report of Commissioner Bixby, dated January 28, 1907, forwarding the record in the matter of the application of Napoleon B. Brashears et al., for enrollment as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 26, 1907, refusing the applications for the enrollment of Napoleon B. Brashears, Lafayette Brashears, Arthur Brashears, Fred S. Brashears, Logan Brashears, Amanda J. Freeze, Damon Freeze, Raymond Freeze, Ruby Freeze, Earl Freeze, Sarah E. Scott (formerly Salmon), John C. Salmon, Fannie Salmon, Lois Salmon, Ida M. Duncan, Dora M. Duncan, and Frances E. Duncan as citizens by blood of the Choctaw Nation, and the application for the enrollment of Mary J. Brashears and Ollie Duncan as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., L., 495). The decision also refuses the applications for the enrollment of Leo Lester Brashears, Floyd Lafayette Brashears, Alvy Fred Brashears and Myrthe Viola Duncan as minor citizens by blood of the Choctaw Nation under the provision of the Act of Congress approved April 26, 1906 (34 Stat., L.,

137).

The record shows that application was made for the enrollment of the applicants herein as citizens of the Choctaw Nation within the time limited by law.

Commissioner Bixby reports that the evidence clearly establishes that Joseph Brashears, through whom the applicants, herein claim descent, was not a descendant of Zedee Brashears, Sr., and Susan Brashears, nee Vaughan, and that none of the applicants are possessed of Choctaw blood. He also reports that inasmuch as none of the applicants herein are possessed of Choctaw blood, the enrollment of the applicants whose names appear on the 1896 Choctaw census roll was without authority of law, and that under the provisions of the Act of Congress of June 28, 1898 (30 Stat., L., 495), their names should be stricken therefrom. Therefore, by reason of the provisions of the Act of June 28, 1898 (30 Stat., L., 495), and the Act of April 26, 1898 (34 Stat. L., 127), 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.

KMK-D.

REFER IN REPLY TO THE FOLLOWING:

7-D-194

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

Muskogee, Indian Territory, April 18, 1907.

Ananda J. Freeze,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of January 26, 1907, denying the application for the enrollment of yourself, Damon Freeze, Raymond Freeze, Ruby Freeze and Earl Freeze as citizens by blood of the Choctaw Nation.

Respectfully,



Commissioner.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

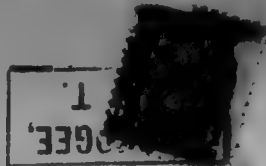
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Records

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Ananda J. Freeze,

South McAlester, Indian Territory.

*Returned to Wight  
Uncalled for*

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REFER IN REPLY TO THE FOLLOWING:

7-D-194.

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

Muskogee, Indian Territory, January 26, 1907.

Amanda J. Freeze,  
South McAlester, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 26, 1907, denying the application for the enrollment of yourself, Damon Freeze, Raymond Freeze, Ruby Freeze and Earl Freeze 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,

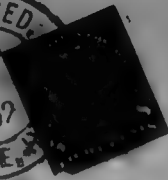
  
Commissioner.

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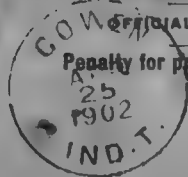
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Department of the Interior.  
Commission to the Five Civilized Tribes.  
MUSKOGEE, IND. TER.



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~~Amado J. Greig~~

COMMISSIONERS  
HENRY L. DAWES.  
TAMS BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRICKNORRIDGE

ALLISON L. AYLESWORTH.  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING:

Choctaw D-194,

Muskogee, Indian Territory, February 27, 1902.

Amanda J. Freeze,  
Gowan, Indian Territory.

You are hereby notified that your application for the enrollment of yourself and your two minor children, Damon Freeze and Raymond Freeze, as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 5th 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.

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 the rights of yourself and your said children 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.



Choc D 195 Napoleon B. Brasheers

D195

Napoleon B. Prashers et al.  
Duplicate record found.

RECEIVED

RECORD FOR FILED IN DEPT. OF INT.

See 23-929

Remanded by Department for re-  
adjudication, July 17, 1905

Record returned to Dept. of Int.

Apr. 6, 1906 Department sets aside all  
previous action herein, and orders a  
new hearing. (I. T. D. 8162-1905; 3792-1906)

Apr. 16, 1906 Hearing set for May 9, 1906 at  
9 o'clock, A.M. All parties advised thereof

RECEIVED JAN 23 1907  
COPY OF DECISION FORWARDED

APP. COURT

RECEIVED  
FOR THE RECORD  
DEPT. OF INT.  
COMMUNICATIONS

DEPARTMENT OF INTERIOR

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 4 1907

DEPARTMENTAL ACTION  
FORWARD ATTORNEYS FOR BOSTON  
AND CHICKAMAUGA NATIONALS APR 18 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANTS

APR 18 1907

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

APR 18 1907

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
Muskogee, Indian Territory,  
May 9, 1906.

In the matter of the application for the enrollment of Napoleon B. Brashears, et al., as citizens of the Choctaw Nation, consolidating the applications of Napoleon B. Brashears, et al., (7-D-195); Amanda J. Freeze, et al., (7-D-194); Sarah E. Salmon, et al., (7-D-197) and Ollie Duncan, et al., (7-D-196).

Proceedings had before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, on Wednesday, May 9, 1906, in accordance with notice furnished the applicants, their attorneys, and the attorneys for the Choctaw and Chickasaw Nations, and in conformity with instructions contained in Departmental letter of April 6, 1906 (I.T.D. 3162-1905, 3798-1906).

APPEARANCES:

W. H. Lindly, representing Chester Howe, Attorney for applicants.

C. Rosenwinkel, appearing on behalf of Mansfield, McMurray and Cornish, attorneys for the Choctaw and Chickasaw Nations.

NAPOLEON B. BRASHEARS, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A Napoleon B. Brashears.  
Q Your age and postoffice address? A Age is 57; postoffice Wilburton, Indian Territory.  
Q You are the principal applicant in this case, are you not? A Yes sir.

By Mr. Lindly:

I am willing to let the record that is taken be a part of this one and make it as short as possible.

It was agreed that the testimony heretofore taken with reference to the children and grandchildren of Napoleon B. Brashears should be considered a part of the record in this case.

By Mr. Lindly:

- Q You may state when you first came to the Choctaw Nation, Indian Territory? A I first came to the Choctaw Nation in 1858.

- Q What portion of the Nation did you live in at that time? A The eastern portion.
- Q Of what Nation? A The Choctaw Nation.
- Q With whom did you live? A I lived with my father.
- Q State the name of your father? A Mortimer Brashears.
- Q Is your father dead or living? A My father's dead sir.
- Q How long has he been dead? A Since August '63--1863.
- Q State if at any time after you came to the Territory, you removed from it? A I removed from the Territory a short time during the year '59.
- Q Was you back in it again at any time shortly thereafter? A Yes sir, in the fall of the same year; near Fortsmith, Arkansas.
- Q That was in the Choctaw Nation? A Yes sir, in the Choctaw Nation; I returned to the Choctaw Nation.
- Q State how long you remained that time? A I remained there until the spring of 1861 when the Civil War broke out.
- Q Then what became of your father, Mortimer Brashears? A He enlisted in the United States Army and was killed.
- Q State the name of your grandfather, your father's father? A Joseph Brashears.
- Q State, if you can, his father's name? A Zadock Brashears.
- Q State whether or not he was a Choctaw Indian? A He was.
- Q Did your grandfather, Joseph Brashears, come to the Choctaw Nation? A He did.
- Q State your mother's name? A My mother's name, her maiden name, was Sarah Vaughn.
- Q Can you state how much Choctaw blood she had, if any? A I cannot.
- Q Was she a part Choctaw or not? A I undersand that she was.
- Q Had she any sister's living in the Choctaw Nation? A In 1858 she had one.
- Q Who was that one? A Mrs. Parnell.
- Q Who was her husband? A As I remember, Louis Parnell.
- Q Where did they live? A They lived in the eastern part of the Choctaw Nation, not far from the Arkansas line on the Black Fork.
- Q State, Mr. Brashears, whether or not you have ever been recognized by the Choctaw Nation or its officials, as a member of the Choctaw tribe of Indians in the Choctaw Nation?

By Mr. Rosenwinkel:

We object to that for the reason that the records of the Choctaw tribal authorities of the action of its citizenship tribunals are the best evidence as to whether or not the applicant was recognized as a citizen of the Choctaw Nation.

By the Commissioner:

- Q In answering that question are you speaking from a legal standpoint as to what a tribal recognition is, or just as to your opinion? A I speak with reference to the privileges I enjoyed in the Choctaw Nation as a citizen of the Nation.
- Q It is merely then, your opinion as to what constituted a tribal recognition as applicable to the term citizenship, in the Choctaw Nation? A Yes sir.

By Mr. Rosenwinkel:

We object to the applicant construing what tribal recognition is; I think the Commission should do that. He might say that he moved into the Territory and was not run out by the light-horsemen.

By the Commissioner:

We will let him answer the question.

By Mr. Rosenwinkel:

I think that would be held immaterial---as to what his opinion is.

Witness answers: I have.

By Mr. Lindly:

Q State in what way and how? A I enjoyed the privilege of pursuing any and all avocations without being molested, as to a permit or anything in that line.

Q Then you never paid a permit in the Choctaw Nation? A No sir.

By the Commissioner:

That's a lack of recognition.

By Mr. Lindly:

If he had not been a Choctaw he would have had to pay permits.

Q State how many years last past you have lived in the Choctaw Nation? A Continuously since 1890.

Q During those years were you ever called upon by the officers of the Choctaw Nation to pay a permit? A No sir.

Q State whether or not you held land in the public domain as other Indians? A I held land, improved and cultivated land. I afterwards sold that improvement to a citizen of the Choctaw Nation.

Q State whether or not you ever voted as a Choctaw? A I did.

Q State whether or not your family enjoyed the privileges of the Choctaws, members of the tribe? A My grown sons voted with me in these elections; one of my daughters married a non-citizen in the regular way as prescribed by the Choctaw law; they were married as the Choctaw law prescribes between citizens and non-citizens.

Of course the instrument itself is the best testimony and it is on file. Reference is made to the marriage license of record filed in the case of Ollie Duncan, consolidated as a part of this case.

By Mr. Rosenwinkel:

that is all objected to as immaterial and incompetent.

By Mr. Lindly:

Q Did you hold a greater number of cattle than any one but a Choctaw could hold, without securing permits? A Yes sir.

Q Were you ever finally enrolled by the Choctaw Nation? A I was.

Reference is hereby made to the enrollment as shown by the former record, on the 1896 census roll, with certificate attached.

Q State whether or not there is any privilege that any other Choctaw has enjoyed as a member of the tribe that you have not enjoyed?

By Mr. Rosenwinkel:

That's objected to; what does he know about what privileges other Choctaws enjoyed since the Choctaw people have been in existence.

By Mr. Lindly:

I refer to the time since he has lived in the Choctaw Nation continuously.

By Mr. Rosenwinkel:

I do not think he has qualified himself to testify as to what privileges other Choctaws enjoyed.

By Mr. Lindly:

Q You state you have lived continuously in the Choctaw Nation since 1890? A Yes sir.

Q Are you acquainted with the general laws of the Choctaw Nation and the privileges of the other citizens? A Yes sir, I think I am.

Q You lived according to their laws? A Yes sir.

Q Now state if any of the Choctaws that you knew during that time ever enjoyed any privileges that you did not enjoy? A Yes sir, they did.

Q What was it? A They drew moneys from the tribes.

Q Is that the only one? A The privilege of allotting land.

Q Save and except the privilege of drawing money and allotting land, you have enjoyed all the privileges of other Choctaws in the Choctaw Nation? A Yes sir.

By the Commissioner:

Q What were these privileges as distinctive between citizens of the Choctaw Nation and citizens of the United States living in the Choctaw Nation? A Citizens of the Choctaw Nation could pursue any avocation without the necessity of permits or paying royalties, such as was required of non-citizens.

Q Were citizens of the Choctaw Nation required to pay permits and royalties? A They were required to pay royalties on some things. I was required to make royalty bonds in manufacturing prairie hay.

Q Would the matter of issuing permits be as applicable to citizens of the Choctaw Nation as to non citizens residing in the Choctaw Nation? A No sir, the law of the United States would not have required permits for manufacturing prairie grass and hay at all.

By Mr. Rosenwinkel:

Q You state that a citizen of the Choctaw Nation was not required to pay royalties on hay he cut off the public domain? A I stated that he was.

Q A Non-citizen could not----? A A non-citizen was prohibited under the law from cutting and curing and putting up wild or prairie hay; a citizen by making bond or paying the royalty could manufacture hay.

By Mr. Lindly:

Q Did you make bond? A Yes sir, I did more than once.

By Mr. Rosenwinkel:

Q You made a bond to cut hay? A Several times.

Q Who did you go to? A To the county judge.

Q You went to the county judge and represented that you were a Choctaw citizen and on that statement he permitted you to make a bond? A Yes sir, in open court.

Q Don't you know that Choctaw judges have nothing to do with determining citizenship matters? A He had the issuing of these bonds. When were you born, in what year? A 1849.

Q Where did you live from 1849 to 1890? A I lived part of the time in Indian Territory, part of the time in Arkansas and the balance of the time in Indian Territory.

Q Just take the year 1849, start with that; tell me where you were born, where you lived, when you left a certain place, and so on up to the year 1890? A From '49, the year I was born, I lived in one county in Arkansas, Pope County.

Q How long did you continue to reside in Pope County? A Until 1858.

Q Then where did you go? A I moved with my father's family to the Choctaw Nation.

Q Where did you live when you came? A In the eastern portion of the Choctaw Nation, near the Arkansas line, in the district that we called the Black Fork of the Poteau.

Q Whose place did you live on? A I cannot answer that; it was just a small farm.

Q It was somebody's else farm? A Yes sir; we rented a few acres of ground.

Q You made a share crop? A I don't know, sir.

Q You either made a share crop or paid rent? A Yes sir.

Q You didn't live on that place at that time as a Choctaw citizen? A No sir.

Q How long did you continue to live on this place on the Poteau River near the Arkansas line? A A part of one year.

Q Then where did you remove to? A We removed to Greenwood, Arkansas.

Q How long did you reside at Greenwood, Arkansas? A We resided there the balance of '58 until sometime during the year '59-- I can't remember, exactly.

Q You resided at Greenwood, Arkansas, during the greater portion of the years '58 and '59? A Not a greater portion.

Q You conducted yourselves as citizens of the United States there, you and your parents? A I suppose so--I cannot say; my father stopped there during the fall and winter; there was a severe drought in the country and we simply moved out there to work.

Q What did you do when you left Greenwood? A We moved back to the Choctaw Nation,



- Q Where? A Nearer Fort Smith---still in the Poteau Valley.
- Q You removed to what is now known as the Poteau strip? A I couldn't say.
- Q How close to Fort Smith? A It was only a few miles--I could not say exactly.
- Q Where did you live on that time? A I don't know, sir; we were not on a farm. My father went to trading there, buying and selling stock and we only had a small house there.
- Q Whose small house? A I don't know.
- Q You didn't hold any land there as Choctaw citizens? A No sir, he was trading there.
- Q You rented a place to live in while your father was trading in cattle? A I don't know anything about that.
- Q What is your best judgment? A I knew very little about my father's business. I remember some things.
- Q You say that your father owned that place? A No sir, I don't know.
- Q How long did you reside there? A We resided there until the spring of '61 when the Civil War broke out.
- Q What did you do then? A We went back into Arkansas with my father's family.
- Q To what place? A Pope County; in the Boston Mountains in Pope County, Arkansas.
- Q What was your postoffice at that place? A Boston Mountain.
- Q How long did you continue to reside there? A Early in '62 my father enlisted and we remained there until August '63, when he was killed.
- Q Your father enlisted in the Confederate Army? A In the Federal Army.
- Q Where did you remove to then? A My mother moved back into the southern part of Pope County, Arkansas.
- Q You removed with her? A Yes sir.
- Q How long did you live in the southern part of Pope County, Arkansas, at that time? A I lived there until 1872.
- Q You married there, did you not? A Yes sir.
- Q What was the county seat? A Russellville.
- Q Did you get any license there? A I didn't get any.
- Q Did your father leave any estate? A No sir.
- Q Not any personal property? A A few cows and some live stock.
- Q Was there any administration on his estate? A No sir.
- Q Did you ever vote in Pope County? A Yes sir.
- Q Vote there as a citizen of the United States? A Yes sir.
- Q Swore that you were a citizen of the United States, entitled to vote in the elections of the State of Arkansas? A If I was ever sworn, I don't remember it.
- Q The first time that you voted you swore that you were entitled to vote? A My opinion is that I didn't.
- Q But you did vote and conduct yourself as a citizen of the United States? A I voted.
- Q You didn't go and tell the election judges that you were a Choctaw and not entitled to vote? A No sir.
- In the year 1872, when you were 23 where did you remove to? A We made several short moves in adjoining counties.
- Q How long did you move around there in adjoining counties in that part of Arkansas? A I was not settled; I lived there and moved west.
- Q Just go over briefly what places you lived in between 1872 and 1886? A I lived two years in Searcy County.
- Q Where next? A Newton County.

- Q Where else? A Part of two years in Fulton County.
- Q Where else? A Back to Pope County.
- Q Then where? A The Choctaw Nation.
- Q That brought you up to 1886? A Yes sir.
- Q During these years from '72 to '86, you lived in those various counties in the State of Arkansas and conducted yourself in every way as a citizen of the United States, a white man? A Yes sir.
- Q In the year 1886 to what point in the Choctaw Nation did you remove? A I entered the Choctaw Nation near Fort Smith.
- Q At what particular place? A I crossed the river at Ainsworth's Ferry, nine miles below Fort Smith, came out across the Choctaw Nation into the Cherokee Nation, to Webbers Falls; from Webbers Falls to Muskogee; from here through northern Oklahoma, to southern Kansas, to Colorado; the same winter I landed back at Fort Smith, Arkansas.
- Q All these points you have named, you were on the move, you never stopped at any of them? A No sir, not at any of them over two weeks.
- Q You landed back in Fort Smith the same year? A The very last days of the same year or first of '87.
- Q Then where did you go? A I remained there one year; I went to Huntington, Arkansas.
- Q How long did you remain there? A I remained there until I came to the Territory in 1890.
- Q When you went to Oklahoma did you go there for the purpose of homesteading land? A No sir, we were there for travel; we were traveling with wagons.
- Q Just traveling without any aim at all--you had no idea of going to any particular place? A As much that as anything else.
- Q What did you do in 1890? A I removed to Redoak, Choctaw Nation.
- Q Whose place did you go on there? A I improved a place on the town of Redoak.
- Q Didn't you make any crops? A I made one small crop.
- Q Whose place did you make that on? A A non-citizen had a lease on it and I rented it from him.
- Q A non-citizen had a lease from an Indian and you rented from him? A Yes sir.
- Q There was lots of public domain? A Yes sir.
- Q You would not have had any trouble to find land? A We could have located there--there was plenty of land.
- Q That was in the year 1890? A Yes sir.
- Q What did you do in the next year? A I removed to the vicinity of Hartshorne.
- Q What did you do there? A I farmed.
- Q Whose place did you farm? A John M. Grady's.
- Q Was he a citizen? A I cannot say so; he had a claim.
- Q His wife was a citizen? A At that time he had no wife.
- Q He claimed some intermarried rights? A Yes sir.
- Q You rented land from him? A Yes sir.
- Q What did you do in the year 1892? A That was in the year 1895; the first four years I was here I lived at Redoak.
- Q And farmed that small tract? A Only one year.
- Q I understand you to say that in the year 1890 you removed to Redoak and rented a small place from a white man who rented from an Indian? A I lived at Redoak four years and during the four years I rented that place.
- Q What year was it that you lived at Hartshorne on John M. Grady's place? A 1895.
- Q In '96 whose place did you live on? A John M. Grady's.

- Q Still lived on Grady's place and paid him rent? A Yes sir.
- Q As a non-citizen? A Yes sir.
- Q In '97 whose place did you farm? A I got a place of my own on Limestone Prairie.
- Q What time in '97 was it, what time of the year, when you first set your foot on the ground that you improved as your own place? A I bought the first improvement during the year 1896; there was a small improvement on this tract of land and I bought it in '96, before I moved there, and in '97 I moved there. I bought it from Acey Wade.
- Q You told Acey Wade that you were a citizen? A I did. I bought that about July, 1896.
- Q In 1896 when you applied to the Council and to the Revisory Board to secure your enrollment, were you not at that time renting land from John M. Grady and living there as a non-citizen? A Yes sir, I had purchased a place but had not moved to it.
- Q Where was Mortimer Brashears and Sarah Vaughan married---your father and mother? A Somewhere in the State of Arkansas; I cannot tell you where---our family records were destroyed during the war.
- Q Which one of these parents do you claim your Choctaw blood from? A Both.
- Q How old a man was your father, Mortimer Brashears, when he died? A I don't know, sir.
- Q Have you any idea; what's your best judgment? A I would say--my best judgment would be 40 years; I just have it as I remember him, I couldn't say about that.
- Q According to that he was living in the year 1830? A I cannot say about that, I don't know, sir.
- Q How much Choctaw blood do you claim? A I have never known how much to claim; the records will show perhaps that I claim one-eighth.
- Q Suppose you just tell us what you claim? A I cannot be positive what percent.
- Q How much did your mother claim? A I don't know.
- Q How much did your father claim? A I don't know.
- Q Ever hear your father say he had Choctaw blood? A Yes sir.
- Q Ever hear your mother say she had Choctaw blood? A Yes sir.
- Q Who was your mother's mother? A I can't know.
- Q Who was your mother? A She was a Vaughan.
- Q Ever know any of your grandparents? A No sir.
- Q Never saw Joseph Brashears? A No sir.
- Q Where did you get your information that Joseph Brashears was the father of Mortimer Brashears? A I got it from my father.
- Q What did your father tell you his mother's name was? A I don't remember ~~what his father's name was~~ sir.
- Q But you do remember about his father? A Yes sir.
- Q Where did you get your information that Zadock Brashears was the father of Joseph Brashears? A As it was handed down to me by my parents, as I heard them speak of these old Indians.
- Q Did your father tell you that Joseph Brashears was the child of Zadock Brashears? A He stated that he was descended from Zadock Brashears.
- Q Did your father ever tell you that Zadock Brashears was the father of Joseph Brashears? A I can't say that he did.
- Q Why did you say in your direct examination that Zadock Brashears was the father of Joseph Brashears? A I tried to recall--- I didn't make it as a positive statement.
- Q You didn't intend that positive statement to go into the record? A I stated my information as I received it from my parents.
- Q Well, now you state---- A That he was in the line of descent.
- Q Answer me this question--did your father, Mortimer Brashears, ever say to you that Zadock Brashears was the father of Joseph

- Brashears? A I will not say that he did.
- Q Who was Zadock Brashears' wife? A I do not know.
- Q Who was Joseph's wife? A I do not know, sir.
- Q Do you know any of the Brashears people in the Choctaw Nation?  
A Yes sir.
- Q Do any of them recognize you as their relatives? A Yes sir.
- Q Who? A John Brashears.
- Q Who is John Brashears? A He lived at Redoak at the time I did.
- Q Where does he live now? A In the Chickasaw Nation.
- Q Does he recognize you? A Yes sir.
- Q Have you got him here as a witness? A No sir.
- Q Who else recognizes you? A George Brashears.
- Q Where does George Brashears live? A Somewhere near Ada.
- Q Do you know Judge Everidge? A No sir.
- Q Don't know him? A No sir.
- Q Do you know Mrs. Moran? A Yes sir.
- Q Does she recognize you as a relative? A I never saw her  
but one time.
- Q Talk to her about your case? A She told me a good deal  
about the Brashears people away back.
- Q She didn't know you or any of the people you have mentioned  
here? A No sir.
- Q Did you ever talk to Judge Everidge about your relationship?  
A No sir, I don't know him.
- Q Who told you that Joseph Brashears came to the Choctaw country?  
A My father.
- Q He told you Joseph came here? A Yes sir.
- Q Has your father any brothers or sisters living? A If he has,  
I don't know, sir. I never saw any brother of his. He had  
one sister that died in the Chickasaw Nation, Mary J. Coyle.
- Q Did Joseph Brashears have any brothers or sisters that were rec-  
ognized Choctaws or whose descendants were recognized Choc-  
taws? A I know of that just as I know of the other things.
- Q Have you any uncles anywhere in the world? A If I have at  
this time, I do not know it.
- Q Were they Choctaws, recognized citizens? A That's what my  
father told me.
- Q What uncles did you have? A William.
- Q Where did he live? A Somewhere in the Choctaw Nation---I  
can't tell you where.
- Q Didn't you have some uncles living in Arkansas? A No sir.
- Q Have any on your mother's side living there? A I saw one  
uncle on my mother's side in Arkansas.
- Q What was his name? A James Vaughan.
- Q Where does he live? A I don't know.
- Q Where do his descendants live? A I don't know.
- Q He didn't claim any rights as a Choctaw? A I do not know.
- Q You have testified here that you have not paid any permits since  
you lived in the Choctaw Nation; isn't it a fact that the citi-  
zen who owned the land paid the permits? A If they did  
they never collected it from me.
- Q It is customary for the Indian that owns the land to buy the  
permits? A I suppose so.
- Q You know that the permit collector comes to the Indian and col-  
lects from him for the renters he has? A I never was called  
upon to pay; if it was procured I know nothing about it.
- Q You father didn't associate very much with the Choctaw Indians?  
A He did all the time we lived about the Choctaw Nation.
- Q He didn't enlist in the companies that the Choctaw Nation sent  
to the war? A He left before the war broke out.

By Mr. Lindly:

Q State whether or not there were any of the Brashears that lived in the Choctaw Nation that visited your father when you lived near Poteau, and give their names?

By Mr. Rosenwinkel:

That's objected to.

By Mr. Lindly:

I have asked him to name the Brashears who were related to him.

By Mr. Rosenwinkel:

I am willing to have him name any relatives. I object to him telling what people by the name of Brashears visited his father while he was at Poteau, on the ground that it is incompetent and immaterial.

By Mr. Lindly:

Then I move to strike out all his cross-examination in that respect. I think that I am entitled to have that out out of the record.

Q Mention any persons by the name of Brashears in the Choctaw Nation who visited your father and who were relatives, that you know of? A Vaughan Brashears.

Q State where he lived? A He lived down at Brushy in the Choctaw Nation; he visited my father's family repeatedly between the years '59 and '61.

Q State any other one? A Turner Brashears.

Q Where did he live? A He represented himself as a country merchant living on Brushy; he procured his goods at Fort Smith and would often stop and stay over night or some days on my father's place; each of them urged my father very strongly to move up further in the Choctaw Nation in their immediate neighborhood and Vaughan Brashears told him he would make him a present of an improvement--an improved farm---if he would move up there. My father promised to do so in the spring of '61 and when the war broke out I remember him saying that he would prefer to be in the State than in the Indian Territory.

By Mr. Rosenwinkel:

All of that is objected to; it is immaterial what his father said.

By Mr. Lindly:

Q When you first moved into the Indian Territory in 1890 in Red-oak, did you then claim to be a citizen?

By Mr. Rosenwinkel:

That is objected to as a self-saving declaration; all his actions were contrary to that statement.

By Mr. Lindly:

I insist upon that question; I will connect it further  
on---

By the Commissioner:

There is no question in the world that Mr. Brashears' answer is bound to be in the affirmative.

By Mr. Lindly:

I will say to the court that I wanted to explain why he was not required to pay permits although he was a renter; it was because he was claiming all the time that he was an Indian and expecting people to recognize him as such.

By the Commissioner:

There is no objection to him answering the question.

Witness replies: I did.

By Mr. Lindly:

- Q Did you build your house on a vacant lot in Redoak? A No sir.  
Q Did you purchase a lot to build your house on? A I bought my land from a man that claimed he owned the townsite.  
Q It was a recognized town? A I paid him a few dollars for it.  
Q You answered in response to Mr. Rosenwinkel's question that it was customary for a man who owned land to pay permits; wasn't it also customary to collect that permit from the tenants?  
A I so understood it.  
Q During the time that you was renting ground did the sheriff ever ask you for a permit? A No sir.  
Q Did the landlord ever require you to pay a permit that he paid for you? A No sir.  
Q Were you ever notified by any one that there was a permit due from you? A No sir.  
Q On the contrary didn't the sheriff state to you that you were not required to pay a permit? A Yes sir.

If the court please, reference is made to the affidavit of Bud White, Sheriff of the County in which he lived.

By Mr. Rosenwinkel:

We object to the consideration of the affidavit of Bud White because he is now living and within the jurisdiction of the Commissioner and for the further reason that the affidavit was taken without notice to the Nations; we object further to the testimony of Mr. Brashears as to what the sheriff did or what Bud White did or any one of that character, for the reason that the laws of the Choctaw Nation are the best evidence of what those laws required. Under the laws of the Choctaw Nation citizens were required to pay permits for their renters and it was not a part of the Sheriff's duty or any officer of the tribal government to make any demand for the payment of permits on non-citizen renters.

By Mr. Lindly:

The attorneys for the applicants submit that the ~~letter~~ law of the Choctaw Nation is distorted and that it was the duty of

the sheriffs under the Choctaw law, to which reference is made under the duty of sheriffs, to collect permits from any person who is not a recognized citizen and furthermore, that it was his duty to report such to the governor for expulsion from the Territory when they did not pay permits.

- Q You stated that you had a relative by the name of John Brashears that was somewhere in the Chickasaw Nation; do you know where he is? A No sir, he owns a farm near where I live now; he is away from it; he is a single man.
- Q Mr. Brashears, you filed with the Commission to the Five Civilized Tribes in the case that you filed with them for application for admission as a citizen of the Choctaw Nation? A Yes sir.
- Q Whose affidavits did you file? A J. D. Coyle, Josephine Jones and Richard Brashears.
- Q Did you also file an application or petition? A Yes sir.
- Q State, if you know, where J. D. Coyle is? A I have been informed that he is dead.
- Q Where is Josephine Jones? A She lives in the Chickasaw Nation at Duncan.

I would like to introduce a letter showing her inability to travel and get here.

- Q Where is Richard Brashears? A He is here.

We desire to file the affidavits of J. D. Coyle and Josephine Jones.

(Said affidavits filed, marked Exhibit "A" and made a part of the record in this case.)

- Q State who Mrs. Jones is, if she is a relative? A She is an own cousin.

By Mr. Rosenwinkel:

- Q Do you know of your own personal knowledge that J. D. Coyle is dead? A No sir.

We object to the filing of the affidavits for the reason that they are incompetent, irrelevant and immaterial.

By Mr. Lindly:

With the record in this case I would like to refer to a memorandum made by the Department in the Brashears case, showing the status of Zaddock Brashears, the grandfather of Mortimer Brashears, as being a Mississippi Choctaw.

By Mr. Rosenwinkel:

- Q Mr. Brashears, is that your signature on that paper? A No sir.
- Q This appears to be a petition, Mr. Brashears; who filed this paper in your case? A Mr. Redwine.
- Q Filed it with your knowledge and consent? A Yes sir.
- Q Prepared it upon information furnished by you? A Yes sir.
- Q You saw this before it was filed? A I cannot say I read it all.
- Q You are familiar with the general contents? A I understood that I was.

- Q In this petition or paper, whatever you may call it, the statement is made that Vaughan Brashears, Jr. was the son of Vaughan Brashears, Sr., who was a brother of Joseph Brashears, and the said Joseph Brashears was the father of Mortimer Brashears and that Zadock Brashears was the father of Vaughan and Joseph Brashears; that Vaughan Brashears, Jr. and Turner Brashears were brothers; that the said Mortimer Brashears is a cousin of the above named Vaughan Brashears, Jr. and Turner Brashears; is that the relationship that you claim at this time? A If I could be allowed a word of explanation---
- Q Answer my question first? A I will read it carefully again; it is a lawyer's work.
- Q Did you furnish Mr. Redwine with the information that Richard Brashears was an old and trusted servant of the Brashears family? A I suppose I did, I cannot be positive.
- Q Have you any knowledge about it? A No sir, I furnished him these affidavits to ask him as a lawyer to prepare my case for the Commission, with such a brief as he, as an attorney, might see fit to prepare.
- Q Then this statement signed by you, Napoleon B. Brashears, contains statements that are not true or at least you have no knowledge of their being there? A That's not my signature.
- Q I say this paper contains statements that are not true? A I would have to read it.
- Q Have you any personal knowledge of Richard Brashears being a trusted servant of the Brashears family? A I have always been so informed.
- Q You knew by personal knowledge? I have asked you if you have any personal knowledge? A He had that reputation.
- Q In other words, you do not know anything about it? A Not personally.
- Q Who was LaFayette Brashears? A I have a son by that name.
- Q Where does he reside? A In the Choctaw Nation; he is here.
- Q Where was he living in '96? A He was living with me, one of my family.
- Q This petition states that he was living at Russellville, Arkansas. What does Sam Sam Perry know about your citizenship case? A Sam Perry?
- Q Ever hear of him? A No sir.
- Q This petition sets up that Sam Perry knows a good deal about your case.

By Mr. Lindly:

- Q That part of this petition that sets up that Joseph Brashears is your grandfather, is correct? A Yes sir.
- Q Have you any knowledge from the testimony in your case with reference to Richard Brashears, from notary publics or any other people---

By Mr. Rosenwinkel:

We object to what he learned from notaries public.

By Mr. Lindly:

The affidavit is not here.

- Q Richard Brashears is present, you have him here? A Yes sir.
- Q It is a fact that Richard Brashears was a slave and belonged to Vaughan Brashears, is it not? A Yes sir.



Q And that Vaughan Brashears, Jr. was a son of Vaughan Brashears, Sr.; do you know about that?

By Mr. Rosenwinkel:

We object to that.

By Mr. Lindly:

We are in cross examination.

Q Do you know the names of Joseph Brahears' brothers? A William Brashears.

Q Did he have a brother by the name of Vaughan Brashears? A Yes sir, William and Vaughan; if he had others I don't know.

Q And Mortimer Brashears was your father? A Yes sir.

Q Isn't it a fact that on the old Indian register the name of Zadock Brashears appears?

By Mr. Rosenwinkel:

I object to this; I didn't ask him anything about any old register.

By the Commissioner:

It seems to me it is a very leading question. I understand that this is an attempt by Mr. Brashears to introduce a paper of which he knows nothing and is supposed to be a brief prepared by his attorney.

By Mr. Lindly:

Mr. Rosenwinkel has taken that up and attacked it and it was put in at his suggestion.

By the Commissioner:

Q Do you know of your own personal knowledge or have you any evidence that can establish the fact that your grand-father was one Zadock Brashears? A I could not of my own personal knowledge.

Q Have you any evidence that will establish that fact? A We have evidence on that line.

By Mr. Lindly:

I will submit to the Commissioner that there are two affidavits here that will show that conclusively---one of J. D. Coyle and one of Mrs. Jones.

Q You secured testimony from parties who were living in '96 who knew these parties, and filed them in this case? A Yes sir.

Q And from talking with them, you secured these parties and others, these parties whose affidavits are offered, you secured information of your ancestry in addition to what your father told you? A Yes sir.

Q And these were parties who were living at the time your father and grandfather were both living and were in possession of these facts? A Yes sir.

By Mr. Rosenwinkel:

We object to this and move that all this testimony be stricken from the record. It is a recollection of statements made by persons who were applicants themselves at that time, as I understand it, and one or more of these persons is yet living and within the jurisdiction of the Commission.

By Mr. Lindly:

Only one of the persons making these affidavits is living that can be produced at this trial and he is here---the witness Richard Brashears---and that this testimony in proof of relationship of this man by parties who are in a position to know, is of itself original testimony and competent in any court.

Q Now then, from that information, who did you learn was your grandfather? A Joseph Brashears.

By Mr. Rosenwinkel:

I hate to continue to burden the record with objections, but I object to this witness testifying to information that he received from Dick Brashears, who is sitting right out here in the hall, five or ten feet away.

By Mr. Lindly:

In reply we would say that the witnesses are not the only persons talked to and from whom information was received.

Q Did you file a lot of testimony before the Choctaw Council?

By Mr. Rosenwinkel:

I insist that testimony be excluded as to what Dick Brashears or any one else told him in 1896.

By the Commissioner:

The original petition and exhibits attached thereto, filed with the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896, are filed herewith and made a part of the proceedings in this matter.

By Mr. Lindly:

Q From the information you had from the parties referred to, state who was your grandfather?

By Mr. Rosenwinkel:

It is objected to. It is irrelevant and incompetent. This man can testify to only one character of hearsay evidence; that is, who his family relations were; when he goes away from that it is incompetent; you can't prove a specific fact by hearsay testimony.

By Mr. Lindly:

The question asked was about his relationship, the very thing Mr. Rosenwinkel contends is competent.

- Q State from whom you got this information? A J. D. Coyle.  
 Q Who was J. D. Coyle? A He was an own cousin.  
 Q State who else? A Josephine Jones, an own cousin, also.  
 Q State other persons from whom you got this information? A Dick Brashears, not a relative.  
 Q In what way did he happen to know anything about it?

By Mr. Rosenwinkel:

That is objected to.

By Mr. Lindly:

State what others; are there any others, not members of the family?

- A Melvina Franklin.  
 Q Who was Melvina Franklin? A Her maiden name was Brashears.  
 Q Did she belong to a family of Brashears? A Yes sir.

By Mr. Rosenwinkel:

- Q Was she a relative of yours? A Yes sir.

By Mr. Lindly:

- Q State who else knew? A That's all that I remember now.  
 Q But some whose testimony you never took that you talked to that gave you the same information? A Mrs. Moore.  
 Q Who was Mrs. Moore? A Joseph Moore's wife.  
 Q Was she a relative? A Second cousin.  
 Q Is she living or dead? A She is living so far as I know.  
 Q State any others? A John Brashears.  
 Q Any relative? A Second cousin, brother of hers.  
 Q State others? A George Brashears.  
 Q Any relation? A Same relation, second cousin  
 Q State others? A I don't think of any other relatives now.  
 Q Do you know any persons, not relatives, who were intimate with the family that you have talked to that knew the family tradition and that knew the family history? A Dick Brashears.  
 Q He is here, let him speak for himself; who else? A Mrs. Moran.  
 Q How did she know about the family, was she a Brashears? A She was a Brashears; her maiden name was Brashears.  
 Q Connected with the same family? A Yes sir.

I submit that that is enough; (to Mr. Rosenwinkel) do you withdraw your objections?

By Mr. Rosenwinkel:

No sir.

- Q Do you swear under your oath that Mrs. Moran is a relative of yours? A To the best of my knowledge.  
 Q Didn't you tell me a while ago that she didn't know anything about you? A She was related to people that I know are related to me; she claimed to be related to people that I know.

By Mr. Lindly:

- Q She knew the older people? A Yes sir.  
 Q Is she a very old lady? A She said she was 90.  
 Q And wasn't acquainted with the younger members of the family?  
 A Yes sir.

- Q State who your father's father was? A Joseph Brashears.  
 Q And who was his father? A Zadock Brashears.  
 Q Have you any information with reference to the enrollment of any of these parties? A I have with reference to Zadock Brashears.  
 Q State what it is? A In the records that I have seen in the Brashears case.  
 Q Who was he? A He was a Choctaw Indian.  
 Q Where was he enrolled? A In Mississippi or Alabama, I am not positive.

By Mr. Rosenwinkel:

- Q How do you know he was enrolled in Mississippi? A I stated from the records I have seen.  
 Q Have you ever heard any one say that? A I was testifying from the knowledge that I had gained.  
 Q Give me the name of any living person who told you that Zadock Brashears was Joseph Brashears' father? A J. D. Coyle.  
 Q How old a man was Coyle? A Ten years older than myself.  
 Q Your father never told you that? A I have stated that I did not remember that he did.  
 Q Your father was older than Coyle? A He must have been some older; I stated that my father said we descended from Zadock Brashears.  
 Q Your father was a grown boy when this roll was made in 1830? A I don't know about that.  
 Q According to your testimony, your father was born in about 1823? A I don't know.  
 Q Your mother never told you that Zadock Brashears was your grandfather? A No sir.  
 Q Did any living person ever tell you that Zadock Brashears, whose name appears on the roll of 1830, was your great grandfather? A There are persons living have told me that, but not in this line of relatives.  
 Q Who told you that? A Dick Brashears.

By the Commissioner:

- Q How old are you? A I was born in '49.  
 Q Born in 1849? A Yes sir.  
 Q What was your father's name? A Mortimer Brashears.  
 Q Do you know where he was born? A No sir, I don't.  
 Q You stated that you were born in Arkansas? A Yes sir.  
 Q How long had your father's family been living in Arkansas when you were born? A I couldn't say just how long.  
 Q What's the family tradition? A He must have been there for some years--as much as 10 years.  
 Q Do you know where they came from? A No sir, I couldn't be positive as to that; my father has been dead a long time; I was a small boy and the records were destroyed during the war.  
 Q What was your father's father's name? A Joseph Brashears.  
 Q Was Joseph Brashears living when you was born? A Yes sir.  
 Q Did you ever hear him state where he came from to Arkansas? A I don't know that I ever saw him; my father visited him at Fayetteville, Arkansas.  
 Q How old a man was your father? A I couldn't say; I stated a while ago about 40 years of age.  
 Q Do you know when your father's father, Joseph Brashears, died? A I think just before the Civil War.  
 Q How old a man was he when he died? A I don't know sir.  
 Q Have you any idea? A I couldn't form any idea about that, but he died when I was very small; he lived out somewhere near Fayetteville and my father visited him; my recollection is

- that he died in that vicinity.
- Q You have made the statement that your grandfather, Joseph Brashears, was the son of Zadock Brashears; how many other children did Zadock Brashears have beside your grandfather?  
A Two or three.
- Q What were their names? A I don't know, sir.
- Q Have you any knowledge or any family tradition or anything to show where your people came from prior to their settlement in Arkansas? A The best conviction I have is that they came directly from Missouri and that my grandfather settled in Missouri about the time the Choctaw people were moving to this country and he stopped there for a while.
- Q In Missouri? A Yes sir, my father may have been born there; I have somewhere received that information, that in coming to this country my grandfather stopped for a while in Missouri.
- Q Now according to your testimony, it would appear that your father, Mortimer Brashears, was born about 1822-1823; did he have any brothers or sisters older than himself? A He had brothers and sisters but whether they were older I cannot say; he had one sister younger; I knew one of his sisters, Mary J. Coyle, that died in the Choctaw Nation; I never saw his brothers.
- Q Have you ever heard in your family as to about the age of your grandfather, Joseph Brashears, at the time of the birth of your father? A No sir.
- Q Ever hear your father state how old his father was at the time he was born? A I don't remember it.
- Q Do you know what part of Missouri your grandfather, Joseph Brashears, moved from to Arkansas? A He was in some valley in Missouri, but I can't say what county or what part.
- Q You stated in answer to a question that you had gathered the impression from tradition, or otherwise, that your grandfather settled in Missouri about the time the Choctaw Indians moved to the Indian Territory; is that correct? A No sir; that about the time he was coming, that he was coming here and on his way.
- Q On his way from where? A Mississippi.
- Q Did you ever hear from tradition or otherwise that your grandfather ever resided in Mississippi? A Yes sir.
- Q When did he live there? A I have just stated that I can't remember; on his way to this county he preferred to stop in Missouri; whether it was at the time of the coming of the other Choctaws or later, I cannot say; my information has been that he was born in Mississippi.
- Q Your grandfather, Joseph Brashears, was born in Mississippi?  
A Yes sir.
- Q And that he was the son of one Zadock Brashears? A Yes sir, that has always been my information; the only thing I cannot be positive about is that my father stated so.

By Mr. Rosenwinkel:

- Q Who told you that Joseph Brashears ever lived in Mississippi?  
A My father.
- Q Who else said that? A Melvina Franklin and J. D. Coyle.

Case continued for further hearing until May 10, 1906, at 9 o'clock A. M.

On Thursday, May 10, 1906, at 9 o'clock A. M., this case was called for further hearing and the following proceedings had:

WILLIAM C. THOMPSON, being first duly sworn, testifies as follows:

By Mr. Lindly:

- Q State your name? A William C. Thompson.  
Q Your age? A Sixty-seven.  
Q Your residence? A Marlow, Indian Territory.  
Q Were you acquainted with J. D. Coyle in his lifetime? A Yes sir.  
Q Do you know whether he is living or dead? A The information is that he is dead.  
Q Were you and he personally, intimately acquainted? A Yes sir, a friend.  
Q Have you been to his house since his death? A I have seen his family; haven't been to his house.  
Q Did you get information from his family in reference to his death?

By Mr. Rosenwinkel:

That is objected to because it is hearsay.

By the Commissioner:

Let him answer.

By Mr. Lindly:

- Q What was your information? A J. D. Coyle's son, Hatton, told me of his father's death and the circumstances attending it; also his mother, the wife of J. D. Coyle.  
Q Have you talked with any other persons that lived in the neighborhood with reference to his death? A No sir, I have no acquaintances in the neighborhood.  
Q Your information with reference to his death came from his wife and son Hatton? A Yes sir.  
Q If he were alive you would probably have seen him?

By Mr. Rosenwinkel:

We object to that sort of testimony.

By Mr. Lindly:

- Q Would you have seen him if he had been alive? A Yes sir.

By Mr. Rosenwinkel:

- Q You have no personal knowledge of his death? A All the information I have is what his wife stated.

We object to all of the testimony of this witness in regard to the death of J. D. Coyle, on the ground that it is hearsay and ask that it be excluded from the record.

By Mr. Lindly:

Q Was arrangement made with you to bring Mrs. Jones here?

By Mr. Rosenwinkel:

That is objected to.

Witness excused.

RICHARD BRASHEARS, being first duly sworn, testifies as follows:

By Mr. Lindly:

- Q State your name? A Richard Brashears.
- Q How old are you? A I was born in 1821 in Alabama.
- Q Where do you live? A I am staying out in the Chickasaw Nation; I just live one place and then another; my home is in the Chickasaw Nation.
- Q How long have you been in the Indian Territory? A They brought me here on Red River in 1831.
- Q Who brought you here? A The Choctaws.
- Q Who was it brought you? A Vaughan Brashears.
- Q State whether or not that was with the emigration of the Choctaws from Mississippi? A Yes sir, it was.
- Q What other Brashears, if any, came at the same time? A Louis, Benjamin, Jefferson, William and Tobias Brashears.
- Q These people were all emigrants as Choctaws to this country? A Yes sir.
- Q From where? A Yazoo River, Mississippi.
- Q Was you a slave at that time? A Yes sir.
- Q To whom did you belong? A Vaughan Brashears.
- Q State how long you lived with the Brashears family? A I lived with them until just about two years before the Civil War took place.
- Q You mean to state that you lived with them from that time until two years before the Civil War? A Yes sir.
- Q With which one of them did you live? A Young Vaughan Brashears the son of old man Brashears.
- Q Did you know Joseph Brashears? A I did, I knew him.
- Q Whose son was Joseph? A Zaddock.
- Q When did you last see Joseph Brashears? A I could not tell you what year, but Joseph came to this country to a place called Tuskahoma now; I saw him.
- Q Do you know where he went to from there? A To the State of Arkansas, Fayetteville.
- Q When did he come back? A He didn't come back; taken sick and died; he promised to come back, promised his uncle.
- Q Who was his uncle? A Vaughan Brashears; he went up there to see about some slaves he had there and never did come back.
- Q Did Joseph Brashears have any brothers? A Yes sir.
- Q Who were they? A William and Turner.
- Q Did they come to the Choctaw Nation? A No sir.
- Q Where did they live? A In Alabama.
- Q Did Zaddock Brashears come to this country? A No sir, he got killed in a horse-race.
- Q Where? A Down in Alabama.

- Q You say down in Alabama, is that where the old Chickasaw Nation was? A I don't know anything about the Chickasaws.
- Q I mean Choctaws? A Choctaws in the southern part of Alabama on the Tombigbee River.
- Q Do you know the county? A Sumter County.
- Q State whether or not these Brashears you refer to were Choctaws? A Of course they were Choctaws; they wasn't anything else; they was mixed, but they was Choctaws mixed with French.
- Q State who the French came from? A The father's side.
- Q Do you know who the Choctaw mother was? A She was a Vaughan.
- Q Who married this Choctaw woman? A Old man Zadock married one and old man Turner married one; they both was Frenchmen.
- Q Did Turner come to this country? A The old man?
- Q Yes? A No sir.
- Q Did his children? A Yes, Louis and Ben was his sons.
- Q They came here to this country? A Yes sir.
- Q Where did they live? A Down at Doakville, on the Rec River.
- Q Do you know when Joseph Brashears came to the Choctaw Nation? A Yes, I saw him after he come to his uncle's.
- Q Do you know when he came? A No sir, I cannot tell you what year it was; we paid no attention to the year and the month and the days in them days---we was slaves.

By Mr. Rosenwinkel:

- Q Where did you live in Mississippi? A On the Yazoo River on Honey Island.
- Q Is that the only place you have lived.
- Q Is that the only place you have lived in Mississippi? A Yes sir, that's the only place; they carried me from Alabama to Mississippi.
- Q Did you ever live in Alabama? A Yes sir, born there.
- Q How long did you live there? A I was six or seven years old when they brought me away.
- Q Then you lived from 1821 to 1829 or 1830 in Alabama? A How you say?
- Q You were born in 1821? A Yes sir.
- Q And you were born in Alabama? A Yes sir.
- Q And you continued to live there until you were eight years old? A About eight.
- Q Then it was about 1829 when you left Alabama and went to Mississippi, is that right? A I don't understand you; you have to tell me in plain words.
- Q You state that you were born in 1821 in Alabama and you say you continued to live there for seven or eight years? A Yes sir.
- Q Where in Alabama did you live? A In Sumter County.
- Q You lived in Alabama in Sumter County from 1821 when you were born until you became seven or eight years of age? A Yes sir.
- Q Where was the county seat of Sumter County? A I don't know.
- Q Are you sure you were living in Sumter County? A Yes sir, I am.
- Q Where was Sumter County? A In the southern part of Alabama.
- Q Close to the Gulf? A I don't know about that.
- Q Did you never go to the county court house with your master? A No sir.
- Q Did you know where it was? A No sir, nigger didn't have no business at the court house them days.



- Q You are willing to swear that you were living in Sumter County?  
A Yes sir, I was.
- Q Ever hear any one say that was Sumter county? A My old master.
- Q He told you that? A He told me that after he came out here.
- Q Don't you know there wasn't any Sumter County until long after you came? A I ~~didn't~~ only knew I was told that by my old master.
- Q Your old master told you years before there was any Sumter county that was where you came from? A And old Mr. Coleman told me that.
- Q When did he tell you? A Since I have been here.
- Q That's all you know about it then? A I know what my old master told me.
- Q These Brashears people, along about 1830 or 1831 when you left Yazoo, Mississippi, they were all on Honey Island then? A I don't know--they were there.
- Q Was Zadock living there? A He lived in Alabama.

By the Commissioners:

- Q When was Zadock killed? A I don't know the year.
- Q Was he killed before you left Alabama? A Killed afterwards.
- Q How do you know he was killed? A His brother Turner told me.

By Mr. Rosenwinkel:

- Q You don't know what went on there after you left? A No sir, I don't know, but I know these parties.
- Q And you left there several years before 1830? A Yes sir.
- Q You knew Joseph Brashears? A Yes sir.
- Q When did you know him? A We played boys together.
- Q Was he over there in Alabama, too? A Yes sir.
- Q Born in Alabama? A I think he was.
- Q How old a man was he? A I don't know, older than me.
- Q When you moved away how old a man was he? A They got him away from me somehow, and he went to school but I don't know how old he was.
- Q When you left Sumter County and went over to Yazoo, how old was Joseph? A He was going to school.
- Q You saw him before he went to school? A I saw him in the Choctaw Nation.
- Q You saw him before he went to school? A Yes sir.
- Q About how long was that before you went to Mississippi? A I don't know because I can't count.
- Q You can tell about how long? A No, I can't.
- Q You were born in 1821 and you left there in 1828 and went to Mississippi according to your statement? A I suppose I did.
- Q Between 1821 and 1828 Joseph went away to school? A He went away to school before they brought me from Alabama.
- Q You know whether it was a day or a year? A I can't tell you; I wasn't old enough and can't recollect.
- Q You don't know--- A I don't know what year he went to school.
- Q Did he go to school the year you were born? A No sir.
- Q The next year? A I can't tell you.
- Q How big was he the last time you saw him? A I told you a while ago I didn't know.

- Q You don't know whether he was 25 or 5? A I can't tell you any lies about it.
- Q Do you mean to say that you haven't any idea how big a boy he was when you saw him the last time? A I can't tell you.
- Q You wouldn't be willing to swear he was 25? A I wouldn't swear that.
- Q Would you swear he was 20? A No sir.
- Q Would you say he was 18? A I wouldn't say that.
- Q How old was he? A I don't know.

By Mr. Lindly:

We object to asking the witness his opinion.

By Mr. Rosenwinkel:

I am asking him to give his best judgment.

- Q You refuse to give it? A I can't give it to you.
- Q You know whether he was 20 years old? A No sir, I don't.
- Q You don't know whether he was five or twenty? A No sir, I don't done told you all I know.
- Q When was the next time you saw Joseph? A In the Choctaw Nation.
- Q Where? A On Kiamitia.
- Q Where on Kiamitia? A Close to the place called Tuskahoma.
- Q Where did he live? A I don't know where he had been to but he was there.
- Q Just got there? A Yes sir.
- Q Did you talk to him? A No sir.
- Q You were a slave? A Yes sir.
- Q How did you know it was Joseph? A His uncle told me.
- Q All you know about it was that your master told you it was Joseph? A Yes sir, we wasn't allowed to ask white people questions.
- Q Your master always told you about what went on? A Yes sir, he made a regular pet of me.
- Q That was a very common occurrence in those days, that masters told their slaves what went on? A Some things he told me.
- Q When did you see Joseph at Fayetteville? A I didn't see him.
- Q Why did you say he went to Fayetteville? A His uncle told me; he had some slaves there.
- Q You never were at Fayetteville? A No sir.
- Q But your master told you that Joseph was going there? A Yes sir
- Q Were you present when he died? A When he died?
- Q Were you present? A No sir.
- Q Who told you that he died? A My master told me.
- Q How did you find out that he was a nephew of Vaughan Brashears? A My master told me that.
- Q How did you know that William and Turner were Joseph's brothers, did your master tell you that? A William and Turner was Zadock Brashears' sons, then two boys, and so was Joseph and we played boys together.
- Q You played boys? A Yes sir.
- Q What Zadock was that? A Young Zadock.
- Q Did William and Turner live in Yazoo, Mississippi? A They lived in Alabama.
- Q Were they elder or younger than Joseph? A Younger.
- Q How old were they when you left? A I can't tell.
- Q They were big enough to run around and play with you, fishing and hunting? A I didn't go fishing and hunting.

- Q You say neither one of these Zadock's came to this country? A Not as I know of.
- Q Which Zadock got killed? A Young Zadock.
- Q Who told you that? A Turner.
- Q Didn't you testify that Turner and William satyed back in Alabama? A Zadock had a son named Turner and he had a brother named Turner. His brother Turner came out here in the Choctaw Nation.
- Q Who told you about the horse race? A Turner.
- Q You lived on the Tombigbee River? A Yes sir.
- Q Where? A In Sumter county.
- Q How does the river run, east and west, doesn't it? A I don't know how it runs.
- Q You don't remember anything about it? A No sir.
- Q Who were old Zadock's children? A The old man?
- Q Yes, the old man? A Jesse Brashears, Zadock, Vaughan and Turner.
- Q Who were young Zadock's children? A Joseph, William and Turner.
- Q You don't know anything about whether these people are any kin to the Brashears people that you know here? A I couldn't swear to that.
- Q All you know about that is what these people have told you? A I know Joseph, that they claim is their grandfather.
- Q You do know Joseph Brashears? A Yes sir.
- Q Did he recognize you when he came back here? A No sir.
- Q What other Brashears people do you know, what other children Joseph had? A I don't recollect any but these three children.

By Mr. Lindly:

- Q You are a freedman, are you not? A Yes sir.
- Q Enrolled and allotted as such? A Yes sir.

By the Commissioner:

- Q How old a boy was you when you moved from Alabama to Mississippi? A Seven or eight years of age.
- Q About how long was it before you went away to Mississippi from Alabama, that Joseph Brashears went away to school? A I couldn't answer that.
- Q Do you remember how big a boy you was when you went to Mississippi? A I was a small boy.
- Q About how long before you went away to Mississippi did he go to school? A He went away before I went to Mississippi.
- Q Haven't you any idea? A No sir, I don't.
- Q Was Joseph about your age? A He was older than me.
- Q Was he such a boy as would play with you and associate with you? A Yes sir.
- Q How much elder was he? A I wouldn't undertake to answer that question because I can't.
- Q Haven't you any idea, boys playing together---boys ten years older don't play together? A Of course I have seen some boys ten years elder play together.
- Q When Joseph went away to school how big a boy was he? A I don't know.
- Q Wasn't you intimately associated with him? A I don't know.
- Q Do you know--- A I know we was boys together; I don't know how old he was or how big he was.

- Q When you went over to Mississippi you was a little boy? A Yes sir.
- Q How big was you? A I reckon about so (indicating about three feet).
- Q When Joseph went away to school how big was he? A I don't know.
- Q How many brothers did Joseph have? A Two beside himself.
- Q Were they older or younger than he was? A Younger, that I know.
- Q Which was the one next youngest to Joseph? A William was next to him.
- Q Do you know anything about William, about his age? A No sir, I don't.
- Q What was the next one? A Turner.
- Q Know anything about Turner's age? A No sir, he was the youngest of the three boys.
- Q As compared with you, was Turner older or younger than you? A Older.
- Q And William was older than Turner? A Yes sir.
- Q How much older was William than Turner? A I don't know; I know William was the largest and Turner was the smallest.
- Q And Joseph was older than both of them? A Yes sir.
- Q What became of the other two boys, Turner and William? A I don't know what became of them boys, I don't know what went with them.
- Q How long after you had been out here in the Indian Territory was it that you saw Joseph at Tuskahoma? A I don't recollect how many years it had been, but I will make this suggestion to you. We lived on Red River about three years, made three crops, and then we moved up to Tuskahoma, and well as I can recollect we made about four, when he came over there.
- Q You had been out here seven or eight years then? A I think I been there about 75.
- Q When Joseph came to Tuskahoma, you had been here seven or eight years? A We made three crops on Red River and then four at Tuskahoma.
- Q You say you left Mississippi when you was ten years old, about 1831? A Yes sir.
- Q How long were you coming out here? A We started in the fall and got here to Doaksville in February.
- Q And then you made three crops on Red River? A Yes sir.
- Q And then came up and made four crops at Tuskahoma? A Yes sir.
- Q You say Joseph was going to Fayetteville? A That's what they said.
- Q Who was with him? A His family, some children and women.
- Q How many children? A I can't say, just saw them passing there.
- Q Do you know how old you were at the time you saw Joseph at Tuskahoma? A I don't know exactly.
- Q Was you a grown man? A No sir, I wasn't quite grown I don't think---didn't feel like I was.
- Q Joseph you stated had a family with him when he was moving? A Yes sir.
- Q How big were the children when you saw them? A I can't tell you that; I was a slave and didn't have time to fool round and ask questions and notice them. They had me at work and I saw them pass by.
- Q The last time you saw Joseph in Alabama when he was sent off to school, you are sure you were a little boy six or seven years old? A Yes sir.
- Q Was he married? A No sir.
- Q Was he too young? A No sir, he wasn't nothing but a boy.
- Q You didn't leave Alabama until you were about nine or ten years old? A I was seven or eight, somewheres along there.
- Q About how long a time was it after you saw Joseph Brashears in Alabama until you saw him at Tuskahoma? A How long was

- it?
- Q To the best of your knowledge? A I could not answer that because we left him there.
- Q You didn't leave him there in Alabama? A No sir.
- Q Then Joseph left Alabama before you did? A Yes sir, he did.
- Q How long was it after you last saw Joseph in Alabama until you saw him in Tuskahoma? A We stayed in Mississippi three years after we left Alabama; we made three crops as well as I recollect, then we came on Red River and there we made three crops; then we left there and came to Tuskahoma and made three or four crops there and then Joseph came over there; that's all the way I could tell you.
- Q When you last saw Joseph when he went off to school you was a little bit of a boy? A Yes sir.
- Q And when you saw him at Tuskahoma you was a big boy? A Yes sir, I was nearly grown.

Witness excused.

MARY J. BRASHEARS, being first duly sworn, testifies as follows:

By Mr. Lindly:

- Q State your name? A Mary Brashears.
- Q How old are you? A I am 61.
- Q Where do you live? A I live at Wilburton.
- Q Who is your husband? A Napoleon B. Brashears.
- Q You are his wife, then? A Yes sir.

By the Commissioner.

- Q When was you married to Brashears? A Thirty-six years ago.
- Q Was you ever married before you married him? A No sir.
- Q Do you know whether he was ever married before he married you? A No sir.
- Q Where were you married? A At Russellville.
- Q Where is that? A In Arkansas.
- Q Lived with him continuously since you were married? A Yes sir.
- Q Who married you? A Mr. Bowden.
- Q Have you any documentary evidence, any certificate or other papers, to show that you were legally married to Napoleon B. Brashears? A Any certificate?
- Q Yes ma'am? A I suppose we have our marriage license.
- Q Have you got it? A Not here.
- Q Have you got it home? A Yes sir.

By Mr. Lindly:

I understand from talking with Mr. Brashears that it is a matter of record and we will ask for a copy from the clerk, but there was no marriage license issued, but the certificate of the minister was recorded by the clerk.

Witness excused.

RICHARD BRASHEARS RECALLED:

By Mr. Lindly:

Q Do you know a man by the name of Louis Parnell? A Don't know his given name.

Q Where did he live? A Up on Poteau and Black Fork.

Q Do you know his wife? A I don't know her, but I saw her.

Q Was she an Indian? A Yes sir.

By Mr. Rosenwinkel:

That is objected to because it is incompetent to prove this woman's status by this man's oral testimony; he didn't know her.

By Mr. Lindly:

The purpose of the testimony was to show that the sister of Napoleon B. Brashears' mother lived in the Choctaw Nation and was a Choctaw, talked the Choctaw language and was considered as a Choctaw.

By the Commissioner:

Q Was old Zadock Brashears living when you left Alabama? A Yes sir, he was; the old man of all, you mean?

Q There were two Zadock's, old Zadock and young Zadock? A Both of them was living when I left, well as I can recollect.

Q Who did old Zadock marry? A Married a Vaughan, I don't know her given name; they was mighty near full-bloods; spoke a little English.

Q Who was? A The Vaughans.

Q Was old Zadock an Indian? A He was a Frenchman; set up to be a Frenchman.

Q How long was it after you left Alabama and came over to Mississippi, that you heard that young Zadock had been killed? A Never heard it until I got out to this country here; I don't know how long it was; Turner told me he was the cause of his brother's death.

Q Which Turner was that? A That was old Zadock's son---the youngest one; Vaughan Brashears' brother.

Q Did you know old Zadock's brother? A There was five of them Brashears; they was all French, but whether they was brothers or cousins I don't know.

Q What were their names? A Turner, Zadock, Asa, Thomas and Alec; I couldn't tell whether they was brothers or cousins, but they was all Brashears.

Q They were all white people? A French.

Q They were not Choctaw Indians? A No sir, didn't have any Choctaw as I know of; never did hear it.

Q Do you of your own personal knowledge, know of any connection between these present applicants who are here today and the Brashears that you knew back in Alabama? A Does I know whether there is any relation, you mean?

Q Yes? A No sir, I couldn't say that; I don't know.

Witness excused.

NATHAN GARY, being first duly sworn, testifies as follows:

By Mr. Lindly:

- Q What is your name? A Nathan Gary.  
Q How old are you? A 56 years old.  
Q Where do you live? A At Atoka.  
Q Are you a member of the Choctaw tribe? A Yes sir.  
Q Freedman or by blood? A Freedman.  
Q How long have you lived in the Choctaw Nation? A Born and raised in the Choctaw Nation.  
Q What part of it? A Eastern part, near Arkansas.  
Q What particular place, where you lived? A The Gary farm is what I was raised on.  
Q Did you belong to Gary? A Yes sir.  
Q You took your master's name? A Yes sir.  
Q State if you knew any persons by the name of Brashears? A Yes sir.  
Q What ones did you know? A I knew three or four.  
Q Did you ever know one named Mortimer Brashears? A Yes sir.  
Q Where did you see him? A At our place near Fort Smith.  
Q Where did he live at that time? A He lived across on the river near Poteau.  
Q You say at our place; what place do you mean? A The Gary place.  
Q How did you happen to see him at the Gary place? A He stopped there several times.  
Q What was he doing there? A He was traveling by and stopped in---going to see his other people.  
Q Who was his other people? A Turner Brashears.  
Q Where did he live? A West of us in the Choctaw Nation.  
Q Then he made the Gary place a stopping place in visiting his relatives further west? A Yes sir.  
Q One of whom was Turner? A Yes sir.  
Q Do you remember any others? A George Brashears.  
Q Where did he live? A Lived near Kiamitia.  
Q Do you know any other Brashears? A Not to be acquainted with them; I knew some, but not acquainted.  
Q You knew of others? A Yes sir.  
Q When was this? A Well, it was just a little before the war broke out.  
Q How long before--about as near as you can fix it? A About two or three years I reckon.  
Q During that two or three years did you see him frequently? A Yes sir, he was in and out--stopping there.

By Mr. Rosenwinkel:

- Q Where did Mortimer Brashears live? A Across the river at Poteau, on the line.  
Q Did he live in the Nation or in Arkansas? A In the Nation.  
Q Close to you? A Three or four or five miles from us.  
Q And in starting out a hundred or two hundred miles, he stopped at your house? He didn't have to go that far.  
Q How far was he going? A I don't know how far he was going.  
Q Didn't you testify that Turner and George lived down near Kiamitia? A Yes sir.  
Q And you stated he would be on the way to visit them? A Yes sir.  
Q He would leave his home, go three or four miles and stop at your place? A Yes sir.

- Q How do you know who he went to see? A It was reported that he was going to see his folks.
- Q He told you? A No, he told others.
- Q You were a slave? A Yes sir.
- Q Who told you about these migrations? A Well, the old lady that raised me, she told me.
- Q He would start over there, go three or four miles and stop at your place; then the old lady would call you over and tell you where he was going? A No, talking from one to another.
- Q How would she tell you? A Well, just talking one to another.

By Mr. Lindly:

- State whether or not he ever came there when he was not going to see his people? A Yes sir.
- Q What was he doing? A Come to gamble.
- Q Come there to do anything else? A Hunt some.
- Q He and Mr. Gary hunted together? A Yes sir.
- Q Stayed all night or all day? A Yes sir, all night sometimes.
- Q Then he was there at times when he wasn't going to see his people? A Yes sir.

By the Commissioner:

- Q How old are you Nathan? A Fifty-six years old, somewhere near that--maybe a little older.

By Mr. Rosenwinkel:

- Q How old a man was Mortimer when he used to come around there? A He wasn't an old man.
- Q About how old? A I think about 25 or 30 years old.
- Q And that was along about a year or two before the war broke out? A Yes sir.

By the Commissioner:

- Q How old was you when you last saw Mortimer Brashears? A I must have been about 10 years old.
- Q How long before that had Mortimer been in the habit of going to your master's house? A I don't know; about two or three years that I got to see him there before the war.
- Q You was a boy only ten years old the last time you saw him, and these other occurrences were when you were from six to ten years of age? A About that much as far as I can recollect.

By Mr. Lindly:

- Q Was there any particular circumstances that occurred with reference to a visit of Mortimer Brashears that made you especially remember him? A Yes sir.
- Q State what it was? A I used to put up his horse sometimes.
- Q Was there any particular occurrence at any time that you remember? A Putting up his horse and he always gave me a dime.
- Q Did you get a dime every time you put up the horse? A Not every time.
- Q Was there any time that you remember better than the rest about that horse? A I got a little licking about that horse.



Q You got a licking about his horse and that caused you to remember him and his horse? A Yes sir.

Witness excused.

FRED SIMPSON BRASHEARS, being first duly sworn, testifies as follows:

By Mr. Lindly:

Q State your name? A Fred Simpson Brashears.  
Q Where do you live? A Skiatook.  
Q You are a son of Napoleon B. Brashears? A Yes sir.  
Q You are the Fred S. Brashears named as his child? A Yes sir.  
Q Are you married? A Yes sir.  
Q Where were you married? A Gowen, Gaines County, Choctaw Nation.  
Q From whom did you get your license? A George Nelson.  
Q Who was George Nelson? A Clerk of Gaines County.  
Q Have you a certificate to that effect? A Yes sir.  
Q You say he was the clerk, was he an Indian clerk or a United States clerk? A Indian clerk.  
Q Then he issued you a marriage license as an Indian? A Yes sir.

By the Commissioner:

Q When was you married? A October 5, 1901.  
Q You state you got a license? A A certificate.

By Mr. Rosenwinkel:

We object to all the testimony of this witness for the reason that it is immaterial and has no bearing on the case.

By Mr. Lindly:

I want to show the recognition by the Choctaw authorities of Mr. Brashears' family by officers of the Choctaw Nation, as members and citizens of the tribe, by showing that this one received his license as an Indian.

Q Is that all the license you have? A That's all they require of any Choctaw citizen; you take that certificate and have that recorded.

By Mr. Rosenwinkel:

We object to all this testimony; it is grossly incompetent.

By the Commissioner:

We will have to exclude this.

By Mr. Lindly:

That is all that is required by the Choctaw law.

Q State your wife's name? A Her maiden name was Maud May Hufford.

- Q Is she still living? A Yes sir.  
Q Have you any children? A Yes sir.  
Q What are their names?

By the Commissioner:

We will have to exclude this.

By Mr. Lindly:

Let the record show that testimony with reference to the wife of the witness is excluded from this record.

By Mr. Rosenwinkel:

- Q You do not claim that you ever applied for the enrollment of your wife as an intermarried citizen? A I had it recorded.  
Q You never yourself appeared before the Commission and made application to have your wife put on the roll? A No sir.  
Q This is the first attempt to make an application for her? A Yes sir.

We object to the introduction of the papers referred to by Mr. Lindly for the reason that they are incompetent.

Witness excused.

OLLIE DUNCAN, being first duly sworn, testifies as follows:

By Mr. Lindly:

- Q What is your name? A J. O. Duncan.

By the Commissioner:

- Q Known as Ollie Duncan? A Known as Ollie Duncan.

By Mr. Lindly:

- Q You are the Ollie Duncan that's an intermarried applicant in the Brashears case? A Yes sir.  
Q You were married under the Choctaw laws? A Choctaw laws.  
Q Your certificate is a part of the record in this case? A Yes sir.  
Q State what recognition other than marriage by the Choctaw authorities you received from the officers of the Choctaw Nation?  
A I was permitted to hold land and get permits from the tenants.

We offer the permits attached to these ex parte affidavits.

By Mr. Rosenwinkel:

Objected to for the same reason as stated.

By Mr. Lindly:

- Q Go ahead? A And to vote at elections.  
Q Did you purchase land from the Choctaws? A Yes sir, I did.  
Q Have you any evidence? A I took a bill of sale.  
Q Is that the bill of sale? A Yes sir, one from Daniel Johnson.

We offer these two bills of sale attached to the

motion for rehearing.

By Mr. Rosenwinkel:

- Q All of these papers that you have just testified about have been executed to you within the past few years, since you had an application pending for citizenship? A They were made since I have been married according to the Choctaw law.
- Q And since these Brashears people have had an application pending? A Yes sir.
- Q You were married in '97? A Yes sir.
- Q D'd you know your wife prior to '97? A Yes sir.
- Q She didn't hold any land as an Indian? A Not that I knew of.
- Q Don't you know that she rented land from Indians as a non-citizen? A Yes sir.

We move that all the testimony of this witness be excluded for the reason that it is incompetent. The testimony shows that these papers and documents have been executed since there has been an application pending before the Commission, and the inquiry here is whether the names of these people were properly placed upon the '96 roll. Our contention is that this testimony would be incompetent in any event and certainly any recognition of this kind since '96 would be incompetent at present.

By Mr. Lindly:

- Q You stated in answer to Mr. Rosenwinkel's question that the father of your wife rents as a white man; did you mean he paid a permit? A He rented land as a renter; if he paid permit I don't know.
- Q Did you know that he was claiming to be an Indian?

By Mr. Rosenwinkel:

We object to that.

By Mr. Lindly:

- Q You never heard of his paying any permit? A No sir.
- Q When you state that he rented as a white man, you mean that he rented land from Indians? A Yes sir, just the same as a white man or a tenant would.

My present information is that we will have to go to Mrs. Jones to get her testimony. They made arrangements for her to come with Mr. Thompson, as she is not able to travel by herself and on the morning of his departure her son wrote him that she was unable to make the trip on account of sickness.

Witness excused.

By agreement this case is held open indefinitely for the introduction of the testimony of Mrs. Josephine Jones.

Olga Petroff, a stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the proceedings

had in the above entitled cause, and that the foregoing is a full,  
true and correct transcript of her stenographic notes thereof.

*Olga Petroff*

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

*Edward Merriam*  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
DUNCAN, INDIAN TERRITORY,  
JUNE 27, 1906.

7-D-195.

IN THE MATTER of the application for enrollment  
of Napoleon B. Brashears, et al., as citizens by blood  
of the Choctaw Nation.

APPEARANCES:

M. M. Lindly, Attorney at Law, South  
McAlester, Indian Territory, appears on be-  
half of the applicants.

G. Rosenwinkel, representing Mansfield,  
McMurray & Cornish, appears on behalf of the  
Choctaw and Chickasaw Nations.

MRS. JOSEPHINE JONES, being duly sworn by John L. C. Guess,  
Notary Public for the Southern District of the Indian  
Territory, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Josephine Jones.  
Q What is your age, Mrs. Jones? A 57.  
Q Postoffice address is Duncan? A Yes sir.  
Q Where were you born? A Jefferson City, Missouri.  
Q What is the name of your father? A My father? Coil was  
my father's name. James Coil.  
Q What is the name of your mother? A Mary Jane Brashears.  
Q Was your father a white man? A Yes sir.  
Q What was your mother? A She was---I can't tell anything  
about that only we being kin to the Indians.  
Q Is it family history that your mother had some Indian blood?  
A I don't know whether she had any Indian blood or not. We  
have always been taught that we had Indian kin folks.  
Q You don't know whether you were related to these Indians by  
blood or by marriage? A I have always been taught  
that she had relatives here, and knew that they were re-  
lated to her.  
Q By marriage or by blood? A I don't remember anything about  
it. It has been so long ago, I don't remember. I  
know they were skin to us; that is, I have always been  
taught they was.  
Q What is the name of your mother's father? A Joseph Bra-  
shears.  
Q Did you ever see Joseph Brashears? A No sir; died before  
I was born

- Q When did he die? A I don't remember what year. He must have died along about----I was born in 1848. I think he had been dead two or three years before that time.
- Q Where did he die? A In Missouri.
- Q At what place? A I don't remember that.
- Q Do you know what County he was living in at that time?
- A It seems to me like it was Miller. He died before I was born, and we was scattered around so I don't remember.
- Q Did you ever see him? A No, he died before I was born.
- Q Do you know whether or not Joseph Brashears had any brothers or sisters? A I don't know. I suppose he did. I never saw any of them.
- Q Do you know by family history whether he had any brothers or sisters? A I remember hearing of it. Never knew anything about our connections that I remember.
- Q Do you know where Joseph Brashears was born? A No sir, I do not.
- Q Where was the first place that Joseph Brashears located that you have ever heard of? A Well, I don't remember.
- Q Did you ever hear of Joseph Brashears living in the Indian Territory? A No, never heard of it.
- Q Did you ever hear of Joseph Brashears living in Arkansas?
- A No, I don't remember that Joseph did.
- Q Did you ever hear who was Joseph Brashear's father?
- A No, I don't remember anything back any further than my grand father. Don't remember anything about-----
- Q You have no recollection of any of the ancestors of Joseph Brashears or any of his brothers or sisters, if he had any people? A No sir. I remember the names of his relatives we were connected to in the Indian Territory.
- Q Please answer my question? (Question above read).
- A No.
- Q Are you acquainted with Napoleon B. Brashears? A Yes sir.
- Q Is he related to you in any way? Yes, cousin to him I have always been taught.
- Q How does that relationship come about?
- Q His father and my mother was born brothers and sisters.
- Q What was the name of the father of Napoleon B. Brashears?
- A Mortimer.
- Q Did you ever see him? A Yes sir.
- Q When was the first time you ever saw him? A I can't remember the first time, for I could not have been over eight or nine years old the last time I ever saw him. But him and mother kept up a correspondence.
- Q Where were you living at that time? A Fayetteville, Arkansas.
- Q Was Mortimer Brashears living in Arkansas at that time?
- A I think he was.
- Q At what place? A I don't remember. I know he visited my mother there.
- Q Where did Mortimer Brashears die? A I don't know just where he died. He was killed during the war; I don't remember just where.
- Q What were the circumstances of his death? A I have heard that and I have letters at home showing it.
- Q Was he a soldier? A I don't know whether he was or not.
- Q Who was the mother of Napoleon B. Brashears? A The mother? Elisabeth I believe was what our grand mother's name was. I never knew his mother. I never knew Napoleon's mother.

- Q Did you ever hear whether Mortimer's wife possessed any Choctaw blood? A No, I never heard anything about it, and I never knew of it.
- Q Where did Mortimer Brashears come from to Arkansas?  
A From Missouri, I reckon.
- Q Had the Brashears of your family been residing in Missouri?  
A Yes.
- Q And moved from there to Arkansas? A Yes sir.
- Q You were born in Missouri? A I was born in Missouri. Jefferson City, Missouri.
- Q How long had your mother lived there in Missouri prior to your birth? A Why, I don't know how long it was; that has been so far back.
- Q A number of years? A A good while, I know.
- Q Old resident of the County in which they lived? A Yes sir.
- Q Do you know how Napoleon B. Brashears traces his Choctaw blood; from whom, if he has any? A From the Brashears is all I know anything about.
- Q Who does he trace it from originally, do you know?  
A Why, yes; Vaughan Brashears and Zades, I have heard them two tracing and talking about that as far back as I know--- as I ever remember.
- Q Did you ever think or hear you were related to these people that you mention? A To the Brashears?
- Q Vaughan Brashears? A Yes, I have heard that. In 1860 we staid there at Vaughan's a couple of weeks as we moved to Texas, and I didn't hear anything else while we staid there.
- Q What relation did Vaughan Brashears claim to be to you?  
A I don't remember how close connected we was. I was only about twelve years old then. That was in 1860 when we moved through there and stopped there for awhile.
- Q Where was Vaughan living at that time? A I forget the name of the place? A I think it was near Boggy-Depot.
- Q What age was Vaughan Brashears at that time? A Between 35 and 40.
- Q Do you know whether or not he claimed to be related to your grandfather, Joseph Brashears? A Yes, he called us his cousins while we were there, and did everything he could to keep us.
- Q When did Vaughan die? A I don't remember.
- Q Where did he come from? A I guess he was born and raised here, I have never heard of him being any where else.
- Q Born and raised in the Indian Territory? A Yes sir.
- Q You stated you heard you were related to Zades Brashears, who was he? A I don't know whether he was an uncle or great uncle. I don't know how that relationship come. I have always heard my mother talk about him being a relative of ours, but I wouldn't be positive anything about what kin we was.
- Q Do you know whether he claimed to be possessed of any Indian blood? A I don't know. I don't remember anything about that. That is all I know about that, that is what I have been telling.
- Q Do you know who the father and mother of Vaughan Brashears was? A No. This young Vaughan? There was two Vaughans; old grandfather and this one. The old one was the father of this other one.

- Q Who was the mother of younger Vaughan Brashears?  
A I have forgotten her name---Forget who she was.  
Q Who was the father of the elder Vaughan Brashears?  
A I don't know that.  
Q Who was the mother of the elder Vaughan Brashears?  
A I can't tell you. I can't remember that far back.  
Q Did you ever claim relationship to the Everetts?  
A To who?  
Q Everetts in the Choctaw Nation? A I don't know anything about them.  
Q Do you----

MR. ROSEWINKEL: She hasn't answered the question.

A I don't remember anything about it.

BY THE COMMISSIONER:

- Q Did you ever claim relationship with the Voncriefs?  
A I don't remember anything about them.

MR. ROSEWINKEL: You never claimed relationship with them?  
A No, I guess I don't remember the name.

BY THE COMMISSIONER:

- Q Did you ever know Sarah A. Harris, whose maiden name was Nonerief? A I don't remember anything about them.  
Q What is the family history as to where Joseph Brashears came from. Did he always live in Missouri or Arkansas as far as you know of?  
A It seems to me that I have heard them speak about his having moved from Kentucky there. I wouldn't be positive about that. I can't tell about that, I know so little about him.  
Q Name the Brashears whom you met here in the Territory whom you thought you were related to?  
A Well there is Vaughan Brashears and George Brashears. I have never met a great many of them. And Houston, and Mary Brashears--was some more. There was a few of the Brashears I have never met.  
Q What relation was George Brashears to you?  
A I don't know just what relation he is.  
Q Have you ever been told the ancestry of your connection with him? A No, I have never been told that, though I remember his father.  
Q Who is his father? A Vaughan Brashears.  
Q The elder or younger one? A He was George's father, Vaughan was.  
Q George was the son of the younger Vaughan? A Yes.



- A And then his grand father was named Vaughan.
- Q Who did the younger Vaughan marry? A I met his wife, but I don't know who she was. I haven't seen her since 1860.
- Q You have never been able to trace your relationship between Vaughan and George and yourself? A No sir.
- Q When did you come to the Choctaw-Chickasaw Country?
- A Let me see what year was it? (Mr. Jones, witness's son, I think it was 1860 or 1860). A We had been here before when we moved from Arkansas.
- Q Come from Fayetteville, Arkansas? A Yes sir.
- Q Did you ever, with any of your family, live in Mississippi or Alabama?
- A No, I don't remember of having heard anything about that.
- Q Do you know whether or not Vaughan Brashears, the elder, had any brothers or sisters? A I don't remember anything about---I never did know anything about that.
- Q Never did know? A No sir.
- Q Practically, Mrs. Jones, all you know about this family is that they are related to you, but you have been unable to connect yourself with any of these other Brashears definitely?
- A Yes, Napoleon Brashears is a relative of mine.
- Q He is? A I believe that, of course, as much as I believe one of these.
- Q You have not been able to connect yourself with these other people? A No, nothing only what I have been told.
- Q You have never found out what that relationship was, if any?
- A No, never found out what it was.
- Q You say you believe Joseph Brashears came from Kentucky, didn't you?
- A I don't know whether he ever lived in Kentucky or not, but it seems to me like he had been in Kentucky. I don't know whether he had always lived in Missouri and went to Kentucky and returned. I wouldn't be positive about that part of it.
- Q Do you know when Joseph Brashears first came in the Indian Territory? A No sir.
- Q Did you ever hear that he ever lived here at any time?
- A No, I never did hear that he ever lived here. If I ever did, I don't remember anything about it.
- Q Did you ever see Richard Bruners, a negre who claimed to have been the slave of Vaughan Brashears?
- A Yes, I have seen him.
- Q How long ago since you first became acquainted with him?
- A It has been about ten years since I first saw him at Atoka.
- Q You don't know to whom he belonged? A No, I don't know, anything about it.
- Q Do you know how many children there were in the family of your mother? A Yes sir, there was four boys and three girls, I think.
- Q Boys names? A William, Mortimer and Olive. Girls Amanda, Mary-J. and Emerson. I never remember seeing any of them but them three, I think. I guess there was just six.
- Q Which one of these children is the eldest? A Amanda was I think my mother's eldest sister.

- Q When did your mother die ?  
A Eleven years ago the twelfth of this month.  
Q How old was she at her death?  
A She was in her 79th year. She died in June and would have been 79 in January.  
Q How much older was Amanda than your mother?  
A I can't tell just exactly how much older she was.  
Q How many children between your mother and Amanda?  
A About three or may be four.  
Q Who was the next oldest to your mother? A I don't remember whether it was Olive or Mortimer.  
Q How much older was he than your mother? A I suppose about two years, I don't know just exactly their ages. We had a record and sent it to the Commission. It was never returned and we lost it.  
Q Who was the next one after Olive and Mortimer? Did they come one before the other? A After my mother there was a younger sister. She had a sister younger than her.  
Q How much younger would you judge Amanda was than your mother?  
A About eight or ten years, from the children there was between them. May be as much as ten years.  
Q Did you ever know a man by the name of Turner Brashears?  
Q I have heard of him, never was personally acquainted with him.  
Q Were you ever able to trace your relationship to him in any way? A No.  
Q Did you ever hear of Jesse Brashears. A Don't remember anything about him.  
Q You have never connected yourself with him in any way?  
A No sir.  
Q Do you know whether or not Turner Brashears ever lived in the Territory? A I don't know anything about it. I have heard that he lived here.  
Q Did you ever know where he lived? A No.  
Q Did you ever hear that any of the Brashears ever possessed any Creek blood? A No sir.  
Q From what nationality is the sur-name Brashears derived, do you know? A No, I don't.  
Q Is it scotch or French? A Why, it is French, isn't it?  
Q I don't know. I am just asking you? A Yes.  
Q Have you ever been taught that you ever possessed any French blood? A Yes, I have always thought I did.  
Q Did you ever hear that you were Scotch on your mother's side? A No, I never heard anything of being Scotch on her side. Don't remember of anything being said about that.

EXAMINATION

BY MR. LINDLEY:

- Q What was your mother's name? A Mary Jane Brashears.  
Q Was she a brother to Mortimer Brashears?  
A She was a sister.  
Q State what relation you bear to Napoleon Brashears?  
A Own cousins.  
Q That is your mother and his father were brothers and sisters? A Yes sir.

- Q Who was your grand father? A Joseph Brashears.  
Q Did you ever see him in your life?  
A Never in my life. He died before I was born. I got my name from him. His name was Joseph and they named me Josephine, and so they always told me it was for my grand father.  
Q Ever hear that he had Indian blood? A Never heard anything only he had Indian kin folks. I can remember of him coming there and trying to get me to move to the Territory.  
Q Who were those connections that wanted you to come here and live? A Vaughan Brashears, and I wouldn't go. I guess those are the names. I wouldn't be positive about it.

MR. ROSENWINKEL: We object to all that. The witness has testified that Joseph Brashears died before she was born, and she is now trying to testify about connections wanting her to come to the Indian Territory.

MR. LINDLEY:

- Q These people were relatives? A Yes sir.  
Q That is a matter of family history as far as you know?  
A That is all I know about.  
Q Now go ahead and complete the names of those persons. Know any others living here in the Territory that wanted your people to come here and live. State the names of the others you know?  
A Vaughan Brashears and then there was Sam LeFlores that was kin. Campbell LeFlores, that I heard them speak of, tried to get my mother here to live. But I don't remember all of them.  
Q Did you ever visit these parties any? A Only as we moved from Fayetteville to Texas.  
Q Who did you stop with? A Vaughan Brashears.  
Q What relation did he claim at that time? A Cousins.  
Q Claimed to be a cousin? A Yes sir.  
Q Was he in the Indian Territory at that time? A Yes sir.  
Q Then, you don't know just exactly the relationship in order to give the ancestry? A No.  
Q You just met the persons and stopped with them, living here as Indians, and went on through at that time?  
A Yes sir.  
Q Since that time have you learned the relationship of your father to the other Indians here in the Territory?  
A My father?  
Q Your mother, I mean? A No, I don't have any idea about what kin we are---how close.

- Q Is there anything you know about it, except the fact that they were Indians? A I wouldn't say that they were through blood. That is all I know. We had Indian kin folks, and I have been taught that they were French descent.
- Q French and Indian? A Yes.
- Q From your knowledge of what the family ancestry was, do you know from whom the Indian blood came. From what people do you account for its presence in the family?
- A By the Brashears, I guess. That is all the way I ever heard about.
- Q The Brashears were just Indians and that is all you know about it? (No answer).
- Q You know Napoleon Brashears? A Yes sir.
- Q He lives in the Indian Territory? A Yes sir.
- Q How long have you know him in the Indian Territory?
- A About nine years since the first time I ever met him, I have heard.

BY THE COMMISSIONER:

- Q Where were you living then? A Here.
- Q Where was he living? A Wilburton.

MR. LINDLEY:

- Q Living in the Chestaw country? A Yes sir.
- Q You have always heard of him as being a member of the same family? A Yes sir.
- Q And a son of your mother's brother, Mortimer Brashears?
- A Yes sir.
- Q You have known him since that time---Nine years ago, when you first met him? A I only met him at Muskogee when I was there. No, I met him at Atoka, and he was there with us at Atoka ten days.
- Q He was with you last year at Muskogee? A Yes sir. That was after we met the week at Atoka.
- Q This man Vaughan Brashears with whom you stopped when you were passing through the Indian Territory, was he a relative of your mother? A I suppose he was, that is what I have always heard.
- Q What relations did they claim at the time with you?
- A Cousins.
- Q And they have lived in the Territory as Indians? A Yes.
- Q Do you know when he died? A No, I don't know when he died.
- Q Do you know any of the members of his family that are now living? A George, I suppose he is living. I don't know the rest of them. They were all small when we were at his house in 1860. I don't anything about the rest of them.
- Q Do you know who Zacie Brashears was? A No.
- Q Did you ever hear the name of his White name?
- A Yes, I have heard the name.

- Q Did you ever hear he had any connection with your mother's ancestry? A Yes, I have heard that talked, but I don't remember what kin he was.
- Q Did you ever hear from the family history that he was one of the ancestors of the Brashears family to whom you belonged? A Yes sir.
- Q Did you learn while you were stopping at Vaughan Brashears who his brothers were living in the Territory?
- A With Vaughans?
- Q Yes? A I don't remember anything about them.
- Q Were others of the family mentioned while you were there? If so, who? A That is too far back for me to remember.

THE COMMISSIONER:

- Q You were only about twelve years old at that time?
- A That's all.
- Q And were not able to take part in the conversation at that time? A Only one part, I remember them trying to get us to stay. My mother was an educated woman. They tried to get her to stay there and teach school.

MR. LINDLEY:

- Q You have heard this talked in the family? A Yes.

MR. ROSENWINKEL:

- Q Your statement is that Vaughan Brashears tried to get your family to stay here? A My grand father.
- Q That is all you know about it, is what you have heard your people say? A No.
- Q You have no personal knowledge? A No sir. My grand father died before I was born.
- Q During your life time no body ever came to Missouri?
- A I wasn't but eight years old when we left Missouri.
- Q What is your best information as to where your mother was born? A Born in Missouri.
- A Born in Missouri? A Yes.
- Q How about her brothers and sisters, were they born in Missouri, as far as you know? A I don't remember.
- Q Have you always understood your mother was born in Missouri?
- A To the best of my knowledge.
- Q And that is where you were also? A Yes sir, I was born in Jefferson City.
- Q Was your mother born in Jefferson City? A No sir, I know she wasn't there, because she moved there after she was married.

- Q Isn't it a fact that your mother and her family came to Missouri at an early date and took up lands?
- A My mother, never.
- Q Her family? A I don't remember anything about that part of it.
- Q Have you ever heard where Joseph Brashears was born? A No.
- Q When was the first time you ever heard he was possessed of any Indian blood? A I don't remember of ever hearing. I was always taught that we had Indian kin folks.
- Q Were you ever taught that you had Indian blood? A That we just had Indian relatives.
- Q Just answer the question? Your mother never told you that you were Indians by blood? A I don't remember of--
- Q You or your family didn't represent yourselves as Indians in Arkansas or Missouri did you? A If it was ever done it was done when I was small? I don't remember anything about anything of that kind.
- Q Have you any relatives living in Missouri now? Any cousins or?-- A I don't know. I haven't heard from any of them in so long I don't know whether they are living or not. My mother's sister did live in Miller County, Missouri.
- Q What is her name? A Melcena Christian.
- Q What was her postoffice address in Miller County the last time you heard from her? A Been 12 or 14 years ago, but then it was Dixon.
- Q Do you remember the name of the county seat of Miller County?
- A No.
- Q Isn't it a fact that a great deal of this family history you have repeated here today, are things you have heard within the past ten years?
- A No, I heard them as far back as I can remember.
- Q You have heard about the different Brashears and LeFlores?
- A All that. I have heard my mother talking about that when Dallas, Texas, was a frontier; and I have heard her tell of incidents that happened before I was born.
- Q She went through this country before you were born?
- A Long before I was born.
- Q Through this country? A Through this country when Dallas Texas was a frontier town.
- Q Dallas, Texas, was a frontier town long after you were born?
- A Yes, I knew that; we were only speaking of that time up.

THE COMMISSIONER:

- Q When you went back through there? A Yes sir.

MR. ROSEWINKEL:

- Q Did they leave this country and go back to Missouri?
- A My mother was in bad health and stopped among her kin folks.
- Q Answer my question? A Yes.
- Q They were going back to Missouri the last time before you were born? A It must have been ten years.
- Q Did they ever leave Missouri prior to your birth?

- Q Didn't they leave Missouri when you were a girl about eight or ten years old?
- A They left something between that time and----
- Q Between what time? A After I was born.
- Q Have you ever heard they left Missouri prior to your birth?
- A No.
- Q That is what I am trying to get straight. Where did they go when you were a small child? The trip prior to the time when you went to Dallas? A Well I think---It don't seem to me---I was small. Seems to me I have heard them speak of moving to Kansas.
- Q Did they go to Kansas for the purpose of getting land?
- A No, I think not.
- Q Did they take up land when they went to Texas? A No sir.
- Q Any of your family ever take up land in Missouri---Public land? A Not that I know of.
- Q Your mother was 79 years old in 1895?
- A That is the way we made it.
- Q Practically? A Yes sir.
- Q That would have placed her birth in 1816? A Yes sir.
- Q You give as your impression she was born in the State of Missouri? A Yes.
- Q How long had her parents lived in Missouri prior to her birth? A I don't know.

BY MR. LINDLEY:

- Q Do you know that your mother was born in Missouri or some other place? Have you any knowledge or recollection of that from what she told you?
- A Just the impression that I am under is all I can remember.

BY THE COMMISSIONER:

- Q Passing from family history? A Yes sir.

MR. LINDLEY:

- Q From your mother's statements and the other family conditions where did your mother originally come from, Missouri or some other state?
- A From Missouri as far back as I remember hearing.
- Q From Missouri? A Yes sir.

BY THE COMMISSIONER:

- Q Did you ever hear of Vaughan Brashears prior to the time you went with your parents to Texas? A Yes I have heard of him as far back as I can remember. Because there was a peculiar circumstances occurred while my mother was there that interested me to hear her tell it. On one particular occasion he carried her and showed her his money buried in an old kettle in the ground, had it covered with rags and things. Such circumstances as that makes me remember that.
- Q Did you people ever visit you before that? A I don't remember, they had visited my grand father though.
- Q Did Vaughan Brashears visit your family and you their family before the time you made the trip from Missouri to Texas? A I don't remember.
- Q When was the first time you ever saw him? A First time I ever remember seeing them was in 1860.
- Q Was your family intimately acquainted with Vaughan Brashears prior to that time? A Yes sir, I think so.
- Q Your people were living in Missouri? A My family was living in Fayetteville Arkansas at this time.
- Q You had only lived there about four years? A Yes sir, at that time.
- Q There were no railroads through this country at that time? A No, come through with wagons.
- Q You wasn't here very long nor very often? A If I did, I don't remember anything about it. A Great many Indian girls come to Fayetteville when I was going to school there. A Great many of the, claimed kin with me.

BY MR. ROSEWINKEL:

- Q Good many Indian girls at Fayetteville? A Yes, come from all over the Territory.
- Q Most of those girls attending the school at Fayetteville were Cherokee girls? A No sir. There was Annie Cloud I have visited. I think she was a Choctaw, and she went to school there with me.
- Q She didn't claim any kin with you? A No, and then there was Hawkins.
- Q Most of them were Cherokee girls? A Wasn't a Cherokee there that I know of. Lots of them couldn't talk a word when they came there. I went to school with them there.
- Q Can you give the names of some of them that claimed kin with you? A Hawkins, Tompkins.
- Q Did these claim kin with you? A It seemed to me like the parents, they claimed kin.
- Q Did you know where they lived in the Indian Territory. A Lived down here somewhere not far from Silver Bend on Red River. That is in the Choctaw, aint it?

(Witness dismissed).



S. T. Wright, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he recorded the proceedings and testimony had in the above entitled cause in shorthand, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

*S. T. Wright*

Subscribed and sworn to before me this the 27th day of July, 1906.

*Edward Merrick*  
NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
BLOCKER, INDIAN TERRITORY,

NOVEMBER 7, 1906.

7-2-195.

IN THE MATTER of the application for the enrollment  
of Napoleon B. Brashears, et al., as citizens by blood of  
the Choctaw Nation.

( M. M. Lindly, Attorney at Law, of South McAlester,  
( Indian Territory, appears on behalf of applicants.  
( No appearance on behalf of the Choctaw and  
APPEARANCES: ( Chickasaw Nations.  
(

SARAH A. HARLAN, being duly sworn testified as follows:

EXAMINATION

BY THE COMMISSIONER:

- Q What is your name? A Sarah A. Harlan.  
Q How old are you? A Seventy-seven, last January.  
Q Your postoffice address is Blocker? A Blocker.  
Q What was the name of your father? A Sampson Monerief.  
Q Was was the name of your mother? A Sophia Monerief.  
Q When did your mother die? A I am not sure, but I think  
in 1854; I am not really sure of that, it has been  
so long ago.  
Q Where did she die? A Alabama.  
Q What County? A Sumpter.  
Q What was her maiden name? A Sophia Brashears.  
Q Sampson Monerief was a white man? A Yes sir.  
Q Had no Indian blood? A No sir.  
Q Your mother never came to the Indian Territory? A No sir.  
Q What was the name of your mother's father? A Zedee.  
Q Zedee Brashears? A Yes sir.  
Q What was the name of your mother's mother, your grand-mother?  
A Susan, I think it is.  
Q Your grand-mother was Susan Brashears? A Yes sir.

- Q Do you recollect having seen your grandfather Zedee Brashears? A Only once; - faint recollection ever having seen him.
- Q Where was he living at that time? A In Alabama.
- Q What county? A I can't say what county; it was in Alabama.
- Q In what county was your home there in? A Sumpter County.
- Q Near what town? A Demopolis.
- Q On the old military road? A Yes sir.
- Q How far from your father, did your grand-father, Zedee Brashears live? A I don't know.
- Q Do you recollect the date Zedee Brashears died? A No.
- Q Have you ever heard any of your family say the time he died? A No sir.
- Q Was he living at the time you left Alabama to come to the Indian Territory? A No sir.
- Q Do you know about how many years before you left Alabama to come to the Indian Territory that he died? A No.
- Q About how old were you when you saw Zedee Brashears that one time? A I was a little girl; might have been five or six years old; just a mere recollection.
- Q Have you any idea how long after that he lived? A No sir.
- Q Did Zedee Brashears possess any Indian blood? A No sir.
- Q What was his nationality? A Scotch.
- Q Scotchman? A Yes sir.
- Q What was his wife, Susan, your grand-mother? A Indian.
- Q How much? A Half-breed.
- Q Do you recollect having seen her? A No sir, she died when my mother was a little girl.
- Q When did you come to the Indian Territory, in what year? A 1850.
- Q Do you know the name of your great grand-father on your grand-mother's side? A No sir.
- Q Zedee Brashears is the only one you have any recollection of? A Yes sir.
- Q You don't know the names of any but your grand-mother? A All I know is what my mother would tell me about them.
- Q You were a beneficiary under the 14th Article of the Treaty of 1830, were you not? A Yes sir.
- Q How many children did Susan and Zedee Brashears have? A Well, I don't know how many, I think though, - - -
- Q The names of those that you have heard? A Only heard of them through my mother.
- Q Do you know how many brothers and sisters your mother had? A Jesse Brashears, a brother of my mother; Zedee Brashears a brother of my mother.
- Q Zedee Brashears, Junior? A Yes sir.
- Q Vaughan Brashears a brother of my mother, and Turner Brashears a brother of my mother.
- Q Did she have any sisters? A Yes, I don't know that I can name them all.
- Q Name what you can of them, please? A Susan, Elizabeth, Anne and my mother Sophia, one more but I don't recollect her name.
- Q Just one more, besides those you named? A Yes sir.
- Q So your grand-mother and grand-father had nine children? A That is according to what she has always told me.
- Q Your mother died in Alabama about 1853 or 1854? A I can't say - -
- Q You have stated she died about 1854? A Yes sir.

- Q What became of Jesse? A He died in Mississippi.
- Q Never came to the Indian Territory? A No sir.
- Q Never left Mississippi? A Lived in Alabama, but went into Mississippi and died.
- Q Do you know during what year he died? A No sir.
- Q Approximately? A Well, really I couldn't tell you.
- Q What became of your aunt Anne? A She died in Alabama.
- Q Do you know when? A No sir, I don't.
- Q Before or after you removed to the Indian Territory?
- A When I was a little child.
- Q What became of your aunt Elizabeth? A She died there, too.
- Q You were a small girl? A Very small girl.
- Q What became of your aunt Susan? A Died in Jackson, Mississippi.
- Q Do you know when? A No sir, I don't.
- Q Before you removed to the Indian Territory? A Oh yes, long before.
- Q What became of your uncle Turner? A He came to this country and died.
- Q Do you know where he settled? A No, I don't, but he died out in this country.
- Q Did you ever see him after he came here? A No sir, he died before I came here.
- Q Has he any descendants living? A Never had any descendants; he married and his wife died in Alabama; never married again and was a woman-hater.
- Q How about your uncle Vaughan? A He came to this country and died here.
- Q Do you know when he died? A I saw him once after I came here. He died some where along in '52 or '53.
- Q Must have been later than that; you came here in 1853?
- A He was here when I came here.
- Q You said you saw him after you came here?
- A Yes, I came here in 1850.
- Q Has he any descendants living here in the Indian Territory?
- A Yes, I guess he does.
- Q Do you know any of these children? A Only one, a boy, named Turner.
- Q Is he living now? A I don't know.
- Q Is that the only descendant of Vaughan Brashears you know of? A Only one I know of.
- Q You don't know when he died? A No sir.
- Q How about your uncle Zedee? A He died in Alabama.
- Q He died in Alabama? A Yessir.
- Q Do you know when? A No, I don't.
- Q Died before or after your birth? A After my birth, but I don't recollect anything about it.
- Q How old were you when he died? A I was a mere child; just what my mother has told me.
- 
- Q It was after the treaty of 1830, or not? A That he died?
- Q Yes? A It was after the treaty.
- Q About how long before you came to the Indian Territory did he die? A I can't say, been so long ago I can't say.
- Q Were you as much as ten years old when he died? A I might have been; I only know what my mother told me.
- Q Was Zedee married at the time of his death? A Yes sir.
- Q What is the name of his wife? A Anne, was her name, but I don't know her maiden name.
- Q What was she? A White woman.
- Q At what place in Alabama did he live? A Lived near Weesew on the Nigees river.
- Q In the same county you lived in? A Yes, I guess so.

- Q In Sumpter County? A In Sumpter County was where I lived, I don't know what county Moscow is in.
- Q Did you visit his old home? A Only after his death.
- Q Did Zedec and his wife Anne have any children? A Yes sir.
- Q What were their names? A Turner, John and William, who were twins, Oleana.
- Q These four children were all he had? A Yes sir.
- Q Had no other children? A No sir.
- Q What became of Turner?
- A Died right there near Moscow.
- Q Have you any idea as to the date of his death? A No, about twenty-one years old, I recollect that.
- Q Do you know when he was born, Turner? A No, I don't; I only recollect the people speaking about him dying so young.
- Q How was his age compared with yours? A Well, I would be the oldest.
- Q About how much? A I suppose five or six years.
- Q According to that, he died about 1845; about five years before you came to the Indian Territory?
- A May be that was it.
- Q You were born in 1829, were you not? A I think it was.
- The year before the treaty? A I know I was only a baby; I heard my mother talk about it.
- Q You were twenty-one when you came to the Indian Territory?
- A I guess so.
- Q He was five or six years younger than you; he probably died about 1845? A Probably so.
- Q What became of Zedec's son John? A He died, when a boy, just a little boy.
- Q In Alabama? A Yes sir.
- Q How much younger was John than Turner? A I don't recollect how much younger, right smart, though.
- Q John and William were twins? A Yes sir.
- Q Did John die in his infancy? A He was about twelve or thirteen years old when he died.
- Q Then how about William? A Both died, and I forgot his age, too.
- Q Oleana, when did she die? A I don't know, her and her mother went to Texas, and I lost track of them.
- Q Do you know about when they removed to Texas? A No sir, I do not.
- Q They left for Texas after both of the boys died? A Yes sir.
- Q And after the death of Zedec? A Yes sir.
- Q Did you ever hear of Joseph Brashears being related to your family in any way? A No sir.
- Q Never heard of him? A No sir.
- Q Did you ever hear of Zedec Brashears, your grand-father, ever having any child by the name of Joseph? A No sir.
- Q Your family is the original Brashears family who were beneficiaries under the 14th article of the treaty of 1830? A Yes sir.
- Q Did you ever hear of a man by the name of Mortimer Brashears?
- A Mortimer?
- Q Yes? A No sir.
- Q Did you ever hear of a Choctaw woman by the name of Sarah Vaughan, or Sarah? A Vaughan?
- Q Yes? A No sir.
- Q Did you ever hear of any of your people, the Brashears, ever having lived in the states of Arkansas and Missouri?
- A No sir.

- Q The only children of Zedec Brashears, your grand-father, that came to the Indian Territory were Turner and Vaughan? A Yes sir.
- Q They were all the ones that came to the Indian Territory?
- A Yes of the old original family, they were the only ones.
- Q And the rest of the Brashears that you have any family history about lived and died in Mississippi and Alabama? A Yes sir, of my mother's family, I know no other.
- Q All Zedec Brashear's family? A Yes sir.
- Q Have you ever heard of a man who lives in the Territory by the name of Napoleon B. Brashears?
- A Yes, I have heard of him. He was here last Sunday to see me, - last Sunday as a week ago.
- Q What did he want to know about? A Wanted to know if I knew anything about him and his back relatives, - you know already who they was.
- Q Did he claim to be akin to you? A Claimed to be a Brash-ears; didn't say anything about being related to me, but just said the Brashears.
- Q He testified that he was the son of Wortimer Brashears, who died in August 1863, at the age of forty years; that Wortimer Brashears was a son of Joseph Brashears who was a Choctaw Indian; and that Joseph Brashears was a son of Zedec Brashears, a Choctaw. You have already testified that Zedec Brashears, your ancestor, had no child named Joseph? A Yes sir.
- Q And none of his children ever came from the states of Missouri or Arkansas? A None came from Arkansas or Missouri.
- Q He also testified that his father lived in Arkansas since 1839; that was Wortimer Brashears? A I don't know him.
- Q You never heard of him? A No sir.
- Q And it is not a matter of family history that Wortimer Brashears was connected with the Brashears family in Mississippi and Alabama? A Not to my family.
- Q He also testified that his ancestors Wortimer Brashears and Joseph Brashears stayed in Missouri when the Choctaw people moved west from Mississippi, have you any recollection or any family history as to whether or not any of the Brashears family, with the exception of Turner and Vaughan, ever moved from Mississippi or Alabama? A No sir, they did not, and only Turner and Vaughan, as I have told you, came to this Indian country.
- Q Have you kept up with your family history?
- A Tolerably well with my mother's brothers and sisters; outside of that I know nothing.
- Q Are you acquainted with W. C. Thompson?
- A No sir, I don't know him.
- Q He lives at Marlow? A I don't know him.
- Q Have you heard, as a matter of family history, what year Vaughan Brashears came to the Indian Territory?
- A No sir; he came before I did.
- Q Have you any idea how long before you came when he came?
- A Well, I don't have any idea; been quite awhile, he was an old man when I saw him here.

- Q At what place did you see Vaughan Brashears when you saw him here? A I saw him at Poteau; not where the railroad is, but where the old military road from the forts here crosses the river there. I saw him at my brother-in-law's house.
- Q Did you ever hear that he brought with him a slave by the name of Richard Brashears? A I have heard that talked of. I don't know it, but I have heard it spoken of.
- Q He testified that he knew Joseph Brashears, who was a son of Zedec Brashears, and I ask you again, had Zedec Brashears a son by the name of Joseph? A No sir.
- Q He also testified that Zedec Brashears had a son who lived on Honey Island on the Yazoo river for three years, did any Brashears ever live at this place?
- A If they did, I don't know it.
- Q He also testified that when he left Alabama Joseph was going to school; that he was told by his master Zedec Brashears, that Joseph was going to school at Fayetteville, Arkansas; did you ever hear anything like that?
- A No sir, never did.
- Q Do you know what was the cause of Zedec Brashear's death, that is your grand-father, Zedec Brashears, Senior?
- A My grand-father, you mean?
- Q Yes? A No sir.
- Q Did you ever hear he was killed in a horse race in Alabama? A No sir, my grand-father wasn't killed in a horse race.
- Q Was his son killed in a horse race?
- A He was shot, but I don't know whether he was killed, or died from the shot.
- Q He testified that he was killed in a horse race in Alabama, Sumpter County? A I don't know whether he was killed or not; he was shot at a horse race, is what my mother told me.
- Q Do you know whether or not Turner Brashears, Sr., was ever married, that is your mother's brother?
- A He was married in Alabama; his wife died there.
- Q What was her name? A Anne. She was a white woman, I don't know her last name.
- Q Who did young Zedec Brashears marry? A Young Zedec?
- Q Yes? A My mother's brother?
- Q Yes? A I don't know her maiden name.
- Q Do you know her given name? A Anne.
- Q Her name was also Anne? A Yes, I had three aunts by the name of Anne. I don't know their maiden names.
- Q Do you recollect any of the Brashears in your family going by the name of Asa? A No sir.
- Q Or Thomas? A Well, some way back, cousins, in this country, Thomas, but they are not Brashears.
- Q Did you ever hear of one by the name of Alexander Brashears?
- A Yes sir.
- Q What relation was he to you? A Well, he was a cousin; died here at Scullyville.
- Q How far remote was that relationship? A He was my second cousin in one sense, and my - - his mother was my mother's sister.
- Q What was his mother's name? A Anne; she married her cousin.
- Q What was his name? A Alexander Brashears, and then of course, he, -

- Q Who was Alexander's father and mother? A I don't know.  
You ask me about the older one?
- Q Who was the father and mother of the Alexander Brashears who married your mother's sister, your aunt Anne?
- A I don't know anything about that. I know my mother's sister's son died here at Oak Lodge.
- Q Are the two Zedec Brashears you have testified about, as being your grand-father and your uncle, the only two Zedecs in the family? A The only ones I know of.
- Q That you have ever heard of? A Yes sir.
- Q You have lived continuously in the Choctaw Nation since you moved here in 1850?
- A Well, I went back and stayed a couple of years in Alabama.
- Q You are pretty well acquainted with your family history, from the fact that you have lived back there in Alabama, among your people?
- A I got my information from my mother.
- Q Your relatives lived in that vicinity?
- A Yes sir, but I didn't know very much about them.
- Q Your grand-father Zedec Brashears had no Indian blood, whatever? A No sir.
- Q What was his nationality? A Scotch.
- Q I believe you testified in the matter of the application for the identification of Joseph Moncrief that Zedec Brashears married Susan Bond, is that the name?
- A Vaughan.
- Q Susan Vaughan? A Yes sir, was her maiden name.
- Q You also testified at one time that she was a half-breed Choctaw Indian, is that correct? A Yes sir.
- Q You recollect, do you not, when you were at Muskogee this spring of testifying in the matter of the application for the identification of your half-brother Joseph Moncrief? A Yes sir.
- Q Which case was remanded by the Department? A Yes sir.
- Q At that time you testified that the mother of Joseph Moncrief was Sophia Brashears, and that his father was your father, Sampson Moncrief? A Yes sir.
- Q And his mother was your mother's niece? A Yes sir.
- Q And that Joseph's mother was the daughter of Alexander Brashears? A Yes sir.
- Q What was his blood? A He was Scotch, Creek and Choctaw.
- Q Do you recollect the name of Alexander's wife?
- A Mother of Sophia?
- Q Yes? A Her name was Anne, sister to my mother; makes Sophia, his mother, my mother's niece.

EX A M I N A T I O N

BY MR. LINDLY:

- Q Mrs. Warlan, you stated that W. B. Brashears was up here last Sunday was a week ago to see you; didn't he bring a letter from the Commissioner, stating that they had written to W. V. Lindly, - stating that they had written to you and were waiting to get an answer from you to take your testimony? A Yes sir.



- Q He brought that letter from the Commissioner? A Yes sir; I had my daughter read it.
- Q And he insisted that you answer the letter? A Yes sir.
- Q And you immediately wrote, because he insisted upon your writing right away? A Yes sir.
- Q It seems like you gave testimony in the Moncrief case; in that case, did you name the children of Zedec Brashears, do you remember? A I don't remember; do you mean Zedec, Senior, or Junior? - I am pretty sure I did.
- Q When you named the children up there, did you pretend to name all of them in that testimony, or were there others you didn't name? A That has been so long ago.
- Q That was last April? A I know it was, Mr. Lindly.
- Q When you named them, did you say there was no others?
- A I didn't say that there was no others.

MR. LINDLY: I request that a copy of the testimony taken in the matter of the identification of Joseph Moncrief as a Mississippi Choctaw be made a part of the record in this case.

Copy of testimony in Joseph Moncrief case, attached to original copy of testimony hereof, marked "Exhibit A."

BY MR. LINDLY:

- Q Is it not a fact that several years ago this same Mr. W. B. Brashears talked with you about this case?
- A Yes, he came to me at Crowder.
- Q He told you who he was, didn't he?
- A Yes, but as I told him then, I didn't know anything about them.
- Q You didn't remember the persons he claimed to be his ancestors? A Why, I don't know any of them.
- Q You knew he was here in the Indian Territory at that time?
- A Yes, and I wasn't in much position to give testimony; I had a child, you might say, in a dying condition.
- Q You state that it is a matter of family history that one Vaughan Brashears came to the Territory and brought a slave by the name of Dick?
- A Since I have lived here, I have always heard them say that he did.
- Q It is a matter of information you have received with reference to the family from persons who knew or were in a position to know? - - A No response.

BY THE COMMISSIONER:

- Q That Dick Brashears was a slave of Vaughan Brashears is not a matter of family history, is it?
- A I don't know.

Q This information you gathered from other people?  
A Information gathered from other people.

BY MR. LINDLY:

Q Do you remember any of them; were they such people as know  
Vaughan Brashears? A I don't remember who they were.  
Q You got that information, but can't say how you got it?  
A I got it down at Atoka, but the people haven't connected  
them with my people in the Territory.  
Q Jesse died before you were born? A No sir, - I say my  
mother told me about him.  
Q You named four boys, Jesse Brashears, Zedec Brashears,  
Turner and Vaughan? A Yes sir.  
Q You only know these are the four brothers from what your  
mother has told you? A Yes sir.  
Q Do you know anything of Mrs. Jones that lives at Duncan?  
A I don't know her.  
Q Her maiden name was Coil? A I don't know her.  
Q Did you ever know of a man by the name of Coil, living down  
there? A I do not.  
Q Both these persons claim in the testimony in this case  
to be the direct descendants of Joseph Brashears, who  
was a son of Zedec Brashears; that is the reason I ask-  
ed you about them? A No sir, I don't know them.  
Q This N. B. Brashears testifies in this case to the same  
thing, and that he is a grand-son of Joseph Brashears  
and that Joseph Brashears was a son of Zedec; you  
state that your mother never gave you any such infor-  
mation, therefore you can't give any such testimony?  
A No sir. I got my last information from my mother  
about 1854.  
Q You wouldn't want to say that these persons were mistaken  
about the matter, would you?  
A They never saw, - my mother, I recollect I inquired of her  
when I went back to visit her, something about I expect  
the fall of '53 or '54, - don't recollect which one, -  
I asked her and she told me all about her sisters and  
brothers, and there was no Joseph in her brothers,  
and if it had been so, she would have told it.  
Q You say you asked your mother whether there was a Joseph  
or not? A I didn't ask her.  
Q Because she didn't tell you, you felt certain there was  
not? A Yes sir.  
Q That is the way you figured it out? A Yes sir.  
Q You never have heard of Dick Brashears from any of the  
family? A No sir, only from people living in Atoka.  
Q He testifies that one of your mother's brothers was shot  
and killed at a horse race, is that correct?  
A It is correct.  
Q He testifies he was shot while attending a horse race?  
A My mother has told me.  
Q That is correct is it? A Yes sir, that is correct.  
Q He also testified that Vaughan Brashears came to the Ter-  
ritory and lived and died here, that is correct is it?  
A Yes sir.

- Q He also testified that Turner Brashears came to the Indian Territory and lived and died here, that is correct, is it? A Yes sir.
- Q He testified, I believe, that Jesse was the oldest child, is that correct? A I think myself that is correct, that he is the oldest.
- Q He stated that one of the children was sent away to school some place in the east; did you ever hear of one of the boys being sent away to school? A Never.
- Q Never any of them went away to school, - one of old Zedec's boys? A No sir, none of them ever went away.
- Q If there was a Joseph Brashears, a son of old Zedec Brashears, and a brother of Turner, Vaughan, Jesse and Zedec, Junior, then he belonged to the same Brashears family, wouldn't he? A Of course, he would, but my mother never had no brothers named Joseph.
- Q I will ask you another question, isn't it a fact that this same Dick Brashears testified that old Zedec Brashears, Senior, and that Vaughan Brashears and Jesse, his sons, lived in Sumpter County, Alabama, or in that neighborhood, is that correct?
- A As to my grand-father I wouldn't testify to where he lived, but the others I can, because I have seen some of their old homes, but not them.
- Q It was in Sumpter County, or adjoining it? A Yes sir.
- Q Well now, were there any Brashears that lived there except the old original Zedec Brashears, except Indians?
- A No sir.
- Q All that came from there were of Indian descent?
- A Yes, all that came to the Territory that I know of. I only had two come to this country.
- Q So all that died there were of Indian descent and all that came here were of Indian descent?
- A That is correct; they was only two that came.

BY THE COMMISSIONER:

- Q Were there any other families in Sumpter County, living there during your time, who bore the name of Brashears who didn't have Indian blood? A No sir.

BY MR. LINDLY:

- Q You have never been able in the different conversations with V. B. Brashears, this one here, to connect him with your family from any of your recollections of your family? A No sir, he couldn't tell me anything.
- Q If he can connect himself with the Vaughan Brashears who came to the Territory and lived and died near Brushy, and the Turner Brashears that came to the Territory, then he would be an Indian, wouldn't he?
- A Yes, he would be. I haven't been able to connect him, though.

I, S. T. Wright, stenographer to the Commissioner to the Five Civilized Tribes, on oath, state that I recorded the testimony and proceedings had in the above entitled cause on November 7, 1906, at Blocker, Indian Territory, and that the above and foregoing is a true and correct transcript of my stenographic notes thereof.

S. T. Wright

Subscribed and sworn to before me this November 17, 1906.

Edward Herrick

COPY

Muskogee, Indian Territory, September 18, 1900.

Napoleon P. Brashers,

Wilburton, Indian Territory.

Dear Sir:-

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 Commission, upon examination of its records, found that you were rejected in 1896; under the act of Congress of June 10<sup>th</sup>, 1896; your case being No. 877. No appeal being taken from the decision of the Commission, its action at that time became final.

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,

*Tame Birby*  
SIGNED  
Acting Chairman.

7-D-195

Choctaw D 194  
Choctaw D 195  
Choctaw D 196

COPY.

Okagee, Indian Territory, April 2, 1901.

Hansfield, McMurray & Cornish,

South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of March 28, inquiring the citizenship status of N. B. Brashears, Mary J. Brashears, William W. Brashears, Lafayette Brashears, Arthur Brashears, Logan Brashears, Fred A. Brashears, Troy Lambert, Amanda T. Brashears nee Freeze, Damon, Rayman and Jacob Freeze, Ida N. Brashears, now Duncan, Olie Duncan and Dora W. Duncan.

You state that understand that these people were never placed upon the tribal rolls of the Choctaw Nation unless by what is known as the "Revisory Board" which operated after September 10, 1896; and further, that these people applied to this Commission, in 1896, under the act of June 10, 1896, and were rejected and no appeal taken to the United States Court, and you wish to be informed if these are the facts as shown by our records.

In reply to your letter you are advised that it appears from our records that Napoleon B. Brashears, his wife, Mary J. Brashears, and their children LaFayette, Arthur, Fred S., and Logan Brashears, Amanda J. Freeze, formerly Brashears, and her children, Damon, Raymond, Ruby and Earl Freeze, and Ida N. Duncan, formerly Brashears,

X 104 & C 2

her husband, Olive Duncan, and children, Dora M. and Francis F. Duncan, have been listed among the doubtful claimants to enrollment in the Choctaw Nation, and their final right to such enrollment has not yet been determined.

It further appears from our records that the persons above named, with the exception of Rub and Earl Freeze and Francis E. Duncan, were applicants to this Commission for citizenship in the Choctaw Nation under the provisions of the act of Congress of June 10, 1896, and were denied by the Commission, and that no appeal was taken from said decision of the Commission within the time prescribed by the act of Congress of June 10, 1896.

You are informed that it has been claimed that these persons were not enrolled by the Choctaw tribal authorities until January 3, 1907, but there is no evidence filed in any of these cases, to substantiate this claim, nor are their names among the names referred to by Simon L. Lewis in his testimony of February 10, 1903, as having been enrolled without authority of law.

You are further advised that it does not appear from our records that any applications have been made to this Commission for the enrollment of William W. Brashears, Troy Lambert or Jacob Freeze.

Respectfully,

SIGNED *T. B. Needles*

Commissioner in Charge.

Choctaw D 195

COPY

Muskogee, Indian Territory, February 11, 1904.

Napoleon B. Brashears,  
Wilburton, Indian Territory,

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of yourself and children, LaFayette, Arthur, Fred S. and Logan Brashears, as citizens by blood, and of your wife Mary J. Brashears, as an intermarried citizen, of the Choctaw Nation, until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

SIGNED *T. B. Needles.*

Commissioner in Charge.



COPY.

Muskogee, Indian Territory, January 9, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department on July 17, 1905 (I.T.D. 8162, 1942-1905), with the return of the record in the matter of the application for the enrollment of Napoleon B. Brashears et al., as citizens of the Choctaw Nation, transmitted an approved opinion of the Assistant Attorney General for the Department of July 10, 1905, and directed the Commissioner to the Five Civilized Tribes to permit the applicants in said case, in accordance with the opinion referred to, to submit such additional testimony as might be necessary for a full presentation of the merits of their case.

November 3, 1905, I invited the attention of the Department to the cases of Amanda J. Freese, et al., Sarah E. Salmon, et al., and Ollie Duncan, et al., then pending before the Department, and requested that the records therein be returned to this office in order that the same might be consolidated with the record in the matter of the application for the enrollment of Napoleon B. Brashears, et al., as citizens of the Choctaw Nation and that I be authorized to proceed with said cases in conformity with the Department's directions of July 17, 1905.

The Department on November 28, 1905 (I.T.D. 1270, 2300, 2630, 18660-1905), returned the records in the matter of the application of Amanda J. Freeze, et al., Sarah E. Salmon, et al., and Ollie Duncan, et al., for enrollment as citizens of the Choctaw Nation and authorized the consolidation thereof with the record in the matter of the application of Napoleon B. Brashears, et al., for enrollment as citizens of the Choctaw Nation, and instructed that the investigation directed by the Department on July 17, 1905, be made applicable to all four of the cases.

December 18, 1905, the principal applicant, Napoleon B. Brashears, at Wilburten, Indian Territory; Sarah E. Salmon, at Hartshorne, Indian Territory; Ollie Duncan, at Archibald, Indian Territory; Amanda J. Freeze, at South McAlester, Indian Territory; their attorneys of record, Chester Howe, Washington, D. C. and James E. Gresham, South McAlester, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were advised that the Commissioner to the Five Civilized Tribes would, at his office at Vuskogee, Indian Territory, on Wednesday, January 3, 1906, at nine o'clock A. M., hear such testimony as might be presented by the applicants and the attorneys for the Choctaw and Chickasaw Nations relative to the right to enrollment of Napoleon B. Brashears and the members of his family, as citizens of the Choctaw Nation.

Proceedings were had before this office January 3rd and 4th, 1906, the applicants being represented by M. V. Lindly of South McAlester, Indian Territory, appearing on behalf of Chester Howe, of Washington, D. C., the Choctaw and Chickasaw Nations being represented by G. Rosenwinkle of Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations.

I have the honor to return herewith the original records in the matter of the application of Napoleon B. Brashears, et al., Sarah E. Salmon, et al., Amanda J. Freeze, et al., and Ollie Duncan, et al., for enrollment as citizens of the Choctaw Nation; the papers transmitted with Departmental letter of July 17, 1905, and a copy of the proceedings had before this office in conformity with the instructions contained therein.

I can find nothing in the subsequent proceedings which warrants any other opinion than that these applicants were rightfully refused enrollment as citizens of the Choctaw Nation by the original decisions of the Commission to the Five Civilized Tribes, and I have therefore to respectfully recommend that the decisions of said Commission of January 19, 1906, refusing the application for the enrollment of Napoleon B. Brashears, LaFayette Brashears, Arthur Brashears, Fred S. Brashears and Logan Brashears as citizens by blood, and Mary J. Brashears as a citizen by intermarriage of the

Choctaw Nation; of February 6, 1905, refusing the application of Sarah E. Salmon, John C. Salmon, Fannie Salmon and Lois Salmon as citizens by blood of the Choctaw Nation; of January 19, 1905, refusing the application for the enrollment of Amanda J. Freeze, Damon Freeze, Raymond Freeze, Ruby Freeze and Earl Freeze as citizens by blood of the Choctaw Nation, and of January 19, 1905, refusing the application for the enrollment of Ollie Duncan as a citizen by inter-marriage, and for the enrollment of Ida M. Duncan, Dora W. Duncan and Francis E. Duncan as citizens by blood of the Choctaw Nation be affirmed.

Respectfully,

SIGNED *Harro Dixby.*  
Commissioner.

Through the  
Commissioner of Indian Affairs.

BPS 9/1.

COPY.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.V.H.

FHE.

D.C. 13175-1906.  
I.T.D. 8162-1905.  
3798-1906.

April 6, 1906.

L.R.S.

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

Sir:

The receipt is acknowledged of your report of January 9, 1906, returning the record in the Choctaw enrollment case of Napoleon B. Brashears, et al, which was remanded for further investigation by departmental letter of July 17, 1905.

On November 26, 1905, complying with your request of November 3, 1905, the Department returned to you the records in the following Choctaw cases: Amanda J. Freeze et al., Sarah E. Salmon et al., and Ollie Duncan et al, in order that the same might be consolidated with the Brashears case, which was remanded for further investigation, as noted above, to be made in accordance with the approved opinion of the Assistant Attorney General of July 10, 1905, relative to said case.

In your report returning the consolidated record in these cases, you recommended that the original action of the Commission, adverse to the applicants, be affirmed.

Reporting in the matter February 28, 1906, the Indian Office

recommended, in view of the approved opinion of the Assistant Attorney General of March 3, 1905, in the William C. Thompson case, that the applicants be enrolled as Choctaw citizens.

The Department finds that the papers as submitted do not constitute such a record as should be made up before final determination is reached in this case. Apparently, you misapprehended the purpose of the Department in remanding these cases for further investigation. In approving the opinion of July 10, 1906, in the case of the principal applicant, the Department held "that a rehearing de novo should be ordered." When the case was remanded by departmental letter of July 17, 1906, you were directed therein "to permit the applicants in said case to introduce such additional testimony as may be necessary for a full presentation of the merits of their case." Notwithstanding these instructions, it seems that the testimony in the Brashears case was confined to certain jurisdictional questions, and that other testimony, the purpose of which was to show the right of the applicants to enrollment as citizens by blood, was excluded. See page 9 of the testimony taken at the hearing which began January 3, 1906. As a matter of fact, it was particularly desired that testimony of the very kind excluded should be taken.

The names of these applicants appear upon the 1896 roll of the Choctaw Nation, and therefore it is to be determined whether their names shall be allowed to remain upon such roll or be stricken

therefrom. In other words, are they eligible to be so enrolled?

The rule of eligibility is found in the approved opinion of the Assistant Attorney General of February 19, 1906, in the case of James S. Long, et al, a copy of which was recently furnished you.

By the grant of authority contained in section 21 of the act of June 28, 1898 (30 Stat., 496), the Department has jurisdiction to dispose of this case according to the very right of the matter. Testimony should therefore be taken showing the blood, residence and ancestry of the applicants, also concerning any other material matter which may tend to show their right to citizenship in the Choctaw Nation. Such testimony should include copies of the papers referred to in the record under consideration submitted to the Commission in 1896. This follows, because the present proceeding lies between the same parties as the one instituted in that year.

All previous action in this case is hereby set aside, and the papers are returned herewith, to the end that a complete investigation of the merits of the case may be made. Notice should be given to all parties in interest of the points to be investigated. A copy of Indian Office letter of February 28, 1906, is also inclosed.

Respectfully,

(signed) Thos. Ryan,

4 inclosures.

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

Refer in reply  
to the  
following:

Land:  
3-66-1906.

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

COPY.

February 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 9, 1906, transmitting the record of the consolidated applications for enrollment as citizens of the Choctaw Nation by Napoleon B. Brashears for himself and his minor children, La Fayette, Arthur, Fred S., and Logan Brashears, and for his wife, Mary J. Brashears, as a citizen by intermarriage; by Amanda J. Freese for herself and her four minor children, Damon, Raymond, Ruby, and Earl Freese; by Ollie Duncan as a citizen by intermarriage, and for his wife, Ida W. Duncan, and their children, Dora W., and Francis E. Duncan; by Sarah E. Salmon for herself, and her three minor children, John C., Fannie, and Lois Salmon. January 19, and February 6, 1905, the Commission to the Five Civilized Tribes decided adversely to all the applicants.

July 17, 1905 (ITD 1342-05) and November 28, 1905 (ITD 15660-05), the Department remanded the records for consolidation and for additional testimony for a full presentation of the merits of the case.



January 9, 1906, the Commissioner recommended that the former adverse action be adhered to.

It appears from the record that all of the applicants, except Ruby and Earl Freeze, Francis E. Duncan, and Lois Salmon, are enrolled upon the 1896 Choctaw Census Roll as citizens of the Choctaw Nation; that Ruby and Earl Freeze are the minor children of Amanda J. Freeze, an enrolled Choctaw citizen and J. A. Freeze, a non-citizen white man; that Francis E. Duncan is the minor child of Ollie Duncan and Nora E. Duncan, both enrolled citizens of the Choctaw Nation; and that Lois Salmon is the minor child of Sarah E. Salmon, an enrolled Choctaw citizen, and John Salmon, a white man having no rights to enrollment.

In view of the record and of the decision of the Department of March 3, 1905 (ITC 187-1905) in the case of William C. Thompson et al., the disapproval of the Commissioner's decision adverse to the applicants, and that they be duly enrolled as Choctaw citizens, is recommended.

Very respectfully,

SIGNED: C. F. Larrabee,

Acting Commissioner.

EXH

C

COPY.

7 D 195

Muskogee, Indian Territory, April 16, 1906.

Napoleon B. Brashears,  
Wilburton, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, on April 6, 1906 (I.T.D. 8162-1905, 3798-1906), returned to the Commissioner to the Five Civilized Tribes all the papers in the Choctaw enrollment case of Napoleon B. Brashears, et al., with advice that all previous action was set aside and that a complete investigation of the merits of the case should be made.

The Department in returning the case to the Commissioner, states as follows:

"By the grant of authority contained in section 21 of the act of June 28, 1898 (30 Stat., 495), the Department has jurisdiction to dispose of this case according to the very right of the matter. Testimony should therefore be taken showing the blood, residence and ancestry of the applicants, also concerning any other material matter which may tend to show their right to citizenship in the Choctaw Nation. Such testimony should include copies of the papers referred to in the record under consideration submitted to the Commission in 1896. This follows, because the present proceeding lies between the same parties as the one instituted in that year."

You are accordingly advised that the Commissioner to the Five Civilized Tribes will, at his office at Muskogee, Indian Territory, on Wednesday, May 9, 1906, at 9 o'clock A. M., hear such testimony and receive such other evidence as may be submitted by

(2)

the applicants and the attorneys for the Choctaw and Chickasaw Nations in reference to the right to enrollment of the applicants included in the Choctaw enrollment case of Napoleon B. Brashears, et al.

Respectfully,

SIGNED

*J. M. G. Smith*

Acting Commissioner.

7-D 195

COPY.

Muskogee, Indian Territory, April 16, 1906.

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

Dear Sir:

There is enclosed herewith for your information, copy of Departmental letter of April 9, 1906 (I.T.D. 8162-1905, 3798-1906), in reference to the Choctaw enrollment case of Napoleon B. Brashears et al.

The record in this case is returned by the Department in order that the Commissioner may investigate the same as to the very right of the matter and the Department directs that,

"Testimony should therefore be taken showing the blood, residence and ancestry of the applicants, also concerning any other material matters which may tend to show their right to citizenship in the Choctaw Nation. Such testimony should include copies of the papers referred to in the record under consideration submitted to the Commission in 1896."

You are informed that in conformity with the Department's instructions the Commissioner to the Five Civilized Tribes will, at his office at Muskogee, Indian Territory, on Wednesday, May 9, 1906, at 9 o'clock A. M., hear such testimony and receive such other evidence as may be submitted by the applicants and the attorneys for the Choctaw and Chickasaw Nations in reference to the right

(2)

to enrollment of Napoleon B. Brashears and the members of his family  
as citizens of the Choctaw Nation.

Respectfully,

SIGNED

*J. M. Heath*

OP 16-6

Acting Commissioner.

COPY.

7-D 195

Muskogee, Indian Territory, April 16, 1906.

Chester Howe,

Attorney at Law,

Washington Loan & Trust Building, Washington, D. C.

Dear Sir:

There is enclosed herewith for your information, copy of Departmental letter of April 9, 1906 (I.T.D. 182-1905, 3798-1906), in reference to the Choctaw enrollment case of Napoleon B. Brashears et al.

The record in this case is returned by the Department in order that the Commissioner may investigate the same as to the very right of the matter and the Department directs that,

"Testimony should therefore be taken showing the blood, residence and ancestry of the applicants, also concerning any other material matter which may tend to show their right to citizenship in the Choctaw Nation. Such testimony should include copies of the papers referred to in the record under consideration submitted to the Commission in 1896."

You are informed that in conformity with the Department's instructions the Commissioner to the Five Civilized Tribes will, at his office at Muskogee, Indian Territory, on Wednesday, May 9, 1906, at 9 o'clock A. M., hear such testimony and receive such other evidence as may be submitted by the applicants and the attorneys for the Choctaw and Chickasaw Nations in reference to the right

(2)

to enrollment of Napoleon B. Brashears and the members of his family  
as citizens of the Choctaw Nation.

Respectfully,

SIGNED

*Wm. L. Scott*

OP 16-4

Acting Commissioner.

COPY.

7-D 195

Muskogee, Indian Territory, April 16, 1906.

M. M. Lindly,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

There is enclosed herewith for your information, copy of Departmental letter of April 9, 1906 (I.T.D. 8162-1905, 3798-1906), in reference to the Choctaw enrollment case of Napoleon B. Brashears et al.

The record in this case is returned by the Department in order that the Commissioner may investigate the same as to the very right of the matter and the Department directs that,

"Testimony should therefore be taken showing the blood, residence and ancestry of the applicants, also concerning any other material matter which may tend to show their right to citizenship in the Choctaw Nation. Such testimony should include copies of the papers referred to in the record under consideration submitted to the Commission in 1896."

You are informed that in conformity with the Department's instructions the Commissioner to the Five Civilized Tribes will, at his office at Muskogee, Indian Territory, on Wednesday, May 9, 1906, at 9 o'clock A. M., hear such testimony and receive such other evidence as may be submitted by the applicants and the attorneys for the Choctaw and Chickasaw Nations in reference to the right



(2)

to enrollment of Napoleon B. Brashears and the members of his family  
as citizens of the Choctaw Nation.

Respectfully,

SIGNED

*Wm. C. ...*

*...*

Acting Commissioner.

OP 16-8

COPY.

Muskogee, Indian Territory, June 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of May 29, 1906 (I.T.D. 5851-1906), stating that the Department is in receipt by reference from Senator Beveridge, of a letter dated May 21, 1906, from G. W. Scott, of Wister, Indian Territory, relative to the Choctaw enrollment case of Napoleon B. Brashears.

The Department invites attention to the fact that on April 6, 1906, the Brashears case was remanded for the second time for a hearing upon its merits and desires an early report showing progress to date.

The Department on April 6, 1906 (I.T.D. 3162-1905, 3798-1906), returned to the Commissioner to the Five Civilized Tribes the record in the matter of the application for the enrollment of Napoleon B. Brashears, et al. as citizens of the Choctaw Nation, with directions that testimony be taken showing the blood, residence and ancestry of the applicants, also concerning any other material matter which may tend to show their right to citizenship in the Choctaw Nation. The Department also directed that notice should be given to all parties in interest of the points to be investigated.

(2)

April 16, 1906, the applicants in this case, the attorneys of record and the attorneys for the Choctaw and Chickasaw Nations were advised of Departmental instructions of April 6, 1906, and notified that the Commissioner to the Five Civilized Tribes would, at his office at Muskogee, Indian Territory, on Wednesday, May 9, 1906, at 9 o'clock A. M., hear such testimony and receive such other evidence as might be submitted by the applicants, and the attorneys for the Choctaw and Chickasaw Nations in reference to the right to enrollment of Napoleon B. Brashears and the members of his family as citizens of the Choctaw Nation.

In conformity with said notices, a hearing was had before the Commissioner at Muskogee, Indian Territory on May 9, 1906, the applicants being represented by M. M. Lindly, attorney at law, South McAlester, Indian Territory, appearing on behalf of Chester Howe, Washington, D. C., the attorney of record for the applicants. The Choctaw and Chickasaw Nations were represented by Mr. G. Rosenwinkel, of Mansfield, McHarrey & Cornish, the attorneys for the Choctaw and Chickasaw Nations.

At said hearing there was introduced the testimony of Napoleon B. Brashears, William C. Thompson, Richard Brashears, Mary J. Brashears, Nathan Gary, Fred Simpson Brashears and Ollie Duncan.

At the conclusion of the testimony of these witnesses Mr. Lindly stated that it was the desire of the applicants to introduce the testimony of one Mrs. Josephine Jones, a material wit-

(3)

ness, who was unable to be present at the hearing on account of her feeble condition and inability to travel.

Upon the request of Mr. Lindly and by agreement made with the attorneys for the Choctaw and Chickasaw Nations, the case was indefinitely continued for the introduction of the testimony of Mrs. Josephine Jones, it being stipulated between Mr. Lindly and the attorneys for the Choctaw and Chickasaw Nations that Mrs. Jones' testimony was to be introduced as soon as she was able to travel, notice of the time of the submission of her testimony to be served upon Messrs. Mansfield, McMurray & Cornish.

The testimony of Mrs. Jones has not been introduced up to the present date and further action is being suspended for that reason.

Respectfully,

SIGNED *Tams Dixby.*

Commissioner.

Through the  
Commissioner of Indian Affairs.

Muskogee, Indian Territory, June 14, 1906.

M. H. Lindly,  
Attorney at Law,  
South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 5, 1906, enclosing a letter addressed to you by D. R. Jones, of Duncan, Indian Territory, advising that it will be impracticable for his mother to go to Muskogee and suggesting that some other arrangement be made for the taking of her testimony.

In your letter you advise that the Mrs. Jones referred to is the witness whose testimony you expect to introduce in the Napoleon B. Brashears case.

As it seems impracticable to secure the personal attendance of Mrs. Jones at the office of the Commissioner at Muskogee, and as it is desirable to close the Brashears case at the earliest possible date, I have decided to take Mrs. Jones' testimony at her home at Duncan, Indian Territory. A representative of this office will be at Duncan for that purpose on Wednesday, June 27, 1906. Notice of this hearing has been also furnished Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner.

Muskogee, Indian Territory, June 14, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Commissioner to the Five Civilized Tribes will, at Duncan, Indian Territory, on Wednesday, June 27, 1906, hear the testimony of Mrs. Josephine Jones, alleged by the applicants to be a material witness in the matter of the application for the enrollment of Napoleon S. Brashears, et al., as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-194

Muskogee, Indian Territory, July 19, 1906.

M. M. Lindly,

South McAlester, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 10, 1906, transmitting the affidavit of A. D. Shinn, County Clerk, stating that the Records of the County of Pope of the State of Arkansas do not show the marriage of N. B. Brashears, but does show a missing period from the 25th day of October 1867 until the 14th day of March 1870, and the same has been filed with the records in this case.

Respectfully,

Commissioner.

7-D-195.

Muskogee, Indian Territory, August 1, 1906.

Sarah A. Harlin,  
Blocker, Indian Territory.

Dear Madam:

In order to pass upon the rights of certain applicants whose applications for enrollment as citizens by blood of the Choctaw Nation are pending before this office, and who claim descent from Zedoc Brashears, one of your ancestors, this office desires to know whether or not it would be convenient for a representative of the Commissioner to the Five Civilized Tribes to appear at your home at Blocker, Indian Territory, on Saturday, August 11, at three o'clock, P. M., for the purpose of taking testimony showing the descendants of said Zedoc Brashears.

It is desired that an immediate reply be made in order that the applicants, their attorneys, and the attorneys for the Choctaw and Chickasaw Nations be notified of said hearing.

An envelope requiring no postage is inclosed herewith for reply.

Respectfully,

JBN

Commissioner.

Inc. M-127



7-7-195

McAlester, Indian Territory, October 10, 1906.

W. W. Study,

Attorney at Law,

McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 20 asking the present status of the application of N. B. Brashears, et al, for enrollment as citizens of the Choctaw Nation.

In reply you are advised that no action has yet been taken in this case, but you will be notified when a decision is reached  
wherein

Respectfully,

EH

Commissioner.

*substitute*

7-D-195

Muskogee, Indian Territory, October 24, 1906.

Sarah A. Harlan,

Blocker, Indian Territory.

Dear Madam:-

In the matter of the application for the enrollment of certain of the applicants as citizens by blood of the Choctaw Nation it is desired that your testimony be secured inasmuch as said applicants claim to be descendants of the original Brashears family of Mississippi.

If you will indicate on what date in the month of November it will be convenient for you to give such testimony a representative of this office will be at your home for the purpose of conducting such examination.

Respectfully,

Commissioner.

*Substitute*

7-D-195

Muskogee, Indian Territory, October 24, 1906.

M. M. Lindy,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of October 15, 1906, asking an early decision in the matter of the application of N. B. Brashears, et al., for enrollment as citizens of the Choctaw Nation; you state that your clients are insisting on a decision in this case and you believe that inasmuch as it is now three and one half months since the last testimony was taken this is a reasonable time in which a decision might be rendered.

In reply thereto you are advised that before passing upon the case of N. B. Brashears, et al. it is desired that the testimony of Sarah A. Harlan, of Blocker, Indian Territory, be secured. This office has written Mrs. Harlan requesting to be advised when it will be convenient for her to give testimony before a representative of this office at her home at Blocker, Indian Territory, but no response has been received.

Before, however, the testimony of said Sarah A. Harlan will be taken you will be advised of the time and place of said hearing in order that you may be present if you so desire.

Respectfully,

Commissioner.

7-D-198.

Muskegee, Indian Territory, October 31, 1906.

Post Master,

Blocker, Indian Territory.

Dear Sir:-

Kindly advise this office if Sarah A. Harlan resides at or near Blocker, Indian Territory, and if not, her present post-office address.

An envelope requiring no postage is enclosed herein for reply.

Respectfully,

Commissioner.

Enc.-Env.

7-D-198.

Muskogee, Indian Territory, October 31, 1906.

Post Master,

Blecker, Indian Territory.

Dear Sir:-

Kindly advise this office if Sarah A. Harlan resides at or near Blecker, Indian Territory, and if not, her present post-office address.

An envelope requiring no postage is enclosed herein for reply.

Respectfully,

Commissioner.

Enc.-Inv.

V-D-498.

Muskogee, Indian Territory, November 3, 1906.

Mrs. Sarah A. Harlan,  
Blocker, Indian Territory.

Dear Madam:-

Receipt is hereby acknowledged of your letter of November 1, 1906, wherein you state that you will be at Mr. F. W. Kelley's ranch, one mile north of Blocker, Indian Territory, until the 10 instant, and if possible you desire that your testimony in the matter of the application for the enrollment of Napoleon B. Brashers, et al., as citizens by blood of the Choctaw Nation, be submitted prior to that time.

Relative thereto you are advised that a representative of this office will appear at your home on Wednesday, November 7, 1906, at three o'clock, P. M., for the purpose of conducting the proceedings in said case.

Respectfully,

Commissioner.

7-B-195.

Muskogee, Indian Territory, November 3, 1906.

Napoleon B. Brashears,  
Wilburton, Indian Territory.

Dear Sir:-

In the matter of the application for the enrollment of N. B. Brashears, et al., as citizens by blood of the Cheetaw Nation you are advised that on Wednesday, November 7, 1906, at three o'clock P.M., Mrs. Sarah A. Harlan, of Blocker, Indian Territory, will appear before a representative of the Commissioner to the Five Civilized Tribes at Mr. F. W. Kelley's ranch, one mile north of Blocker, Indian Territory, for the purpose of giving testimony relative to the ancestors of the applicants in the above entitled case.

Respectfully,

Commissioner.

7-D-196.

Muskogee, Indian Territory, November 3, 1906.

M. M. Lindly,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:-

In the matter of the application for the enrollment of Napoleon B. Brashears, et al., as citizens by blood of the Choctaw Nation you are advised that on Wednesday, November 7, 1906, at three o'clock, P. M., Mrs. Sarah A. Harlan, of Blocker, Indian Territory, will appear before a representation of the Commissioner to the Five Civilized Tribes, at Kelly's ranch, one mile north of Blocker, Indian Territory, for the purpose of giving testimony relative to the ancestors of the applicants in the above entitled case.

It is desired that you be present at said time.

Respectfully,

Commissioner.



7-D-195.

Muskogee, Indian Territory, November 3, 1906.

Mansfield, McMurray & Cornish,

Attorney at Law,

South McAlester, Indian Territory.

Gentlemen:-

In the matter of the application for the enrollment of Napoleon B. Brashears, et al., as citizens by blood of the Choctaw Nation you are advised that on Wednesday, November 7, 1906, at three o'clock, P. M., Mrs. Sarah A. Harlan, of Blocker, Indian Territory, will appear before a representative of the Commissioner to the Five Civilized Tribes at Mr. F. W. Kelley's ranch, one mile north of Blocker, Indian Territory, for the purpose of giving testimony relative to the ancestors of the applicants in the above entitled case.

It is desired that you be present at said time.

Respectfully,

Commissioner.

7-D-195.

Muskegee, Indian Territory, January 9, 1907.

M. M. Lindly,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:-

Pursuant to your written request of January 7, 1907, there is enclosed herewith a copy of the testimony taken May 19, 1906, in the matter of the application for the enrollment of Napoleon B. Brashears, et al., as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

Inc.-1-9-LGG.

7-D-195

Muskogee, Indian Territory, January 26, 1907.

M. W. Lindly,  
Attorney at Law,  
South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 7, 1907 demanding an immediate decision in the Choctaw enrollment case of Napoleon B. Brashears et al.

In reply to your letter you are advised that on January 26, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application for the enrollment as citizens of the Choctaw Nation of the persons included in the Choctaw enrollment case of Napoleon B. Brashears et al. and on the same date copy thereof was forwarded you by registered mail.

Respectfully,

Commissioner.

L.M.

O.R.

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

L.M.

I.T.D. 5912-1907.  
D. C. 13316-1907.

March 4, 1907.

Direct

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

Sir:

In accordance with the opinion of the Attorney-General of the United States of February 19, 1907 (I.T.D. 4564), in the consolidated case of William C. Thompson et al., your decision of January 26, 1907, denying the application for the enrolment of Napoleon B. Prashcars et al as citizens of the Choctaw Nation, is hereby affirmed.

A copy of Indian Office letter of February 27, 1907 (Land 10771), recommending the above action, is inclosed.

The papers in the case, and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock

Secretary.

1 inc. and 3 to Ind. Of.

WCF 3/4/07.

COPY

946/488-1

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

Land.  
10771-1907.

February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the report of Commissioner Bixby, dated January 26, 1907, forwarding the record in the matter of the application of Napoleon B. Brashears et al., for enrollment as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 26, 1907, refusing the applications for the enrollment of Napoleon B. Brashears, Lafayette Brashears, Arthur Brashears, Fred B. Brashears, Logan Brashears, Amanda J. Freeze, Damon Freeze, Raymond Freeze, Ruby Freeze, Earl Freeze, Sarah E. Scott (formerly Salmon), John C. Salmon, Fannie Salmon, Lois Salmon, Ida M. Duncan, Dora M. Duncan, and Frances E. Duncan as citizens by blood of the Choctaw Nation, and the application for the enrollment of Mary J. Brashears and Ollie Duncan as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved June 26, 1898 (30 Stat., L., 498). The decision also refuses the applications for the enrollment of Lee Lester Brashears, Floyd Lafayette Brashears, Alvy Fred Brashears and Kyrthe Viola Duncan as minor citizens by blood of the Choctaw Nation under the provision of the Act of Congress approved April 26, 1906 (34 Stat., L.,

137).

The record shows that application was made for the enrollment of the applicants herein as citizens of the Choctaw Nation within the time limited by law.

Commissioner Bixby reports that the evidence clearly establishes that Joseph Brashears, through whom the applicants, herein claim descent, was not a descendant of Zedee Brashears, Sr., and Susan Brashears, nee Vaughan, and that none of the applicants are possessed of Choctaw blood. He also reports that inasmuch as none of the applicants herein are possessed of Choctaw blood, the enrollment of the applicants whose names appear on the 1896 Choctaw census roll was without authority of law, and that under the provisions of the Act of Congress of June 26, 1898 (30 Stat., L., 496), their names should be stricken therefrom. Therefore, by reason of the provisions of the Act of June 26, 1898 (30 Stat., L., 496), and the Act of April 26, 1906 (34 Stat. L., 127), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicants herein as citizens of the Choctaw Nation.

Very respectfully,

G. F. IARRABEE,

Acting Commissioner.

KMS-D.

Reply to reply to the following:

Land

25421-1935

## Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 13, 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 Gisle Brown.

March 30, 1905, the Commission decided adversely to the applicant.

The record shows that on December 8, 1898, the Commission denied the application of William Niten Brown, father of the applicant herein, for enrollment as a citizen by blood of the Choctaw Nation; that on appeal the United States Court, Southern District, Indian Territory, entered of record a judgment reversing the decision of the Commission and admitted the said William Niten Brown and also the applicant herein to citizenship in said Nation, and on January 17, 1900, entered of record in said case an order correcting said judgment by striking therefrom the name of the applicant herein.

It does not appear that the applicant has ever been enrolled or admitted to citizenship by any legal tribal authority of the Choctaw Nation or by any United States tribunal other than as stated.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

J. F. Larrabee  
Acting Commissioner.

H. V. M.  
7.



Choc D 196 Ollie Duncan

D196

(See Choctaw No. 195) 1905

Miss Duncan et al.

Duplicate record bound.  
Remanded by Department for re-  
adjudication, Nov. 28, 1905.  
Record returned to Dept: '78-'06.

Apr 6, 1906 Department sets aside all previous  
action herein and orders a new hearing.

Apr 16, 1906, Hearing set for May 9, 1906, at nine  
o'clock A. M., and all parties advised thereof.

**REFUSED** JAN 25 1907

**COPY OF DECISION FORWARDED  
APPLICANT** JAN 26 1907

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT, FEB 1 1907  
COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW NATS, FEB 1 1907  
CHOCTAW NATS, FEB 1 1907

RECORDED BY A. B. ...  
FEB 1 1907

APPROVED BY  
SECRETARY OF INTERIOR

MAR 4 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED TO ATTORNEYS FOR CHIEF AND  
INDIAN LAW NATIONS.

APR 18 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED TO ATTORNEY FOR APPLICANT.

APR 18 1907

NOTICE OF DEPARTMENTAL  
ACTION FOR APPLICANT.

APR 18 1907

REGISTRY RECEIPT.

Post Office at Hartshorne, Ind. Ter.

Registered Letter } No. 96 Rec'd. Aug 28 1897  
Parcel }

of Allie Duncan  
Hartshorne, Ind. Ter.

addressed to Harry Green McCarroll  
San Bois St.

Harry Martign P.M.

J. H. Mason, Grand Master,  
Adm'n

W. H. Halford, Grand Secretary, Wagoner.  
A. Frank Ross, Grand Treasurer, Hartshorne.

M. D. Turk, D. G. M.



Grand Lodge of the Indian Territory,  
Independent Order of Odd Fellows.

Refer to No.

Office of the Grand Treasurer,

Hartshorn, Ind. Ter.

189

Central District  
Indian Territory

I H. G. Williams do solemnly swear  
that on the 28th day of Aug, 1897 I saw a package at  
the Post office at Hartshorne I.T. addressed to  
Gov. Green W. Curtain San Francisco I.T. That the  
registry receipt No 7 received from Post master hereto  
attached in a receipt for said package which  
contained true copies of the application of  
C. H. Duncan

Widavits of H. A. Jeffers & Mr. W. L. Woods Exhibit B.  
Marriage License & certificate " A.  
H. G. Williams

Subscribed and sworn to before me on this  
the 28th day of Aug, 1897

A. Frank Ross  
Grand Treasurer

APPLICATION FOR ENROLLMENT

HON. DAWSE COMMISSION

Fort Gibson, Ind. Ter.

Your petitioner showeth unto your honor that he is an intermarried citizen of the Choctaw Nation. That he was a white citizen of the United States and married a Choctaw woman by the name of Miss *J. M. Duncan* ~~Brashears~~, according to the laws of the Choctaw Nation on the 8th day of August A.D. 1897, and has since lived together as husband and wife she is the mother of one child *4* months old named *Nora M. Duncan*. I have lived continuously in the Choctaw Nation for the past eight years and expect to continue my residence here. For the above reasons your petitioner ask that the names of himself, Ollie Duncan and ~~his~~ wife *Ida M. Duncan* also our baby *Nora M. Duncan* be placed on the authenticated rolls of the Choctaw Nation that they may enjoy all of the rights and privileges of ~~the~~ other Choctaw citizens. As testimony for the same see accompany papers as follows;

Marriage License & Certificate, Exhibit, A.

Affidavit of \_\_\_\_\_ B.

Hoping to hear favorably from you soon I am yours truly,

*Ollie Duncan*

Central District  
Indian Territory,

Subscribed and sworn to before me on this the 10th. day of August, A.D. 1897

*A. Frank K. [Signature]*

Notary Public

My commission expires Jan. 31st, 1899

Central District  
Indian Bureau

Personally appeared before me  
a Notary Public for the above named  
District, and I, H. F. Jeffers, in  
the presence of J. S. Wood and J. S. Wood &  
be reliable and trustworthy and  
after being duly sworn depose and  
say that we are of lawful age and  
are well acquainted with the aforesaid  
petitioner Alice Hume and wife Ada  
and we know that they are living  
together as husband and wife and  
have one small child also that  
they live upon my property at  
Lyden Colorado - Kalin.  
We are not interested in the suit.  
Respectfully Signed

H. F. Jeffers  
J. S. Wood

Subscribed and sworn to before  
me on this 27<sup>th</sup> day of Aug 1894  
A Frank Rose  
Notary Public

7th 1916

Ollie Hunnigan  
Plaintiff

vs

Lehertaw Nation  
Defendant

**FILED**

OCT 16 1897

*E. F. [Signature]*

CLERK

These papers received  
and filed without  
authority of law.



Choctaw D. #196.  
Intermarried.

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

- 1 -

In the matter of the application of Ollie Duncan for enrollment as an intermarried citizen of the Choctaw Nation.

Ollie Duncan being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ollie Duncan.  
Q What is your post office address? Wilberton.  
Q Is that in the Choctaw Nation? A Yes, sir.  
Q How old are you? A 34 years old.  
Q How long have you been a resident of the Choctaw Nation? A 14 years.  
Q Have you lived here continuously for the past 14 years? A Yes, sir.  
Q Do you claim intermarried rights in the Choctaw Nation? A Yes, sir.  
Q What is the name of the Choctaw woman through whom you claim these rights? A Ida M. Brashears.  
Q Is she a recognized and enrolled citizen of the Choctaw Nation? A Yes, sir.  
Q When were you married to this woman? A Married under the Choctaw laws in 1897.  
Q Where was this marriage ceremony performed? A At McGowen.  
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes, sir.  
Q Did you obtain a tribal license? A Yes, sir.  
Q From whom did you get this license? A Josiah Beed, Gaines County.  
Q How much did you pay for that license? A \$100, Choctaw scrip.  
Q Who performed the marriage ceremony? A A. Frank Ross.  
Q Minister of the gospel? A Yes, sir.  
Q Were you ever married to this woman before? A Yes, sir.  
Q What was the date of your first marriage? A July 8, 1894.  
Q Under what laws was this first marriage performed? A United States.  
Q Afterwards you remarried the same woman under the tribal laws? A Yes, sir.  
Q Were you ever married prior to your first marriage to this woman? A No, sir.  
Q Was she ever married prior to her first marriage to you? A No, sir.  
Q Since that marriage have you lived together as husband and wife up to the present time? A Yes, sir.  
Q There has been no separation of any kind whatsoever? A No, sir.  
Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes, sir.

Choctaw D. #196.  
Intermarried.

- Q Were you an applicant before this Commission in 1896 for admission to citizenship in the Choctaw Nation? A Yes, sir.
- Q Did you then apply as an intermarried citizen? A No, sir.
- Q Before the Daws Commission in 1896? A I didn't apply only as just one of the family.
- Q What did you apply as then? A Just as one of the family.
- Q As a citizen by blood? A I was placed on the roll with the right of being enrolled if I wanted to, if not I was to be dropped from the roll.
- Q Do you know what action was taken upon your application at that time? A Nothing more than that we were admitted.
- Q Mr. Duncan it appears from the records that you and your wife and two oldest children were applicants before this Commission in 1896 and at that time your applications were refused, and that no appeal was taken to the United States Court? A Maybe I haven't understood you;

--:--

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 6th day of January 1903.

*Charles H. Sawyer*

Notary Public.

*West*

7-D-195  
7-D-194  
7-D-197  
7-D-196  
23-929.

COPY

O.L.J.

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

-----

In the matter of the application for the enrollment of Napoleon B. Brashears, et al., as citizens of the Choctaw Nation.

DECISION.

It appears from the census card records in this case that on June 5, 1899, Napoleon B. Brashears (50 years of age), appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and his minor children, LaFayette (20 years of age), Arthur (15 years of age), Fred S. (18 years of age), and Logan Brashears (11 years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mary J. Brashears (49 years of age), as a citizen by intermarriage of said nation. June 5, 1899, application was made by Amanda J. Freeze (24 years of age) for the enrollment of herself and her two minor children, Damon Freeze (6 years of age) and Raymond Freeze (4 years of age), as citizens of the Choctaw Nation. Subsequently, on December 23, 1902, and December 24, 1902, respectively, written applications were made for the enrollment of Ruby Freeze (born June 27, 1898) and Earl Freeze (born January 4, 1901). June 5, 1899, application was made by Sarah E. Scott, formerly Salmon, (27 years of age) for the enrollment of herself and her two minor children, John C. Salmon (7 years of age) and Fannie Salmon (5 years of age), as citizens by blood of the Choctaw Nation. December 24, 1902, written application was made for the enrollment of Lois Salmon (born May 18, 1896), as a citizen by blood of said nation. June 5, 1899, application was made by Ollie Duncan (27 years of age), for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Ida M. Duncan (22 years of age), and his minor child, Dora M. Duncan, as a citizen by blood of said nation. October 6, 1899, application was made for the enrollment of Francis E. Duncan (born February 4, 1899), as a citizen by blood of said nation.

On May 8, 1906, written application was made for the enrollment of Leo Lester Brashears (born December 30, 1902), and Floyd Lafayette Brashears (born January 7, 1904), as citizens by blood of the Choctaw Nation, and on May 14, 1906, written application was made for the enrollment of Alvy Fred Brashears (born December 12, 1905), as a citizen by blood of said nation. January 4, 1906, application was made for the enrollment of Myrths Viola Duncan (born in 1904), as a citizen by blood of the Choctaw Nation.

It further appears from the records in the possession of this office that on September 8, 1896, in the case entitled "Napoleon P. Brashears vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 877), original application was made to said Commission, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for the admission of the applicants, Napoleon B. Brashears, LaFayette Brashears, Arthur Brashears, Fred S. Brashears and Logan Brashears, as citizens by blood of the Choctaw Nation, and for the admission of Mary J. Brashears as a citizen by intermarriage of said nation; and that on December 4, 1896, said application was denied, from which decision no appeal was taken.

The records in the possession of this office further show that on September 9, 1896, in the case entitled "Ellen Salmon vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 1385), original application was made to the Commission to the Five Civilized Tribes for the admission of Sarah E. Salmon, John C. Salmon, Perny Salmon and Lois Salmon as citizens by blood of the Choctaw Nation; and that on December 8, 1896, said application was denied, from which decision no appeal was taken.

It further appears from the records in the possession of this office that on September 8, 1896, in the case entitled "Ida M. Duncan vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 328), original application was made to the Commission to the Five Civilized Tribes for the admission of Ida Mary Duncan and Dora M. Duncan as citizens by blood of the Choctaw Nation and for the admission of Ollie Duncan as a citizen by intermarriage of said nation; and that on December 2, 1896, said Commission denied said application, from which decision no appeal was taken.

January 19, 1905, the Commission to the Five Civilized Tribes denied the applications for the enrollment of Napoleon B. Brashears, LaFayette Brashears, Arthur Brashears, Fred S. Brashears, Logan Brashears, Ida M. Duncan, Dora M. Duncan, Francis E. Duncan, Amanda J. Freeze, Damon Freeze, Raymond Freeze and Earl Freeze as citizens by blood of the Choctaw Nation, and for the enrollment of Mary J. Brashears and Ollie Duncan as citizens by intermarriage of said nation.

February 6, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Sarah E. Salmon, John C. Salmon, Fannie Salmon and Lois Salmon as citizens by blood of the Choctaw Nation.

The Department on July 17, 1905 (I.T.D. 8162, 1942-1905), returned to the Commissioner to the Five Civilized Tribes the record in the matter of the application for the enrollment of Napoleon B. Brashears, et al., for enrollment as citizens of the Choctaw Nation, with directions to permit the applicants in said case to introduce such additional testimony as might be necessary for a full presentation of the merits of their case in conformity with the approved opinion of the Assistant Attorney General for the Department of the Interior of July 10, 1905.

The Department on November 28, 1905 (I.T.D. 1270, 2300, 2530, 15660-1905), upon the request and suggestion of the Commissioner to the Five Civilized Tribes of November 3, 1905, returned to the Commissioner the record in the matter of the applications

3.

for the enrollment of Amanda Freeze, et al., Sarah Salmon, et al., and Ollie Duncan, et al., as citizens of the Choctaw Nation, to be consolidated with the record in the matter of the application for the enrollment of Napoleon B. Brashears, et al., as citizens of the Choctaw Nation, in order that the proceedings directed by the Department in its letter of July 17, 1905, might be applicable to all of said cases.

December 18, 1905, the applicants, their attorneys, and the attorneys for the Choctaw and Chickasaw Nations, were advised of the action of the Department, and notified that the Commissioner to the Five Civilized Tribes would, at his office at Muskogee, Indian Territory, on Wednesday, January 3, 1906, at nine o'clock A. M., hear such testimony as might be presented by the applicants and the attorneys for the Choctaw and Chickasaw Nations, in reference to the right to enrollment of the applicants herein as citizens of the Choctaw Nation.

January 3, 1906, proceedings were had at Muskogee, Indian Territory, in the matter of said applications in accordance with the notices above mentioned.

January 9, 1906, the Commissioner to the Five Civilized Tribes transmitted to the Department the record in the matter of the above applications, together with the proceedings had on January 3, 1906, with the recommendation that the decisions of the Commission to the Five Civilized Tribes of January 9, 1905, and February 6, 1905, be affirmed.

The Department on April 6, 1906 (I.T.D. 8162-1905, 3798-1906), in acknowledging receipt of the foregoing report, directed that inasmuch as it did not appear that a rehearing *de novo* had been had, that all previous action in this case be set aside, and returned the record therein to the end that a complete investigation of the merits of the case might be made.

Due notice having been given to all parties in interest, additional proceedings were had in the matter of the said applications at Muskogee, Indian Territory, on May 9, 1906. Further proceedings were had therein at Duncan, Indian Territory, June 27, 1906, and at Blocker, Indian Territory, November 7, 1906. At the latter hearing, at the request of the attorney for the applicants, a copy of the testimony of Sarah A. Harlan, taken May 16, 1906, in the matter of the application of Joseph Moncrief for identification as a Mississippi Choctaw, was made a part of the record in this case.

It appears from the record herein and from the census card records in this case, that the applicants, LaFayette Brashears, Arthur Brashears, Fred S. Brashears, Logan Brashears, Amanda J. Freeze, Sarah E. Scott (formerly Salmon), and Ida M. Duncan, are the children of Napoleon B. Brashears and Mary J. Brashears; that the applicants, Damon Freeze, Raymond Freeze, Ruby Freeze and Earl Freeze, are the children of Amanda J. Freeze and J. A. Freeze, a non-citizen; that the applicants, John C. Salmon, Fannie Salmon and Lois Salmon, are the children of Sarah E. Scott (formerly Salmon) and John Salmon, a non-citizen; that the applicants, Dora M. Duncan, Francis E. Duncan and Myrthe Viola Duncan, are the children of Ida M. Duncan and Ollie Duncan; and that the applicants, Leo Lester Brashears, Floyd Lafayette Brashears and Alvy Fred Brashears, are the children of Fred S. Brashears and Haud May Brashears, a non-citizen.

The applicant, Mary J. Brashears, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage to Napoleon B. Brashears, and the applicant, Ollie Duncan, claims his right to enrollment as a citizen by intermarriage of said nation by virtue of his marriage to the applicant, Ida M. Duncan.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicants, Napoleon B. Brashears, Mary J. Brashears, LaFayette Brashears, Arthur Brashears, Fred S. Brashears, Logan Brashears, Amanda J. Freeze, Damon Freeze, Raymond Freeze, Sarah E. Scott (formerly Salmon), John C. Salmon, Fannie Salmon, Ollie Duncan, Ida M. Duncan and Dora M. Duncan, are identified upon the 1896 Choctaw Census Roll, opposite numbers 2009, 2011, 2012, 2014, 2013, 4571, 4572, 4573, 11751, 11752, 11753, 3659, 3658 and 3660, respectively, as citizens of the Choctaw Nation.

In the proceedings had before this office on May 9, 1906, the applicant, Napoleon B. Brashears, testified that he was born in the State of Arkansas in the year 1849, and was a son of Mortimer Brashears, a Choctaw Indian, and Sarah Vaughan, who he also understood was possessed of Choctaw blood; that the father of Mortimer Brashears was Joseph Brashears; that the latter was a son of Zadock Brashears, a Choctaw Indian, "who was enrolled in Mississippi or Alabama"; that Joseph Brashears was born in the State of Mississippi and removed to the State of Missouri about the time that the Choctaws removed west to the Indian Territory; that he afterwards removed to the State of Arkansas, and died at Fayetteville some time prior to the War; that said Joseph Brashears had two or three brothers, two of whom were named William and Vaughan Brashears; that his father, Mortimer Brashears, died in August, 1863, at the age of about forty years; that his father and mother were married in the State of Arkansas; that he did not know and had no knowledge of any of his mother's ancestors; and that he was related to Turner and Vaughan Brashears, who were Choctaw Indians and resided in the Indian Territory.

In the petition filed with the Commission to the Five Civilized Tribes on September 8, 1896, by the applicant, Napoleon B. Brashears, he stated: "My father, Mortimer M. Brashears, was the son of Joseph Brashears, whose father was Zadoc Brashears. All these Brashears were Choctaw Indians". In a statement attached thereto, and signed by the applicant, Napoleon B. Brashears, it is stated that Richard Brashears, seventy-five years of age, and a servant in the Brashears family, belonged to Vaughan Brashears, a Choctaw Indian; that the said Vaughan Brashears, Jr., was a son of Vaughan Brashears, Sr., who was a brother of Joseph Brashears, the paternal grandfather of the applicant, Napoleon B. Brashears; and that Zadoc Brashears was the father of Vaughan and Joseph Brashears, above mentioned.

On May 10, 1906, Richard Brashears, a Choctaw freedman, testified that he was born in Sumpter County, Alabama, in 1821, where he resided until about the year 1829, when he removed with his master, Vaughan Brashears, to Honey Island, Yazoo River, Mississippi; that in the year 1831, he removed with his master to the Choctaw Nation; that he continued to reside with said Vaughan Brashears until the death of the latter about two years prior to the

War; that he was acquainted with Joseph Brashears, son of Zedec Brashears, Jr., who was part Choctaw and part French; that Zedec Brashears, Jr., had three children, whose names were Joseph, William and Turner; that Zedec Brashears, Sr., had four children, Jesse, Zedec, Jr., Vaughan and Turner; that Zedec Brashears, Jr., was killed in a horse race in the State of Alabama; that Joseph Brashears had two brothers, William and Turner; that at the time of his removal from the State of Alabama in about the year 1829, Joseph Brashears was attending school and was unmarried; and that he did not see said Joseph Brashears again until about the year 1838 or 1839, when said Joseph Brashears was passing through Tuskahoma, Indian Territory, where the witness resided, on his way to Fayetteville, Arkansas.

On September 8, 1896, there was filed with the petition for the admission of Napoleon B. Brashears, et al., as citizens of the Choctaw Nation the joint affidavit of James D. Coyle and Lucy Josephine Jones, wherein it was stated that they were personally acquainted with the applicant, Napoleon B. Brashears, who was the son of Mortimer M. Brashears, whose father was Joseph Brashears, and that said Joseph Brashears was a son of Zedec Brashears, all of whom were Choctaw Indians.

On June 27, 1906, Josephine Jones, one of the parties in the joint affidavit above mentioned, testified that she was fifty-seven years of age, and was born at Jefferson City, Missouri; that she was the daughter of James Coyle and Mary Jane Brashears, who was born in the State of Missouri in 1816; that Mary Jane Brashears was the daughter of Joseph Brashears, who died in the State of Missouri; that she does not know who Zedec Brashears was, and that she had heard and known several people in the Indian Territory who bore the name of Brashears, but had never been able to ascertain what relation, if any, they bore to one another. Said witness further testified that she was a cousin of the applicant, Napoleon B. Brashears, her mother and Napoleon B. Brashears' father being brother and sister; and that she does not know any other facts relative to the residence or ancestors of Joseph Brashears other than above stated. The witness refused to state that she was of Choctaw descent, but testified that she had been informed by her mother that she was related to the Indians.

On November 7, 1906, Sarah A. Harlan, who was a beneficiary under Article Fourteen of the Treaty of 1830, testified that she was born in Sumpter County, Alabama, in about the year 1829; that she was the daughter of Sampson Moncrief, a white man, and Sophia Brashears, who was the daughter of Zedec Brashears, Sr., a white man, who resided in Sumpter County, Alabama, and Susan Vaughan, a one-half blood Choctaw Indian; that Zedec Brashears, Sr., and Susan Brashears had nine children, whose names were Jesse, Zedec, Jr., Vaughan, Turner, Susan, Elizabeth, Anne, Sophia and ~~Brashears~~; that Jesse Brashears died in the State of Mississippi; that Zedec Brashears, Jr., died in the State of Alabama a few years after the treaty of 1830; that Vaughan and Turner Brashears came to the Indian Territory, where they resided at the date of their death; that Susan Brashears died in Jackson, Mississippi; and that Elizabeth, Anne and Sophia (her mother) died in the State of Alabama; that the wife of Zedec Brashears, Jr., was a white woman by the name of Anne Brashears, by whom he had four children, Turner, who died in 1845, John and William (twins), and

Oleana; that John and William Brashears died in the State of Alabama; and that after their death the remaining child, Oleana, removed with her mother, Anne Brashears, to the State of Texas; that Zedec Brashears, Sr., and Susan Vaughan had no descendant whose name was Joseph Brashears, and that the only children of said ancestors who removed west of the Mississippi River were Vaughan and Turner Brashears.

The testimony of the witness, Sarah A. Harlan, taken at Muskogee, Indian Territory, on May 16, 1906, in the matter of the application for the identification of Joseph Moncrief as a Mississippi Choctaw, which was made a part of the record in this case on motion of the attorney for the applicants, and the records in the possession of the Indian Office as set forth in Indian Office letter of July 1, 1904 (Land 53455-1903), in so far as the same applies to this case, is corroborative of the testimony given by the witness, Sarah A. Harlan, on November 7, 1906.

It will also be noticed that the testimony of Richard Brashears, to the effect that at the time of his removal from Sumpter County, Alabama, in 1829, Joseph Brashears was attending school and was unmarried, is materially inconsistent with the testimony of Josephine Jones, who testified that her mother, Mary Jane Brashears, was the daughter of Joseph Brashears, and was born in the State of Missouri in 1816.

I am of the opinion that the evidence clearly establishes that the Joseph Brashears through whom the applicants herein claim descent was not a descendant of Zedec Brashears, Sr., and Susan Brashears (nee Vaughan), and that none of the applicants herein are possessed of Choctaw blood.

I am further of the opinion that inasmuch as none of the applicants herein are possessed of Choctaw blood, the enrollment of the applicants whose names appear upon the 1896 Choctaw Census Roll was without authority of law, and that under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), their names should be stricken therefrom.

I am further of the opinion that the applications for the enrollment of Napoleon B. Brashears, LaFayette Brashears, Arthur Brashears, Fred S. Brashears, Logan Brashears, Amanda J. Freeze, Damon Freeze, Raymond Freeze, Ruby Freeze, Earl Freeze, Sarah E. Scott (formerly Salmon), John C. Salmon, Fannie Salmon, Lois Salmon, Ida M. Duncan, Dora M. Duncan, and Francis E. Duncan as citizens 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.

I am further of the opinion that the applications for the enrollment of Mary J. Brashears and Ollie Duncan as citizens by intermarriage 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.

I am further of the opinion that the applications for the enrollment of Leo Lester Brashears, Floyd Lafayette Brashears, Alvy Fred Brashears, and Myrthe Viola Duncan as citizens by blood 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.

Muskogee, Indian Territory,

SIGNED *Tamc Darts*

JAN 21 1907

Commissioner.



COPY.

Muscogee, Indian Territory,

August 18th, 1900.

Ollie [unclear],

[unclear], Indian Territory,

Dear Sir:

You are hereby notified that the [unclear] Commission, through its  
attorney, [unclear], [unclear], [unclear], [unclear], [unclear], and  
filed with the [unclear] a notice of protest to your [unclear]  
and the [unclear] of [unclear], [unclear], and Frances M. Luncan as  
citizens of the [unclear].

The [unclear] Commission, according to [unclear] [unclear], [unclear], [unclear], [unclear]  
at [unclear], Indian Territory. At [unclear] the [unclear] of the [unclear] [unclear]  
Nation, [unclear] admitted to oral and additional testimony and written  
arguments in this case, and this hearing will be final.

Yours sincerely,

SIGNED *Jame Bixby*

Acting Chairman.

COPY.

Muskogee, Indian Territory, September 16, 1900.

Ollie Durcan,

Gowen, Indian Territory.

Dear Sir:-

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 Commission, upon examination of its records, found that you were rejected in 1896; under the act of Congress of June 10<sup>th</sup>, 1898; your case being No. 328. No appeal being taken from the decision of the Commission, its action at that time became final.

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,

SIGNED

*Tamm Bixby*

Acting Chairman.

Choctaw D 194  
Choctaw D 195  
Choctaw D 196

COPY.

Washington, Indian Territory, April 2, 1903.

Mansfield, McMurray & Cornish,

South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of March 28, inquiring the citizenship status of N. B. Brashears, Mary J. Brashears, William W. Brashears, Lafayette Brashears, Arthur Brashears, Logan Brashears, Fred A. Brashears, Troy Lambert, Amanda Y. Brashears nee Freeze, Damon, Nathan and Jacob Greene, Ida M. Brashears, now Duncan, Olie Duncan and Bora J. Duncan.

We state that understand that these people were never placed upon the tribal rolls of the Choctaw Nation unless by what is known as the "Devisory Board" which operated after September 10, 1896; and further, that these people applied to this Commission in 1896, under the act of June 10, 1896, and were rejected and no appeal taken to the United States Court, and you wish to be informed if these are the facts as shown by our records.

In reply to your letter you are advised that it appears from our records that Napoleon B. Brashears, his wife, Mary J. Brashears, and their children Lafayette, Arthur, Fred S., and Logan Brashears, Amanda J. Freeze, formerly Brashears, and her children, Damon, Raymond, Ruby and Earl Freeze, and Ida M. Duncan, formerly Brashears,

M McM & C 2

her husband, Ollie Duncan, and children, Rosa E. and Francis E. Duncan, have been listed among the doubtful claimants to enrollment in the Choctaw Nation, and their final right to such enrollment has not yet been determined.

It further appears from our records that the persons above named, with the exception of Ruby and Earl Freeze and Francis E. Duncan, were applicants to this Commission for citizenship in the Choctaw Nation under the provisions of the act of Congress of June 10, 1896, and were denied by the Commission, and that no appeal was taken from said decision of the Commission within the time prescribed by the act of Congress of June 10, 1896.

You are informed that it has been claimed that these persons were not enrolled by the Tribal authorities until January 20, 1907, but there is no evidence filed in any of these cases, to substantiate this claim, nor are any names among the names referred to by Simon W. Lewis in his testimony of February 10, 1903, as having been enrolled without authority of law.

You are further advised that it does not appear from our records that any applications have been made to this Commission for the enrollment of William W. Brashears, Troy Lambert or Jacob Freeze.

Respectfully,

*T. B. Needles*

Commissioner in Charge.

COP

Muskogee, Indian Territory, January 9, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department on July 17, 1905 (I.T.D. 8162, 1942-1905), with the return of the record in the matter of the application for the enrollment of Napoleon B. Brashears et al., as citizens of the Choctaw Nation, transmitted an approved opinion of the Assistant Attorney General for the Department of July 10, 1905, and directed the Commissioner to the Five Civilized Tribes to permit the applicants in said case, in accordance with the opinion referred to, to submit such additional testimony as might be necessary for a full presentation of the merits of their case.

November 3, 1905, I invited the attention of the Department to the cases of Amanda J. Freeze, et al., Sarah E. Salmon, et al., and Ollie Duncan, et al., then pending before the Department, and requested that the records therein be returned to this office in order that the same might be consolidated with the record in the matter of the application for the enrollment of Napoleon B. Brashears, et al., as citizens of the Choctaw Nation and that I be authorized to proceed with said cases in conformity with the Department's directions of July 17, 1905.

The Department on November 28, 1905 (I.T.D. 1270, 2300, 2530, 15660-1905), returned the records in the matter of the application of Amanda J. Freeze, et al., Sarah E. Salmon, et al., and Ollie Duncan, et al., for enrollment as citizens of the Choctaw Nation and authorized the consolidation thereof with the record in the matter of the application of Napoleon B. Brashears, et al., for enrollment as citizens of the Choctaw Nation, and instructed that the investigation directed by the Department on July 17, 1905, be made applicable to all four of the cases.

December 18, 1905, the principal applicant, Napoleon B. Brashears, at Wilburton, Indian Territory; Sarah E. Salmon, at Hartshorne, Indian Territory; Ollie Duncan, at Archibald, Indian Territory, Amanda J. Freeze, at South McAlester, Indian Territory; their attorneys of record, Chester Howe, Washington, D. C. and James E. Gresham, South McAlester, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were advised that the Commissioner to the Five Civilized Tribes would, at his office at Muskogee, Indian Territory, on Wednesday, January 3, 1906, at nine o'clock A. M., hear such testimony as might be presented by the applicants and the attorneys for the Choctaw and Chickasaw Nations relative to the right to enrollment of Napoleon B. Brashears and the members of his family, as citizens of the Choctaw Nation.

Proceedings were had before this office January 3rd and 4th, 1906, the applicants being represented by M. M. Lindly of South McAlester, Indian Territory, appearing on behalf of Chester Howe, of Washington, D. C., the Choctaw and Chickasaw Nations being represented by G. Rosenwinkle of Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations.

I have the honor to return herewith the original records in the matter of the application of Napoleon B. Brashears, et al., Sarah E. Salmon, et al., Amanda J. Freeze, et al., and Ollie Duncan, et al., for enrollment as citizens of the Choctaw Nation; the papers transmitted with Departmental letter of July 17, 1905, and a copy of the proceedings had before this office in conformity with the instructions contained therein.

I can find nothing in the subsequent proceedings which warrants any other opinion than that these applicants were rightfully refused enrollment as citizens of the Choctaw Nation by the original decisions of the Commission to the Five Civilized Tribes, and I have therefore to respectfully recommend that the decisions of said Commission of January 19, 1905, refusing the application for the enrollment of Napoleon B. Brashears, Lafayette Brashears, Arthur Brashears, Fred S. Brashears and Logan Brashears as citizens by blood, and Mary J. Brashears as a citizen by intermarriage of the

Choctaw Nation; of February 6, 1905, refusing the application of Sarah E. Salmon, John C. Salmon, Fannie Salmon, and Lois Salmon as citizens by blood of the Choctaw Nation; of January 19, 1905, refusing the application for the enrollment of Amanda J. Freeze, Damon Freeze, Raymond Freeze, Ruby Freeze and Earl Freeze as citizens by blood of the Choctaw Nation, and of January 19, 1905, refusing the application for the enrollment of Ollie Duncan as a citizen by intermarriage, and for the enrollment of Ida M. Duncan, Dora M. Duncan and Francis E. Duncan as citizens by blood of the Choctaw Nation be affirmed.

Respectfully,

(Signed) Tams Bixby.

Commissioner.

Through the

Commissioner of Indian Affairs.

BPS 9/1.



Choctaw D 196

Muskogee, Indian Territory, February 12, 1904.

Ollie Duncan,

Gowen, Indian Territory,

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of yourself as an intermarried citizen, and of your wife Ida N. Duncan, and minor children Dora H. and Francis E. Duncan, as citizens by blood, of the Choctaw Nation, until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.  
FHE.

D.C. 13175-1906.  
I.T.D. 8162-1905.  
3798-1906.

April 6, 1906.

L.R.S.

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

Sir:

The receipt is acknowledged of your report of January 9, 1906, returning the record in the Choctaw enrollment case of Napoleon B. Brashears, et al, which was remanded for further investigation by departmental letter of July 17, 1905.

On November 28, 1905, complying with your request of November 3, 1905, the Department returned to you the records in the following Choctaw cases: Amanda J. Freeze et al., Sarah E. Salmon et al., and Ollie Duncan et al, in order that the same might be consolidated with the Brashears case, which was remanded for further investigation as noted above, to be made in accordance with the approved opinion of the Assistant Attorney General of July 10, 1905, relative to said case.

In your report returning the consolidated record in these cases, you recommended that the original action of the Commission, adverse to the applicants, be affirmed.

Reporting in the matter February 28, 1906, the Indian Office recommended, in view of the approved opinion of the Assistant Attorney General of March 3, 1905, in the William C. Thompson case, that the applicants be enrolled as Choctaw citizens.

The Department finds that the papers as submitted do not constitute such a record as should be made up before final determination is reached in this case. Apparently, you misapprehend the purpose of the Department in remanding these cases for further investigation. In approving the opinion of July 10, 1905, in the case of the principal applicant, the Department held "that a rehearing de novo should be ordered." When the case was remanded by departmental letter of July 17, 1905, you were directed therein "to permit the applicants in said case to introduce such additional testimony as may be necessary for a full presentation of the merits of their case." Notwithstanding these instructions, it seems that the testimony in the Brashears case was confined to certain jurisdictional questions, and that other testimony, the purpose of which was to show the right of the applicants to enrollment as citizens by blood, was excluded. See page 9 of the testimony taken at the hearing which began January 3, 1906. As a matter of fact, it was particularly desired that testimony of the very kind excluded should be taken.

The names of these applicants appear upon the 1896 roll of the Choctaw Nation, and therefore it is to be determined whether their

names shall be allowed to remain upon such roll or be stricken therefrom. In other words, are they eligible to be so enrolled?

The rule of eligibility is found in the approved opinion of the Assistant Attorney General of February 19, 1906, in the case of James S. Long, et al, a copy of which was recently furnished you.

By the grant of authority contained in section 21 of the act of June 28, 1898 (30 Stat., 495), the Department has jurisdiction to dispose of this case according to the very right of the matter. Testimony should therefore be taken showing the blood, residence and ancestry of the applicants, also concerning any other material matter which may tend to show their right to citizenship in the Choctaw Nation. Such testimony should include copies of the papers referred to in the record under consideration submitted to the Commission in 1896. This follows, because the present proceeding lies between the same parties as the one instituted in that year.

All previous action in this case is hereby set aside, and the papers are returned herewith, to the end that a complete investigation of the merits of the case may be made. Notice should be given to all parties in interest of the points to be investigated. A copy of Indian Office letter of February 28, 1906, is also inclosed.

Respectfully,

(signed) Thos. Ryan,  
First Assistant Secretary.

4 inclosures.

Through the Commissioner  
of Indian Affairs.

Refer in reply  
to the  
following:

Land.  
3866-1906.

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

COPY.

February 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 9, 1906, transmitting the record of the consolidated applications for enrollment as citizens of the Choctaw Nation by Napoleon B. Brashears for himself and his minor children, La Fayette, Arthur, Fred S., and Logan Brashears, and for his wife, Mary J. Brashears, as a citizen by intermarriage; by Amanda J. Freeze for herself and her four minor children, Damon, Raymond, Ruby, and Earl Freeze; by Ollie Duncan as a citizen by intermarriage, and for his wife, Ida V. Duncan, and their children, Dora M., and Francis E. Duncan; by Sarah E. Salmon for herself, and her three minor children, John C., Fannie, and Lois Salmon. January 19, and February 6, 1905, the Commission to the Five Civilized Tribes decided adversely to all the applicants.

July 17, 1905 (ITD 1342-05) and November 28, 1905 (ITD 15660-05), the Department remanded the records for consolidation and for additional testimony for a full presentation of the merits of the case.

January 9, 1906, the Commissioner recommended that the former adverse action be adhered to.

It appears from the record that all of the applicants, except Ruby and Earl Freeze, Francis E. Duncan, and Lois Salmon, are enrolled upon the 1896 Choctaw Census Roll as citizens of the Choctaw Nation; that Ruby and Earl Freeze are the minor children of Amanda J. Freeze, an enrolled Choctaw citizen and J. A. Freeze, a non-citizen white man; that Francis E. Duncan is the minor child of Ollie Duncan and Dora F. Duncan, both enrolled citizens of the Choctaw Nation; and that Lois Salmon is the minor child of Sarah E. Salmon, an enrolled Choctaw citizen, and John Salmon, a white man having no rights to enrollment.

In view of the record and of the decision of the Department of March 3, 1905 (ITD 187-1905) in the case of William C. Thompson et al., the disapproval of the Commissioner's decision adverse to the applicants, and that they be duly enrolled as Choctaw citizens, is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING

7-D 196

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 16, 1906.

Ida M. Duncan,  
Baker, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior on April 6, 1906 ( I.T.D. 8162-1905, 3798-1906), returned to the Commissioner to the Five Civilized Tribes all the papers in the Choctaw enrollment case of Napoleon B. Brashears, et al., with advice that all previous action was set aside and that a complete investigation of the merits of the case be made.

The Department in returning the case to the Commissioner, states as follows:

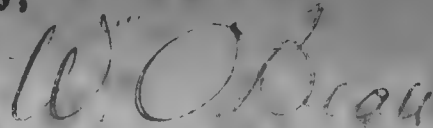
By the grant of authority contained in section 21 of the act of June 28, 1898 (30 Stat., 495), the Department has jurisdiction to dispose of this case according to the very right of the matter. Testimony should therefore be taken showing the blood, residence and ancestry of the applicants, also concerning any other material matter which may tend to show their right to citizenship in the Choctaw Nation. Such testimony should include copies of the papers referred to in the record under consideration submitted to the Commission in 1896. This follows, because the present proceeding lies between the same parties as the one instituted in that year."

You are accordingly advised that the Commissioner to the Five Civilized Tribes will, at his office at Muskogee, Indian Territory, on Wednesday, May 9, 1906, at 9 o'clock A. M., hear such testimony and receive such other evidence as may be submitted by

(2)

the applicants and the attorneys for the Choctaw and Chickasaw Nations in reference to the right to enrollment of the applicants included in the Choctaw enrollment case of Napoleon B. Brashears, et al.

Respectfully,

A handwritten signature in cursive script, appearing to read "W. O. Brown".

Acting Commissioner.



LBS.

G.R.

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

LIB.

I.T.D. 5912-1907.  
D. C. 13316-1907.

March 4, 1907.

Direct

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

Sir:

In accordance with the opinion of the Attorney-General of the United States of February 19, 1907 (I.T.D. 4544), in the consolidated case of William J. Thompson et al., your decision of January 26, 1907, denying the application for the enrolment of Napoleon B. Brashears et al as citizens of the Choctaw Nation, is hereby affirmed.

A copy of Indian Office letter of February 27, 1907 (Land 10771), recommending the above action, is inclosed.

The papers in the case, and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock

1 inc. and 3 to Ind. Of.

Secretary.

WCF 3/4/07.

COPY

946/463

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

Land.  
10771-1907.

February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the report of Commissioner Bixby, dated January 28, 1907, forwarding the record in the matter of the application of Napoleon B. Brashears et al., for enrollment as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 26, 1907, refusing the applications for the enrollment of Napoleon B. Brashears, Lafayette Brashears, Arthur Brashears, Fred S. Brashears, Logan Brashears, Amanda J. Freeze, Damon Freeze, Raymond Freeze, Ruby Freeze, Earl Freeze, Sarah E. Scott (formerly Salmon), John C. Salmon, Fannie Salmon, Lois Salmon, Ida M. Duncan, Dora M. Duncan, and Frances E. Duncan as citizens by blood of the Choctaw Nation, and the application for the enrollment of Mary J. Brashears and Ollie Duncan as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved June 23, 1898 (30 Stat., L., 495). The decision also refuses the applications for the enrollment of Leo Lester Brashears, Floyd Lafayette Brashears, Alvy Fred Brashears and Myrtle Viola Duncan as minor citizens by blood of the Choctaw Nation under the provision of the Act of Congress approved April 26, 1906 (34 Stat., L.,

137).

The record shows that application was made for the enrollment of the applicants herein as citizens of the Choctaw Nation within the time limited by law.

Commissioner Bixby reports that the evidence clearly establishes that Joseph Brashears, through whom the applicants, herein claim descent, was not a descendant of Zedee Brashears, Sr., and Susan Brashears, nee Vaughan, and that none of the applicants are possessed of Choctaw blood. He also reports that inasmuch as none of the applicants herein are possessed of Choctaw blood, the enrollment of the applicants whose names appear on the 1896 Choctaw census roll was without authority of law, and that under the provisions of the Act of Congress of June 28, 1898 (30 Stat., L., 495), their names should be stricken therefrom. Therefore, by reason of the provisions of the Act of June 28, 1898 (30 Stat., L., 495), and the Act of April 26, 1906 (34 Stat. L., 127), 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. IARRABEE,

Acting Commissioner.

KRM-D.

Department of the Interior.  
Commissioner to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

161  
138

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17 105

MUSKOGEE, IND. T.  
JAN 28  
1907  
IND. DIV.



UNCLAIMED  
RETURNED TO  
SENDER

Ollie Duncan,  
Baker Indian Territory.

UNCLAIMED  
RETURNED TO  
SENDER  
M.A.

3713

REFER IN REPLY TO THE FOLLOWING:

7-D-196

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

Muskogee, Indian Territory, January 26, 1907.

Ollie Duncan,  
Baker, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 26, 1907, denying the application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of Ida M. Duncan, Dora M. Duncan, Francis E. Duncan and Myrthe Viola Duncan 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. 7-D-196.

Choc D197 Sarah E. Salmon

D197

(See Chrono No. 195) 1905

Sarah E. Salmon et al.

RECEIVED

COPY OF DECISION FORWARDED TO APPLICANT

RECORDS SECTION

RECORD FORWARDED DEPARTMENT

FEB 6 - 1906

Remanded by Department for re-adjudication, Nov. 28, 1905.

Record returned to Dept: 1/8 '06.

Apr. 6, 1906, Department sets aside all previous action herein and orders a new hearing.

Apr. 16, 1906, Hearing set for Nov 9, 1906, at nine o'clock, A.M. and all parties advised thereof.

REFUSED

JAN 26 1907

COPY OF DECISION FORWARDED

APPLICANT

JAN 26 1907

COPY OF DECISION FORWARDED

ATTORNEY FOR APPLICANT.

JAN 26 1907

COPY OF DECISION FORWARDED

ATTORNEYS FOR COUTAIN AND

CHICKASAW NATIONS

JAN 26 1907

RECORD FORWARDED DEPARTMENT.

JAN 26 1907

Duplicate record found.

NOT APPROVED BY  
SPECIAL AGENT IN CHARGE

MAR - 4 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

APR 1 8 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

APR 1 8 1907

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

APR 1 8 1907



COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

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

ALLISON L. AYLESWORTH,  
SECRETARY.

Muscogee, Indian Territory,

August 18th, 1900.

Sarah E. Salmon,

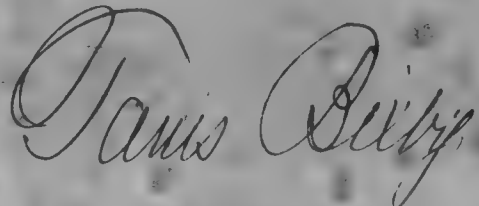
Wister, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of John C., and Fannie Salmon as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,



Acting Chairman.

7-D-197.

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,  
SECRETARY

Muskogee, Indian Territory, September 18, 1900.

Sarah E. Salmon,  
Wister, 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 abjection is made to your enrollment. The Commission, upon examination of its records, found that you were rejected in 1896, under the act of Congress of June 10", 1896, no appeal being taken from the decision of the Commission, its action at that time became final.

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,

7-D-197

Acting Chairman.

COMMISSIONERS

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY

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

REFER IN REPLY TO THE FOLLOWING

Choctaw D 197

ALLISON L. AYLESWORTH  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1904.

Sarah E. Salmon,

Wister, Indian Territory,

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of yourself and minor children, John C., Fannie and Lois Salmon, as citizens by blood of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,

DC  
ITD

54003-1905. WASHINGTON.  
1270, 2300  
2520, 15660-1905.

JVK  
LLB

November 28, 1905.

LRS

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

Sir:

In your communication of November 3, 1905, you requested that the Department return to you the records in the following Choctaw enrollment cases: Amanda J. Freeze et al., Sarah E. Salmon et al., and Ollie Duncan et al., in order that the same may be consolidated with the Choctaw enrollment case of Napoleon B. Brashears et al., which was remanded July 17, 1905, for further investigation in accordance with the approved opinion of the Assistant Attorney-General of July 10, 1905.

Transmitting your communication on November 21, 1905, the Indian Office concurred in your recommendation.

It appears that the principal applicants in the cases referred to above are the children of the said Napoleon B. Brashears. Accordingly, it is considered proper that their cases be reinvestigated in connection with his.

You are directed to make such investigation, advising all parties in interest of the points involved and their right to be heard, allowing reasonable time for such hearing and continuances if shown necessary.

-2-

Copies of Indian Office letters of February 3, March 7, and March 11, 1905, relating respectively to the cases of Amanda J. Freeze et al., Sarah E. Samon et al., and Ollie Duncan et al., with the records in said cases, are returned herewith.

Respectfully,

THOS RYAN,

First Assistant Secretary

11 inclosures.

Through the Commissioner  
of Indian Affairs.

COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON. November 21, 1905.

Land.  
56256-1905.  
90156-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commissioner to the Five Civilized Tribes of the 3rd instant, referring to the fact that on July 17 (I. I. D. 6162, 1942-1905), the Department, with the return of the record in the matter of the application of Napoleon B. Brashears et al., for enrollment as citizens of the Choctaw Nation, transmitted an opinion of the Assistant Attorney General for the Interior Department of July 10, 1905, and directed after due notice to all parties in interest, to permit the applicants to introduce such additional testimony as might be necessary for a full presentation of the merits of their case.

There was also transmitted an application of Chester Howe, attorney for Napoleon B. Brashears, et al., for the consideration by the Department of certain affidavits setting forth the facts in connection with the case. The papers attached to the application submitted by Mr. Howe consist of an affidavit of Napoleon B. Brashears, the certificate of

A. R. Durant, chairman of the Revisory Board of the Choctaw Nation, relative to the enrollment of Napoleon B. Brashears and the members of his family, January 6, 1897, the affidavit of W. G. Williams, Ollie Duncan, E.D. Johnson, John Perry, Stephen Cooper, John W. White, Ida W. Duncan, Amanda J. Freeze, Sarah E. Scott (formerly Salmon), W. C. Thompson, and George W. Scott.

The Commissioner says it appears from these papers that they were intended to apply not only to the application of Napoleon B. Brashears and the members of his immediate family, but also to such of his descendants as were recognized and enrolled by the Revisory Board of the Choctaw Nation in January, 1897.

In this connection the Commissioner desires to invite attention to the following cases decided adversely to the applicants by the Commission to the Five Civilized Tribes, and now pending before the Department:

Amanda J. Freeze et al., for enrollment as citizens of the Choctaw Nation, transmitted January 19, 1905.

Sarah E. Salmon et al., for enrollment as citizens of the Choctaw Nation, transmitted February 5, 1905.

Ollie Duncan, et al., for enrollment as citizens of the Choctaw Nation, transmitted January 19, 1905.

The Commissioner further says the applicants, Amanda J. Freeze, Sarah E. Salmon and Ida W. Duncan, are the children of Napoleon B. Brashears, and the other persons

whose applications were passed upon by the Commission to the Five Civilized Tribes in the above entitled cases are their children, with the exception of Ollie Duncan, who claims his right as an intermarried citizen of the Choctaw Nation by virtue of his marriage on August 8, 1897, to Ida M. Duncan.

The questions of law and fact presented in the cases of Amanda J. Freeze et al., Sarah E. Salmon et al., and Ollie Duncan et al., for enrollment as citizens of the Choctaw Nation are identical with those presented in the case of Napoleon B. Brashears et al.

The Commissioner therefore requests that the Department return to his office the record in the three cases referred to in order that they may be consolidated with the record in the matter of the application for the enrollment of Napoleon B. Brashears et al, as citizens of the Choctaw Nation, and that he be authorized to proceed with the re-adjudication thereof in conformity with Departmental directions of July 17, 1905, in which recommendation I concur.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

KBH-WDW



DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, March 7, 1906.

Land.  
11501-1905.

The Honorable,  
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 6, 1906, transmitting the record of the application for enrollment as citizens by blood of the Choctaw Nation by Sarah E. Salmon for herself and her three minor children, John C., Fannie and Lois Salmon.

February 6, 1906, the Commission decided adversely to all the applicants.

The record shows that the minor applicants are the children of Sarah E. Salmon and John Salmon, a white man, having no rights of Choctaw citizenship by blood. It further appears that none of the applicants has been enrolled or admitted to citizenship by any legal tribal authority of the Choctaw Nation or by any United States tribunal.

It further appears that on December 8, 1896, the applicants herein were by the Commission denied admission as citizens by blood of the Choctaw Nation from which decision no appeal has been taken.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

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V

REFER IN REPLY TO THE FOLLOWING:

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

Muskogee, Indian Territory, December 18, 1905.

Sarah E. Salmon,  
Hartshorne, Indian Territory.

Dear Madam:

There is enclosed herewith for your information, copy of Departmental letter of November 28, 1905, with the reports of the Acting Commissioner of Indian Affairs of November 21, 1905, and March 7, 1905, remanding to this office for further investigation in accordance with an approved opinion of the Assistant Attorney General for the Department of the Interior of July 10, 1905, the record in the matter of the application for the enrollment of yourself and your three minor children as citizens of the Choctaw Nation.

You are hereby advised that the Commissioner to the Five Civilized Tribes will, at his office at Muskogee, Indian Territory, on Wednesday, January 3rd, 1906, at nine o'clock A. M., hear such testimony and other evidence as may be submitted by the applicants and the attorneys for the Choctaw and Chickasaw Nations in reference to the right to enrollment of yourself and children as citizens of the Choctaw Nation.

Respectfully,

McM 16/5

Commissioner.

COPY

Muskogee, Indian Territory, January 9, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department on July 17, 1905 (I.T.D. 8162, 1942-1905), with the return of the record in the matter of the application for the enrollment of Napoleon B. Brashears et al., as citizens of the Choctaw Nation, transmitted an approved opinion of the Assistant Attorney General for the Department of July 10, 1905, and directed the Commissioner to the Five Civilized Tribes to permit the applicants in said case, in accordance with the opinion referred to, to submit such additional testimony as might be necessary for a full presentation of the merits of their case.

November 3, 1905, I invited the attention of the Department to the cases of Amanda J. Freeze, et al., Sarah E. Salmon, et al., and Ollie Duncan, et al.; then pending before the Department, and requested that the records therein be returned to this office in order that the same might be consolidated with the record in the matter of the application for the enrollment of Napoleon B. Brashears, et al., as citizens of the Choctaw Nation and that I be authorized to proceed with said cases in conformity with the Department's directions of July 17, 1905.

The Department on November 28, 1905 (I.T.D. 1270, 2300, 2530, 15660-1905), returned the records in the matter of the application of Amanda J. Freeze, et al., Sarah E. Salmon, et al., and Ollie Duncan, et al., for enrollment as citizens of the Choctaw Nation and authorized the consolidation thereof with the record in the matter of the application of Napoleon B. Brashears, et al., for enrollment as citizens of the Choctaw Nation, and instructed that the investigation directed by the Department on July 17, 1905, be made applicable to all four of the cases.

December 18, 1905, the principal applicant, Napoleon B. Brashears, at Wilburton, Indian Territory; Sara E. Salmon, at Hartshorne, Indian Territory; Ollie Duncan, at Archibald, Indian Territory, Amanda J. Freeze, at South McAlester, Indian Territory; their attorneys of record, Chester Howe, Washington, D. C. and James A. Gresham, South McAlester, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were advised that the Commissioner to the Five Civilized Tribes would, at his office at Muskogee, Indian Territory, on Wednesday, January 3, 1906, at nine o'clock A. M., hear such testimony as might be presented by the applicants and the attorneys for the Choctaw and Chickasaw Nations relative to the right to enrollment of Napoleon B. Brashears and the members of his family, as citizens of the Choctaw Nation.

Proceedings were had before this office January 3rd and 4th, 1906, the applicants being represented by M. M. Lindly of South McAlester, Indian Territory, appearing on behalf of Chester Howe, of Washington, D. C., the Choctaw and Chickasaw Nations being represented by G. Rosenwinkle of Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations.

I have the honor to return herewith the original records in the matter of the application of Napoleon B. Brashears, et al., Sarah E. Salmon, et al., Amanda J. Proeze, et al., and Ollie Duncan, et al., for enrollment as citizens of the Choctaw Nation; the papers transmitted with Departmental letter of July 17, 1905, and a copy of the proceedings had before this office in conformity with the instructions contained therein.

I can find nothing in the subsequent proceedings which warrants any other opinion than that these applicants were rightfully refused enrollment as citizens of the Choctaw Nation by the original decisions of the Commission to the Five Civilized Tribes, and I have therefore to respectfully recommend that the decisions of said Commission of January 19, 1905, refusing the application for the enrollment of Napoleon B. Brashears, LaFayette Brashears, Arthur Brashears, Fred S. Brashears and Logan Brashears as citizens by blood, and Mary J. Brashears as a citizen by intermarriage of the

Choctaw Nation; of February 6, 1905, refusing the application of Sarah E. Salmon, John C. Salmon, Fannie Salmon, and Lois Salmon as citizens by blood of the Choctaw Nation; of January 19, 1905, refusing the application for the enrollment of Amanda J. Freeze, Danna Freeze, Raymond Freeze, Ruby Freeze and Earl Freeze as citizens by blood of the Choctaw Nation, and of January 19, 1905, refusing the application for the enrollment of Ollie Duncan as a citizen by inter-marriage, and for the enrollment of Ida M. Duncan, Dora M. Duncan and Francis R. Duncan as citizens by blood of the Choctaw Nation be affirmed.

Respectfully,

(Signed) Tans Bixby.

Commissioner.

Through the

Commissioner of Indian Affairs.

BPS 9/1.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.

FHE.

D.C. 13178-1906.  
I.T.D. 8162-1905.  
3798-1906.

April 6, 1906.

L.R.S.

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

Sir:

The receipt is acknowledged of your report of January 9, 1906, returning the record in the Choctaw enrollment case of Napoleon B. Brashears, et al, which was remanded for further investigation by departmental letter of July 17, 1905.

On November 28, 1905, complying with your request of November 3, 1905, the Department returned to you the records in the following Choctaw cases: Amanda J. Freeze et al., Sarah E. Salmon et al., and Ollie Duncan et al, in order that the same might be consolidated with the Brashears case, which was remanded for further investigation as noted above, to be made in accordance with the approved opinion of the Assistant Attorney General of July 10, 1905, relative to said case.

In your report returning the consolidated record in these cases, you recommended that the original action of the Commission, adverse to the applicants, be affirmed.

Reporting in the matter February 28, 1906, the Indian Office recommended, in view of the approved opinion of the Assistant Attorney General of March 3, 1905, in the William C. Thompson case, that the applicants be enrolled as Choctaw citizens.

The Department finds that the papers as submitted do not constitute such a record as should be made up before final determination is reached in this case. Apparently, you misapprehend the purpose of the Department in remanding these cases for further investigation. In approving the opinion of July 10, 1905, in the case of the principal applicant, the Department held "that a rehearing de novo should be ordered." When the case was remanded by departmental letter of July 17, 1905, you were directed therein "to permit the applicants in said case to introduce such additional testimony as may be necessary for a full presentation of the merits of their case." Notwithstanding these instructions, it seems that the testimony in the Brashears case was confined to certain jurisdictional questions, and that other testimony, the purpose of which was to show the right of the applicants to enrollment as citizens by blood, was excluded. See page 9 of the testimony taken at the hearing which began January 3, 1906. As a matter of fact, it was particularly desired that testimony of the very kind excluded should be taken.

The names of these applicants appear upon the 1896 roll of the Choctaw Nation, and therefore it is to be determined whether their



names shall be allowed to remain upon such roll or be stricken therefrom. In other words, are they eligible to be so enrolled?

The rule of eligibility is found in the approved opinion of the Assistant Attorney General of February 19, 1906, in the case of James S. Long, et al, a copy of which was recently furnished you.

By the grant of authority contained in section 21 of the act of June 28, 1898 (30 Stat., 495), the Department has jurisdiction to dispose of this case according to the very right of the matter. Testimony should therefore be taken showing the blood, residence and ancestry of the applicants, also concerning any other material matter which may tend to show their right to citizenship in the Choctaw Nation. Such testimony should include copies of the papers referred to in the record under consideration submitted to the Commission in 1896. This follows, because the present proceeding lies between the same parties as the one instituted in that year.

All previous action in this case is hereby set aside, and the papers are returned herewith, to the end that a complete investigation of the merits of the case may be made. No time should be given to all parties in interest of the points to be investigated. A copy of Indian Office letter of February 28, 1906, is also inclosed.

Respectfully,

(signed) Thos. Ryan,  
First Assistant Secretary.

4 inclosures.

Through the Commissioner  
of Indian Affairs.

Refer in reply  
to the  
following:

Land.  
3866-1906.

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

COPY.

February 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 9, 1906, transmitting the record of the consolidated applications for enrollment as citizens of the Choctaw Nation by Napoleon R. Brashears for himself and his minor children, La Fayette, Arthur, Fred B., and Logan Brashears, and for his wife, Mary J. Brashears, as a citizen by intermarriage; by Ananda J. Freeze for herself and her four minor children, Damon, Raymond, Rudy, and Earl Freeze; by Ollie Duncan as a citizen by intermarriage, and for his wife, Ida W. Duncan, and their children, Dora H., and Francis E. Duncan; by Sarah E. Salmon for herself, and her three minor children, John C., Fannie, and Lois Salmon. January 19, and February 6, 1905, the Commission to the Five Civilized Tribes decided adversely to all the applicants.

July 17, 1905 (ITD 1342-05) and November 28, 1905 (ITD 15660-05), the Department remanded the records for consolidation and for additional testimony for a full presentation of the merits of the case.

January 9, 1906, the Commissioner recommended that the former adverse action be adhered to.

It appears from the record that all of the applicants, except Ruby and Earl Freeze, Francis F. Duncan, and Lois Salmon, are enrolled upon the 1896 Choctaw Census Roll as citizens of the Choctaw Nation; that Ruby and Earl Freeze are the minor children of Amanda J. Freeze, an enrolled Choctaw citizen and J. A. Freeze, a non-citizen white man; that Francis F. Duncan is the minor child of Ollie Duncan and Dora F. Duncan, both enrolled citizens of the Choctaw Nation; and that Lois Salmon is the minor child of Sarah E. Salmon, an enrolled Choctaw citizen, and John Salmon, a white man having no rights to enrollment.

In view of the record and of the decision of the Department of March 3, 1905 (ITD 167-1905) in the case of Villiam C. Thompson et al., the disapproval of the Commissioner's decision adverse to the applicants, and that they be duly enrolled as Choctaw citizens, is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

7-D 197

COPY.

Muskogee, Indian Territory, April 16, 1906.

Sarah E. Scott,  
c/o Napoleon B. Brashears,  
Wilburton, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior on April 6, 1906 (I.T.D. 8162-1905, 3798-1906), returned to the Commissioner to the Five Civilized Tribes all the papers in the Choctaw enrollment case of Napoleon B. Brashears, et al., with advice that all previous action was set aside and that a complete investigation of the merits of the case should be made.

The Department in returning the case to the Commissioner, states as follows:

"By the grant of authority contained in section 21 of the act of June 28, 1898 (30 Stat., 495), the Department has jurisdiction to dispose of this case according to the very right of the matter. Testimony should therefore be taken showing the blood, residence and ancestry of the applicants, also concerning any other material matter which may tend to show their right to citizenship in the Choctaw Nation. Such testimony should include copies of the papers referred to in the record under consideration submitted to the Commission in 1896. This follows, because the present proceeding lies between the same parties as the one instituted in that year."

You are accordingly advised that the Commissioner to the Five Civilized Tribes will, at his office at Muskogee, Indian Territory, on Wednesday, May 9, 1906, at 9 o'clock A. M., hear such testimony and receive such other evidence as may be submitted by

(2)

the applicants and the attorneys for the Choctaw and Chickasaw Nations in reference to the right to enrollment of the applicants included in the Choctaw enrollment case of Napoleon B. Brashears, et al.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

LRS.

G.R.

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

L.L.B.

I.T.D. 5912-1907.  
D. C. 13316-1907.

March 4, 1907.

Direct

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

Sir:

In accordance with the opinion of the Attorney-General of the United States of February 19, 1907 (I.T.D. 4564), in the consolidated case of William Q. Thompson et al., your decision of January 26, 1907, denying the application for the enrolment of Napoleon B. Brashears et al as citizens of the Choctaw Nation, is hereby affirmed.

A copy of Indian Office letter of February 27, 1907 (Land 10771), recommending the above action, is inclosed.

The papers in the case, and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

B. A. Hitchcock

Secretary.

1 inc. and 3 to Ind. Of.

WCF 3/4/07.

COPY

946/468

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

Land.  
10771-1907.

February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the report of Commissioner Bixby, dated January 28, 1907, forwarding the record in the matter of the application of Napoleon B. Brashears et al., for enrollment as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 26, 1907, refusing the applications for the enrollment of Napoleon B. Brashears, Lafayette Brashears, Arthur Brashears, Fred S. Brashears, Logan Brashears, Amanda J. Freeze, Damon Freeze, Raymond Freeze, Ruby Freeze, Earl Freeze, Sarah E. Scott (formerly Salmon), John C. Salmon, Fannie Salmon, Lois Salmon, Ida M. Duncan, Dora M. Duncan, and Frances E. Duncan as citizens by blood of the Choctaw Nation, and the application for the enrollment of Mary J. Brashears and Ollie Duncan as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., L., 495). The decision also refuses the applications for the enrollment of Leo Lester Brashears, Floyd Lafayette Brashears, Alvy Fred Brashears and Myrthe Viola Duncan as minor citizens by blood of the Choctaw Nation under the provision of the Act of Congress approved April 26, 1906 (34 Stat., L.,

137).

The record shows that application was made for the enrollment of the applicants herein as citizens of the Choctaw Nation within the time limited by law.

Commissioner Bixby reports that the evidence clearly establishes that Joseph Brashears, through whom the applicants, herein claim descent, was not a descendant of Zedee Brashears, Sr., and Susan Brashears, nee Vaughan, and that none of the applicants are possessed of Choctaw blood. He also reports that inasmuch as none of the applicants herein are possessed of Choctaw blood, the enrollment of the applicants whose names appear on the 1896 Choctaw census roll was without authority of law, and that under the provisions of the Act of Congress of June 28, 1898 (30 Stat., L., 495), their names should be stricken therefrom. Therefore, by reason of the provisions of the Act of June 28, 1898 (30 Stat., L., 495), and the Act of April 26, 1900 (34 Stat. L., 127), 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.

HEM-D.



REFER IN REPLY TO THE FOLLOWING:

7-D-197

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

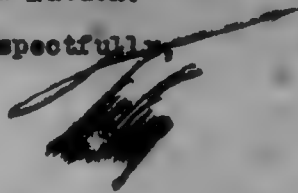
Muskogee, Indian Territory, April 18, 1907.

Sarah E. Scott,  
c/o Napoleon B. Brashears,  
Wilburton, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of January 26, 1907, denying the application for the enrollment of yourself, John C. Salmon, Fannie Salmon and Lois Salmon as citizens by blood of the Choctaw Nation.

Respectfully,



Commissioner.

Rizzie M. Woods

Record transferred to  
Choctaw card # 2581

Choc D199 John London

D199

John London

COPY OF ORDER FORWARDED  
APPLICANT

COPY OF ORDER FORWARDED  
APPLICANT

MAY 1912

COPY OF ORDER FORWARDED  
APPLICANT

MAY 1912

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 of

JOHN LONDON

7-D-199.

1902

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

*M. D. Green*

In the matter of the enrollment of John London, Julia London, Jessie and Dillard London as Choctaw citizens. John London being sworn and examined by Com. McKennon, testifies:

Q Your name is John London, how old are you? A Thirty-eight.

Q Are you the husband of Julia London? A Yes sir.

Q And the father of Jessie and Dillard London? A Yes sir.

Q Who were admitted by the United States Court at South McAlester on the 1st day of September, 1897, case #240? A Yes sir.

Q Where have these parties been living? A They have been living here since 1895 in the Choctaw Nation.

Q Where had they lived prior to that date? A Me and my wife lived in the State.

Q Have they been living here continuously since 1895?

A Except when I was in business in Mississippi me and my wife staid there a couple of months, in Missouri in the fall of 1895.

Q Did you make application to the Dawes Commission? A Yes sir.

Q Did they? A Yes sir, they made application for citizenship.

Q All of these? A Yes sir.  
And appealed

Q ~~to the~~ to the United States Court? A Yes sir.

Q When were you married, were ever you married to your wife Julia before this last marriage? A Yes sir.

Q When? A It was in June, it has been seventeen years ago.

Q Have you been living with her all the while since?

A Yes sir.

Q You were not divorced from her? A No sir.

Q This second marriage is simply a marriage to conform to the Choctaw Law? A Yes sir. For the purpose of conforming to the Choctaw Law.

78-119

Marriage License

Sawm to and subscribed before me this  
16 day of May 1899.

J. M. Sherrill  
Co Clerk

J. J. M. Sherrill clerk of the  
Cedar Co. Chouteau Nation  
do hereby certify that the  
license for & certificate  
of marriage of John London  
& Mrs Julia London were  
filed in my office this  
23 day of May A.D. 1899  
& duly recorded ~~Book~~ <sup>345</sup>  
of Cedar Co. C.N. on Page 344.  
Witness my hand and  
seal of office this 23 day  
of May 1899.

J. M. Sherrill  
Clerk of Cedar  
Co C.N.

J. G. F. Mitchell

Attest & I  
do hereby certify that on the 23 day of  
May 1899 did duly and according to  
law as commanded in the foregoing  
license, solemnize the Rite and publish  
the Bonds of Matrimony between the  
parties therein.

Witness my hand this 23 day of  
May A. D. 1899

My credentials are now  
in the office of the clerk of the  
United States Court in the Indian Territory  
Northern District - Book 1. Page 191

J. G. F. Mitchell  
Minister



Choctaw Nation Cedar County -  
To whom these presents shall come  
Greeting:

Know ye that I J. M. Sherrill County  
Clerk of Cedar County Choctaw Nation, do  
hereby grant unto John London a  
Citizen of the United States a License  
to marry Mrs. Julia London a citizen  
of the Choctaw Nation by blood, and  
a resident of Scullyville County  
of said Nation. The said John  
London having presented to me  
a certificate signed by ten reputable  
Choctaw Citizens by blood stating  
that the said John London is  
a man of good moral character  
& that they had been acquainted  
with said John London for twelve  
months last past, and the said  
John London having taken the  
oath required by the laws of the  
Choctaw Nation of non-citizens who  
marry Choctaw women.

Now therefore this is to authorize  
the rites of matrimony to be celebrated  
between said John London and the  
said Julia London.

Given under my hand & the seal  
of said County hereto affixed, this the  
16<sup>th</sup> day of May A.D. 1899

J. M. Sherrill  
County Clerk of  
Cedar

Choctaw D-199.

Muskogee, Indian Territory, February 27, 1902.

John London,

Cameron, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 5th 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.

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.

*T. B. Needles.*

Commissioner in Charge.

Register.



John London, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A John London  
Q What is your age? A Forty-one.  
Q Where do you live, Mr. London? A I live at Cameron, Indian Territory.  
Q How long have you lived at Cameron? A Lived there since '97.  
Q Since '97? A Yes sir, in the town of Cameron. No, let me see. May be it was the early part of '98----'97 or '98 one.  
Q What time in the year? A In the Spring of the Year. Yes sir, it was in the Spring of the year '98.  
Q Spring of the year '98? A Yes sir.  
Q Where did you come from to Cameron? A I came from South McAlester to Cameron.  
Q You have been in the Choctaw Nation-----A Since '95.  
Q Resided there continuously? A Well, except two or three months I was out; didn't move out however.  
Q What is your father's name, Mr. London? A W.P. London.  
Q Is he living? A Yes sir.  
Q Is he a citizen or non-citizen? A Non-citizen.  
Q What is your mother's name? A Rebecca London.  
Q Do you claim by intermarriage? A Yes sir.  
Q What is your wife's name? A Julia London.

By the Commission:

Reference is made to Choctaw Card Number 2238.

Examination by Attorney Tom W. Neal.

- Q You had been married to your present wife Julia before the marriage of which this is a certificate, Mr. London? A Yes sir.  
Q Sixteenth day of May, 1899? A Fifteenth day of May, '99.  
Q You had been married prior to that? A Yes sir.  
Q When were you married to her before that? A Fifteenth day of June, 1883.  
Q Where were you married? A In the Choctaw Nation.  
Q Married in the Choctaw Nation the 15th day of May, 1882? A Yes sir, I was married under the United States laws.

(3).

Re-examination by the Commission.

- Q What was your wife's name, Mr. London? A Broome; Julia Broome.  
Q You married her first in 1882? A 1882, yes sir.  
Q You didn't marry her at that time under a Choctaw license? A No sir.  
Q Nor in accordance with the Choctaw laws? A No sir.  
Q You afterwards married the same woman under Choctaw license? A Yes sir.  
Q When was that? A I believe it was the 16th or 18th of May, 1898, I believe it was, or '99. The license is there.  
Q This is the license on file under which you were married this last time? A Yes sir.  
Q Did you apply in 1896 to the Commission for enrollment? A Yes sir, I believe I was on the application but it was decreed against me.  
Q And your wife was on the application? A Yes sir.  
Q They admitted your wife? A Yes sir.  
Q Did the Commission admit your wife? A No sir.  
Q The Commission denied both? A The Commission denied both and on appeal to the District Court they had a decree entering my wife and denying myself.  
Q Denying yourself? A Yes. I guess it was an error of the attorney who drew up the petition.  
Q That was in the Central District at South McAlester? A Yes sir.  
Q Court case No. 24; Since your wife was admitted by the United States Court for the Central District you remarried her under a Choctaw license? A Yes sir.  
Q Had she ever been recognized prior to her admission by the United States Court. A No sir. Well now, let me see. If I understand that right she was only a girl. Her family were recognized to the extent of paying permits for their men, but I don't think they were ever regularly on the Choctaw rolls.  
Q Never drew any money? A No sir.

The applicant asks fifteen days from this date in which to file brief of this case, which is granted and the Commission will consider the case upon the record as now made up.

-----:-----

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 the 5th day of April, 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 5 day of April, 1902.

Notary Public.

No. —

In Re -  
John Tondore

vs -

Choctaw Nation

Brief  
of  
Applicant

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

FILED

APR 22 1902

 ACTING CHAIRMAN

Of Frederick  
Tom W. Hoop

BEFORE THE COMMISSION TO THE FIVE  
CIVILIZED TRIBES ? AT MUSCOGEE.

In Re,  
John London

Vs.

Choctaw Nation.

BRIEF OF APPLICANT.

I

FACTS. Applicant was married in 1882, to Miss Julia Broome a Choctaw Indian by blood, in Skullyville County Choctaw Nation, but did not follow in the ceremony the laws and customs of the Choctaw Nation, as provided by the act of the Choctaw National Council approved November 9th. 1875. and afterwards in the year 1899, he married the same woman strictly complying in every way with the laws of the Choctaw Nation regulating the marriage of Choctaw Citizens.

II

ARGUMENT. The question is, not having acquired the right of Choctaw citizenship by his marriage in 1882 did he acquire the right by the marriage in 1899?

The proper answer to this question depends 1st. upon the right of the Nation to prescribe rules for the marriage of her citizens. 2nd. Upon the effect of the regulations so made upon the status of her citizens?

L. Upon the right of the Nation to prescribe rules for the marriage of her citizens?

On this question there may be compiled a great deal of authority,; for every treaty made between the United States and the Choctaw Nation has recognized, the existence in fact, of the Choctaw Tribal Government, and the rights of that Government to control the internal domestic affairs of the members of the tribe.

And it is well settled by a long line of able authorities that so long as the Indians of North America maintain their tribal relations, they are a distinct race or nationality of people in a sense foreigners, and have the power to regulate their marriages, and the form thereof, and their laws and not

2.

the state laws must govern in determining the validity or invalidity of such marriages; by the members of the tribe.

Earl Vs. Godley, 44 N.W.Rep. 254.

Hobogum Vs. Jackson 43 N.W.Rep. 602.

Rodgers on Dom. Rel. Sec. 22.

It is also held in

U. S. Vs. Kagama, 118 U.S. 375.

Blue Jackett Vs. Board of Com'rs. 72 U.S. 737.

U.S. Vs. Holliday, 70 U.S. 407.

Fellows Vs Denniston , 72 U.S. 761.

And Worcester Vs. The State of Ga. 6 Pet. 515.

That the Indian laws regulating their domestic relations are binding on all the world unless in conflict with some law or treaty of the United States.

This right has also been specifically granted to the Choctaws by the treaty of 1866, between the Choctaw tribe and the United States of America.

thus it will be seen that the choctaws had the right to pass laws regulating the marriages of the members of the tribe .

2. Upon the effect of the regulations so made upon the status of her citizens?

Pursuant to the right of regulating their internal affairs, the Choctaw National Council, passed an act approved November the 9th. 1875. relating to the marriage of her female citizens with white men. ( Durant Digest , 226.) the second section of which act reads as follows " Marriages contracted under the provisions of this act shall be solemnized as provided by the laws of this Nation, or otherwise null and void section three of the same act provides that "No marriage between a citizen of the United States , or any foreign Nation and a female citizen of this Nation, entered into within the limits of this Nation , except as hereinbefore authorized and provided shall be legal".

Thus the marriage of this applicant, having been



3.

solemnized within the confines of the Choctaw Nation, and with a female citizen of said Nation, was by the very terms of the Choctaw Statute null and void, and its consummation made illegal and criminal. and so far as the Nation was Concerned was no marriage at all.

This was held by this Commission in the case of Wm. N. Tucker Vs. Choctaw Nation, and was affirmed by the United States Court for the Indian Territory, Central District? The learned Judge saying ~~in part~~.

"the facts of this case are, that the claimant, on the 16th. day of February, 1893. at South Mc Alester, in the Choctaw Nation, under a license of the clerk of the United States Court for the Indian Territory, at that place married a Choctaw woman; that in the solemnization of said marriage, he in no wise conformed with the provisions of the Choctaw Statute, relating to marriage between white persons and Indians. Afterwards learning that said marriage did not confer on him the right to become a citizen of the Choctaw Nation, he remarried the same woman, in accordance with the provisions of their laws. The question is, Under the circumstances, was the second marriage lawful, in so far as to confer on the claimant the right of Choctaw citizenship?

The second section of the Choctaw statute relating to intermarriage( Durants digest 226) provides as follows,  
' Marriages contracted under the provisions of this act shall be solemnized as provided by the law of this Nation, or otherwise null and void.'

Section 3 of the same act provides that:

' No marriage between a citizen of the United States or any foreign Nation, and a female citizen of this Nation, entered into within the limits of this Nation, except as ~~authorized~~ hereinafter authorized, shall be legal.

Then follows a provision making it a misdemeanor and imposing a penalty upon all person, their aiders and abettors,

4.

who shall violate the act.

Under the provisions of this statute, there can be no question but that, so far as the Choctaw Nation is concerned the first marriage of the claimant was absolutely void: that is, it was as if it had never been solemnized, leaving the parties in the legal condition as if they had not been married at all. This being true as to them, how can they now say that the second marriage is void on the ground that the first was valid? Having declared by statute that the first was void, they are now estopped from contending that the second is void because the first was valid. As far as the Choctaw Nation is concerned, and it is the only party to this suit that can be heard to object the second marriage is valid because the first was void, giving the parties the right to remarry as if the first had not occurred. It can not be said that there was anything fraudulent in the second marriage. It simply had the effect of naturalizing the party. It gave the Choctaw Nation the opportunity of inquiring into his character, which was proven good. He paid the license fee and took the oath. The whole object of the Choctaw law was accomplished in good faith, and the mistake made by him in the forms of his first marriage corrected by the second.

As an evidence of the fact that this ruling is just, since the appeal in this case was taken it has been proven that the claimant has been duly and regularly enrolled by the Choctaw Nation. The action of the said Commission in enrolling the said claimant is affirmed and judgement for claimant". (Eighth Annual report of the Commission to five civilized tribes, to the Secy. of the Interior, P. 125.)

This case is exactly analagous to the case of this claimant.

But it may be argued that the attempted marriage of this applicant in 1882, constituted a good comon-law marriage, but it must be remembered that the Choctaws have always been governed exclusively by their own laws and customs and not

5.

by the comon law of England, and besides such first marriage was in direct violation of a plain statute, and an established policy of the Choctaw Nation, ( See ante, Durants digest)

Further it is a well established principle of law that in marriage contracts the lex loci contractus applies and a marriage to be valid must be valid according to the laws of the place of entering into the contract. and at the time of the entering into this 1882 marriage there was no law in force in the Choctaw Nation, except the Choctaw laws relative to marriages, and these were confessedly not complied with, therefore the marriage contracted in 1882 must have in any view of this case been void.

As to law governing marriages See.

Harral Vs. Harral , 39 N.J eq. 279/

Smith Vs. Smith, 52 N.J. Law, 207.

In Re. Lum Lin Ying, 59 Fed. Rep. 682.

Jackson Vs. Jackson 80 Md. 176.

Clark Vs. Clark, 52 N.J. Eq. 650.

Campbell Vs. Crampton 2 Fed Rep. 417.

Johnson Vs. Johnson 30 Mo. 72.

Boyer Vs. Dively, 58 Mo. 510.

There are exceptions to this rule that strngthen the position of the applicant . As where the marriage contracted abroad is against the policy of the law of the domicile.

Pennegar Vs. State, 10 S.W. Rep. 305.

Succession of Hernandez, 15 S.W. Rep. 461.

These cases establish the law to be that although the marriage is legal and binding where contracted yet if it violates an established policy of the forum it is to be held void, In this case it can not be contended that it is not the policy of the Choctaw Nation to have its intermarriage laws strictly complied with. Thi s not having been done the first marriage , and at the time of the second marriage in 1899 was void the applicant was under the laws and customs of the Choctaw nation a Single man and competent to contract a marriage according to the laws of his demaicile if he so desired.

6.

In the exercise of this right the applicant did marry in strict compliance with the laws of the Choctaw Nation a female citizen by blood of said nation, in the year 1899 ~~and was~~ to wit;- Julia London Nee Julia Broome, and by virtue of said marriage under Art . 28 of the treaty of 1866 the applicant acquired the right of citizenship, the same as if he were a Choctaw by blood .

Therefore he is entitled to enrollment as a citizen of the Choctaw Nation, by intermarriage, and we think should be enrolled by the Commission.

Respectfully submitted.

*W. J. Frederickson*  

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*Wm. P. Neal*  

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Attorneys for applicant.

*M. J.*  
*Bl. de*

7-D-199

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

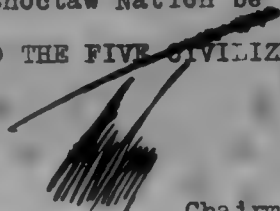
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In the matter of the application of John London for enrollment as a citizen by intermarriage of the Choctaw Nation.

---o|o---

The applicant, John London, claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage to one Julia London, nee Broome. The right of the applicant's wife, Julia London, nee Broome, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of March 14, 1904, in case No. 55, upon the South McAlester docket of said court, it is hereby ordered that the application of John London for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory.

MAY 20 1904

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7-D-199

Muskogee, Indian Territory, May 7, 1904.

John London,  
South McAlester, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 7, 1904, dismissing your application for enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

BIGNEM

Commissioner in Charge.

Registered.

Enc. 7-D-199.

7-D-199

Muskogee, Indian Territory, May 7, 1904.

Tom W. Neal,  
Attorney at Law,  
South McAlester, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 7, 1904, dismissing the application of John London for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

*D. Neal*

Commissioner in Charge.

Registered.

Enc. 7-D-199.

7-D-199

COPY.

Muskogee, Indian Territory, May 7, 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 May 7, 1904, dismissing the application of John London for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Enc. 7-D-199.



7-D-199

Muskogee, Indian Territory, June 15, 1904.

John London,

Attorney at Law,

Fort Smith, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 27, 1904, in which you refer to our letter of May 7, 1904, dismissing your application for enrollment as an intermarried citizen of the Choctaw Nation because of the adverse decision of the Citizenship Court in your wife's case. You state that you are now preparing a petition and will ask the Court who rendered the decision admitting your wife to Citizenship to mandamus the Commission and require us to allot to her lands of the Tribe; that you object to the jurisdiction of the Citizenship Court and ask that your case be dismissed by that Court, and that you think they arbitrarily considered the case and rendered an unjust decision and one which they had no jurisdiction to render. You also state that pending the decision of the Supreme Court of the United States as to the validity of the jurisdiction of the Citizenship Court you think that your case should be placed back on the records and be decided in accordance with the opinion which will be rendered on the appeal from the District Court, which rendered the original decision in the Citizen-

J L R

ship case of your wife and her brothers.

In reply to your letter you are informed that under the existing legislation the decisions of the Choctaw and Chickasaw Citizenship Court are final and the Commission has no further jurisdiction over the applications of yourself and your wife and children for enrollment as citizens of the Choctaw Nation.

Respectfully,

Chairman.

CHOCTAW D 300

*Margaret Wade*

*Transferred to* CHOCTAW 5872

CHOCTAW D 201

*Honora Goforth*

*Record transferred to  
Choctaw card #2284.*

Choc D202

D202

IN THE MATTER OF THE APPLICATION OF  
JOHN P. SMITHLEY  
FOR ENROLLMENT AS A CITIZEN OF THE  
CHOCTAW NATION.

RECORD FORWARDED  
DEC 8 1902

DEC 8 1902

RECORD FORWARDED DEPARTMENT  
DEC 8 1902

ACTION APPROVED BY  
SECRETARY OF INTERIOR  
MAY 23 1903

FORWARDED BY ATTORNEY  
FOR ENROLLED APPLICANT.

MAY 23 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHOKASAW NATIONS.

MAY 23 1903

C O P Y.

Choctaw D-202.

Muskogee, Indian Territory, February 27, 1902.

John R. Smedley,

Gilmore, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 5th 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.

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.

T. B. NEEDLES,

Commissioner in Charge.

Register.

Department of the Interior.  
Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory, April 5, 1902.

.....  
: John R. Smedley :  
: :  
: vs. : D-202.  
: :  
: The Choctaw Nation. :  
:.....

In the matter of the application of John R. Smedley  
for enrollment as a citizen of the Choctaw Nation.

On the 27th day of February, 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 John R. Smedley 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 5th day of April, 1902, for final consideration.

Now on this 5th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation appears by its attorneys, Mansfield McMurray & Cornish, and the applicant, being called, failed to appear, and the case is submitted upon the evidence and record as now made up.

-----;-----  
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 the 5th day of April, 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 7 day of April, 1902.

*Hal Belford*  
*Chas. M. Hill Wood*

Notary Public.



C O P Y

Address, Gilmore, Ind. Ter.

Sept. 3, '96.

To the Hon. Dawes Commission.

Vinita, Ind. Ter.

Sirs:

I take the liberty of enclosing a copy of a petition of my father, the late Rev. Joseph Smedley, to the Choctaw Council of 1876, which explains itself -- with other papers relative to the same subject. In 1872 he located a piece of land on the Ft. Smith and Ft. Towson military Road, 30 miles South of Ft. Smith and 3 miles west of Sugar Leaf Mountain, on which I have made a home, consisting of 2 dwelling houses, 2 wells, corn cribs, smoke house, &c., and a farm of about 35 acres, and have been living on it for 22 years. I sent the petition to the Choctaw Council by Adam Morris, but the Council failed to do any thing in the case. In the following year on August 27<sup>th</sup>, 1877, my father died at the advanced age of 85 years, so the reason this matter was not settled in his life time, was the neglect of the Council.

During Jo F. McCurtain's term of office, I employed Ex Governor, Peter Folsom to present the petition to the General Council. He wrote that he had done all in his power for me, but all the Council decided on was, "The missionaries would have to wait till the country is sectionized and then be adopted as citizens, and then they can come in and locate land". Peter Folsom was my father's principal interpreter for many years and paid by the same mission board that paid father. I regret to say that I have lost his letter and cannot find it, but the above is the substance of it.

When Thompson McKinney was Chief I sent the petition, with copies of the same as I send to you; the council did nothing at all. I have no hope of getting help from the council, so I appeal to you, and will be thankful for any aid you can render me in my old age. I am past 72 and my wife is 66; both quite feeble and are in poor health. I would like to have this matter settled in our life time if possible. My son George and his family live on the place with us and help to take care of us. I have another son, William and his family who live 8 miles west, near Cavanah Mountains. I send you original certificates of my father's appointment as Missionary from 1844 to 1856, and a commission continuing his labors and raising his pay from 400. to 600 dollars per year. I also send you a leaf cut from his A/c book, showing his money dealings with the mission board. My father never claimed the right of citizenship un<sup>der</sup> the treaty of '36. He claimed the right to select and occupy as a farm mission home, for himself and his family, 160 acres of land. And if from any just cause, we should choose to leave we could sell the improvements to a citizen and the land would revert to nation. I claim no more than he did. If I am entitled to adoption after the country is sectionised, I can see no reason why I cannot be adopted before. But it is the business of the Commission to determine my rights, if any, under the treaty. I hope you will be able to secure us the right of occupancy, if no more. I have taken copies of the original papers I send you, so keep them as long as you need them.

I shall also send copies to Gov. Gardner, also the petition and a copy of this letter as the Commission requires.

#3

I write, and compose, with difficulty, so please excuse mistakes and poor writing.

Very respectfully,

John R. Smedley.

(Seal).

There appears on the back the following:

" To Dawes Com. Subscribed and sworn to before me this Sept. 5, 1896, N. P.

T. R. Williams.

" Hon. Dawes Commission, Vinita, Ind. Ter.

W1064. J. R. Smedley v. Choctaw Nation.

" Filed 9/9/96/

"H. M. Jackway,

Secy.

" This Commission has no jurisdiction of this case.

"Gilmore, I. T.

COPY.

TO THE HONORABLE CHOCTAW COUNCIL.

The undersigned begs leave respectfully to address your Honorable Body for the following reasons:

First: To thank you for the quarter-section of land allowed as a home for myself and family, as per treaty of 1866. Article 17; and as some of the natives doubt my right to locate the same, I ask your Honorable Body to confirm my right to the land.-- The following statement will prove my right. I was first employed as one of your teachers and missionaries, at Pheasant Bluff from 1834 till 1839. I then was employed by the Indian Mission Board as a regular missionary to your people from 1844 till the beginning of the late War.

At my request seven Choctaws were employed by the same Mission Board as missionaries to their own people, whose united yearly pay with my own salary was sixteen hundred dollars, without any aid from your National funds. This prove my right to the land. I respectfully refer you to Peter Folsom and other is necessary.

I ask your Honorable Body to confirm my right.

Respectfully yours,

Joseph Smedley.

Aug. 7, 1876.

There appears on the back the following:

"To the Hon. Choctaw Council".

J.R.B.  
J.C.  
J.C.  
7 - D-202

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application for the enrollment of  
John R. Smedley as a citizen of the Choctaw Nation.

--: D E C I S I O N :--

It is shown by the census card records of the Commission that on June 6, 1890, at Wister, Indian Territory, application was made to this Commission for the enrollment of John R. Smedley as a citizen of the Choctaw Nation.


It does not appear from the evidence in this case or from the records in the possession of the Commission, that the applicant herein 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 the Choctaw 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 Stats., 321); nor does it appear that he has ever been married in accordance with Choctaw law to a recognized and enrolled citizen of said Nation.

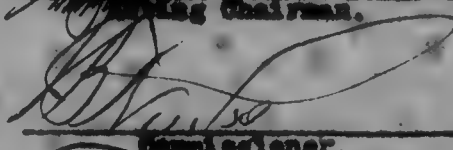
It appears from the evidence herein and the records of the Commission that this applicant is a white man, having no Indian blood and that he claims his right to enrollment as a citizen of the Choctaw Nation, by reason of being a son of Rev. Joseph Smedley, a former missionary to the Choctaw Indians.

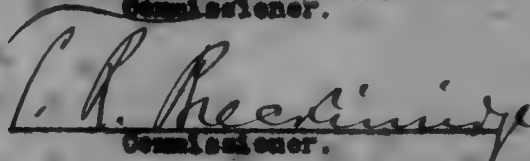
It further appears that under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), the applicant herein, in the cause entitled "John R. Smedley, vs. Choctaw Nation", Choctaw Docket "C", No. 1066, applied to the Commission for admission to citizenship in the Choctaw Nation, and that said application was by the Commission, on December 8, 1896, "dismissed for want of jurisdiction", and no appeal was taken from this decision.

It is, therefore, the opinion of this Commission that John E. Smedley is not duly and lawfully entitled to be enrolled as a citizen of the Cherokee Nation, and that the application for his enrollment as such should be refused, under the provisions of section 21 of the act of Congress approved June 22, 1896 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Waskagee, Indian Territory,

DEC 8 1902

COPY.

Choctaw, D-202.

Muskogee, Indian Territory, December 8, 1903.

John R. Smedley,

Gilmore, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*Tame Bixby.*

Acting Chairman.

Registered.

Enc. H.C. 25

COPY

Choctaw, D-202.

Muskogee, Indian Territory, December 8, 1902.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by John H. Smedley, for the enrollment of himself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*Wm. H. Dixie.*

Acting Chairman.

W. H. S. 26



COPY.

Muskogee, Indian Territory, December 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by John R. Snedley, for the enrollment of himself, as a citizen of the Choctaw Nation, including the decision of the Commission dated December 8, 1902, denying said application.

Respectfully,

*W. F. Smith*

Acting Chairman.

Choctaw, D-802

Through the  
Commissioner of Indian Affairs.

D.C.14742  
ITD 3862-1903.

C O P Y  
DEPARTMENT OF THE INTERIOR  
WASHINGTON,

WCF  
EAF  
MAY 14, 1903

LRS

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

December 8, 1902, you transmitted the record in the matter of the application for enrollment of John R. Smedley as a citizen of the Choctaw Nation. You refused the application December 8, 1902, in accordance with section 21, act of June 28, 1898 (30 Stat., 495).

The applicant is a white man 72 years old, and claims a right to enrollment as a citizen of the Choctaw Nation by reason of being a son of Rev. Joseph Smedley, formerly missionary to the Choctaw Indians. The record in the case does not show that the applicant has ever <sup>been</sup> admitted to citizenship in the Choctaw Nation by the tribal authorities thereof, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory. His name does not appear upon any of the tribal rolls of the Choctaw Nation now in the possession of the Commission.

It also appears that the applicant applied to the Commission in 1896 for enrollment, and on December 5, of that year, the Commission dismissed the application for lack of jurisdiction? No appeal was taken from the Commission's decision; therefore it became final.

Reporting April 15, 1903, the Acting Commissioner of Indian

Affairs recommends that your decision be approved. A copy of his letter is inclosed.

Having reviewed the whole record, and finding no reason to modify your decision, the Department affirms the same.

Respectfully,

(Signed) THOS RYAN

Acting Secretary

1 inclosure.

land  
73818-1902.

C O P Y  
DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON,

APRIL 14, 1903

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith report from the present Chairman of the Commission to the Five Civilized Tribes, dated December 8, 1902, forwarding, for the Department's consideration, the record relative to the application of John R. Smedley, for the enrollment of himself as a citizen by blood of the Choctaw Nation.

December 8, 1902, the Commission held that the applicant was not entitled to enrollment.

From the record before the office it does not appear that the applicant has been admitted to citizenship in the Choctaw Nation by the tribal authorities, the Commission or the Court. His name does not appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission.

The applicant is a white man, and claims his right to enrollment by reason of the fact that he is the son of Rev. Joseph Smedley, formerly Missionary to the Choctaw Indians. The applicant applied to the Commission in 1896 for enrollment, and on December 5, 1896, the record shows, the Commission dismissed the application, for lack of jurisdiction. No appeal was taken from the Commission's decision.

The applicant is not entitled to enrollment, and the approval of the Commission's decision, adverse to him, is recommended, the Commission's decision in 1896 having become final.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

GAW-O

COPY.

Muskogee, Indian Territory, May 26, 1903.

John R. Smedley,

Gilmore, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, under date of May 14, 1903, affirmed the decision of this Commission, dated December 8, 1902, refusing your application for enrollment as a citizen of the Choctaw Nation.

Respectfully,

RESIGNED.

*Tams Bixby.*  
Chairman.

Choctaw D-202.

COPY.

Muskogee, Indian Territory, Ma. 23, 1903.

Mansfield, McMurray and 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 May 14, 1903, affirmed the decision of this Commission, dated December 8, 1902, refusing the application of John R. Smedley for enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED).

*Tams Bixby.*  
Chairman.

Muscogee Indian Territory,

August 18th, 1900.

John R. Medley,

Gilmore, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. Cannon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrolment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and it is hoped will be final.

Yours truly,



Muskogee, Indian Territory, September 18, 1900.

John R. Smedley,

Gilmore, Indian Territory.

Dear Sir:-

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 objection made by the Nation is, that your application to the Dawes Commission in 1896, was dismissed for want of Jurisdiction, and that they have no Jurisdiction now; your case being No. 1064.

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,

7-D-202

Acting Chairman.

Choctaw D 208

Muskogee, Indian Territory, January 9, 1903.

G. B. Smedley,

Gilmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 19, asking if the wife and children of your father J. R. Smedley would not be entitled to inherit his claim in the Choctaw Nation.

In reply to your letter you are advised that it appears from our records that John R. Smedley was an applicant to this Commission for enrollment in the Choctaw Nation but on December 8, 1902 the Commission rendered a decision refusing his application and on the same date he was duly notified of the said action of the Commission and the record in his case was transmitted to the Secretary of the Interior. The Commission has not yet been advised of the action of the Secretary in his case.

Respectfully,

---

Acting Chairman.

D 203

John W. Monte.

Record transferred to

SHOSTAW. # 5833

CHOCOLA D 101

James Boykin

Record transferred to

CHOCOLA # 5813

Jane Page

D. 217

Record transferred to Charton  
card #1299.

D 206

John L. Self

Record transferred to Choctaw  
card # 2332

Choc D 207 VICTORIA MOORE

D207

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 5, 1902.

Victoria Moore, et al.,  
vs.  
The Choctaw Nation.  
D-207.

In the matter of the application of Victoria Moore for the enrollment of herself and her three minor children, Carl D. Moore, Anna G. Moore and Maggie Moore, as citizens of the Choctaw Nation.

On the 27th day of February, 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 Victoria Moore for the enrollment of herself and her three minor children 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 5th day of April, 1902, for final consideration.

Now on this 5th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation appears by its attorneys, Mansfield, McMurray & Cornish, and the applicant being called failed to appear, and the case is submitted upon the evidence and record as now made up.

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 the 5th day of April, 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 7 day of April, 1902.

*Charles Mitchell Wood*  
Notary Public.



Choctaw D-207.

Muskogee, Indian Territory, February 27, 1902.

Victoria Moore,

Poteau, Indian Territory.

You are hereby notified that your application for the enrollment of yourself and your three minor children, Carl D. Moore, Anna D. Moore and Maggie E. Moore, as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 5th 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.

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 the rights of yourself and your said children 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.

*T. B. Needles.*

Commissioner in Charge.

Register.

B. 10/7

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

In the matter of the enrollment of Victoria Moore and her children as Chester citizens; Victoria Moore being sworn and examined by Commissioner McKennon, testifies:

Q Your name is Victoria Moore? A Yes sir.

Q You are the identical person who is admitted in this judgment of the Court at South McAlester on the 28th of August 1897 in the case numbered ~~10~~ 7, as Victory Moore? A Yes sir.

Q As an intermarried citizen? A Yes sir.

Q You are the mother of Daisy D. Moore, Carl D. Moore, Anna G. Moore and Maggie E. Moore? A Yes sir.

Q Where have you been living with these children? A When they was small we lived in the Territory, and then for five or six years we lived in Fort Smith, and now we live in the Territory.

Q When did you return to the Territory? A We came out two years ago and staid for a while, it was in July, we didn't stay long; and then we came back to Poteau in the fall; since then we have been at home.

Q When did you come here to establish your home? A It was the 8th of last October.

Q You had been living in Fort Smith how long? A About one year the last time, I was there to educate the children; formerly we had lived in the Territory.

Q You were out here just during the month of August, 1896?

A Yes sir, we was here three months; we came in July and staid until October.

Q Did you have any home here then? A We didn't own any property here then.

Q You say you were living in the Territory before your husband

(Victoria Moore and children, 45)

Q How long had you lived in the Territory? A I have forgotten, several years though; we owned property here then; I think it was three years to the best of my knowledge.

Q Where had you come from before that? A We came from Mississippi. I was raised here. We had been to Mississippi and come back. I was raised in Arkansas, and in the Territory. At Ft. Smith partly and partly at Columbus.

Department of the Interior,  
Commissioner of the General Land Office.

*I certify that the foregoing is a true and correct translation of the original in the English language.*

*M. J. Green*

Muscogee, Indian Territory,

August 18th, 1900.

Victoria Moore,

Woteau, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. Cannon, Canfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Daisy D., Carl D., Anna C., Maggie D., as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written argument in this case, and this matter will be final.

Very truly,

W. C. Hunt,

7-1-1900.

Choc 0208

0208

Department of the Interior.  
Commission to the Five Civilized Tribes.

In the matter of the application of  
Molly Shoop for the enrollment of  
herself and her four minor children  
Daniel, Siddie, William C., and George  
Shopp as citizens by blood of the  
Choctaw Nation.

---D 208---

On the 28th day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Molly Sheep, Daniel Shoop, Siddie Sheep, William C. Shoop and George Shopp for enrollment 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 7th day of April, 1902, for final consideration.

Now, on this 7th day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicants, being called, failed to appear, and the Choctaw Nation appeared by its attorneys, Mansfield, McMurray & Cornish, and submitted the case upon the record.

--IIII--

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 7th day of April, 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 C Risteen*

Subscribed and sworn to before me this 10th day of April, 1902.

*W. M. W. W. W. W.*

Notary Public.

Choctaw D-208.

Muskogee, Indian Territory, February 28, 1902.

Molly Shoop,

Braden, Indian Territory.

You are hereby notified that your application for the enrollment of yourself and your four minor children, Daniel Shoop, Siddie Shoop, William C. Shoop and George Shoop, will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 7th 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.

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 the rights of yourself and your said children 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.

*T. D. Woodlee.*

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

In the enrollment of Holly Sheep as Chestaw citizen; having returned at the instance of Judge Frederick, she makes this further statement:

Q (Frederick) What property have you in the Chestaw Nation?

A I have two farms.

Q How are you cultivating them? A I have forty acres in cultivation on one place.

Q How are you cultivating them? A By tenants; I have one place rented and hired help on the other.

Q Have you children on the place? A Yes sir, my son commenced to work the crop this year.

Q That is the one where you have hired help? A Yes sir.

Q Have you any children at the Chestaw school? A Yes sir. My daughter is at Cameron in the Chestaw school, this last winter term.

Q You own any other property anywhere else except in the Chestaw Nation? A No sir.

Q (Capt. McK) When did you acquire this property?

A About 1895.

Q Where had you lived prior to 1895? A In Arkansas.

Q You came in here in 1895? A Yes sir.

Q That was before you were admitted wasn't it? A I wasn't admitted until 1897.

Q How did you acquire it in 1895, how did you get it in 1895, you were not a citizen then were you? A You hadn't been admitted to citizenship then and you at all had you; you were admitted by the Court to citizenship weren't you in 1897? A Yes sir.

Q Then in 1895 you were not a citizen? A No sir.

Q Have ever you had a house of your own here in which you kept



(Molly Shoop #3)

your household plunder in the Territory? A Yes sir.

Q When? A At Braden.

Q When? A Since 1895.

Q At what time since 1895? A In most of the time since that time.

Q Your husband never has lived here at all has he? A No sir.

Q You have just been here with out him? A Yes sir.

Q About half of the time you were with him over in Arkansas?

A Yes sir.

Q Now you said the last time you were out you were there about six months, and just returned? A Yes sir.

Q How long had you been living there then? A I don't stay long at a time, I just go backwards and forwards because he went never move to the Territory, and of course I go back over there and stay part of the time; no certain length of time.

Q You say your son came out here and commenced work; how long did he stay here? A He staid here about three months.

Q Where is he now? A In Arkansas.

Q How many children have you? A Four.

Q Where are they now? A They are in Arkansas.

Q Were they there during the last six months you were there also?

Q Two of them was and two of them were out here; my daughter went to school at Cameron in the Choctaw school there nine months.

Q (Frederick)

When you come here and acquired this property in 1895 you had not then been admitted as a citizen; did you claim to be a citizen of the Choctaw Nation then? A No sir.

Q Didn't you claim to be a Choctaw Indian? A Yes sir.

Q But your right had not been confirmed? A No sir.

Q When you got this property in 1895 did you get it claiming to

(1817 Series 98)

to be taken account of the act.

Q Not on a white parchment?

A No sir.

Department of the Interior,  
Commissioner of the General Land Office

I hereby certify, upon my official oath as  
Surgeon-General, that this  
transcript is a true and correct translation of  
my original documents.

*M. D. Green*

Commission to the Five Civilized Tribes,

Wister, Indian Territory.

*M.D. Green*

In the matter of the enrollment of Molly Sheep and children as Cheatew citizens; Molly Sheep being sworn and examined by Commissioner McKennon testifies as follows:

- Q Molly Sheep, forty-two years old.
- Q You are the identical Molly Sheep that is found in this record are you? A Yes sir.
- Q You are the mother of Daniel and Stiddie and William C. and George Sheep are you? A Yes sir.
- Q These children living? A Yes sir.
- Q Where are you living now? A At Broken.
- Q In the Indian Territory? A Yes sir.
- Q How long have you lived there? A I have lived there off and on since 1898.
- Q You say off and on; where have you lived when you were not living there? A In Arkansas, my husband still lives there; he had not been here since 1895.
- Q He is living there and you here? A Yes sir.
- Q Have you lived here all the while? A No sir.
- Q How much of the time have you lived here? A I don't just know, about half of the time.
- Q And the other half in Arkansas? A Yes sir.
- Q How long since you last came back to the Territory from Arkansas? A I just came back now.
- Q How long have you been over there now? A Since in this year.
- Q What time, how long had you been in Arkansas before you returned just now? A About six months.



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.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-208.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 28, 1902.

Molly Shoop,

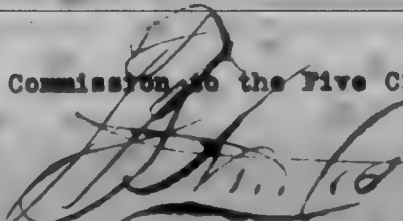
Braden, Indian Territory.

You are hereby notified that your application for the enrollment of yourself and your four minor children, Daniel Shoop, Siddle Shoop, William C. Shoop and George Shoop, will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 7th 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.

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 the rights of yourself and your said children 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.

Chectaw B 208  
Chectaw D 211

Muskogee, Indian Territory, April 21, 1902.

Frederick & Frederick,  
Attorneys at Law,  
Poteau, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you desire to be furnished with a copy of the evidence in the matter of the application for enrollment as citizens of the Chectaw Nation of Tom W. Broome and Mollie Shoup, and also request that you be granted thirty days time in which to file briefs in support of the applications of these persons for enrollment.

In reply to your request, there is enclosed you herewith copies of the testimony on file with the records of the Commission in the matter of the application of Thomas W. Broome, et al. and Melly Sheep, et al., applicants to this Commission for enrollment as citizens of the Chectaw Nation by virtue of a judgment of the United States Court for the Central District of the Indian Territory, rendered at South McAlester, Indian Territory, September 1, 1897 in Chectaw citizenship case No. 241.

Yours truly,

Enc Y 74

Acting Chairman.

Choc D209 William E. Moore

D209

209

William C. Moore et al.

100  
748 ADMISSED

MAR 27 1907

Clark D-209

Box 21

See Pat. # 092

ACTION APPROVED BY  
SECRETARY OF INTERIOR. MAR 27 1907

RECEIVED BY ASSISTANT ATTORNEY GENERAL

NOTICE OF...  
FOR...



Commissioner of the General Land Office,

Washington, D. C.

In the matter of the estate of William H. Moore and wife  
deceased as executor of the said estate, and  
examined by Commissioner of the General Land Office, and  
testifies:

Q. What name is William H. Moore? A. William H. Moore.  
Q. Is that the identical William H. Moore found in the records?

A. Yes sir.

Q. Your wife is Catherine Moore? A. Yes sir.

Q. He is an intemperate man? A. Yes sir.

Q. You are the father of William H. Moore and of John H. Moore?

A. Yes sir.

Q. What children are there? A. Yes sir.

Q. How many are you living? A. William H. Moore.

Q. How long have you been living in the territory?

A. Since 1858.

Q. Continuously? A. Yes sir.

Q. How long have you been married? A. Since 1858.

Q. How many children? A. Yes sir, two, William H. Moore.

Department of the Interior,

*William H. Moore*

(COPY-DoB)

MARRIAGE LICENSE.  
No. 1219.

UNITED STATES OF AMERICA.)  
THE INDIAN TERRITORY. ) SS.  
CENTRAL DISTRICT. )

To any person authorized by law to solemnize marriage-Greeting:

You are hereby commanded to solemnize the Rite and publish the BARS OF MATRIMONY between Mr. William L. Moon of Wilburton, in the Indian Territory, aged 22 years, and Miss Jessie S. Reasnoe of Wilburton, in the Indian Territory, aged 19 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 12th day of March, A.D. 1900.

R. J. Fannin,  
Clerk of the United States Court.

Deputy.

(SEAL)

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA.)  
INDIAN TERRITORY. ) SS.  
CENTRAL DISTRICT. )

I, H. B. Brashears, a minister of the Gospel do hereby CERTIFY, that on the 16 day of March A.D. 1900, I did duly and according to law, as commanded in the foregoing license, solemnize the Rite and publish the BARS OF MATRIMONY between the parties therein named.

Witness my hand this 23 day of March A. D. 1900.

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Central District, Muskogee.

N. B. Brashears.  
A MINISTER OF THE GOSPEL.

.....  
: R. V. :  
: S. T. :  
: .....

(NOTE) This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of 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 to the amount of One Hundred Dollars (\$100.00)

No. 1219.

CERTIFICATE OF RECORD OF MARRIAGE.

UNITED STATES OF AMERICA.)  
THE INDIAN TERRITORY. ) SCT.  
CENTRAL DISTRICT. )

I, E. J. Fannin, Clerk of the United States Court in the Indian Territory and District aforesaid, do hereby CERTIFY that the license for and Certificate of Marriage of  
Mr \_\_\_\_\_ AND  
M \_\_\_\_\_

was filed in my office in said Territory and District the 23 day of March A. D. 1900 and duly recorded in Book 9 of Marriage Record, Page 5.

Witness my hand and seal of said Court, at South McAlester,  
this \_\_\_\_\_ day of May 28, 1900 A. D. \_\_\_\_\_

E. J. Fannin,

Clerk.

Deputy.

.....  
: R. V. :  
: S. T. :  
: .....

M. Y. Cromwell on her oath as stenographer to the Commission to the Five Civilized Tribes, states that the above and foregoing is a full true and correct copy of the original certificate of marriage between William S. Moon and Jessie S. Reasnoe, offered for filing with the records of said Commission.

Mabel Y. Cromwell,

Subscribed and sworn to before me this 19th day of March 1903.

Wm. O. Beall,

Notary Public.

(SEAL)

---

7-D-209

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
F I L E D  
MAR 19, 1903.

Tam Bixby, Chairman.

---

*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 Choctaw Nation,  
of Dewey Wallace McMurtrey, born on the 29th day of Nov. 1898, ~~1898~~  
(Here insert name of child.)  
Name of Father: Allen McMurtrey, a citizen of the Choctaw Nation.  
by intermarriage.  
Name of Mother: Lizzie McMurtrey, a citizen of the Choctaw Nation.  
Post-Office: Poteau, I.T.

## AFFIDAVIT OF MOTHER.

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

I, Lizzie McMurtrey, 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 Allen McMurtrey, who is a citizen, by  
intermarriage, of the Choctaw Nation, that a male child was  
(Male or female.)  
born to me on the 29 day of Nov. 1898, ~~1898~~; that said child has been  
named Dewey Wallace, and is now living.

Lizzie McMurtrey,

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 27th day of June, 1899, ~~1898~~

Seal.

L.L. Smith,

*Notary Public.*

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

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

I, S.B. Ragon, a physician, on oath state that I  
attended on Mrs. Lizzie McMurtrey, wife of Allen McMurtrey,  
on the 29th day of November, 1898, ~~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  
(Male or female.)  
named Dewey Wallace

S.B. Ragon, Physician

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 27th day of June, 1899, ~~1898~~

Seal.

L.L. Smith,

*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 Choctaw Nation,  
of Freda Gertrude Moore, born on the 17 day of Nov. 1899, ~~1898~~  
(Here insert name of child.)  
Name of Father: Wm. E. Moore, a citizen of the Choctaw Nation.  
Name of Mother: Catheran Moore, a citizen of the U.S. Nation.  
Post-Office: Wilburton, I.T.

## AFFIDAVIT OF MOTHER.

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

I, Catheran Moore, on oath state that I am 37  
years of age and a citizen, by intermarriage, of the Choctaw Nation;  
that I am the lawful wife of William E. Moore, who is a citizen, by  
blood, of the Choctaw Nation, that a female child was  
(Male or female.)  
born to me on the 17 day of Nov. 1899, ~~1898~~; that said child has been  
named Freda Gertrude Moore., and is now living.

Catheran Moore

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 8 day of June 1900.

Seal.

I.N. Ratterree

*Notary Public.*

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

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

I, S.B. Ragon, a physician, on oath state that I  
attended on Mrs. Catheran Moore, wife of William E. Moore,  
on the 17 day of Nov. 1899, ~~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  
(Male or female.)  
named Freda Gertrude Moore.

S.B. Ragon

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 8 day of June 1900.

Seal.

L.L. Smith

*Notary Public.*



CHOCTAW

INDEXED

Enc W.H.M 19-29.

100

**IN RE**

Application for Enrollment of

**MINOR CHILD**

Act of Congress Approved  
April 26, 1906.

Eva Moore

as a citizen of

Choctaw

Nation.

Approved. Mar 18, 1903 190...

Tams Bixby

Commissioner.

Received Dec. 24, 1902. Held for identification of father and evidence of marriage. Same received and filed this day.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
MAR 18, 1903.

Tams Bixby, Chariman.

Choctaw-209  
DEC 24, 1902.

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

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Eva Moore, born on the 27th of January 1901.  
(Here insert name of child)  
Name of Father: Leonard Moore a citizen of the Choctaw Nation.  
Name of Mother: Jessie L. Moore a citizen of the Choctaw Nation  
by intermarriage.  
Tribal enrollment of father: Tribal enrollment of mother:  
Postoffice: Wilburton, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,  
Central District.

I, Jessie L. Moore, on oath state that I am 22  
years of age and a citizen by intermarriage the Choctaw Nation;  
that I am the lawful wife of Leonard Moore, who is a citizen, by  
blood of the Choctaw Nation; that a Female child was  
(Male or Female)  
born to me on 27th day of January 1901; that said child has been named  
Eva Moore and is now living.

(SEAL)

Jessie L. Moore

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 20 day of December 1902.

J. Poe.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,  
Central District.

I, Eben Reynolds, a physician, on oath state that I  
attended on Jessie L. Moore, wife of Leonard Moore  
on the 27th 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 Eva Moore.

WITNESSES TO MARK:

(SEAL)

[Must be Two Witnesses]

Subscribed and sworn to before me this 20 day of December 1902.

J. Poe.

Notary Public.

*D. B. C.*  
7-D-209.

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

-----  
COPY.

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

-----  
The applicant, Freda Gertrude Moore, claims her right to  
enrollment as a citizen by blood of the Choctaw Nation through her  
father William E. Moore. The right of the applicant's father,  
William E. Moore, 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. 68, upon the South  
McAlester docket of said court, it is hereby ordered that the ap-  
plication of Freda Gertrude Moore for enrollment as a citizen by  
blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

*Tams Birby.*  
Chairman.

Muskogee, Indian Territory,

*Box*

7-D-209.

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

-----o-----

COPY.

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

-----o-----

The applicant, Eva Moore, claims her right to enrollment  
as a citizen by blood of the Choctaw Nation through her father  
William L. Moore. The right of the applicant's father, William  
L. Moore, 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. 63, upon the South McAlester  
docket of said court, it is hereby ordered that the application of  
Eva Moore for enrollment as a citizen by blood of the Choctaw  
Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

*Tams Bixby.*

Chairman.

Muskogee, Indian Territory,

\_\_\_\_\_  
1904

*Hold*

7-D-210.

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

))) : (((

COPY.

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

-----

The applicant, Dewey W. McMurtry, claims his right to enrollment as a citizen by blood of the Choctaw Nation through his mother Lizzie McMurtry. The right of the applicant's mother, Lizzie McMurtry, 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. 68, upon the South McAlester docket of said court, it is hereby ordered that the application of Dewey W. McMurtry for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

*Tams Bixby.*

Chairman.

Muskogee, Indian Territory,

MAY 27 1904

Commission to the Five Civilized Tribes,

Wister, Indian Territory.

In the matter of the enrollment of Lizzie McMurtry as Choctaw and child, Dewey W. Being sworn and examined by Commissioner McKennon she testifies as follows;

Q Name is Lizzie McMurtry, eighteen years old.

Q You are the identical person admitted in this decree as Lizzie Belle Moore are you? A Yes sir.

Q The decree is on the 24th of August, 1897, number 7, rendered at South McAlester. Where have you been living?

A Right here at Poteau.

Q How long? A All my life.

Q Haven't lived anywhere else? A No sir.

Q What is the exact date of the birth of your baby? A 29th of November, 1898.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

*M. D. Green*

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE TRIBES  
MUSKOGEE, INDIAN TERRITORY.

William E. Moore, Catherine R. Moore  
Toney Moore, Jackson Moore,  
Freda G. Moore, Leonard Moore, Tiney Moore, Eva  
Moore, Bulah Moore, Marshall  
Moore, Oluga Moore, David Moore,                      Petition for Enrollment  
Lizzie B. McMurtrey, Wallace                      as citizens by blood of  
McMurtrey and Blanche McMurtrey,            the Choctaw Nation.  
Claimants

Vs

Choctaw-Chickasaw Nations.

Now comes William E. Moore the petitioner herein, and on behalf of himself, his wife Catherine R. Moore, his minor children Toney Moore, Jackson Moore, Freda G. Moore; his son Leonard Moore and his wife Tiney Moore, and their minor children, Eva Moore and Bulah Moore; his son Marshall Moore and his wife Oluga Moore and their minor children David Moore; and his daughter Lizzie B. McMurtrey and her children Wallace McMurtrey and Blanche McMurtrey, respectfully alleges; that his age is 48 years, his present office address is Talihina Indian Territory; that Catherine R. Moore is his lawful wife, and that Toney, Jackson, Freda G, Leonard, Marshall Moore, and Lizzie B. McMurtrey, are the children of petitioner William E. Moore and Catherine R. Moore; that Eva, Bulah, and David Moore and Wallace and Blanche McMurtrey are the Grand children of said William E and Catherine R. Moore, and that Tiney Moore is the lawful wife of Leonard Moore, Oluga Moore is the lawful wife of Marshall Moore.

That petitioner is a resident of the Choctaw Nation, and has so resided for more than thirty years last past before the filing of this petition; that all his children and Grand children enumerated above are residents of the Choctaw Nation and have so resided all their lives.

Petitioner states further, that he is a citizen by blood of the Choctaw Nation; that he has been so recognized by the Choctaw Tribe, and has exercised all the rights of a Choctaw citizen by blood for twenty years prior to the year 1896.

That petitioner was recognized as a Choctaw citizen by the authorities of the Choctaw Nation in divers manner, to-wit;

That he bought, owned, and sold Choctaw farms and improvements according to Choctaw law; that he voted in Choctaw Tribal elections; that his children attended the Choctaw Tribal schools their attendance being approved by the Choctaw Tribal school trustees and their tuition paid out of Tribal funds in the treasury of the Choctaw Nation;

That petitioner made bond and was granted license by the County Courts of the Choctaw Nation to cut hay, according to Choctaw laws; that on October 19th 1896, petitioner herein, his wife and all, his children were enrolled in Sugar Loaf County, Choctaw Nation by a citizenship commission authorized by the General Council of the Choctaw Nation; that William E. Moore the father of petitioner herein, was, in his lifetime recognized by the Principal Chief of the Choctaw Nation as a Choctaw citizen by blood; that Bettie A. Lewis, a full sister of petitioner herein, together with her five children are duly enrolled citizens by blood of the Choctaw Nation.

That petitioner herein made application to the Commission to the Five Civilized Tribes for the enrollment of himself and family prior to September 22, 1902.

Wherefore, the premises being considered petitioner prays, that himself his wife his children and grand children, as enumerated above be enrolled by the Commissioner to the Five Civilized Tribes, as citizens of the Choctaw Nation as aforesaid.

(Signed) William E. Moore

Now comes William E. Moore, who being by me duly sworn on his oath says: that he has heard read the above and foregoing petition, and that all the allegations contained therein are true as he verily believes.

(Signed) William E. Moore

Sworn to before me this 21st day of February 1906.

(Signed) Arthur Bailey  
Notary Public  
Central District, I.T.

My commission expires Feb. 20/09.

I, C. A. Welch do state on oath that I am over the age of 21 years. My postoffice address is Talihina, I. T. I served a copy of the within and foregoing petition on Mansfield, McMurray & Cornish attorneys for the Choctaw and Chickasaw Nations ~~and~~ on the 21st day of February 1906 by sending them a copy thereof by registered mail and that the registry return receipt which is

attached hereto is a receipt for said letter containing said copy.

(Signed) C. A. Welch.

Sworn to before me this 27th day of February 1906.

(Signed) W. A. Welch  
Notary Public.

Seal.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, September 4, 1906.

---

In the matter of the petition for the enrollment of  
William E. Moore et al. as citizens of the Choctaw Nation.

---

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on March 2, 1906, a petition praying for the enrollment of William E. Moore, Cathrine R. Moore, Toney Moore, Jackson Moore, Freda G. Moore, Leonard Moore, Tiney Moore, Eva Moore, Bulah Moore, Marshal Moore, Oluga Moore, David Moore, Lizzie B. McMurtrey, Wallace McMurtrey and Blanche McMurtrey as citizens of the Choctaw Nation, it being alleged in the petition that the petitioners are citizens by blood of the Choctaw Nation, that in the year 1896 the petitioner, William E. Moore, and his family were enrolled by a citizenship commission authorized by a council of the Choctaw Nation.

On August 10, 1906, C. A. Welch, attorney for the petitioners, Talihina, Indian Territory, petitioner William E. Moore, Wilburton, Indian Territory, and Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, August 20, 1906, at two o'clock P. M. hear such testimony and receive such other evidence as might be submitted in support of said petition.

On August 17, 1906, upon a motion filed by Charles von Weise attorney at law, Ardmore, Indian Territory, the hearing in the matter of said petition was continued from Monday, August 20, 1906, at two o'clock P. M. until Tuesday, September 4, 1906, at nine o'clock A. M., and notice thereof forwarded Charles von Weise, Ardmore, Indian Territory, C. A. Welch, Talihina, Indian Territory, William E. Moore, Talihina, Indian Territory, and Mansfield, McMurray and Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Now on this 4th day of September, 1906, at ten o'clock A. M., the case being called for hearing, the following appearances were entered and proceedings had.

---

APPEARANCES:

William E. Moore, principal petitioner, appears on behalf of petitioners.  
C. A. Welch appears as attorney for the petitioners.  
No appearance entered on behalf of the attorneys for the Choctaw and Chickasaw Nations.

---

William E. Moore et al.-----2

WILLIAM E. MOORE, being first duly sworn, testified as follows:

By the Commissioner:

- Q What is your name? A William E. Moore.  
Q How old are you, Mr. Moore? A 48.  
Q What is your postoffice address? A Talihina.

By Mr. Welch:

- Q Where do you live now, Mr. Moore? A Live at Talihina, Indian Territory.  
Q How long have you lived in the Choctaw Nation? A Since the year 1875.  
Q I will ask you, if continuously from that time if you have been recognized as a Choctaw citizen, yourself and your family? A I have.  
Q Were you ever enrolled by the Choctaw tribal authorities as a Choctaw citizen, you and your family, the petitioners in this case, were you enrolled? A Yes sir.  
Q State when and where? A Well it was on or about the 17th of August, October I believe it was in 1896, at the old Court house grounds in Sugar Leaf County, Chickasaw Nation; I was enrolled there by Commission of three appointed by the Principal Chief of the Choctaw Nation to take the Census Roll of Choctaw people.

By the Commissioner:

- Q Who were the three commissioners? A Let me see if I can call them; one was S. W. Polson, one was Klam McCurtain, and I believe the other man's name was McElroy, can't remember his given name.  
Q Did you see them place your name on the roll? A Yes sir, I did, I know my name was placed at eight hundred and twenty something, and my children followed right on down.  
Q

By Mr. Welch:

- Q All the names contained in this petition were enrolled at that time, were they? A No, just my own children; you see there is three of them that has married since that time; they were all my children at that time and were enrolled by me at that time; since that time, three have families of their own, but they are the offspring of three families.  
Q What information, if any, did you afterward receive from any source as to being removed, or not being on that roll? A Well now then I have to go back a little bit prior to this time to get at that; in 1898 I have a sister who was admitted to citizenship by blood by an act of the Choctaw Council at that time; she was living in one county and I in another, and my name didnt come before the Council, and before the

William E. Moore-----3

next general Council sat the Dawes Commission was empowered and given jurisdiction in citizenship matters; I filed an application for citizenship before the Dawes Commission in 1895, but the latter part of '95 or the early part of '96, dont remember just when, this case was decided by the Commission. I was enrolled by this Choctaw Commission who was appointed after that time and was rejected by the Dawes Commission, and the case was appealed to the United States Court, sitting at South McAlester, and the attorneys for the territory-- my attorneys said I was enrolled in 1896-- and they said if I could shew that would have no trouble. I went to the custodian of the roll and examined the rolls at that time, and my name didnt appear, and I supposed it was erased after the decision of the Dawes Commission.

By the Commissioner:

- Q You dont claim that your name appears upon the 1896 Choctaw roll at this time? A No sir.
- Q Or that the names of any of your children or any of the petitioners in this case? A On the book that they showed me, I didnt see them; custodian of the rolls showed me a book; my name was not on at that time, sometime in '97 I think.
- Q Did you claim any other tribal recognition prior to 1896? A Yes sir.
- Q Any tribal recognition; is your name on any of the rolls prepared by the Choctaw authorities in 1896? A No sir.

By Mr. Welch:

- Q After you were enrolled, as was stated, in Sugar Loaf County, Choctaw Nation, did you ever have notice from any one to appear at any time before any commission, that is Choctaw commission, I mean? A No sir.

By the Commissioner:

- Q On what do you base this allegation contained in this petition sworn by you on February 21st, 1906--  
". . . that on October 19th, 1896, petitioner herein, his wife and all his children were enrolled in Sugar Loaf County, Choctaw Nation, by a citizenship commission authorized by the General Council of the Choctaw Nation . . . ."

By Mr. Welch:

The allegation that they-- we dont claim, understand, that Mr. Moore's name, or the names of any of the claimants appears on the Census Roll at this time, but allege that they were enrolled by this commission, which we expect to prove, and there is no doubt but that they have been cut off the roll at a later date;

William H. Moore, et al.-----3

our contention being, that after being enrolled they had no right or power to cut them off without notice, which we will show that claimants herein didnt receive, and we expect to show that there were a number of people wrongfully cut off of the Census Roll by this Commission, which was called the Revisory Board at that time, without authority, who have since been put back upon the roll, been enrolled and received their allotments; that is what our contention will be.

By the Commissioner:

They can prove this by their own testimony in the absence of any record?

By Mr. Welch:

Yes sir, we expect to prove that they were enrolled by the Choctaw Commission.

By the Commissioner:

Have you any record to show that?

By Mr. Welch:

No sir, have no record; expect to show that by the witnesses themselves.

By the Commissioner:

These people didnt make such a showing that under the opinion of the Attorney General in the West case would entitle them to any further hearing. The burden of proof is that the Federal Court acted without jurisdiction in the 1896 case. They were at the time of the passage of the act of 1896 recognized citizens, and the only manner in which that could be established is by the tribal rolls or some specific act of the commission.

By Mr. Welch:

The only manner in which we can hope to show that they were placed on this '96 roll is by their own evidence, our contention being that having been cut off of the 1896 Census Roll without authority of law, that in the law of common justice and equity they belong on that roll.

By the Commissioner:

There is nothing to show that the names were given on that roll; roll is here-- here is the evidence.

William E. Moore, et al.-----5

By the Commissioner to the witness:

- Q Did you ever see your name inscribed on the roll? A I saw a man write it down at 820.
- Q Who was the man? A S. W. Fulson.
- Q Is he living? A Yes sir.
- Q Is he here? A No sir, couldnt get him here at this time.
- Q Do you know what book that was, or what record? A No sir, only Sugar Leaf County record, poll book or roll book.
- Q Who were the other members of that commission? A I just gave it to the Commissioner a while ago; one was McCurtain, and the other man was McElroy.
- Q Are either of those people here? A No sir, dont know where they are at, dont know where they live.

By Mr. Welch:

We dont allege that these parties now appear on the Census Roll, but we do allege that they were enrolled.

By the Commissioner:

By any duly constituted authority?

By Mr. Welch:

By the Choctaw Nation-- by the tribal authorities, who alone had authority to make the Census Roll; our contention being that after these claimants were put on the Census Roll of 1896 they were afterwards scratched off that roll by parties having no authority to do it, without any further notice to him that his right to enrollment was being denied by anybody.

By the Commissioner:

It seems to me in this proceeding you have failed to show that there was any such record; it is stated that their names were not on the 1896 Census Roll as certified to the Dawes Commission. As to any other record we have no knowledge as to that; what the record is is purely hypothetical at this time.

By the Commissioner to the witness:

Q Mr. Moore, have you got any certificate showing this so called enrollment of your people in 1896? A No sir; I was enrolled at the same time three other parties enrolled; I didnt see that they got any. There was four of us went before the Commission, went in a hack together to the court house together.

By Mr. Welch:

Have the Commission the Count, Census Rolls as prepared

William E. Moore, et al.-----6

by each County Commission, Census Roll of '96?

By the Commissioner:

On the roll of citizens of Sugar Loaf County of the Choctaw Nation appear the following names:

William E. Moore,	opposite No.	820
Leonard Moore,	"	821
Lizzie Moore,	"	822
Marshall Moore,	"	823
Absolun Moore,	"	824
Jackson Moore,	"	825.

Following the list of names among which the above names appear appears the following certificate:

"We do hereby certify these names in the enrollment book is a true and correct list of citizens by blood."

"Given under our hand and seal this 28 day of October, 1896, A. D."

Commissioners

Klan McCurtain,  
S. W. Folsom,  
Jefferson J. McKelroy."

The names of William E. Moore, Leonard Moore, Lizzie Moore, Marshall Moore, Absolun Moore and Jackson Moore appear to have been stricken from said roll, a line having been drawn through each name.

By Mr. Welch to the witness:

- 1 Which one of your children— I notice there one appears as Absolun Moore— which one of your children is that? A That is the fourth one, that is his correct name, his nickname is Toney.
- 2 Toney Moore, as appears in the petition for enrollment? A Yes sir, he has always been called that from babyhood.
- 3 Have you— you stated a few moments ago that your name did not appear on the tribal rolls; will you state now why you made such a statement, upon what basis? A First I had of it— when I went to be enrolled by this County Commission I wanted my wife enrolled; Commission would not enroll her as an intermarried citizen; I afterwards written to Simon E. Lewis to have her put on the roll, got a letter from him stating that as part of my kinsmen had been admitted to citizenship though t she would; my name and family's names had been erased from the roll.

ADJOURNED FROM 11 O'CLOCK A. M. UNTIL 1 O'CLOCK P. M.

William E. Moore, et al.-----?

CASE CONTINUED.

CHARLES VON WEISE appears as co-counsel of  
C. A. WELCH, attorney for the petitioners.

By Mr. Welch to the witness:

- Q What is your father's name, Mr. Moore? A William McCarger Moore.
- Q What is your mother's name? A Mary Elizabeth.
- Q When did you come to the Choctaw Nation, what year? A In 1876.
- Q Where did you come from originally? A Mississippi.
- Q What county in Mississippi? A Came from Yasco County directly here; was born and raised in Washoba County; about eleven or twelve years old.
- Q Lived here continuously since 1875? A Yes sir.
- Q When were you married? A 1878.
- Q What was your wife's name? A Cathrine.
- Q She a white person? A Yes sir.
- Q Did you marry according to Choctaw laws? A No sir, dont know that I did; didnt get a Choctaw license.
- Q You were married in the Choctaw Nation? A Yes sir.
- Q By whom? A Joseph Barnes.

By the Commissioner:

- Q When were you married? A In 1878.

By Mr. Welch:

- Q Did you ever vote in any Choctaw elections? A Yes sir.
- Q State what elections and where? A I voted on the adoption of the Atoka Agreement; I also voted at the general election in 1902, I believe it was--precincts; I taken part in a county convention in Sugar Leaf County in 1896.
- Q Ever send your children to the national schools of the Choctaw Nation? A Yes sir.
- Q Their tuition paid by the Choctaw authorities out of the Choctaw funds? A Yes sir.
- Q How many children have you? A Six.
- Q Give their names? A Leonard Moore.
- Q How old is Leonard? A Born in '79. Lissie,McMurtrey it is now.
- Q What is her age? A Born in '81. Next one was Marshal, born in '83. Next was Absolum or Toney, call him Toney all the time, Absolum proper name, born in '87; and Jackson was born in '95. Freda Gertrude was born in '99, I believe, I am not positive about that now.

- Q Are these all your children that you have named over by your wife, Cathrine R. Moore? A Yes sir.
- Q All these children born in the Choctaw Nation? A Yes sir.
- Q Have they all resided in the Choctaw Nation from the time of their birth until now? A They have.
- Q Are these the children, the ones you have named, the ones referred to as attending the schools of the Choctaw Nation? A All but one; the youngest one, Freda Gertrude never attended the schools.
- Q Were all these children living at the time you appeared before the Choctaw Census Committee? A No sir, the youngest was not.
- Q Balance were all enrolled? A All enrolled.
- Q Have you ever at any time since 1875 owned any Choctaw improvements, places, farms? A Yes sir.
- Q To what extent, what did you own? A Well I owned two or three different farms; I platted part of the town of Poteau, sold it out in town lots; I sold building permits.
- Q Were you ever in any way molested by the Choctaw authorities in any holdings as a Choctaw citizen? A No sir.
- Q What year was that that you sold this township of Poteau, a part of it? A I platted it in 1896, sold it on up until 1898.

By Mr. von Weise:

- Q Commenced in '96? A Yes sir.

By Mr. Welch:

- Q I will ask you if you have a sister on the Choctaw roll? A I have.
- Q State her name? A Her name was Bettie A. Lewis when she was admitted.
- Q Admitted by what? A An Act of the Choctaw Council.
- Q You may state what amount of Indian blood you claim? A One eighth.
- Q What kind of Indian blood? A Choctaw.
- Q Whom do you claim your Indian blood from? A My father.
- Q Do you know whether or not your father lived in Mississippi in 1830? A Yes sir; of course I dont know nothing only hearsay; heard him say he was born in that state in 1822.
- Q You and Bettie A Lewis are full brother and sister are you? A Yes sir.
- Q It is alleged in the petition, application for enrollment, that you made bond and was granted a license by the County Courts of the Choctaw Nation to cut hay in the Choctaw Nation; state that circumstance and by whom you were granted the license? A Granted the license to cut hay in the Choctaw Nation in Gaines County in 1892; County judge was Frank Battles, and the bond was kregu brought to me by the sheriff of the County, Dud White.



William E. Moore et al.-----9

Q Now as to the recognition of your father, William M. Moore, by the then governor of the Choctaw Nation; state that circumstance? A Well I think it was in the year '81, at the time Chief McCurtain was rounding up the intruders, so called, and my father was notified to come to the camp and make some explanation why he was there, and he did; so he told McCurtain that he claimed to be an Indian, always had, was so recognized or looked upon as such in Mississippi, and he expected to prove it up; and McCurtain talked with him some little bit and finally told him he would have fair and impartial treatment by the Council; he asked him if he could have some statement from the sheriff that he would not be molested after that; he did give him a statement that he would not be molested or anything that he had.

WITNESS EXCUSED.

G. W. DUKES, being first duly sworn, testified as follows:

By the Commissioner:

Q What is your name? A My name is G. W. Dukes.  
Q How old are you? A 57, will be my next birthday.  
Q What is your postoffice address? A Talihina.

By Mr. Welch:

Q What official positions have you occupied in the Choctaw Tribe, Nation? A Why I have held various positions, several.  
Q State the principal ones? A I have been governor, also served as national auditor, also senator in Congress, Circuit Judge, also Supreme Judge.  
Q Were you acquainted with the Bettie A. Lewis referred to a while ago? A Yes sir.  
Q Is she a full sister of this applicant, Moore? A My understanding.  
Q Is she a citizen by blood of the Choctaw Nation? A Was recognized and admitted by the Choctaw Council; I was her attorney before the Council.  
Q Do you know anything about the general recognition of the Moore family prior to the time she was enrolled as a citizen of the Choctaw Nation? A No I dont; I wasnt acquainted with them until she made her application at the Council; that was the first time I got acquainted with the family. They lived up there near Kullychaha, about forty or fifty miles from where I lived. I think Judge Thompson lived neighbor to them, he knows more about the Moore family.  
Q Do you know anything about the authority this so called Revisory Board of the Choctaw Nation had for putting people on or taking people off the Choctaw Roll? A There was a revisory board appointed by the governor, Governor McCurtain

was governor at the time; now what authority he had I dont remember; it seems to me that there was a resolution passed by council, requesting him to appoint that board, whether true or not I couldnt say, dont remember.

Q State what the common rumors were in the country as to how this revisory board conducted their affairs? A Dont really know, but rumor was that they placed people on the roll not entitled to citizenship, and also taken people off that really belonged there.

By the Commissioner:

What is the purpose of this?

By Mr. Welch:

To show that revisory board existed there in several instances drew lines through names of people on the roll.

By the Commissioner:

You would not expect to prove that by a rumor?

By Mr. Welch:

No sir, but that it was generally reported through the country; expect to show by Governor Dukes that some of his own people were taken off that roll by this so called revisory board.

By Mr. von Weise:

We base this examination upon the decision rendered by the Department in the case of James Long, that if the Council or the revisory board of the Choctaw Nation struck names from that Census Roll, that it did so without authority, and that the Department has held in the Long case that any proof to that effect would be construed by the Department as being a violation of section 11 of the bill of rights of the Choctaw constitution as an attempt to outlaw or deprive a class of citizens of their liberties and privileges unheard, basing this upon the statement made by the applicant, Mr. Moore, that he had no notice served upon him by the revisory board or the Choctaw authority to strike his name from the roll.

By the Commissioner:

Next proof of that would be the authority that is vested in this revisory board--

William E. Moore et al.-----11

By Mr. Welch: to the witness:

- Q Did you know any Choctaw citizens who were stricken from that roll by the revisory board? A Some of my brother's children were stricken from it.
- Q Were they afterwards enrolled? A No sir.
- Q Do you know whether they had notice? A No sir, I did not
- Q They were citizens by blood of the Choctaw Nation were they? A Yes sir.

By the Commissioner:

- Q Do you know why they were stricken from the roll? A On account of not living in the territory.

By Mr. von Weise:

- Q As governor of the Choctaw Nation you are familiar with the general laws and customs of the nation, are you not? A Yes sir.
- Q Were there tribal schools in existence at the time you were governor? A Yes sir.
- Q Were you governor prior to the governorship of Jack McCurtain? A No sir.
- Q Was that before or after? A That was before.
- Q Did they have tribal schools at that time? A Yes sir.
- Q What class of people were permitted to go to the tribal schools under the Choctaw law? A Citizens of the Choctaw Nation only.
- Q How were those schools maintained, by tax or by tuition paid by the students? A Tuition paid by the government; had school fund; money appropriated by the Council and paid out of the Choctaw school fund.
- Q Was that according to the number of scholars enrolled in each school? A Yes sir.
- Q And only Choctaw children were permitted to go to those schools? A Yes sir; noncitizen children attended the schools in some places, but their parents paid their tuition when they did.

WITNESS EXCUSED.

G. W. THOMPSON, being first duly sworn, testified as follows:

By the Commissioner:

- Q What is your name? A G. W. Thompson.
- Q How old are you? A 56
- Q What is your postoffice? A Cornish, Indian Territory.

William E. Moore, et al.-----12

By Mr. Welch:

- Q Are you a citizen by blood of the Choctaw Nation? A No sir.
- Q Were you acquainted with Bettie A. Lewis? A Yes sir.
- Q Is she a Choctaw citizen? A She was admitted as a citizen by the Choctaw council.
- Q As what kind of a citizen? A Citizen by blood.
- Q Is she a sister of this applicant, William E. Moore? A Yes sir.
- Q Were you acquainted with this applicant's father, William M. Moore? A Yes sir.
- Q Were you living near William M. Moore's along about 1881? A Yes sir.
- Q Were you with Governor Jack McCurtain's militia when he went out in that year to remove intruders? A Yes sir.
- Q Did William M. Moore come to his militia camp and talk with him about this matter? A Yes sir.
- Q What conclusion did the governor reach at that time, or what was his action with reference to this man, Moore? A Why the governor asked him who he was, and what he was doing in the Choctaw Nation and what authority he got; he says he claiming Choctaw citizen; he asked him how he claim it and so on; I couldnt state exactly what conversation was fully, but he told him he claimed citizen; governor told him if that was the case, you go back home, go to work, but I want you to do one thing- pay your renter's permit; told him didnt have any as well as I remember, didnt pay no permit then, but he registered a few hirelings and told him the sheriff would be around to collect for the hirelings permit; and he told him at the next council to put in his claim to show his right.
- Q Did he instruct the sheriff of the County at that time not to molest Moore's family? A I suppose that his ruling was; if sheriff was there could tell him right then, wasnt there.
- Q Do you know whether or not he wrote to the sheriff about it? A No.
- Q Have you ever held any offices in the Choctaw Nation under the Choctaw governor? A Yes sir.
- Q What have they been? A Deputy sheriff, County Judge, and representative and senator.
- Q Was you ever Circuit Judge? A Circuit Judge.

WITNESS EXCUSED.

WALTER BEARD, being first duly sworn, testified as follows:

By the Commissioner:

- Q What is your name? A Walter Beard.
- Q What is your age? A 52.
- Q What is your postoffice address? A Pauls Valley

William E. Moore et al.----13

By Mr. Welch:

- Q Were You at that time with Governor Jack McCurtain's militia in the year 1881? A Yes sir.
- Q You was acquainted with this man, William H. Moore were you? A Yes sir.
- Q Do you remember the circumstances and the time this man Moore visited McCurtain's camp to see him about the intruder business? A Yes sir.
- Q Do you know what Governor McCurtain's instructions to the sheriff of that county was with reference to Mr. Moore? A I was acting in the capacity of secretary for the governor at that time. He instructed me to write a brief letter to the sheriff stating that Mr. Moore was a claimant for citizenship, and not to molest him, which the governor signed; think that was about the sum and substance of the letter.
- Q Were you acquainted with Bettie A. Lewis? A Yes sir.
- Q Was Bettie A. Lewis a sister of William E. Moore? A Yes sir.

WITNESS EXCUSED.

WILLIAM E. MOORE, recalled to the stand, testified as follows:

By Mr. von Weise:

- Q Mr. Moore, did you, or your father, ever attempt to make an application to the Choctaw Council for citizenship? A Yes sir, my father made an application, I think it was in the fall of '81.

By the Commissioner:

- Q Did you make an application? A I did not, no sir.

By Mr. von Weise:

- Q Was that immediately after he was notified by Governor Jack McCurtain to make application? A Yes sir.
- Q Application acted upon? A No sir, it was not.
- Q What was the reason it was not? A I just know from what father said after he came back from Council; so many cases filed there possibly couldnt hear it at that time; his case was continued until next term of council.
- Q Do you know whether he went back to the council again the next session? A Yes sir.
- Q Was any action taken on his application at that time? A No sir, continued again.
- Q At the next session of the council what action was taken if any? A My father was sick and not able to go; asked for continuance.

- Q What was then done? A My father died.
- Q Was any other action taken in regard to this application?  
A Yes sir, later on, I think it was either in '86 or '87, my oldest brother taken the matter up.
- Q What is his name? A John H. Moore. He never went to the council; but was getting up evidence preparing to come, and he sickened and died in '87.
- Q At what time did your sister make her application to the council? A In the year '95.
- Q Were you living near your sister at the time? A Well it was from fifteen to twenty miles from me; she was in one county and I in another.
- Q Did you know she was making application at that time? A No sir.
- Q What was the reason; you didnt ever make application yourself?  
A No sir.
- Q What was the reason? A One reason was, in my father's application he had all of his children in the application, and after he died we were enjoying all the rights that any other citizen was and I didnt see the necessity of spending the money.
- Q After you found out that your sister had been admitted by the council, did you then make any application or any attempt before the Choctaw council? A Yes sir, employed an attorney to look after my interests at that time, but he told me couldnt file any applications before the council, that the Commission to the Five Civilized Tribes had jurisdiction in citizenship matters from that time on.
- Q Then you filed an application with the Dawes Commission?  
A Yes sir.

By the Commissioner:

- Q When did your sister, Bettie A. Lewis die? A I dont know as I can tell you without studying a little bit, either '98 or '99.
- Q Has she any children? A Yes sir.
- Q What are their names? A Oldest one is Frank, next one is Belle.
- Q How old is Frank? A I think he was born somewhere about the year 1880 may be.
- Q What are the names of the other children? A Next one was Belle; she has got two dead; I will call them off in rotation; next one was May, next one was Annie.

By Mr. von Weise:

- Q She is living now-- May dead? A May's dead; Annie, Kate, Porter-- Porter's dead; next one was Curtis, next one is Alice, Next Winnie and next one was Grady.

By Mr. von Weise:

Ask that the records of the Commissioner to the Five Civilized

William E. Moore et al.-----15

Tribes as to the enrollment of the children of Ettie A. Lewis be made a part of the record in this case, and also that if the record in said case shows her admission by the Choctaw Council that it go with the record in this case.

By the Commissioner:

You dont claim that any of the applicants in this case were admitted by the Council; merely do that for the purpose of showing the blood?

By Mr. von Weise:

Yes sir; in our testimony we have indicated that; they made no claim they had been admitted.

We have some record evidence that Mr. Welch -- owing to the waters having been very high down in our part of the country, he was unable to secure some documentary evidence, and he asks ten days in which to file that, and also that he be allowed about five days after the receipt of the testimony in which to file a brief.

By the Commissioner:

Under the regulations under which the petition was filed the case will have to be closed on the date of the taking of the testimony. Under the regulations we could not hold the case open for that purpose.

WITNESS EXCUSED.

Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on the 4th day of September, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 6th day of September, 1906.

*H. H. Staines*  
Notary Public.

NEW BORN 1007

100

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**IN RE**  
**Application for Enrollment of**

**MINOR CHILD**

Act of Congress Approved  
April 26, 1906.

Teddie Moore .....

as a citizen of

Choctaw ..... Nation.

---

Approved..... 190...

.....  
Commissioner.

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Born Jan. 24, 1905

ACT OF CONGRESS APPROVED APRIL 26, 1906.

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

F I L E D

JUN 18, 1906.

Tams Bixby, Commissioner.

C. A. WELCH,  
Attorney for Applicant.  
TALIHINA, I. T.

CHOCTAW  
N. B. 1007

RECEIVED  
JUN 9, 1906.



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

ENROLLMENT OF MIXORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Teddie Moore, born on the 24<sup>th</sup> day of January 1905  
[Here insert name of child]  
Name of Father: Wm. L. Moore a citizen of the Choctaw Nation.  
Name of Mother: Jessie L. Moore a citizen of the Choctaw by intermarriage.  
Tribal enrollment of father: XXXXX X XXXX X XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX  
Tribal enrollment of mother: XXXXXXXXXXXX XXXX  
Postoffice: Wilburton, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,  
Central Judicial District.

I, Jessie L. Moore, on oath state that I am 25  
years of age and a citizen by intermarriage of the Choctaw Nation;  
that I am the lawful wife of Wm. L. Moore, who is a citizen, by  
Blood of the Choctaw Nation; that a female child was  
born to me on 24<sup>th</sup> day of January 1905; that said child has been named  
Teddie Moore and was living March 4, 1906, and is now living.  
Jessie L. Moore

WITNESSES TO MARK:

[Must be Two Witnesses] {  
.....  
.....

Subscribed and sworn to before me this 14 day of May 1906.

(SEAL) W. P. McGinnis  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,  
Central Judicial District.

I, E. L. Evins, M. D., on oath state that I  
attended on Jessie L. Moore, wife of Wm. L. Moore  
on the 24<sup>th</sup> day of January 1905; that there was born to her on said date a female  
and is now living  
child; that said child was living March 4, 1906, and is said to have been named Teddie Moore.

E. L. Evins, M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] {  
.....  
.....

Subscribed and sworn to before me this 14 day of May 1906.

(SEAL) W. P. McGinnis  
Notary Public.

NEW BORN #1006

100

**IN RE**  
Application for Enrollment of

**MINOR CHILD**

Act of Congress Approved  
April 26, 1906.

Ethel Moore

as a citizen of

Choctaw Nation.

Approved 190...

Commissioner.

Born Aug. 2, 1905.

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

F I L E D

JUN 16 1906.

Tams Bixby, Commissioner.

C. A. Welch  
Attorney for Applicant  
Talihina, I. T.

CHOCTAW  
N. B. 1006

RECEIVED  
JUN 9- 1906.

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

XX

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Ethel Moore born on the 2nd day of August 1905.  
[Here insert name of child]  
Name of Father: Marshall Moore a citizen of the Choctaw Nation.  
Name of Mother: Olga Moore a citizen of the Choctaw Nation.  
Tribal enrollment of father: XXXXXX Tribal enrollment of mother: XXXXXX  
Postoffice: Wilburton, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,  
Central District.

I, Olga Moore, on oath state that I am 22 years of age and a citizen by marriage of the Choctaw Nation; that I am the lawful wife of Marshall Moore, who is a citizen, by Blood of the Choctaw Nation; that a female child was born to me on 2nd day of August 1905; that said child has been named Ethel Moore and was living March 4, 1906 and is now living.

(SEAL)

Olga Moore

WITNESSES TO MARK:

[Must be Two Witnesses] {

Subscribed and sworn to before me this 24th day of May 1906.

My commission expires 3/28/-09 Clifford V. Peery  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,  
State of Arkansas  
County of Sebastian: XXXXXX.

I, Fannie A. Goddard, Acting as midwife, on oath state that I attended on Olga Moore, wife of Marshall Moore on the 2nd day of August 1905; that there was born to her on said date a Female Child and is now living Ethel child; that said child was living March 4, 1906 and is said to have been named Ethel

Fannie A. Goddard

WITNESSES TO MARK:

[Must be Two Witnesses] {

Subscribed and sworn to before me this 22nd day of May 1906.

(SEAL)

Jas. H. Wright.

My com. Exp. 1/21-/1907.

Notary Public.





(COPY-DeB)

Before the Commissioner to the Five Civilized Tribes.

In the matter of the petition for the enrollment of William E. Moore, et al., as citizens of the Choctaw Nation under the ruling of the Department of the Interior in the Choctaw enrollment case of Loula West,.

-----

In my humble opinion there is only one question for the consideration of the Commissioner in this case, to wit:

Were these petitioners enrolled upon the 1896 Tribal rolls of the Choctaw Nation by authority of the Choctaw Tribe of Indians; if so, they come within the ruling of the department of the Interior in the matter of the Choctaw enrollment case of Loula West, and should be finally enrolled by the Commissioner to the Five Civilized Tribes, as citizens of the Choctaw Nation.

C O N T R E N T I O N .

Both the testimony in this case, and the law which should govern, has been so fully and completely covered in the brief filed by Mr. von Weise, it seems altogether unnecessary to further burden the record; I however desire to very briefly notice two contentions, vis, that the commissioners who made up the 1896 Choctaw roll upon which the names of these petitioners are found, were fully warranted in placing the names of these petitioners on said roll; and, that the lines which appear to have been drawn through the names of these petitioners in an apparent effort to erase their names from the roll, does not operate to cut them off the roll, that in equity and justice the names of these petitioners now appear on the 1896 Tribal roll of citizens by blood of the Choctaw Nation.

A R G U M E N T .

The petitioners in this case were recognized as citizens by blood of the Choctaw Nation from as far back as the year 1875 on up to the time of their enrollment as such citizens in the year 1896 by the Tribal authorities of the Choctaw Nation; the petitioner, William E. Moore had continuously, prior to the enrollment of

himself and family in 1896, owned Choctaw improvements, voted in Choctaw elections, made bond for the purpose cutting hay, sent his children to the Choctaw Tribal schools etc etc, all of which privileges could only be enjoyed by recognized citizens of the Choctaw Nation; and in addition to these things, Bettie A. Lewis, a sister of petitioner Moore had been admitted by the general Council of the Choctaw Nation as a citizen of said Choctaw Nation by blood, and she and all of her children were finally enrolled as such citizens by the Commission to the Five Civilized Tribes, as is shown by the records of said Commission.

I therefore contend that in the face of all these things the said enrollment commissioners were fully warranted in their act of placing the names of these petitioners upon the roll as citizens by blood of the Choctaw Nation; and the long recognition enjoyed by these petitioners prior to their said enrollment by said commissioners utterly precludes any idea of fraud in the matter of their said enrollment by either the petitioners or the said Commissioners

Now as to the lines which appear to have been drawn through the names of these petitioners in the apparent effort to strike them from the roll, nowhere does the record show who drew the lines through these names, nor why these names should have been stricken from the roll; it is very clear however that the roll in question was intact when it left the hands of the commissioners who made it up, as shown by the affidavit of S. W. Folsom one of the Commissioners aforesaid, which affidavit has, by the commissioner to the Five Civilized Tribes, been filed with the records of this case.

I therefore contend that these petitioners have been regularly enrolled by the Tribal authorities of the Choctaw Nation, as citizens by blood of said Nation, and regularly certified to the proper authorities by the commissioners who prepared it, and no authority of any kind whatever appearing for the apparent effort to strike them from said roll; that they should be regarded as on said roll, and should therefore be finally enrolled by the Commissioner to the Five Civilized Tribes, as citizens by blood of the Choctaw Nation.

Very respectfully submitted by  
C. A. Welch  
of counsel for petitioners.

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(Endorsed on back)

In the matter of the petition of William E. Moore, et al., for enrollment as citizens of the Choctaw Nation, under the opinion in the enrollment case of Loula West.

Petitioner's Brief.

Chas. von Weise and C. A. Welch,  
Attorneys for Petitioners.

(COPY-DeB)

Before the Commissioner to the Five Civilized Tribes.

In the matter of the petition for the enrollment of William E. Moore et al., as citizens of the Choctaw Nation.

P E T I T I O N E R S '  
B R I E F :

Comes now the petitioners herein and respectfully represent as they view it the facts set forth in the testimony and record evidence submitted at the hearing before the Commissioner to the Five Civilized Tribes on September fourth, nineteen hundred and six, are as follows:

The principal applicant William E. Moore was born in Nashoba County Mississippi in 1856, within the confines of the old Choctaw Nation; that he resided in said State until 1875 at which time he removed to the present Choctaw Nation in Indian Territory where he has since continuously resided. He is the son of William McCarger Moore and Mary Elizabeth Moore, the former of whom it is through whom he derives his Choctaw blood.

The other applicants herein are the children and grandchildren of the principal applicant, his wife and the Spouses of some of his children.

That the father of the principal applicant attempted to make an application for himself and family to the Choctaw Council as early as 1881, and that his application was presented to said Council and continued from time to time until the death of his said father, after which he, himself took up the matter of his admission by the Council and was informed that the Commission to the Five Civilized Tribes was then the proper tribunal before which to appear and that he then made application to said Commission.



That from the time he arrived in the Choctaw Nation until he was denied in 1896 by the Dawes Commission, he and his father were always recognized as Choctaws and permitted by the Choctaw tribal authorities to remain in the Nation and own and cultivate land, employ labor, cut hay under permit and do those things permitted of recognized Choctaw citizens. That the principal applicant herein was permitted to vote at Choctaw elections and his children permitted to attend Choctaw schools at the expense of the tribe.

The records in the possession of the Commissioner to the Five Civilized Tribes show that the principal applicant and his children, Leonard, Lizzie, Marshall, Absolum (Toney), and Jackson Moore were enrolled in 1896 by the Choctaw tribal authorities as Choctaw citizens, and that applications were made for all of the applicants herein applying, to the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896 and that they were by said Commission rejected and an appeal was perfected to the United States Court for the Central District of Indian Territory which court admitted them, and that they were later denied by the Choctaw-Chickasaw Citizenship Court.

#### A R G U M E N T .

To our minds the sole question in this case is whether or not the applicants had such a tribal enrollment, or status, in 1896 as would have precluded the Commission to the Five Civilized Tribes from denying them under the act of June 10, 1896.

It cannot be disputed that if these applicants had a tribal status in 1896, that the only jurisdiction the Commission to the Five Civilized Tribes had in the premises was to have enrolled them upon the roll it was directed to make. This was its only authority under the act of Congress of June 10, 1896, and has

Wm. F. Moore, EtAl #3.

been repeatedly held by the Department of the Interior, especially in the cases of Wiley Adams (I.T.D. 4398-1903), Mary Elizabeth Martin (I.T. D. 11856-1904) and Loula West (I.T.D. 3693-1905). In the Wiley Adams case it was held by the Department on May 21, 1903 that the action of the Commission to the Five Civilized Tribes in 1896 excluding an enrolled person, was void for want of jurisdiction of the subject matter, and that the subsequent action of the United States Court upon appeal was void for the same reason. In the Mary Elizabeth Martin case it was held that "Beyond admitting persons to citizenship whose rights were not recognized by the tribal authorities, their power was merely to register and enter upon their rolls those whose right was recognized by the rolls, laws, customs and usages of the tribes." The Departmental decision in the case of Loula West is to the same effect, it appearing therein that if the Commission had no power to purge the rolls, and Mrs. West was on a tribal roll, all the power of the Commission in 1896 was the ministerial duty to inscribe her name on the roll to be prepared. Had the Commission denied her right, its action was a mere nullity, and an appeal taken from their action was a mere nullity, any judgment of the United States Court upon such appeal other than to dismiss it for want of jurisdiction, was a mere nullity." In the case of Benjamin J. Vaughn (I.T.D. 11952-1904), Stonewall J. Rogers (I.T.D. 6340-1908) and Dr. Clay McCoy decided on July 30, 1904, follow the same ruling.

It being the duty of the Commission in 1896 to have enrolled these applicants if they had a tribal status, its refusal to do so was void, the appeal to the United States Court was void, and certainly the appeal to the Choctaw-Chickasaw Citizenship Court was void for the reason that its only authority, as conferred by the act of Congress of July 1, 1902 (32 Stat 641-646) was FIRST to

determine by a test suit whether the Choctaw and Chickasaw Nations should have each been given notice of actions instituted in the United States Courts in Indian Territory for citizenship, and whether such actions in said courts should have been confined to a review of such action of the Commission to the Five Civilized Tribes upon the papers and evidence submitted to such Commission instead of extending to a trial de novo of the question of citizenship; and in said test suit the Choctaw and Chickasaw Citizenship Court was confined to the determination of these two questions alone; SECOND, in the event of the test suit being determined to as to annul or vacate the decisions of the United States Court on account of the irregularities as to service of notice on both Nations and of a trial de novo before the said United States Courts on appeal from the Commission to the Five Civilized Tribes of all cases where in the admission to citizenship of the parties was involved, then such cases were to be certified to the Choctaw-Chickasaw Citizenship Court for trial; and THIRD, it was given "appellate jurisdiction over all judgments of the courts in Indian Territory" which judgment either admitted or denied persons citizenship in the Choctaw or Chickasaw Nations. In a case where the applicants had a tribal status in 1896, the questions of the admission to citizenship never arose, or should not have arisen, for there was no admission necessary, simply the ministerial duty of inscribing their names on the roll, therefore that question could not be an issue before the United States Court upon appeal, and only in cases where it was an issue before the United States Court was the Choctaw-Chickasaw Citizenship Court given "appellate jurisdiction", and its assumption of jurisdiction in cases wherein admission to citizenship was not an issue was void. It is a well founded rule of law that a court or tribunal authorized by statute to entertain jurisdiction in a particular class of cases only, if it undertakes to exercise the power and jurisdiction conferred,

in a class of cases to which the statute had no application, it acquired no jurisdiction thereby, and its judgments therein are mere nullities and will be treated as such when they come in question either directly or collaterally.

Nichols vs. Smith	26 N.H. 300
Wilcox vs. Jackson	13 Pet (U.S.) 511
Thompson vs. Whitman	18 Wall (J.S.) 457
Hickey vs. Stewart	3 How (J.S.) 750

The fact that petitioners entered their appearance before the Choctaw-Chickasaw Citizenship Court was in no way a waiver of the question of the question of the jurisdiction of said court over the subject matter, as it is a well established rule that jurisdiction of the subject matter cannot be waived-- cannot be conferred by consent.

Winn vs. Freele	19 Ala 171
Rice vs State	3 Kans 141
Pitt vs. Davison	37 Barb (N.Y.) 97
Way vs Way	64 Ill 406

Now let us see what these applicants have to offer in the way of a tribal status in 1896. There is in the possession of the Commissioner to the Five Civilized Tribes the roll of Choctaw citizens of Sugar Loaf County, Choctaw Nation, prepared by three Commissioners acting under authority of the Choctaw Legislature by virtue of an Act approved September 18, 1896, and thereon appears the name of the principal applicant herein together <sup>his</sup> then five living children. This roll is certified to by the Commissioner aforesaid as being a "true and correct list of citizens by blood" and according to the affidavit of the chairman of said Commissioners, at the time said roll was certified to the Principal Chief of the Choctaw Nation the lines now drawn through said names did not appear. There is nothing in the record to show that said lines were drawn through said names with legal authority; it may be contended that the so-called Revisory Board acting under authority



Wm. E. Moore, et al #7.

but that it was not to be construed as applicable "to those who by tribal usage became citizens by reuniting with the Nation." These applicants had presented a petition to the Council for recognition as Choctaws and it was never acted upon but was continued from time to time, yet during all the years from 1881 at least, until the revisory Board struck their names from the roll in 1896 these applicants were recognized by the tribal authorities as Choctaws. They clearly come within the ruling of the Department in the Long case above cited, for they are Mississippi Choctaws seeking to be reunited with the Choctaw Tribe in Indian Territory.

We further contend that after the Commission for Sugar Loaf County enrolled these applicants, that the Revisory Board had no judicial power to render a judgment of non-franchisement upon a ~~xxxxxxx~~ a class of persons who came clearly within the provisions of the act of October 30, 1896, unless it could be shown that fraud existed, and then only upon due notice being given the applicants and an opportunity afforded them to defend; the record fails to show fraud, and also fails to show that any notice was given that said Revisory Board would strike their names from the roll, in fact the testimony shows that no such notice was given.

As to the applicants herein applied for whose names do not appear on said roll, we contend that in so far as the minor applicants are concerned, those born since said roll was made, that they are to be considered upon the roll whereon their parents are to be found. We base this contention upon the acts of Congress of June 10, 1896 (29 Stat., 321, 329), and June 7, 1897 (30 Stat., 83-4), and upon the ruling of the Department of the Interior in the case of Mary Elizabeth Martin (I.T.D. 11856-1904), wherein said Department held on March 24, 1905, that by the terms of the

Wm. F. Moore, et al. #8.

act of June 7, 1897, "descendants of persons on the roll were defined and regarded as on the roll whereon their parents were found, whether themselves actually on such roll or not and though born since the roll was made." If the principal applicant is to be considered upon a tribal roll, it follows that his children are on said roll even though born after the making thereof; likewise the minor children of the other applicants who are themselves enrolled upon said tribal roll.

As to the intermarried persons applied for, we contend ~~that~~ that they are entitled to enrollment if their spouses are entitled, for the reason that they are to be considered upon the roll by virtue of their marriage in conformity with Choctaw law. This contention is based upon the report of the Commission to the Five Civilized Tribes in the case of Martha Ann Jones, made on December 31, 1901, which report has been sanctioned by the Department, and wherein it has been held that the evidence of a marriage of a white person to Choctaw citizenship.

In summing up our cases, we think that we have shown that we always have been recognized by the Choctaw tribal authorities as Choctaws, that we are upon a Choctaw tribal roll as Choctaws, and therefore the action of the Dawes Commission, the U. S. Court and the Choctaw-Chickasaw Citizenship Court is void for want of jurisdiction over the subject matter, and that therefore the names of all the applicants herein should be placed upon the final rolls of citizens of the Choctaw Nation.

Respectfully submitted

Charles von Weise

of counsel for applicants.

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(Endorsed)

In re Application of Am. F. Moore, et al for enrollment as  
Choctaw Citizens.

Petitioner's Brief.  
Charles von Weise of Counsel for petitioners.

(DeB-Copy)

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,

CENTRAL DISTRICT. On this day comes S. W. Folsom, who, being by me first duly sworn on his oath says; I am a citizen by blood of the Choctaw Nation, my age is 40, my post office address is Poteau Indian Territory.

I was chairman of the Sugar Loaf County enrolling commission which prepared the census roll of the citizens of the Choctaw Nation in the year 1896; the census roll book as prepared by of which I was chairman,, left the hands of said commission said commission/as originally prepared , intact and without the erasures of any of the names placed thereon by said commission, said commission being careful to put only such names on said roll as, in its judgment were entitled to be placed thereon.

S. W. Folsom  
Chairman Sugar Loaf County enrolling  
commission of 1895.

Sworn to before me this 11th day of October, 1906.

T. T. Varner,  
Notary Public.

My commission expires July 31, 1909.

(SEAL)

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(Endorsed)

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
FILED  
OCT 16, 1906.

Sam Birby, Commissioner.



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7-D-209  
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23-1006  
23-1007  
23-1061.

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

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In the matter of the application for the enrollment of William E. Moore, et al., as citizens by blood 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 Vister, Indian Territory, on June 6, 1899, by William E. Moore for the enrollment of himself and his children, William L. Moore, John W. Moore, Absalom L. Moore and Jackson Moore, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Catherine Moore as a citizen by intermarriage of said Nation; that on June 23, 1900, written application was filed for the enrollment of Freda Gertrude Moore, minor child of William E. Moore and Catherine Moore as a citizen by blood of the Choctaw Nation; that on December 24, 1902, written application was filed for the enrollment of Eva Moore, minor daughter of Leonard Moore and Jessie L. Moore, as a citizen by blood of the Choctaw Nation; that on June 6, 1899, application was made to the Commission to the Five Civilized Tribes by Lizzie McMurtry for the enrollment of herself and her minor son, Dewey W. McMurtry, as citizens by blood 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, for admission to citizenship in the Choctaw Nation, among others, of the applicants, William E. Moore, William L. Moore (as William Lenlord Moore), John W. Moore (as John Marshall Moore), Absalom L. Moore (as Abb Lewis Moore), Jackson Moore and Lizzie B. McMurtry (as Lizzie Bell Moore), and on December 2, 1896, said Commission denied said application.

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 August 24, 1897, reversed the decision of the Commission and admitted said applicants as citizens by blood of the Choctaw Nation. The judgment of said Court also included the name of Catherine Moore, and admitted said Catherine Moore as a citizen by intermarriage of the Choctaw Nation.

Said judgment 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 and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved Jul. 1, 1902 ( 2 Stats., 641), for a trial de novo, and on March 28, 1904, in the case of William E. Moore, et al., vs. Choctaw and Chickasaw Nations (Choctaw-Chickasaw Citi-

zenship Court Case, No. 68, South McAlester Docket), said Citizenship Court rendered a judgment therein wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, William E. Moore, William L. Moore, Lizzie Belle Moore (or Lizzie B. McMurtry), John Marshall Moore (or Marshall J. Moore), Abb Lewis Moore (or Abslam J. Moore), Jackson Moore and Catherina Moore (or Katherine Moore), 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 May 27, 1904, the Commission to the Five Civilized Tribes issued orders dismissing the application for the enrollment of Freda Gertrude Moore, Eva Moore and Dewey W. McMurtry as citizens by blood of the Choctaw Nation, for the reason that the citizenship of the persons through whom said applicants claimed their right to enrollment had been adversely determined by the Choctaw-Chickasaw Citizenship Court.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on March 2, 1906, a petition verified by William E. Moore, praying for the enrollment of William E. Moore, Catherine R. Moore, Toney Moore, Jackson Moore, Freda G. Moore, Leonard Moore, Tiney Moore, Eva Moore, Bulah Moore, Marshall Moore, Olga Moore, David Moore, Lizzie B. McMurtry, Wallace McMurtry and Blanche McMurtry, as citizens by blood of the Choctaw Nation.

The petitioners, William E. Moore, Catherine R. Moore, Jackson Moore, Freda G. Moore, Leonard Moore, Eva Moore, Marshall Moore, Lizzie B. McMurtry, Wallace McMurtry and Toney Moore, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made under the provisions of the Act of Congress approved July 1, 1902. This office has no record of any application ever having been made for the enrollment of the petitioners, Tiney Moore, Bulah Moore, Olga Moore, David Moore and Blanche McMurtry, prior to December 1, 1905.

On June 9, 1906, applications were received for the enrollment of the following persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): Teddie Moore, born January 24, 1905, minor daughter of William L. Moore and Jessie L. Moore; Ethel Moore, born August 2, 1905, minor daughter of John M. Moore and Olga Moore; John William McMurtry, born January 25, 1905, minor son of Allen McMurtry and Lizzie B. McMurtry.

The petitioners base their claim to a right to enrollment as citizens of the Choctaw Nation upon the allegation that the names of certain of the petitioners were placed on the 1896 Choctaw census roll.

It does not appear from the record herein or from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the petitioners have ever been recognized as citizens of the Choctaw Nation by any duly constituted authority. Their names do not appear upon any of the authentic rolls of citizens of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes.

There is, however, in the possession of the Commissioner to the Five Civilized Tribes a roll of citizens of Sugar Loaf County of the Choctaw Nation, prepared by Elum McCurtain, S. W. Folsom and Jefferson J. McElroy. The names of certain of the petitioners appear on said roll, as follows: William E. Moore, opposite No. 820; Leonard Moore, opposite No. 821; Lizzie Moore

opposite No. 822; Marshall Moore, opposite No. 823; Absolam Moore, opposite No. 824, and Jackson Moore, opposite No. 825.

On the line immediately preceding the first of the above names and in apparently the same handwriting, appear the words, "Rejected, not admitted". Said names were stricken from this roll, a line being drawn through each name. Following the list of names composing this roll and among which the above names appear, is the following certificate:

"We hereby certify these names in the enrollment book as a true and correct list of citizens by blood.  
Given under our hand and seal this 20 day of October, 1896, A.D.  
Commissioners, Elum McCurtain Seal  
S. W. Folsom, Seal  
Jefferson J. McElroy, Seal".

It is presumed that said Commissioners were appointed under the provisions of the Act of the Choctaw Council of September 18, 1896, which provided for the appointment of three Commissioners in each county by the Principal Chief for the purpose of preparing a roll of citizens of the several counties of the Choctaw Nation and the names of the petitioners herein were evidently stricken from said roll by said Commissioners. While this roll is not identical with the memorandum roll transmitted to the Department with this office letter of September 1, 1906, in the case of Nancy J. Murphy et al., and returned by the Department with its letter of January 12, 1907, (I.T.D. 18978-1906), it appears to have been prepared in a similar manner, and should be given no more consideration than should said memorandum roll be given. This roll has never been considered by this office as an authentic roll of the citizens of the Choctaw Nation and it is immaterial to determine by whom and by what authority the names of the applicants herein were stricken from said roll.

It is claimed that the applicant, William E. Moore, was a brother of Bettie A. Lewis, deceased, who was admitted to citizenship in the Choctaw Nation by an Act of the Choctaw Council. Frank Lewis, Belle Lewis, Annie Lewis, Curtis Lewis, Alice Lewis, Winnie Lewis and Wallis G. Lewis, children of Bettie A. Lewis, have been enrolled as citizens by blood of the Choctaw Nation, and their names appear on the final roll of citizens by blood of said nation, opposite Nos. 7986, 7987, 7988, 7989, 7990, 7991 and 7992, respectively.

I am of the opinion that the record herein fails to show that the applicants have ever occupied such a status as would entitle them to enrollment as citizens of the Choctaw Nation; that the action of the Choctaw-Chickasaw Citizenship Court of March 28, 1904, is final, and that the application for the enrollment of William E. Moore, William L. Moore, John W. Moore, Absolam L. Moore, Jackson Moore and Lizzie McMurtry, 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 Catherine R. Moore 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 petition herein in so far as same applies to the petitioners, Freda G. Moore, Eva Moore and Dewey W. (or Wallace) McMurtry, whose applications for enrollment as citizens by blood of the Choctaw Nation 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 same applies to the petitioners, Tiney Moore and Oluga Moore, for whose enrollment as citizens of the Choctaw Nation no application was made prior to December 1, 1905, 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, Bulah Moore, David Moore and Blanche McMurtry, should be considered as an application for the enrollment of said petitioners as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application and the applications filed June 9, 1906, for the enrollment of Ethel Moore, Teddie Moore and John William McMurtry, should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.



Commissioner.

Maskogee, Indian Territory.

Feb 23 - 1907

C-92

CC:

Muskogee, Indian Territory, February 27, 1908.

Lizzie McMurtry,

Lutie, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 23, 1907, denying the application and petition for your enrollment as a citizen, dismissing the petition for the enrollment of Dewey W. (or Wallace) McMurtry and denying the application for the enrollment of John William McMurtry and Blanche McMurtry, 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,

W. J. P. S. *Samuel D. King*

Commissioner.

Registered.  
Incl. C-92.

Muskogee, Indian Territory, February 27, 1907.

William E. Moore,  
Wilburton, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February <sup>23,</sup> 1907, denying the application and petition for your enrollment and for the enrollment of William L. Moore, John M. Moore, Absolam L. Moore and Jackson Moore as citizens, for the enrollment of Catherine R. Moore as a citizen by intermarriage, dismissing the petition for the enrollment of Freda G. Moore as a citizen by blood and for the enrollment of Tiney Moore and Oluga Moore 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-92.

C-92

COPY

Muskogee, Indian Territory, February 27, 1908.

William L. Moore,  
Wilburton, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 23, 1907, denying the application and petition for your enrollment as a citizen, the application for the enrollment of Teddie Moore, Bulah Moore and David Moore, and dismissing the petition for the enrollment of Eva Moore, 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,

SIGNED *Samuel L. Dixie*

Commissioner.

Registered.  
Incl. C-92.

C-92

Muskogee, Indian Territory, February 27, 1907.

John M. Moore,  
Wilburton, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 25, 1907, denying the application and petition for your enrollment, as a citizen, the application for the enrollment of Ethel Moore as a citizen by blood and dismissing the petition for the enrollment of Oluga Moore 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 *James Bixby*

Commissioner.

Registered.  
Incl. C-92.



COPY

Muskogee, Indian Territory, February 27, 1907.

Chilien Riley,  
Attorney-at-law,  
Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 23, 1907, denying the application and petition for the enrollment of William E. Moore, William L. Moore, John M. Moore, Absalam L. Moore, Jackson Moore and Lizzie McMurtry as citizens, for the enrollment of Catherine R. Moore as a citizen by intermarriage, dismissing the petition for the enrollment of Freda G. Moore, Eva Moore and Dewey W. (or Wallace) McMurtry as citizens by blood, for the enrollment of Tiney Moore and Oluga Moore as citizens and denying the application for the enrollment of Bulah Moore, David Moore, Blanche McMurtry, Ethel Moore, Teddie Moore and John William McMurtry 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,

Registered.  
Incl. C-92.

SIGNED

*B. L. ...*  
Commissioner.

COPY

Muskogee, Indian Territory, February 27, 1907.

Welch &amp; Welch,

Talihina, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 23, 1907, denying the application and petition for the enrollment of William E. Moore, William L. Moore, John M. Moore, Absalam L. Moore, Jackson Moore and Lizzie McMurtry as citizens, for the enrollment of Catherine R. Moore as a citizen by intermarriage, dismissing the petition for the enrollment of Freda G. Moore, Eva Moore and Dewey W. (or Wallace) McMurtry as citizens by blood, for the enrollment of Tiney Moore and Oluga Moore as citizens and denying the application for the enrollment of Bulah Moore, David Moore, Blanche McMurtry, Ethel Moore, Teddie Moore and John William McMurtry 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,

Registered.  
Incl. C-92.

RECORDED

*Tamc Bixby*

Commissioner.

C-92

COPY

Muskogee, Indian Territory, February 27, 1907.

W. N. Redwine,

Attorney-at-law,

South McAlester, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 25, 1907, denying the application and petition for the enrollment of William E. Moore, William L. Moore, John M. Moore, Absalom L. Moore, Jackson Moore and Lizzie McMurtry as citizens, for the enrollment of Catherine E. Moore as a citizen by intermarriage, dismissing the petition for the enrollment of Freda G. Moore, Eva Moore and Dewey W. (or Wallace) McMurtry as citizens by blood, for the enrollment of Tiney Moore and Olunga Moore as citizens and denying the application for the enrollment of Bulah Moore, David Moore, ~~Blanche~~ McMurtry, Ethel Moore, Teddie Moore and John William McMurtry 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,

SIGNED

*Wm. N. Redwine*

Commissioner.

Registered.  
Incl. C-92.

COPY

Muskogee, Indian Territory, February 27, 1907.

Charles von Weise,  
Attorney-at-law,  
Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 23, 1907, denying the application and petition for the enrollment of William E. Moore, William L. Moore, John M. Moore, Absalom L. Moore, Jackson Moore, and Lizzie McMurtry as citizens, for the enrollment of Catherine R. Moore as a citizen by intermarriage, dismissing the petition for the enrollment of Freda G. Moore, Eva Moore and Dewey W. (or Wallace) McMurtry as citizens by blood, for the enrollment of Tiney Moore and Oluga Moore as citizens and denying the application for the enrollment of Bulah Moore, David Moore, Blanche McMurtry, Ethel Moore, Teddie Moore and John William McMurtry 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.

78.

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. Q-92.

C-92

COPY

Muskegee, Indian Territory, February 27, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw & 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 23, 1907, denying the application and petition for the enrollment of William E. Moore, William L. Moore, John M. Moore, Absalom L. Moore, Jackson Moore and Lizzie McMurtry as citizens, for the enrollment of Catherine R. Moore as a citizen by intermarriage, dismissing the petition for the enrollment of Freda G. Moore, Eva Moore and Dewey W. (or Wallace) McMurtry as citizens by blood, for the enrollment of Tiny Moore and Oluga Moore as citizens and denying the application for the enrollment of Bulah Moore, David Moore, Blanche McMurtry, Ethel Moore, Teddie Moore and John William McMurtry 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,

*James Dixon*

Incl. C-92.

Commissioner.

COPY

Muskegee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the enrollment of William B. Moore, et al., as citizens by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, denying the application and petition for the enrollment of William B. Moore, William L. Moore, John M. Moore, Absalom L. Moore, Jackson Moore and Lizzie McMurtry as citizens, for the enrollment of Catherine R. Moore as a citizen by intermarriage, dismissing the petition for the enrollment of Freda G. Moore, Eva Moore and Dewey W. (or Wallace) McMurtry as citizens by blood, for the enrollment of Tiney Moore and Oluga Moore as citizens and denying the application for the enrollment of Bulah Moore, David Moore, Blanche McMurtry, Ethel Moore, Teddie Moore and John William McMurtry as citizens by blood, of the Choctaw Nation.

I have to report that these persons included in this case come within the class affected by the opinion of the Attorney General of February 19, 1907 having been denied by the Choctaw and Chickasaw Citizenship Court but the decision had been rendered before the receipt of said opinion.

Respectfully,

2 Incl.

SIGNED

Through the

Commissioner of Indian Affairs.

Commissioner.

SPECIAL

CKV

D. C. 13274-1907.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 7908-1907.

March 4, 1907.

LRS

DIRECT.

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

Sir:

March 2, 1907, the Indian Office transmitted the record,  
together with your adverse decisions in the following enrolment cases,  
concurring in your decisions.

Title of Case.

Dora Riley, et al. (intermarried Choc.)  
George Crawford (intermarried Choc.)  
Abraham H. Nail, et al. (Choctaw).  
Mannie Guess, et al. (Choctaw freed).  
Noel Walker (Choc. freed.)  
Patsie Alexander (Choc. freed.)  
Arie Lewis (intermarried Choc.)  
George Rosenthal (intermarried Choc.)  
Ada Welsh, et al. (Choc. by blood).  
William E. Moore, et al. (Choc. by blood).  
William B. Hill, et al. (Choctaw).  
James A. Blackburn, et al. (Cherokee).  
Andrew T. Watie, et al. (Cherokee freed.)

The Department cannot concur in your decision in the case of  
Dora Riley, applicant for enrolment as a citizen of the Choctaw Nation.

In view of the opinion of the Attorney General in the case



-2-

of William C. Thompson, et al., you are directed to enroll the said Dora Riley as a citizen by intermarriage of the Choctaw Nation.

The application for the enrolment of her child Florence L. Riley is denied in accordance with your decision.

The Department cannot concur in your decision adverse to George Crawford, applicant for enrolment as a citizen by intermarriage of the Choctaw Nation, as he was married to a woman admitted to citizenship in the Choctaw Nation by the Commission in 1896. You are accordingly directed to enroll him as a citizen by intermarriage of the Choctaw Nation.

In the other cases submitted, the Department concurs in your decisions adverse to the applicants.

They are accordingly affirmed.

The papers have been sent to the Indian Office, together with a copy hereof.

Respectfully,

E. A. Hitchcock,

Secretary.

26 inc. to Ind. Of.

NCM 3-4-07.

(COPY)

Refer in reply to the following.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

Land.  
References in  
body of letter.

WASHINGTON.

March 2, 1907.

D. C. 13274.

The Honorable,

The Secretary of the Interior,

Sir:

There are forwarded herewith several reports from Commissioner Pixby, transmitting the records in certain citizenship cases, together with the decisions of the Commissioner, denying the applications for the enrollment of all the persons involved in the following cases:

CHEROKEES BY BLOOD.

21809. James A. Blackburn, et al.

CHEROKEE FREEDMAN.

21808. Andrew T. Watie, et al.

CHOCTAWS BY BLOOD.

21783. William B. Hill, et al.

21782. William K. Moore, et al.

21779. Abraham H. Nail, et al.

21778. Dora, et al.

21775. Ada Walsh, et al.

CHOCTAWS BY INTERMARRIAGE.

21778. Dora, et al.

21779. Abraham H. Nail, et al.

-2-

21781. George Rosenthal.  
21780. Aric Lewis.  
21776. George Crawford.  
          CHOCTAW FREEDMEN.  
21784. Patsie Alexander.  
21785. Neel Walker.  
21777. Hannie and Isabell Gue.

The Office has examined the record in each of the above cases and recommends that the decisions of the Commissioner denying the applications of the persons involved therein be approved.

Very respectfully,  
C. F. Larrabee,  
Acting Commissioner.

AJV:LM

C-92

Muskogee, Indian Territory, April 9, 1907.

Lizzie McMurtry,

Lutie, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 23, 1907, denying the application and petition for your enrollment as a citizen, dismissing the petition for the enrollment of Dewey W. (or Wallace) McMurtry and denying the application for the enrollment of John William McMurtry and Blanche McMurtry as citizens by blood of the Choctaw Nation.

Respectfully,

*Geo. D. Rodgers.*

Acting Commissioner.

C-92

Muskogee, Indian Territory, April 9, 1907.

William E. Moore,

Wilburton, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 23, 1907, denying the application and petition for your enrollment and for the enrollment of William L. Moore, John M. Moore, Absolam L. Moore and Jackson Moore as citizens, for the enrollment of Catherine R. Moore as a citizen by intermarriage, dismissing the petition for the enrollment of Freda G. Moore as a citizen by blood and for the enrollment of Tiney Moore and Oluga Moore as citizens, of the Choctaw Nation.

Respectfully,

*C. J. ...*  
Acting Commissioner.

C-92

Muskogee, Indian Territory, April 9, 1907.

William L. Moore,  
Wilburton, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 23, 1907, denying the application and petition for your enrollment as a citizen, the application for the enrollment of Teddie Moore, Bulah Moore and David Moore, and dismissing the petition for the enrollment of Eva Moore, as citizens by blood of the Choctaw Nation.

Respectfully,

*Geo. B. Rodgers.*

Acting Commissioner.

C-92

Wuskogee, Indian Territory, April 9, 1907.

John M. Moore,

Wilburton, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 23, 1907, denying the application and petition for your enrollment as a citizen, the application for the enrollment of Ethel Moore as a citizen by blood and dismissing the petition for the enrollment of Oluga Moore as a citizen of the Choctaw Nation.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, April 9, 1907.

Chillion Riley,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 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 William E. Moore, William L. Moore, John M. Moore, Absalam L. Moore, Jackson Moore and Lizzie McMurtry as citizens, for the enrollment of Catherine R. Moore as a citizen by intermarriage, dismissing the petition for the for the enrollment of Freda G. Moore, Eva Moore and Dewey W. (Wallace) McMurtry as citizens by blood, for the enrollment of Tiney Moore and Oluga Moore as citizens and denying the application for the enrollment of Bulah Moore, David Moore, Blanche McMurtry, Ether Moore, Teddie Moore and John William McMurtry as citizens by blood, of the Choctaw Nation.

Respectfully,

*Geo. D. Rodgers.*

Acting Commissioner.



C-92

Muskogee, Indian Territory, April 9, 1907.

Welch & Welch,

Talihina, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 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 William E. Moore, William L. Moore, John M. Moore, Absalom L. Moore, Jackson Moore and Lizzie McMurtry as citizens, for the enrollment of Catherine R. Moore as a citizen by intermarriage, dismissing the petition for the enrollment of Freda G. Moore, Eva Moore and Dewey W. (or Wallace) McMurtry as citizens by blood, for the enrollment of Tiney Moore and Olga Moore as citizens and denying the application for the enrollment of Bulah Moore, David Moore, Blanche McMurtry, Ethel Moore, Teddie Moore and John William McMurtry as citizens by blood of the Choctaw Nation.

Respectfully,

*Geo. D. Rodgers.*

Acting Commissioner.

Muskogee, Indian Territory, April 9, 1907.

W. N. Redwine,  
Attorney at Law,  
South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 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 William E. Moore, William L. Moore, John M. Moore, Absalam L. Moore, Jackson Moore and Lizzie McMurtry as citizens, for the enrollment of Catherine R. Moore as a citizen by intermarriage, dismissing the petition for the enrollment of Freda G. Moore, Eva Moore and Dewey W. (or Wallace) McMurtry as citizens by blood, for the enrollment of Tiney Moore and Olga Moore as citizens and denying the application for the enrollment of Bulah Moore, David Moore, Blanche McMurtry, Ethel Moore, Teddie Moore and John William McMurtry as citizens by blood of the Choctaw Nation.

Respectfully,

*Geo. D. Rodgers.*

Acting Commissioner.

Muskogee, Indian Territory, April 9, 1907.

Charles von Weise,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 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 William E. Moore, William L. Moore, John M. Moore, Absolam L. Moore, Jackson Moore and Lizzie McMurtry as citizens, for the enrollment of Catherine R. Moore as a citizen by intermarriage, dismissing the petition for the enrollment of Freda G. Moore, Eva Moore and Dewey W. (or Wallace) McMurtry as citizens by blood, for the enrollment of Tiney Moore and Olga Moore as citizens and denying the application for the enrollment of Bulah Moore, David Moore, Blanche McMurtry, Ethel Moore, Teddie Moore and John William McMurtry as citizens by blood of the Choctaw Nation.

Respectfully,

*Geo. D. Rodgers.*

Acting Commissioner.

Muskogee, Indian Territory, April 9, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 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 William E. Moore, William L. Moore, John M. Moore, Absalam L. Moore, Jackson Moore and Lizzie McMurry as citizens, for the enrollment of Catherine R. Moore as a citizen by inter-marriage, dismissing the petition for the enrollment of Freda G. Moore, Eva Moore, and Dewey W. (or Wallace) McMurry as citizens by blood, for the enrollment of Tiney Moore and Oluga Moore as citizens and denying the application for the enrollment of Bulah Moore, David Moore, Blanche McMurry, Ethel Moore, Teddie Moore and John William McMurry as citizens by blood of the Choctaw Nation.

Respectfully,

*Geo. D. Rodgers.*

Acting Commissioner.

Colbert, Indian Territory, June 15, 1900.

Mr. W. E. Moore,

Wilburton, Indian Territory,

Dear Sir:

The Commission is in receipt of an application for the enrollment as a citizen of the Choctaw Nation of Freda Gertrude Moore, the infant daughter of Catherine and W. E. Moore, and the same is returned to you herewith for the reason that the Notary Public taking the acknowledgment of Catherine Moore to the affidavit of the mother, neglected to attach his signature to the affidavit. Upon the return of the application with this omission supplied, the application for enrollment of your daughter will receive proper attention.

The application for enrollment as an intermarried citizen of Jessie L. Moore, the wife of your son William L. Moore, is herewith returned for the reason that the Commission cannot accept applications for enrollment except upon personal appearance. Jessie L. Moore must appear before the Commission and make application for enrollment as an intermarried citizen of the Choctaw Nation, or her husband may appear in her behalf if he desires. She may appear at the office of the Commission at Muskogee after June 25th, or at Colbert any day prior to June 20th, and will be given a hearing.

Yours truly,

In reply to this letter,  
please refer to 7-D 209  
2-15

Acting Chairman

Muskogee, Indian Territory, December 5, 1901.

W. N. Redwine,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, requesting that you be informed if William E. Moore, of Wilburton, Indian Territory is enrolled.

You are informed that the records of this office show that on June 6, 1899, William E. Moore, of Wilburton, Indian Territory, made application for the enrollment of himself and family as citizens of the Choctaw Nation.

A decision has not up to this time been rendered in the matter of such application but when a decision is rendered, William E. Moore will be notified of any action that may be taken by the Commission.

Yours truly,

Commissioner in Charge.

7-D-209

*Substitute*

7-D209

Muskogee, Indian Territory, March 19, 1903.

William L. Moore,  
Wilburton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, enclosing marriage license and certificate of William L. Moore and Jessie S. Reasnoe, and a certified copy of the judgment of the United States Court for the Central District of Indian Territory, dated August 24, 1897, in the case of W. H. Moore et al, against the Choctaw Nation, and returning the application for enrollment as a citizen of the Choctaw nation of Eva Moore infant daughter of Leonard and Jessie L. Moore, born January 27, 1901, which it appears was first received at this office December 24, 1902.

The Commission being unable to identify you as a citizen by blood of the Choctaw nation, under date of December 31 1902, you were requested to state when, where, and under what name you were listed for enrollment as such, also to furnish evidence of your marriage to the mother of the child.

From the statement contained in your letter the Commission is now able to identify you as admitted by a judgment of the United States Court for the Central District, Indian Territory, and the application being in proper form has been duly filed with the rec-

4  
W L M 2

ords of the Commission. You are further advised that by a decree of the "Choctaw-Chickasaw citizenship court," created by the provisions of the Act of Congress, approved July 1, 1902, (32 stats;641) all judgments of the United States Court in Indian 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 license and certificate having been prepared in this office, and filed in the matter of the application for enrollment of the above names child, the original marriage license and certificate together with the copy of the judgment of the United States Court, is returned you herewith.

Respectfully,

Enc

MYC 1-88

Chairman.



In re Application of  
Wm E Moore et al  
for enrollment as  
Choctaw citizens

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Proof of service of  
copy of petition &  
bill's on atty for  
Choctaw & Chickasaw  
nations

Chavon Orl 2 f  
re Welch  
aturs

Handwritten text, mostly illegible due to bleed-through from the reverse side of the page. Some legible words include "Application of", "for enrollment as", "Choctaw citizens", "Proof of service of", "copy of petition & bill's on atty for", "Choctaw & Chickasaw nations", "Chavon Orl 2 f", "re Welch", "aturs".

4

Indian Territory  
Southern District

In re, Application of Wm Moore et al

I, Charles von Weise, on my oath state that I registered a letter to Mansfield, McMurray & Cornish, attys for Choctaw & Chickasaw Nations at South McAlester, I. T. containing a copy of the brief of Charles von Weise and G. A. Welsh in the matter of the application of Wm. E. Moore et al for enrollment as Choctaw citizens, as will more fully appear from the attached registry receipt.

U. S. Registered Mails go to every part of the world. Letters and packages may be registered at any post office or at a post office station, and by rural carriers through their routes. Letters will be registered by letter carriers in the residential districts.  
For registered mail delivered through a U. S. post office, the sender receives, without request or extra charge, a return receipt signed by the addressee in his own handwriting. For registered mail delivered in a foreign country the sender receives with the extra charge a form of return receipt if the return receipt is demanded. It appears on the envelope or wrapper.

Letter No. 11 P. O.,  
Received for registration 1/3 1907 from  
Charles von Weise  
addressed to Mansfield, McMurray & Cornish  
class postage prepaid. Postmaster, per \_\_\_\_\_

Subscribed and sworn to before me this 3rd of January, 1907

Chas von Weise

C. Q. Hoggard

Notary Public

Choc D210 Lizue McMurtry

D210

20

*Lezzie M. Murby et al.*

*No. 2* DISMISSED  
MAY 27 1904

*See Petition No. 92*

ACTION APPROVED BY  
MAY 4 1907  
APR 1 1907

*Hand*

7-2-1904.

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

)))) : (((

COPY,

In the matter of the application for the enrolment of  
Dewey W. McMurtry as a citizen by blood of the Choctaw Nation.

-----

The applicant, Dewey W. McMurtry, claims his right to  
enrolment as a citizen by blood of the Choctaw Nation through his  
mother Minnie McMurtry. The right of the applicant's mother,  
Minnie McMurtry, to citizenship in the Choctaw Nation has never been  
adversely determined by a decree of the Choctaw and Chickasaw  
Citizenship Court, March 28, 1904, in case No. 6, upon the South  
Dawson docket of said court, it is hereby ordered that the ap-  
plication of Dewey W. McMurtry for enrolment as a citizen by blood  
of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

*Tamc Bixby.*

Chairman.

Waskoge, Indian Territory,

7- D- 210

COPY:

Muskogee, Indian Territory, June 8, 1904.

Lizzie McMurtry,

Wilburton, 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 Dewey W. McMurtry.

Respectfully,

(SIGNED)

*Tame Bixby.*

Chairman.

Registered.

Incl. 7- D- 210.

7- D- 210.

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 Dewey W. McMurtry.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Registered.

Incl. 7- D- 210.

See Choctaw R- 650 for registry receipt for this letter.

C----92  
7-D-209  
7-D-210  
27-1006  
27-1007  
27-1008.

COPY

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

In the matter of the application for the enrollment of William E. Moore, et al., as citizens by blood 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 of Water, Indian Territory, on June 6, 1899, by William E. Moore for the enrollment of himself and his children, William E. Moore, John E. Moore, Abiel M. Moore and Jackson Moore, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Catherine Moore as a citizen by intermarriage of said Nation; that on June 23, 1900, written application was filed for the enrollment of Freda Gertrude Moore, minor child of William E. Moore and Catherine Moore as a citizen by blood of the Choctaw Nation; that on December 24, 1902, written application was filed for the enrollment of Eva Moore, minor daughter of Leonard Moore and Jessie T. Moore, as a citizen by blood of the Choctaw Nation; that on June 6, 1900, application was made to the Commission to the Five Civilized Tribes by Fizzie McMurry for the enrollment of herself and her minor son, Dewey T. McMurry, as citizens by blood 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 3, 1896, for admission to citizenship in the Choctaw Nation, among others, of the applicants, William E. Moore, William L. Moore (as William Leonard Moore), John E. Moore (as John Marshall Moore), Abiel M. Moore (as Abi Leslie Moore), Jackson Moore and Fizzie T. McMurry (as Fizzie Bell Moore), and on December 2, 1896, said Commission denied said application.

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 August 24, 1897, reversed the decision of the Commission and admitted said applicants as citizens by blood of the Choctaw Nation. The judgment of said Court also included the name of Catherine Moore, and admitted said Catherine Moore as a citizen by intermarriage of the Choctaw Nation.

Said judgment 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 and 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 March 28, 1904, in the case of William E. Moore, et al., vs. Choctaw and Chickasaw Nations (Choctaw-Chickasaw Citi-



zenship Court Case, No. 68, South McAlester Docket), said Citizenship Court rendered a judgment therein wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, William B. Moore, William L. Moore, Lizzie Belle Moore (or Lizzie B. McMurtry), John Marshall Moore (or Marshall J. Moore), Abil Lewis Moore (or Ashton L. Moore), Jackson Moore and Catherine Moore (or Catherine Moore), 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 May 27, 1904, the Commission to the Five Civilized Tribes issued orders dismissing the application for the enrollment of Freda Gertrude Moore, Eva Moore and Dewey W. McMurtry as citizens by blood of the Choctaw Nation, for the reason that the citizenship of the persons through whom said applicants claimed their right to enrollment had been adversely determined by the Choctaw- Chickasaw Citizenship Court.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 1, 1906, there was filed on March 2, 1906, a petition verified by William B. Moore, praying for the enrollment of William B. Moore, Catherine R. Moore, Tony Moore, Jackson Moore, David L. Moore, George Moore, Tiny Moore, Eva Moore, Edith Moore, Marshall Moore, Olga Moore, David Moore, Lizzie B. McMurtry, John W. McMurtry and Blanche McMurtry, as citizens by blood of the Choctaw Nation.

The petitioners, William B. Moore, Catherine R. Moore, Jackson Moore, Freda G. Moore, Leonard Moore, Eva Moore, Marshall Moore, Lizzie B. McMurtry, John W. McMurtry and Tony Moore, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made under the provisions of the Act of Congress approved July 1, 1902. This office has no record of any application ever having been made for the enrollment of the petitioners, Tiny Moore, John Moore, Olga Moore, David Moore and Blanche McMurtry, prior to December 1, 1905.

On June 9, 1906, applications were received for the enrollment of the following persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1905 (34 Stat., 137): Felde Moore, born January 24, 1905, minor daughter of William L. Moore and Jessie L. Moore; Ethel Moore, born August 2, 1905, minor daughter of John L. Moore and Olga Moore; John Billie McMurtry, born January 25, 1905, minor son of John McMurtry and Lizzie B. McMurtry.

The petitioners base their claim to a right to enrollment as citizens of the Choctaw Nation upon the allegation that the names of certain of the petitioners were placed on the 1905 Choctaw census roll.

It does not appear from the record herein or from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the petitioners have ever been recognized as citizens of the Choctaw Nation by any duly constituted authority. Their names do not appear on any of the authentic rolls of citizens of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes.

There is, however, in the possession of the Commissioner to the Five Civilized Tribes a roll of citizens of Sugar Leaf County of the Choctaw Nation, prepared by Elum McCurtain, S. W. Polson and Jefferson J. McElroy. The names of certain of the petitioners appear on said roll, as follows: William B. Moore, opposite No. 320; Leonard Moore, opposite No. 321; Lizzie Moore

opposite No. 823; Marshall Moore, opposite No. 823; Absalom Moore, opposite No. 824, and Jackson Moore, opposite No. 825.

On the line immediately preceding the first of the above names and in apparently the same handwriting, appear the words, "Rejected, not admitted". Said names were stricken from this roll, a line being drawn through each name. Following the list of names composing this roll and among which the above names appear, is the following certificate:

We hereby certify these names in the enrollment book as a true and correct list of citizens by blood.  
Given under our hand and seal this 20 day of October, 1896, A.D.  
Commissioners, Elus McFurtain Seal  
C. W. Nelson, Seal  
Jefferson J. McElroy, Seal.

It is presumed that said Commissioners were appointed under the provisions of the Act of the Choctaw Council of September 19, 1896, which provided for the appointment of three Commissioners in each county by the Principal Chief for the purpose of preparing a roll of citizens of the several counties of the Choctaw Nation and the names of all citizens whose names were evidently stricken from said roll by said Commissioners. While this roll is not identical with the enumeration roll transmitted to the Department by letter of September 1, 1896, in the case of Nancy E. Murphy et al., and returned by the Department with its letter of January 15, 1907, (U.S.D. 15078-106) it appears to have been prepared in similar manner, and should be given no more consideration than the said enumeration roll be given. This roll has never been considered by this office as an authentic roll of the citizens of the Choctaw Nation and it is immaterial to determine by whom and by what authority the names of these applicants herein were stricken from said roll.

It is claimed that the applicant, William E. Moore, was a brother of Bettie A. Lewis, deceased, who was admitted to citizenship in the Choctaw Nation by an Act of the Choctaw Council. Frank Lewis, Belle Lewis, Annie Lewis, Curtis Lewis, Alice Lewis, Winnie Lewis and Nellie C. Lewis, children of Bettie A. Lewis, have been enrolled as citizens by blood of the Choctaw Nation, and their names appear on the final roll of citizens by blood of said nation, opposite Nos. 2986, 2987, 2988, 2989, 2990, 2991 and 2992, respectively.

I am of the opinion that the records herein fails to show that the applicants have ever occupied such a status as would entitle them to enrollment as citizens of the Choctaw Nation; that the action of the Choctaw-Chickasaw Citizenship Court of March 28, 1904, is final, and that the application for the enrollment of William E. Moore, William T. Moore, John V. Moore, Absalom J. Moore, Jackson Moore and Elus McFurtain, 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 Catherine E. Moore 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.

4.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Freda G. Moore, Eva Moore and Dewey T. (or Wallace) McNurtry, whose applications for enrollment as citizens by blood of the Choctaw Nation 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 same applies to the petitioners, Tincy Moore and Olga Y. Moore, for whose enrollment as citizens of the Choctaw Nation no application was made prior to December 1, 1905, 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, Bulah Moore, David Moore and Blanche McNurtry, should be considered as an application for the enrollment of said petitioners as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat., 137), that said application and the application filed June 9, 1905, for the enrollment of Ethel Moore, Thelma Moore and John William McNurtry, should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stat., 137), and it is so ordered.

SIGNED *James Bixby*

Commissioner.

Muskogee, Indian Territory,

FEB 23 1907

---

Choc D211 Thomas W. Broome

no 5 Dismissed may 27, 1904

D211

✓

—

McCoy, Indian Territory,

August 10, 1900.

Thomas M. Broome,

Cameron, Indian Territory,

Dear Sir:

You are hereby notified that the above named, through its attorney, Messrs. [unclear] and [unclear], [unclear], [unclear], has filed with this Commission a notice of protest to your appointment and the enrollment therein, [unclear] Mary M. Broome as citizens of the [unclear] Nation.

The Commission, composed of [unclear] [unclear] [unclear], [unclear] [unclear] [unclear] at [unclear], Indian Territory, [unclear] that the both [unclear] [unclear] [unclear] [unclear] will be permitted to offer additional testimony in written or [unclear] in this case, [unclear] [unclear] [unclear] [unclear].

Yours truly,

7-2-10.

Choctaw B 203  
Choctaw D 211

Muskogee, Indian Territory, April 21, 1902.

Frederick, & Frederick,  
Attorneys at Law,  
Poteau, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you desire to be furnished with a copy of the evidence in the matter of the application for enrollment as citizens of the Choctaw Nation of Tom W. Broome and Mollie Shoup, and also request that you be granted thirty days time in which to file briefs in support of the applications of these persons for enrollment.

In reply to your request, there is enclosed you herewith copies of the testimony on file with the records of the Commission in the matter of the application of Thomas W. Broome, et al. and Molly Shoep, et al., applicants to this Commission for enrollment as citizens of the Choctaw Nation by virtue of a judgment of the United States Court for the Central District of the Indian Territory, rendered at South McAlester, Indian Territory, September 1, 1897 in Choctaw citizenship case No. 241.

Yours truly,

Enc Y 78

Acting Chairman.

1  
Choctaw D 211

Muskogee, Indian Territory, May 17, 1902.

John London,

Poteau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, enclosing brief in the matter of the application of Thomas W. Broome et al., and the same has been duly filed with the records in this case.

Yours truly,

Acting Chairman.

7-D-211.

Muskogee, Indian Territory, September 25, 1902.

T.W. Broome,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Franklin Broome, infant son of T.W. and Maria Broome, born June 17, 1902; and the same being in proper form has been duly accepted and filed with the records of the Commission as evidence of the birth of this child.

Respectfully,

Acting Chairman.



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

In the matter of the enrollment of Thomas W. Broome, wife and children as Choctaw citizens; Thomas W. Broome being sworn and examined by Commissioner McKennon testifies as follows:

- Q Your name is Thomas W. Broome? A Yes sir.
- Q Are you the identical Thomas W. Broome embraced in this decree? A Yes sir.
- Q Your wife is Mariah Broome? A Yes sir.
- Q She is an intermarried citizen? A Yes sir.
- Q You are the father of James C. and Mary E. Broome? A Yes sir.
- Q Where have you been living with this family? A In the Territory since 1895, except ten months.
- Q Where were you then? A In Texas.
- Q When was that? A That was from 1897 until last July
- Q What time in 1897? A In August I think of 1897, to July about the 20th I think, 1898.
- Q It was August when you moved to Texas? A Yes sir.
- Q And moved back when? A Last July.
- Q What date? A I don't remember the date.
- Q 15th or 20th of July
- Q How long had you lived in the Territory before that moved here with my family in 1895
- Q How long did you stay here from the fall of 1895 until in August 1897, nearly two years
- Q You made application in 1896 to the "Laws Commission"
- A Yes sir

*Handwritten signature or initials at the bottom of the page.*

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

In the enrollment of Thomas W. Broome et. al. as Choctaw citizens; Thomas W. Broome returns and desires to make additional statements in his case as follows:

Q (Capt. McK) Under the oath administered to you yesterday you make this statement do you? A Yes sir.

Statement: Instead of August I want to make it September; I was mistaken about the month when I left the Territory in 1897, and I want to make it September; it was about the middle of September, I don't know what day.

Q When did you return? A About the 28th of May, but my family came back in July.

Q When did you move back here? A My family moved back here in July.

And I also wanted to state that when I left here I didn't leave with any intention whatever of staying away. I am a carpenter and builder and I had work outside and didn't have any here and I went to it.

Q Have you talked to anybody about this matter since you made the other statement? A No sir.

Q Haven't talked to anybody about it? A No sir.

Q And nobody talked to you about it? A No sir.

Q You just happened to think of it yourself and come back here?

A Yes, I thought about this September statement, and I knew that was wrong, and I wanted to correct that part of it, and I thought while I was at it I would speak of the other.

Q That all? A I believe that is all. DEPT. OF THE INTERIOR,

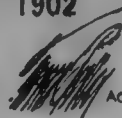
*M. D. Green*

Brief

Thomas W. Browne *Plaintiff*  
v. S.

Cherokee Nation

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
**FILED**  
MAY 17 1902



ACTING CHAIRMAN.

BEFORE THE COMMISSION TO THE FIVE  
CIVILIZED TRIBES? AT MUSCOGEE.

In the matter of the enrollment of  
Thomas W. Broome, wife and children as Choctaw Citizens.

BRIEF.

This case seems to us to involve by any possible construction of the evidence but one question, to wit:-

Was the applicant settled in good faith in the Indian Territory, and in the Choctaw Nation, prior to June the 28th. 1898, the date of the passage of Act of Congress known as the Curtis Bill ?

The question of the applicant being a Choctaw Indian in fact can not be questioned at this time as that is settled by decree of the federal court for the Central District, a copy of which is on file with this commission.

The Act of Congress above referred to provides, "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims Citizenship".

Thus unless the applicant comes within this prohibition he must be enrolled.

The only testimony on this point is the testimony of the applicant himself, wherein he says that he moved to the Choctaw Nation in 1895 and established his home that he was away about 8 or 9 months following his trade of carpenter and himself returned to the Territory in May 1898 and his family came home later thus it is seen from the testimony that not only was the applicants home all this time in the Choctaw Nation, he only having been away temporarily on business, which all the Courts hold does not affect the domicile .

See.

Boyd Vs. Beck 29th Ala. 703.  
Millers Estate 3 , Rawle( Pa.) 312.  
The Neirde 9 Cranch ( U.S.) 308.  
White Vs Brown 1 Wall.jr. (U.S.) 217.  
Still Vs Woodville 38 Miss. 646.  
Harburgers Will 13 Phila. (Pa.) 368.

(2)

but that his temporary absence had in fact ended before the time fixed by law for the residence to begin, to wit; - June 28th. 1898,

Hence it seems that there can be no possible question as to this applicants right to enrollment.

Respectfully submitted.

John L. Landon  
Atty for applicant.

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:

Franklin Broome,

7-D)211.

---o---

*IN RE*

Application for Enrollment of  
INFANT CHILD

*[Handwritten name]*

as a citizen of

*[Handwritten name]*

Nation,

Approved,

SEP 25 1902

190

*[Handwritten signature]*

Commissioner.

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

FILED

SEP 25 1902

*[Handwritten signature]*

ACTING CHAIRMAN.

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

IN RE Application for Enrollment, as a citizen of the Chactau Nation,  
of Franklin Brome, born on the 17 day of June, 1902  
(Here insert name of child.)  
Name of Father: J. W. Brome, a citizen of the Chactau Nation.  
Name of Mother: Mariah Brome, a citizen of the inter married citizen Nation.  
Post-office, Lda. I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, Mariah Brome, on oath state that I am 41  
years of age and a citizen, by marriage, of the Chactau Nation;  
that I am the lawful wife of J. W. Brome, who is a citizen, by  
blood, of the Chactau Nation; that a male child was  
(male or female)  
born to me on the 17 day of June, 1902 that said child has been  
named Franklin, and is now living.

WITNESSES TO MARK:

(Must be Two  
Witnesses)

Maria Broome

Subscribed and sworn to before me this 22 day of Sept, 1902

Jno. P. Crawford  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, M. M. Lyon, a physician, on oath state that I  
attended on Mrs. Mariah Brome, wife of J. W. Brome  
on the 17 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  
(male or female)  
named Franklin.

WITNESSES TO MARK:

(Must be Two  
Witnesses)

M. M. Lyon M.D.

Subscribed and sworn to before me this 22 day of Sept, 1902

Jno. P. Crawford  
NOTARY PUBLIC



1060

D-D-211.

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

-----o-----

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

-----o-----

The applicant, Franklin Broome, claims his right to enrollment as a citizen by blood of the Choctaw Nation through his father Thomas W. Broome. The right of the applicant's father, Thomas W. Broome, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, March 14, 1904, in case No. 55, upon the South McAlester docket of said court, it is hereby ordered that the application of Franklin Broome for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

---

7- D- 211.

COPY:

Muskogee, Indian Territory, June 8, 1904.

Thomas W. Broome,

Ada, 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 Franklin Broome.

Respectfully,

SIGNED

*Jams Bixby.*

Chairman.

Registered.

Incl. 7- D- 211.

7- D- 211.

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 Franklin Broome.

Respectfully,

(SIGNED)

*James Bixby.*  
Chairman.

Registered.

Incl. 7- D- 211.

See Choctaw R- 650 for registry receipt for this letter.

CROCIATA D 212

*William Richard.*

GRANTED.

*and transferred to*

CROCIATA 2353, JUL 17 1905

D 213

Sarah C. Griffith

Record transferred to

CHOCIAW.

# 5814.

D. 214

Daniel Jones.

Record transferred to Choctaw  
card # 5778.

Choc D215 Leamon Welch

D215

CHOCTAW

21

*Leamon Welch et al.*

APPLICANT  
 RECEIVED  
 1905

*see Petition # 50-155*

*7-2-636*

*Leamon Welch Transferred to Choctaw # 2293 Jan 20 1905*

*Nov 28 1905*

COPY OF DECISION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKSAW NATIONS

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT

COPY OF DECISION FORWARDED APPLICANT

*(over)*



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*IN RE*  
*Application for Enrollment of*  
*INFANT CHILD*

*as a citizen of the*

*Nation.*

*Approved* \_\_\_\_\_ *190*

\_\_\_\_\_  
*Commissioner.*

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Bertie Welch (Here insert name of child), born on the 13 day of June, 1899  
Name of Father: William A. Welch, Jr., a citizen of the Choctaw Nation.  
Name of Mother: Leamon Welch, a citizen of the Choctaw Nation.  
Post-Office: Poteau, I.T.

AFFIDAVIT OF MOTHER.

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

I, Leamon Welch; 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 William A. Welch, Junior, who is a citizen, by  
intermarriage, of the Choctaw Nation, that a female child was  
(Male or female.)  
born to me on the 13 day of June, 1899, 1899; that said child has been  
named Bertie Welch, and is now living.

Leamon Welch

WITNESSES TO MARK.

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 23 day of June, 1899, 1899

L.L. Smith,

*Notary Public.*

SEAL.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

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

I, L.E. Watson, a physician, on oath state that I  
attended on Mrs. Leam Welch, wife of William A. Welch, Junior,  
on the 13 day of June, 1899, 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  
(Male or female.)  
named Bertie

Dr. L.E. Watson,

WITNESSES TO MARK

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 23 day of June, 1899, 1899

L. L. S M I T H.

*Notary Public.*

SEAL.

**Choctaw**

20

*I N R E*

*Application for Enrollment of*

**INFANT CHILD**

**Elois Welch**

*as a citizen of the*

**Choctaw Nation.**

---

*Approved*      **O C T 10 1901**

**Tams Bixby**

*Commissioner.*

---

Department of the Interior,  
Commission to the  
Five Civilized Tribes.  
**F I L E D**  
**Oct 10 1901**  
**Tams Bixby, Acting Chairman.**

## DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation Nation,  
of Elois Welch, born on the 13th day of August, 1901  
(Here insert name of child.)  
Name of Father: William A. Welch, Jr. citizen of the Choctaw Nation Nation.  
Name of Mother: Leamon Welch, a citizen of the Choctaw Nation Nation.  
Post-Office: Poteau, I.T.

## AFFIDAVIT OF MOTHER.

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

I, Leamon Welch, 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 William A. Welch, Jr., who is a citizen, by  
marriage, of the Choctaw Nation, that a female child was  
(Male or female.)  
born to me on the 13 day of August 1901; that said child has been  
named Elois Welch, and is now living.

Leamon Welch

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 4 day of October 1901.

(SEAL)

R.P. White,

*Notary Public.*

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

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

I, M. Plumlee, M.D., a Physician, on oath state that I  
attended on Mrs. Leamon Welch, wife of William A. Welch, Jr.,  
on the 13th day of August, 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 Elois Welch.

M. Plumlee, M.D.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 4 day of October 1901.

(SEAL)

R.P. White.

*Notary Public.*

~~My commission expires Jan. 4, 1904.~~

## IN RE

Application for Enrollment of  
INFANT CHILD

Geraldine Welch

as a citizen of

Choctaw Nation.

Approved ..... 190

Commissioner.

Act of Congress approved April, 26, 1906.

Born June 14, 1902.

Department of the Interior,  
Commissioner to the Five Civilized Tribes.

Filed May 16, 1906.

Tams Bixby, Commissioner.

Choctaw

Received

7-D-215.

MAR 27 1905

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Geraldine Welch (Here insert name of child.), born on the 12th day of June, 1902  
Name of Father: William A. Welch, Jr. a citizen of the Choctaw Nation.  
Name of Mother: Leamon Welch a citizen of the Choctaw Nation.  
Postoffice Poteau, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Central DISTRICT.

I, Leamon Welch, on oath state that I am 28  
years of age and a citizen by marriage of the Choctaw Nation;  
that I am the lawful wife of William A. Welch, Jr., who is a citizen, by  
of the United States. ~~XXXX~~ that a female child was  
(Male or Female.)  
born to me on 12th day of June, 1902 that said child has been named  
Geraldine Welch, and was living March 4, 1905.

WITNESSES TO MARK:

Leamon Welch

(Must be Two Witnesses.)

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

(SEAL)

Wirt Franklin

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.

---

IN RE  
Application for Enrollment of  
INFANT CHILD

Robert William Welch

as a citizen of

Choctaw Nation.

---

*Approved* ..... 190

.....  
*Commissioner.*

---

Act of Congress approved April 26, 1906.

Born Jan. 16, 1905.

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Filed May 16, 1906.  
Tans Bixby, Commissioner.

CHOCTAW

R ECEIVED

7-D-215

MAR 27 1905



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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Robert William Welch, born on the 26th day of January, 1905  
(Here insert name of child.)  
Name of Father: William A. Welch, Jr. a citizen of the Choctaw Nation.  
Name of Mother: Leamon Welch a citizen of the Choctaw Nation.  
Postoffice Poteau, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Central DISTRICT.

I, Leamon Welch, on oath state that I am 28 years of age and a citizen by marriage of the Choctaw Nation; that I am the lawful wife of William A. Welch, Jr., who is a citizen, by of the United States Nation; that a male child was born to me on 26th day of January, 1905 that said child has been named Robert William Welch, and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two Witnesses.)

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

Wirt Franklin Notary Public.

(SEAL)

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 ; that there was born to her on said date a child; that said child was living March 4, 1905, and is said to have been named (Male or Female.)

WITNESSES TO MARK:

(Must be Two Witnesses.)

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

Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Matter of the Application of William A. Welch, Jr.,  
for Enrollment as an Inter-Married Citizen of the Choctaw Nation.

-----

Comes your petitioner herein, William A. Welch, Jr., and states that he lives in Poteau, Indian Territory, where he has resided for the past eighteen years, and on 11th day of September, 1898, he was married to Mrs. Leamon Walker, the widow of Edward E. Walker, deceased, and that they are now and have continuously lived together as husband and wife since said marriage; that the marriage license was obtained from James Culberson, County clerk of Sugar Loaf county, Choctaw Nation, and that the ceremony was performed by D. J. Austin, a minister, in Poteau, Indian Territory, according to the laws of the Choctaw Nation.

Petitioner states that his wife, through whom he claims his right to enrollment, was the widow of E. E. Walker to whom she was married in 1895 that E. E. Walker was a recognized and enrolled citizen by blood of the Choctaw Nation, and is identified (as Edward E. Walker) upon the 1893 Choctaw Leased District Payment Roll, Skullyville County, page 70, number 682, and that said E. E. Walker died during the year 1898; that Mrs. Leamon Welch nee Walker is regularly enrolled as a citizen of the Choctaw Nation, enrolled as I. W. No. 1362.

That your petitioner herein made application for enrollment as an intermarried citizen of the Choctaw Nation before the Commission to the Five Civilized Tribes during the time it was receiving applications at Wister, Indian Territory, December 15 to 19, 1902.

Wherefore, your petitioner prays that he be enrolled as an intermarried citizen of the Choctaw Nation.

William A. Welch, Jr.

W. A. Welch, Jr., the above named petitioner, being duly sworn, says that he has read the application above, and that the facts as set forth therein are true.

William A. Welch, Jr.

Subscribed and sworn to before me this 27th day of February, 1906.

P. C. Bolger

(SEAL)

Notary Public.

My commission expires 6th day of November, 1909.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
CENTRAL DISTRICT.

The foregoing petition for enrollment came to hand at 5  
o'clock P M, on the 2nd day of March, 1906, and I hereby  
certify that I served the same on Mansfield, McMurray and Cornish,  
attorneys for the Choctaw and Chickasaw Nations, by delivering to  
G. Rosenwinkel, a clerk of said firm, a true copy of this pe-  
tition at So. McAlester, Indian Territory, on the 2nd day  
of March, 1906.

Witness my hand this 2nd day of March, 1906.

Geo. K. Pritchard, United States  
marshal, Central District, Indian Terri-  
tory.

By James B. Cassodd  
Deputy marshal.

Indorsed:

Original.

In the Matter of the Application  
of William A. Welch, Jr., for  
enrollment as a Citizen of the  
Choctaw Nation.

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Filed Mar. 7, 1906.  
Tans Bixb, Commissioner.

W. J. Fowler, Atty.  
Poteau, Ind. Ter.

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

In the matter of the application for the enrollment of Bertha, Elois, Geraldine and Robert William Welch as citizens of the Choctaw Nation.

-- : APPLICATION : --

Comes your petitioner herein, Mrs. Leamon Welch and states that she is a recognized and enrolled citizen by intermarriage of the Choctaw Nation and for and in behalf of her children makes this application for their enrollment as citizens of the Choctaw Nation.

She states that she is the mother of the following named children, who are now living and reside with her at Poteau, Indian Territory. The names and ages of said children are as follows to-wit: Bertha, a girl, born June 12th. 1899; Elois, a girl, born, August 12th. 1901; Geraldine, a girl, born, June 24th. 1903 and Robert William, a boy, born, January 26th. 1905.

That for the above named children, viz: Bertha and Elois Welch, application was duly made as required by law prior to December 24th. 1902; that for the above named children viz: Geraldine and Robert William Welch application was duly made as provided by law and prior to the expiration as mentioned in the Treaty, for making such applications.

Petitioner for applicants states that in the year 1895 she was lawfully married to E. E. Walker, a recognized and enrolled citizen by blood of the Choctaw Nation who is identified (as Edward E. Walker) upon the 1893 Choctaw Leased District Patent Roll, Skullyville County, page 70, number 682; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and lived together in said Nation as husband and wife, until the death of said E. E. Walker in 1896; that in 1898, the petitioner herein was married to William Welch who will be identified as (William A. Welch Jr.) according to and under the provisions of the laws of the Choctaw Nation; that at the time of her said marriage to William A. Welch Jr., he was a white man and did not claim any rights to citizenship by blood; that since said marriage your petitioner and William A. Welch, Jr., have lived together in the Choctaw Nation as husband and wife and the above named children, who are asking to be enrolled as citizens of the Choctaw Nation were born to them.

Wherefore your petitioner asks that the above named children be enrolled as citizens of the Choctaw Nation.

Leamon Welch  
Petitioner.

Leamon Welch being duly sworn stated that she has read the above and foregoing petition and the matters and things therein set out are true.

Subscribed and sworn to before me this the 27th day of February A.D. 1906.

(SEAL)  
Notary Ex. Nov. 4, 1905.

Leamon Welch  
P. C. Bolger  
Notary Public.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
CENTRAL DISTRICT.

The foregoing petition for enrollment came to hand at  
5 o'clock P M, on the 2nd day of March, 1906, and I here-  
be certify that I served the same on G. Rosenwinkel, clerk of Mans-  
field, McMurray and Cornish, attorneys for the Choctaw and Chickasaw  
Nations, by delivering to G. Rosenwinkel, a Clerk of said firm,  
a true copy of this petition at So. McAlester, Indian Territory,  
on the 2 day of March, 1906.

Witness my hand this 2 day of March, 1906.

Geo. K. Pritchard, United States  
marshal, Central District, Indian Terri-  
tory.

By James B. Cassodd  
Deputy marshal.

Indorsed:

No. 185. Original.

In the Matter of the Application  
of Bertha, Elois, Geraldine and  
Robert William Welch, by Mrs.  
Leamon Welch, their Mother, for  
enrollment as citizens of the  
Choctaw Nation.

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Filed Mar. 7, 1906.  
Tans Bixby, Commissioner.

H. J. Fowler, Atty.  
Poteau, Ind. Ter.

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

In the matter of the application for the enrollment of  
Bertha Welch, et al., as citizens of the Choctaw Nation.

DECISION.

It appears from the census card record in this case that on June 7, 1901, application was made to the Commission to the Five Civilized Tribes for the enrollment of Bertha Welch as a citizen of the Choctaw Nation. On October 10, 1901, written application was made to said Commission for the enrollment of Elsie Welch, and on March 27, 1905, written application was also made for the enrollment of Geraldine Welch and Robert William Welch as citizens of the Choctaw Nation.

It appears from the record herein that under the regulations adopted by the Commission to the Five Civilized Tribes on January 2, 1900, there was filed on March 7, 1901, by H. J. Fowler, attorney at law, of Poteau, Indian Territory, a petition duly verified by William A. Welch, Jr., praying that he be enrolled as a citizen by intermarriage of the Choctaw Nation. On said date there was also filed a petition duly verified by Leamon Welch, praying that the applicants, Bertha, Elsie, Geraldine and Robert William Welch, be enrolled as citizens of the Choctaw Nation.

The petitioner, William A. Welch, Jr., who is a white man, claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage on September 11, 1898, to Leamon Welch, a white woman, whose name appears as number 1303 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1900 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior March 14, 1905; and that the other applicants and petitioners herein claim their right to enrollment as citizens of the Choctaw Nation by reason of being the children of said Leamon Welch and William A. Welch, Jr.

I am of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application and petition for the enrollment of Bertha Welch, Elsie Welch, Geraldine Welch and Robert William Welch as citizens 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.

I am further of the opinion that following the ruling of the Department in the case of Emma McKenamin (I.T.D. 11802-1904),

the petition for the enrollment of William A. Welch, Jr., as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress above cited, and it is so ordered.

A handwritten signature in dark ink, consisting of several overlapping, slanted strokes that form a cursive or stylized name.

Commissioner.

Muskogee, Indian Territory,

9061 6T NAC



7-D-215

Muskogee, Indian Territory, June 19, 1906.

COPY

William A. Welch Jr.,  
Poteau, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 19, 1906, denying the petition for your enrollment as a citizen by intermarriage, and denying the application and petition for the enrollment of Bertha Welch, Elois Welch, Geraldine Welch and Robert William Welch 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

*Sam D. Doby*  
Commissioner.

Registered.

Incl. 7-D-215

7-D-215

Muskogee, Indian Territory, June 19, 1906.

Apple & Franklin,  
Attorneys at Law,  
Muskogee, Indian Territory,

Gentlemen:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on June 19, 1906, rendered his decision denying the application and petition for the enrollment of Bertha Welch, Elois Welch, Geraldine Welch and Robert William Welch, as citizens, and denying the petition for the enrollment of William A. Welch Jr., 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,

Registered.

Commissioner.

7-D-215

Muskogee, Indian Territory, June 19, 1906.

COPY

H. J. Fowler,

Poteau, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 19, 1906, denying the application and petition for the enrollment of Bertha Welch, Elois Welch, Geraldine Welch and Robert William Welch as citizens, and denying the petition for the enrollment of William A. Welch Jr., 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,

Registered.

Commissioner.

Incl. 7-D-215

7-D-215

Muskogee, Indian Territory, June 19, 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 June 19, 1906, denying the petition and application for the enrollment of Bertha Welch, Elois Welch, Geraldine Welch and Robert William Welch as citizens of the Choctaw Nation, and also denying the petition for the enrollment of William A. Welch Jr., as a citizen by intermarriage of said 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,

Incl. 7-D-215

Commissioner.

Muskogee, Indian Territory, June 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application and petition for the enrollment of Bertha Welch, Elois Welch, Geraldine Welch and Robert William Welch as citizens, and the petition for the enrollment of William A. Welch Jr., for enrollment as a citizen by intermarriage, of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated June 19, 1906, denying said application and petitions.

Respectfully,

Commissioner.

2 Incl. 7-D-215

Through the  
Commissioner of Indian Affairs.

1  
J.P.

Enc.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

D.C.  
113. -1207.  
1. 2144-907.

February 23, 1907.

Dear Sir:

11307.

On 11/10/06 the five Civilian Trustees,  
Washington, D.C., under Terrell's

Sir:

On 1/10/07, you transmitted to the Bureau the letter  
of the five Civilian Trustees of the National Park, dated  
Washington, D.C., 1/10/07, and also the bill of the same date  
for the parcel of land owned by W. A. ...  
civilian trustees, ...  
proceedings of the ...

On 1/10/07, 1907 (and 32700-0), the Indian  
Office concurs in the decision. A copy of the ...  
is ...

The ...  
copy of ...

Very truly,  
Yours,

D.A. ...

11307. ...

A.F.V.  
11307.

100-100000  
100-100000

DEPARTMENT OF THE INTERIOR,  
D.C. 11824-1907. OFFICE OF INDIAN AFFAIRS,  
LAND  
11732-1906. WASHINGTON.

February 7, 1907.

Mr. H. Sprague,

The Secretary of the Interior.

Sir:

There is forwarded herewith reports of Commissioner  
Sprague, dated June 19, 1906, relative to the application for the  
enrollment of Edward John, 1891-1892, Geraldine Ward and her  
children, and the petition for the enrollment of  
William A. Welch, Sr., as a citizen of the Chickasaw Nation,  
dated June 19, 1906, and the decision of the Commissioner, dated  
June 19, 1906, denying the application and petition.

It appears from the records of the Commission, dated June 19, 1906,  
application was made to the Commission for the enrollment of  
Edward John, as a citizen of the Chickasaw Nation. On October 10,  
1901, Edward John's application was made to the Commission for the en-  
rollment of Edward John, and on March 27, 1906, written application  
was made for the enrollment of Geraldine Ward and her  
children as citizens of the Chickasaw Nation.

The petitioner, William A. Welch, Sr., has not written  
now, but he has written to the Commission for the enrollment  
of the Chickasaw Nation, in view of his citizenship on September 11,

... of the ... of the Choctaw Nation.

The other applicants herein claim the right to enroll ... children of ... A. Wild Jr.

Following the ruling of the Department in the case of ... (I.R.D. 1182-1904), it is recommended that the ... of ... A. Wild, Sr., as a ... of the Choctaw Nation, be denied.

The minor applicants herein, ... no ... law, ... to enroll ... provisions of ... Act of June 21, 1906 (34 Stat. L., 320), and it is recommended that their application be denied, in accordance with the Department's ruling in the case of ... (I.R.D. 1183-1906).

Very respectfully,

C. H. Larrabee,

Acting Commissioner.

AM-11.



9-7-215

Muskogee, Indian Territory, March 27, 1907.

William A. Welch Jr.,

Poteau, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 10, 1906, denying the application and petition for the enrollment of Perth Welch, Elois Welch, Geraldine Welch and Robert William Welch as citizens, and the petition for your enrollment as a citizen by intermarriage of the Choctaw Nation:

Respectfully,

*E. C. Richards.*  
Commissioner.

7-D-215

Muskogee, Indian Territory, March 27, 1907.

S. A. Apple,  
Attorney at Law,  
Ada, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 13, 1906, denying the application and petition for the enrollment of Furtba Welch, Elois Welch, Geraldine Welch, and Robert William Welch as citizens, and the petition for the enrollment of William A. Welch Jr., as a citizens by intermarriage, of the Choctaw Nation.

Respectfully,

*S. J. K. Lewis*  
Commissioner.

Muskogee, Indian Territory, March 27, 1907.

W. J. Fowler,  
Poteau, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 19, 1906, denying the application and petition for the enrollment of Bertha Welch, Elois Welch, Geraldine Welch and Robert William Welch as citizens, and the petition for the enrollment of William A. Welch Jr. as a citizen by intermarriage, of the Choctaw Nation.

Respectfully,

*E. F. ...*

Commissioner.

7-D-215

Muskogee, Indian Territory, March 27, 1907.

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

Gentlemen:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 19, 1906, denying the application and petition for the enrollment of Bertha Welch, Elois Welch, Geraldine Welch, and Robert William Welch as citizens, and the petition for the enrollment of William A. Welch Jr., as citizen by intermarriage, of the Choctaw Nation.

Respectfully,

*T*  
Commissioner.

Muskogee, Indian Territory, October 10, 1901.

William A. Welch, Jr.,  
Poteau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Elois Welch, the infant daughter of William A. and Leamon Welch, born August 12, 1901, and the same has been accepted as evidence of the birth of this child.

Yours truly,

Acting Chairman.

7-D215

7-D-215.

Muskogee, Indian Territory, April 30, 1903.

Tom W. Neal,

Poteau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 23d in which you ask if Mrs. Leamon Welch and her children have been enrolled as citizens of the Choctaw Nation.

In reply, you are advised that it appears from our records that Leamon Welch, wife of William R. Welch, and her children, Bertha and Elois Welch, have been listed among the doubtful claimants to enrollment in the Choctaw Nation, and their final right to such enrollment has not yet been determined.

As soon as a decision is reached in this case, they will be notified of the action of the Commission.

Respectfully,

Chairman.

7-D-215

Muskogee, Indian Territory, February 17, 1906.

W. A. Welch, Jr.,

Poteau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 12, 1906, in which you ask if it will be necessary for you to make formal application for the enrollment of your children Bertha and Elois Welch as well as Geraldine and Robert William Welch, who were born subsequent to September 25, 1902, and also if they should be made in separate applications; you also ask if it will be necessary for you to serve notice of these applications upon the attorneys for the Choctaw and Chickasaw Nations.

In reply to your letter you are advised that if you desire to present a claim for the enrollment of your children under the opinions of the Assistant Attorney General in the Mary Elizabeth Martin case, the procedure adopted January 2, 1906, for the presentation of cases of this character should be followed and for your information there is inclosed herewith copy of such rules of procedure.

Replying to that portion of your letter in which you ask if notice of this application must be served upon Mansfield, Mc-

W. A. W. #2

Murray & Cornish, Attorneys for the Choctaw and Chickasaw Nations,  
your attention is invited to paragraph 1 page 2 of the circular  
inclosed herewith.

Respectfully,

Acting Commissioner.



7-D-215

Muskogee, Indian Territory, January 30, 1906.

Leamon Welch,  
Poteau, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 24, 1906, relative to the enrollment of your children, Bertha, Elois and Geraldine Welch as citizens of the Choctaw Nation.

In reply to your letter you are advised that it appears that application has been made for the enrollment of your children, Bertha and Elois Welch as citizens of the Choctaw Nation.

It further appears that affidavits were forwarded to this office to the birth of Geraldine Welch, June 12, 1902, and Robert William Welch, January 26, 1905, but as they were not the children of a citizen by blood of the Choctaw Nation whose enrollment had been approved by the Secretary of the Interior prior to March 4, 1905, this office was without authority to enroll them.

If it is now desired to present claim for their enrollment under the ruling of the Department in the enrollment

L W #2

case of Mary Elisabeth Martin there is inclosed herewith for your information circular showing in full the procedure to be followed in the presentation of cases of this character.

Respectfully,

Circular.

Acting Commissioner.

J.P.

FHB.

D.C.  
11824-1907.  
I.T.D. 2744-1907.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

February 26, 1907.

I. RS.

DIRECT.

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

Sir:

June 19, 1906, you transmitted the record in the matter of the application for the enrolment of Bertha Welch, Elois Welch, Geraldine Welch and Robert William Welch as citizens by blood, and for the enrolment of William A. Welch, Jr., as a citizen by intermarriage, of the Choctaw Nation, including your decision of the same date, denying such application.

Reporting February 7, 1907(Land 52792-06), the Indian Office concurs in your decision. A copy of its letter is inclosed.

Your decision is hereby affirmed. The papers in the case and a copy hereof have been sent to the Indian Office.

Respectfully,

E.A. Hitchcock

Secretary.

1 inc. and 2 for Ind. Of.

A F Mc  
2-27-07.

Copy

Refer in reply to  
the following.

DEPARTMENT OF THE INTERIOR,  
D.C. 11824-1907. OFFICE OF INDIAN AFFAIRS,  
LAND  
52792-1906. WASHINGTON.

February 7, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated June 19, 1906, relative to the application for the enrollment of Bertha Welch, Elois Welch, Geraldine Welch and Robert William Welch as citizens, and the petition for the enrollment of William A. Welch, Jr., as a citizen by intermarriage, of the Choctaw Nation, including the decision of the Commissioner, dated June 19, 1906, denying the application and petition.

It appears from the record herein that on June 7, 1899, application was made to the Commission for the enrollment of Bertha Welch as a citizen of the Choctaw Nation. On October 10, 1901, written application was made to the Commission for the enrollment of Elois Welch, and on March 27, 1905, written application was also made for the enrollment of Geraldine Welch and Robert William Welch as citizens of the Choctaw Nation.

The petitioner, William A. Welch, Jr., who is a white man, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage on September 11,

1898, to Leamon Welch, a white woman, who has been enrolled as a citizen by intermarriage of the Choctaw Nation.

The other applicants herein claim the right to enrollment by reason of being the children of Leamon Welch and William A. Welch Jr.

Following the ruling of the Department in the case of Emma McMenamin (I.T.D. 11582-1904), it is recommended that the petition for the enrollment of William A. Welch, Jr., as a citizen by intermarriage of the Choctaw Nation, be denied.

The minor applicants herein, being children with no Indian blood, are not entitled to enrollment under the provisions of the Act of June 21, 1906 (34 Stat.L., 325), and it is recommended that their application be denied, in accordance with the Departmental ruling in the case of William Jesse Bacon (I.T.D. 2548-1906).

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH.

J.P.

FHE.

D.C.  
11824-1907.  
I.T.D. 2744-1907.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

February 26, 1907.

L RS.

DIRECT.

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

Sir:

June 19, 1906, you transmitted the record in the matter of the application for the enrolment of Bertha Welch, Elois Welch, Geraldine Welch and Robert William Welch as citizens by blood, and for the enrolment of William A. Welch, Jr., as a citizen by intermarriage, of the Choctaw Nation, including your decision of the same date, denying such application.

Reporting February 7, 1907 (Land 52792-06), the Indian Office concurs in your decision. A copy of its letter is inclosed.

Your decision is hereby affirmed. The papers in the case and a copy hereof have been sent to the Indian Office.

Respectfully,

E.A. Hitchcock

Secretary.

1 inc. and 2 for Ind. Of.

A F Mc  
2-27-07.

Copy

Refer in reply to  
the following.

DEPARTMENT OF THE INTERIOR,  
D.C. 11824-1907. OFFICE OF INDIAN AFFAIRS,  
LAND  
52792-1906. WASHINGTON.

February 7, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated June 19, 1906, relative to the application for the enrollment of Bertha Welch, Elois Welch, Geraldine Welch and Robert William Welch as citizens, and the petition for the enrollment of William A. Welch, Jr., as a citizen by intermarriage, of the Choctaw Nation, including the decision of the Commissioner, dated June 19, 1906, denying the application and petition.

It appears from the record herein that on June 7, 1899, application was made to the Commission for the enrollment of Bertha Welch as a citizen of the Choctaw Nation. On October 10, 1901, written application was made to the Commission for the enrollment of Elois Welch, and on March 27, 1905, written application was also made for the enrollment of Geraldine Welch and Robert William Welch as citizens of the Choctaw Nation.

The petitioner, William A. Welch, Jr., who is a white man, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage on September 11,

1898, to Leamon Welch, a white woman, who has been enrolled as a citizen by intermarriage of the Choctaw Nation.

The other applicants herein claim the right to enrollment by reason of being the children of Leamon Welch and William A. Welch Jr.

Following the ruling of the Department in the case of Emma McMenamie (I.T.D. 11532-1904), it is recommended that the petition for the enrollment of William A. Welch, Jr., as a citizen by intermarriage of the Choctaw Nation, be denied.

The minor applicants herein, being children with no Indian blood, are not entitled to enrollment under the provisions of the Act of June 21, 1906 (34 Stat.L., 325), and it is recommended that their application be denied, in accordance with the Departmental ruling in the case of William Jesse Bacon (I.T.D. 2548-1906).

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH.



J.P.

FHE.

DEPARTMENT OF THE INTERIOR,

D.C.  
11804-1907.  
I.T.D. 2744-1907.

WASHINGTON.

February 26, 1907.

L RS.

DIRECT.

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

Sir:

June 19, 1906, you transmitted the record in the matter of the application for the enrolment of Bertha Welch, Elois Welch, Geraldine Welch and Robert William Welch as citizens by blood, and for the enrolment of William A. Welch, Jr., as a citizen by intermarriage, of the Choctaw Nation, including your decision of the same date, denying such application.

Reporting February 7, 1907(Land 52792-06), the Indian Office concurs in your decision. A copy of its letter is inclosed.

Your decision is hereby affirmed. The papers in the case and a copy hereof have been sent to the Indian Office.

Respectfully,

E.A. Hitchcock

Secretary.

1 inc. and 2 for Ind. Of.

A F Mc  
2-27-07.

Copy

Refer in reply to  
the following.

DEPARTMENT OF THE INTERIOR,

D.C. 11824-1907. OFFICE OF INDIAN AFFAIRS,  
LAND  
52792-1906. WASHINGTON.

February 7, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated June 19, 1906, relative to the application for the enrollment of Bertha Welch, Elois Welch, Geraldine Welch and Robert William Welch as citizens, and the petition for the enrollment of William A. Welch, Jr., as a citizen by intermarriage, of the Choctaw Nation, including the decision of the Commissioner, dated June 19, 1906, denying the application and petition.

It appears from the record herein that on June 7, 1899, application was made to the Commission for the enrollment of Bertha Welch as a citizen of the Choctaw Nation. On October 10, 1901, written application was made to the Commission for the enrollment of Elois Welch, and on March 27, 1905, written application was also made for the enrollment of Geraldine Welch and Robert William Welch as citizens of the Choctaw Nation.

The petitioner, William A. Welch, Jr., who is a white man, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage on September 11,

1898, to Leamon Welch, a white woman, who has been enrolled as a citizen by intermarriage of the Choctaw Nation.

The other applicants herein claim the right to enrollment by reason of being the children of Leamon Welch and William A. Welch Jr.

Following the ruling of the Department in the case of Emma McMenamin (I.T.D. 11582-1904), it is recommended that the petition for the enrollment of William A. Welch, Jr., as a citizen by intermarriage of the Choctaw Nation, be denied.

The minor applicants herein, being children with no Indian blood, are not entitled to enrollment under the provisions of the Act of June 21, 1906 (34 Stat.L., 325), and it is recommended that their application be denied, in accordance with the Departmental ruling in the case of William Jesse Bacon (I.T.D. 2548-1906).

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH.

J.P.

FHE.

DEPARTMENT OF THE INTERIOR,

D.C.  
11924-1907.  
I.T.D. 2744-1907.

WASHINGTON.

February 26, 1907.

L RS.

DIRECT.

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

Sir:

June 19, 1906, you transmitted the record in the matter of the application for the enrolment of Bertha Welch, Elois Welch, Geraldine Welch and Robert William Welch as citizens by blood, and for the enrolment of William A. Welch, Jr., as a citizen by intermarriage, of the Choctaw Nation, including your decision of the same date, denying such application.

Reporting February 7, 1907(Land 52792-06), the Indian Office concurs in your decision. A copy of its letter is inclosed.

Your decision is hereby affirmed. The papers in the case and a copy hereof have been sent to the Indian Office.

Respectfully,

E.A. Hitchcock

Secretary.

1 inc. and 2 for Ind. Of.

A F Mc  
2-27-07.

Copy

Refer in reply to  
the following.

DEPARTMENT OF THE INTERIOR,

D.C. 11824-1907. OFFICE OF INDIAN AFFAIRS,  
LAND  
52792-1906. WASHINGTON.

February 7, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated June 19, 1906, relative to the application for the enrollment of Bertha Welch, Elois Welch, Geraldine Welch and Robert William Welch as citizens, and the petition for the enrollment of William A. Welch, Jr., as a citizen by intermarriage, of the Choctaw Nation, including the decision of the Commissioner, dated June 19, 1906, denying the application and petition.

It appears from the record herein that on June 7, 1899, application was made to the Commission for the enrollment of Bertha Welch as a citizen of the Choctaw Nation. On October 10, 1901, written application was made to the Commission for the enrollment of Elois Welch, and on March 27, 1906, written application was also made for the enrollment of Geraldine Welch and Robert William Welch as citizens of the Choctaw Nation.

The petitioner, William A. Welch, Jr., who is a white man, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage on September 11,

1398, to Leamon Welch, a white woman, who has been enrolled as a citizen by intermarriage of the Choctaw Nation.

The other applicants herein claim the right to enrollment by reason of being the children of Leamon Welch and William A. Welch Jr.

Following the ruling of the Department in the case of Emma McMenamin (I.T.D. 11582-1904), it is recommended that the petition for the enrollment of William A. Welch, Jr., as a citizen by intermarriage of the Choctaw Nation, be denied.

The minor applicants herein, being children with no Indian blood, are not entitled to enrollment under the provisions of the Act of June 21, 1906 (34 Stat.L., 325), and it is recommended that their application be denied, in accordance with the Departmental ruling in the case of William Jesse Bacon (I.T.D. 2543-1906).

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-RH.

J.P.

FHE.

DEPARTMENT OF THE INTERIOR,

D.C.  
11824-1907.  
I.T.D. 2744-1907.

WASHINGTON.

February 26, 1907.

I. M.

DIRECT.

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

Sir:

June 19, 1906, you transmitted the record in the matter of the application for the enrolment of Bertha Welch, Elois Welch, Geraldine Welch and Robert William Welch as citizens by blood, and for the enrolment of William A. Welch, Jr., as a citizen by intermarriage, of the Choctaw Nation, including your decision of the same date, denying such application.

Reporting February 7, 1907 (Land 52792-06), the Indian Office concurs in your decision. A copy of its letter is inclosed.

Your decision is hereby affirmed. The papers in the case and a copy hereof have been sent to the Indian Office.

Respectfully,

M.A. Hitchcock

Secretary.

1 inc. and 2 for Ind. Of.

A. H. Mc  
2-27-07.

Copy

Refer in reply to  
the following.

DEPARTMENT OF THE INTERIOR,  
D.C. 11824-1907. OFFICE OF INDIAN AFFAIRS,  
LAND  
52792-1906. WASHINGTON.

February 7, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated June 19, 1906, relative to the application for the enrollment of Bertha Welch, Elois Welch, Geraldine Welch and Robert William Welch as citizens, and the petition for the enrollment of William A. Welch, Jr., as a citizen by intermarriage, of the Choctaw Nation, including the decision of the Commissioner, dated June 19, 1906, denying the application and petition.

It appears from the record herein that on June 7, 1899, application was made to the Commission for the enrollment of Bertha Welch as a citizen of the Choctaw Nation. On October 10, 1901, written application was made to the Commission for the enrollment of Elois Welch, and on March 27, 1905, written application was also made for the enrollment of Geraldine Welch and Robert William Welch as citizens of the Choctaw Nation.

The petitioner, William A. Welch, Jr., who is a white man, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage on September 11,



1898, to Leamon Welch, a white woman, who has been enrolled as a citizen by intermarriage of the Choctaw Nation.

The other applicants herein claim the right to enrollment by reason of being the children of Leamon Welch and William A. Welch Jr.

Following the ruling of the Department in the case of Emma McMenamin (I.T.D. 11532-1904), it is recommended that the petition for the enrollment of William A. Welch, Jr., as a citizen by intermarriage of the Choctaw Nation, be denied.

The minor applicants herein, being children with no Indian blood, are not entitled to enrollment under the provisions of the Act of June 21, 1906 (34 Stat.L., 325), and it is recommended that their application be denied, in accordance with the Departmental ruling in the case of William Jesse Bacon (I.T.D. 2548-1906).

Very respectfully,

C. J. Larrabee,

Acting Commissioner.

AJW-3H.

D. 1211

Henry & Bucks.

Record transferred to Choctaw  
card = D 150

Choc D217 Lizzie Mitchell

Dismissed May 13, 1904

D217

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:

LIZZIE MITCHELL----- - 7-D-217.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of  
Lizzie Mitchell for enrollment as an  
intermarried citizen of the Choctaw  
Nation.

---D 217---

On the 28th day of February, 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 notified by registered mail, that the application of Lizzie Mitchell 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 7th day of April, 1902, for final consideration.

Now, on this 7th day of April, 1902, this cause coming on to be heard pursuant to said notice, the following appearances were made:

A P P E A R A N C E S :

The applicant, Lizzie Mitchell, : Mansfield, McFurray & Cornish,  
: attorneys for the Choctaw  
appears in person. : and Chickasaw Nations.

Sarah Elizabeth Mitchell, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Sarah Elizabeth Mitchell.  
Q What is your age? A Twenty seven.  
Q What is your post office address? A South McAlester, Indian Territory.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A W. Chris. Mitchell.  
Q What was your father's name? A Norton Smith.  
Q What was your mother's name? A Emma Smith.  
Q Are both your parents living? A No sir.  
Q Is your mother living? A Yes sir  
Q And your father is dead? A Yes sir.  
Q Are you the same person for whom application was made in 1899 as Lizzie Mitchell? A Yes sir.  
Q When and where were you married to your husband, W. Chris Mitchell?  
A On the tenth day of October, 1897.  
Q Were you ever married to him prior to that time? A No sir.  
Q You were married to him on October 10, 1897 under this marriage license issued by the Clerk of the United States Court for the Central District of Indian Territory? A Yes sir.  
Q You are still living with him? A Yes sir.  
Q Never have been separated or divorced? A No sir.

(The husband of this applicant was admitted by decree of the

Lizzie Mitchell-----2

United States Court for Central District, Indian Territory,  
in Court Case No.104; his name appears on Choctaw Card 2408.)

By the Commission:

This case will be considered by the Commission upon the  
evidence and record as now made up.

-----

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 7th day of April, 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 C. Risteen*

Subscribed and sworn to before me this 9th day of April, 1902.

*W. C. Mitchell Wood*

Notary Public.

Choctaw D-217.

Muskogee, Indian Territory, February 28, 1902.

Lizzie Mitchell,  
South McAlester, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 7th 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.

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.

T. L. Miles.

Register.

Commissioner in Charge.

70217

**Certificate of Record of Marriages.**

UNITED STATES OF AMERICA, }  
THE INDIAN TERRITORY, } SEC.  
CENTRAL DISTRICT }

**I, P. B. STONER, Clerk of the United States Court in the Indian Territory and District aforesaid.**

DO HEREBY CERTIFY that the License for and Certificate of the Marriage of

Mr \_\_\_\_\_ and  
M \_\_\_\_\_

were filed in my office in said Territory and District the \_\_\_\_\_ day of \_\_\_\_\_ A. D., 189 \_\_\_\_\_ and duly recorded in Book \_\_\_\_\_ of Marriage Record page \_\_\_\_\_

WITNESS my hand and seal of said Court, at \_\_\_\_\_ this \_\_\_\_\_

day of \_\_\_\_\_ A. D. 189 \_\_\_\_\_

P. B. STONER, Clerk.

By \_\_\_\_\_ Deputy.



No. 1182

# Marriage License.

United States of America, )  
The Indian Territory, ) ss To Any Person Authorized By Law  
Central District. ) to Solemnize Marriage—Greeting.

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between  
*Mr. Chris Mitchell* of *South M. M. Minter*  
in the *Indian Territory*, aged *— 22 —* years, and  
*Miss Lizzie Smith* of *Greenwood*  
in the *Indian Territory*, aged *— 22 —* 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 *16th* day of *Oct* A. D. 189*7*

*[Signature]*  
CLERK OF THE U. S. COURT.  
DEPUTY

## CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY, ) ss.  
CENTRAL DISTRICT.

I, *P. C. Atkins* a *Minister of the Gospel*  
DO HEREBY CERTIFY, That on the *16th* day of  
*October* A. D. 189*7*, 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 *17th* day of *October* A. D. 189*7*

My credentials are recorded in the office of the Clerk of the United States Court, in the Indian Territory, Central District, Book *11* page *111*

*[Signature]*  
a *Minister of the 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).

11660  
7-D-217.

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

-----  
In the matter of the application of Lizzie Mitchell for enrollment as a citizen by intermarriage of the Choctaw Nation.

-----o-----  
The applicant, Lizzie Mitchell, nee Smith, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one William C. Mitchell Jr. The right of the applicant's husband, William C. Mitchell Jr., to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of March 28, 1904, in case No. 57, upon the South McAlester docket of said court, it is hereby ordered that the application of Lizzie Mitchell for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.

Muskogee, Indian Territory,

\_\_\_\_\_

Choctaw D-217.

Muskogee, Indian Territory, May 13, 1904.

Lizzie Mitchell,

South McAlester, 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,

(SIGNED)

Chairman.

Registered.

Incl. 7-D-217.

1  
COPY. Choctaw D-217.

Muskogee, Indian Territory, May 13, 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 May 13, 1904, dismissing the application of Lizzie Mitchell for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,  
(SIGNED)

*Tamc Dixby.*

Chairman.

Incl. 7-D-217.

Custodes, Indian Territory,

August 21, 1900.

1937

Indian Territory,

RE:

Faint, mostly illegible text, possibly containing names and titles such as "Commissioner" and "Law".

7.

Muskogee, Indian Territory, September 18, 1900.

Lizzie Mitchell,

South McAlester, 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 therefor and the action that may be taken, will be mailed to you.

Yours truly,

AGENCY CHAIRMAN.

L. 200

Joseph S. Tucker.

Rec'd Transferred to  
Charles #2418

Choc D219 George A. Turner

D219



George A. Turner et al

GRANTED

OFFICE OF THE SECRETARY OF THE INTERIOR

RECEIVED JUN 18 1905

RECEIVED JUN 18 1905

RECEIVED JUN 18 1905

COPIES OF DECISION FORWARDED APPLICANT JUN 18 1905

COPIES FORWARDED DEPARTMENT.

George A. Turner transferred to Choctaw gullet #5822

Oct. 31, 1904

APPROVED BY SECRETARY OF THE INTERIOR

RECEIVED

RECEIVED

RECEIVED

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

In the enrollment of George A. Turner as intermarried Choctaw being sworn and examined by Com. Needles he testifies:

- Q Your name is George A. Turner? A Yes sir.
- Q You were admitted as a citizen by the Dawes Commission?  
A Yes sir.
- Q Then at that time you were married to an Indian woman?  
A Yes sir.
- Q What was her name? A Maria McCasson.
- Q Since that you were separated from her? A We were separated at that time.
- Q You have married since? A Yes sir, a white woman named Lenora Ballard. I married the 29th of last March was a year ago.
- Q To a white woman? A Yes sir.
- Q At the time you were admitted you were married to this Indian woman? A Yes sir.
- Q What was the cause of your separation? A Just her temper.
- Q She left you or you left her? A She left me.
- Q This separation from your wife was before you were admitted or afterwards, by the Dawes Commission? A It was before.
- Q Were you divorced since you were admitted by the Dawes Commission? A Yes sir since I was admitted.
- Q You don't recollect the date of the divorce do you? A No sir I was divorced last November was a year ago.
- Q That would be November, 1897? A Yes sir.
- Q You prayed for the divorce? A No sir, she prayed for the divorce.
- Q And since that you have married? A Yes sir.
- Q You were admitted as an intermarried citizen by the Dawes Commission? A Yes sir.

Department of the Interior,  
Commission to the Five Civilized Tribes.

.....  
I hereby certify upon my official oath as  
stenographer to above named Commission, that this  
transcript is a true, full and correct translation  
of my stenographic notes.

(signed) M D Green

-----  
Lenora B. Ashton, as stenographer to the Commissioner to the  
Five Civilized Tribes, upon oath states that she made the above and  
foregoing copy, and that the same is a true and complete copy of the  
original transcript.

Lenora B. Ashton

Subscribed and sworn to before me this 2nd day of April, 1906.

Walter A. Chappess  
Notary Public.

No. 253.

-:· M A R R I A G E L I C E N S E :-

UNITED STATES OF AMERICA. )  
The Indian Territory. ) ss.  
Central District. )

To Any Person Authorized by Law to solemnize Marriage-

Greeting:

You are hereby commanded to solemnize the Rite and publish the Bans of Matrimony between Mr. George A. Turner of Cameron in the Indian Territory, aged ~~42~~<sup>43</sup> years and Mrs. Nora Ballard of Kully Chaha, in the Indian Territory aged 19 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 29th, day of March A.D. 1898.

E. J. Fannin,

T. T. Varner, Deputy.

Clerk of U.S. Court.

-----:O:-----

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA. )  
Indian Territory. )  
Central District. )

I, S. P. Miller, a Minister, DO HEREBY CERTIFY, That on the 29th, day of March A. D. 1898, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

Witness my hand this 29, day of March A. D. 1898. My credentials are recorded in the office of the Clerk of the United States Court, in the Indian Territory, Central District, Book B. Page 45.

S. P. Miller,

a Minister.

Endorsed on back as follows:

United States of America. )  
The Indian Territory. )  
Central District. )

I, E. J. Fannin, Clerk of the United States Court in the Indian Territory and District aforesaid.

DO HEREBY CERTIFY that the License for and certificate of the Marriage of Mr. Geo. A. Turner and Mrs. Nora Ballard, were filed in my office in said Territory and District the 13, day of April A. D. 1898 and duly recorded in Book 1 of Marriage Record Page 117.

Witness my hand and seal of said Court, at Cameron, this 25th, day of April A. D. 1898.

E. J. Fannin, Clerk.

By T. T. Varner, Deputy.

7-D-219.

COPY

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

In the matter of the application for the enrollment of  
Lenora Turner as a citizen by intermarriage of the Choctaw Nation.

DECISION.

It appears from the census card record in this case that on June 8, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Lenora Turner as a citizen by intermarriage of the Choctaw Nation.

Said applicant claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on March 29, 1898, to George A. Turner, a recognized and enrolled citizen by intermarriage of the Choctaw Nation, whose name appears as number 1176 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., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation.

It does not appear from the record herein or from the records in the possession of this office that said applicant has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by any duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

I am, therefore, of the opinion that following the ruling of the Department in the case of Emma McMenamin (I.T.D. 11582-1904), the application made for the enrollment of Lenora Turner as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 26, 1898 (30 Stats., 495), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

JUN 19 1906

7-D-219

COPY

Muskogee, Indian Territory, June 19, 1906.

Lenora Turner,

Cameron, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 19, 1906, denying your application for enrollment as a citizen by inter-marriage 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

*Samuel D. Dwyer*  
Commissioner.

Registered.

Incl. 7-D-219

7-D-219

Muskogee, Indian Territory, June 19, 1906.

P. D. Brewer,

South McAlester, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 19, 1906, denying the application for the enrollment of Lenora Turner 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

James D. Dwyer

Commissioner.

Registered.

Incl. 7-D-219.



7-D-219

200

Muskogee, Indian Territory, June 19, 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 June 19, 1906, denying the application for the enrollment of Lenora Turner 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

Incl. 7-D-219

Commissioner.

Muskogee, Indian Territory, June 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 Lenora Turner, as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated June 19, 1906, denying said application.

Respectfully,

2 Incl. 7-D-219

Commissioner.

Through the

Commissioner of Indian Affairs.

K.H.N.

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

D.C. 9279-1907.  
I.T.D. 2762-1907.

February 13, 1907.

LRS

DIRECT.

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

Sir:

June 19, 1906, you transmitted the record in the matter of the application for the enrollment of Lenora Turner as a citizen by intermarriage of the Choctaw Nation, including your decision of the same date, adverse to the applicant.

Reporting February 7, 1907 (Land 52793-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan

1 inc. and 3 to Ind. Of.

First Assistant Secretary.

A.F.Mc  
2-14-07

--Copy--

DEPARTMENT OF THE INTERIOR,  
LAND OFFICE OF INDIAN AFFAIRS,  
52793-1906 WASHINGTON.

February 7, 1907.

The Honorable,  
The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated June 19, 1906, relative to the application for the enrollment of Lenora Turner as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner dated June 19, 1906, denying the application.

The record herein shows that on June 8, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Lenora Turner, as above. The applicant claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on March 29, 1898, to George A. Turner, a recognized and enrolled citizen by intermarriage of the Choctaw Nation.

The Commissioner says that the records of his office fail to show that the applicant has ever been enrolled by the Choctaw tribal authorities or admitted to Choctaw citizenship by any duly constituted court or committee of the Nation, by the Commission to the Five Civilized Tribes, or by the United States Court.

Following the ruling of the Department in the case of Emma McMenamín (I.T.D.11582-1904), the application of Lenora Turner as a citizen by intermarriage of the Choctaw Nation should be denied, and it is so recommended.

Very respectfully,

C. F. Larrabee,  
Acting Commissioner.

AJW-EH

Washington, D. C., February 13, 1933.

Dear Madam:  
Commissioner, U. S. Treasury.

Dear Madam:

You are hereby advised that on February 13, 1933, the Secretary of the Interior issued the decision of this office of February 10, 1933, denying the application for your withdrawal as a claim of mineral interests of the United States.

Respectfully,

Commissioner.

7-2-313

Muskogee, Indian Territory, March 24, 1902.

P. B. Brewer,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that on February 13, 1902, the Secretary of the Interior affirmed the decision of this office of June 13, 1901, denying the application for the enrollment of Leora Dunn as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-1-100

**Muskogee, Indian Territory, March 21, 1907.**

**Mansfield, McLucy & Conner,**

**Attorneys for Choctaw and Chickasaw Nations,**

**South McAlester, Indian Territory.**

**Gentlemen:**

You are hereby advised that on February 17, 1906, the Secretary of the Interior, Office of the Commissioner of this office of June 19, 1906, denying the application for the enrollment of Honora Turner as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.



Lucilla Satterfield, et al.

Records of Nos. 1, 2, 4, 5, 6, 7 and 8  
transferred to Choctaw card  
#5786. - No. 3 transferred to  
Choctaw card #2350

Cheetaw D-221

Eva Dukes et al.

Eva Dukes transferred  
to 7-5824 Oct 31-1904.

James Sablman Dukes  
transferred to 7-5824  
Jan 21-07.

D. 2014

Billy Hawkins, et al.

FOR IDENTIFICATION AS  
A.M. 01 05 1970 OCTAW.

REFER TO U.C.R. # 1139.

D-13

Rosa Robinson

Record transferred to  
HOLTAW. #5801

8 20  
Andrew J. Allen

Record transferred to Choctaw  
card # 2501

D. 257

John H. Pannin

Record transferred to Choctaw  
card # 1521

#

D. 12 30

James R. Smith, et al.

FOR IDENTIFICATION AS  
A. 12 30

ITEM NO. R # 6640

D. 22.

John Quinn

Record transferred to Choctaw  
card # 2552



Choc D228 Susan Suser

D228

Cancelled

Died Pnor TO SEPT 26, 1902

7-D-228.

Muskogee, Indian Territory, October 6, 1904.

Honorable Green McCurtain,  
Principal Chief of the Choctaw Nation,  
Kinta, Indian Territory.

Dear Sir:

Information has reached the Commission that Susan Suser who made application for enrollment as a citizen by inter-marriage of the Choctaw Nation is dead. In order to finally dispose of her application it is necessary that we be furnished with proof of her death. There is enclosed herewith a blank form for proof of death, and if you are able to do so, you are requested to have the same properly executed and return to this office as early as convenient.

Respectfully,

Chairman.

Env.  
D.C.

7-0-228

Muskogee, Indian Territory, October 17, 1904.

Abner Ferrington,

Oak Lodge, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your affidavit and that of Edward Lanier relative to the death of your mother Susan Soper an inter-married citizen of the Choctaw Nation, and the same have been duly filed with the records of the Commission as evidence of death of said person.

Respectfully,

Chairman.

I have the honor to acknowledge the receipt of your letter of the 25th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,  
Your obedient servant,  
J. G. [Name]

Yours truly,  
[Name]  
[Title]

IN RE  
THE DEATH OF

*Susan Susar*

a citizen of the

*Choctaw*

Nation.

Approved

190

Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE DISTRICT OF COLUMBIA

OCT 15 1904

7-228

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

In the matter of the death of Susan Susar  
(Here insert name of deceased.)  
a citizen of the Oriskany Nation, who formerly resided at or near  
Oak Lodge, Ind. Ter., and died on the 4th day of  
October, 1900.  
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Oriskany DISTRICT. }  
I, Abner Ferington, on oath state that I am 46  
years of age and a citizen, by United States Nation;  
that my postoffice address is Oak Lodge, Ind. Ter.; that I am  
the son of Susan Susar  
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)  
who was a citizen, by Oriskany of the Oriskany Nation;  
and that said Susan Susar died on the 4th day of  
October, 1900.  
Abner Ferington  
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) } R. J. Ward  
Ed Garner

Subscribed and sworn to before me this 11th day of Oct, 1900.  
E. J. ... Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Oriskany DISTRICT. }  
I, Edward Garner, on oath state that I am 54  
years of age, and a citizen by Oriskany Nation;  
that my postoffice address is Oak Lodge, Ind. Ter.;  
that I was personally acquainted with Susan Susar  
(Here insert name of deceased.)  
who was a citizen, by Oriskany of the Oriskany Nation;  
and that said Susan Susar died on the 4th day of  
October, 1900.  
Edward Garner

WITNESSES TO MARK

(Must be Two Witnesses) |

Subscribed and sworn to before me this 11th day of Oct, 1900.  
E. J. ... Notary Public.

Choc D229 Callie Burns

D229

67

*Walter D. Jones*

RECEIVED

FORWARDED  
MAY 1 1905

RECEIVED BY

APPROVED BY  
MAY 1 1905  
*April 27, 1905*

RECEIVED

MAY 1 1905

RECEIVED

MAY 1 1905

*Walter D. Jones*  
*Walter D. Jones*  
*Walter D. Jones*



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

In enrollment of Callie Burns and child Lawrence as Choctaw  
citizens; being sworn and examined by Com. McKennon the testifies:

- Q Your name is Callie Burns? A Yes sir.
- Q How old are you? A Will be twenty-nine next birth-day.
- Q Were you married to Joe Burns? A Yes sir.
- Q Was he a Choctaw Indian? A Yes sir.
- Q How long did you live with him? A Little over three years.
- Q You separated from him and he is still living is he?
- A Yes sir.
- Q What was the cause of that separation? A He just got dis-  
satisfied I reckon; he just left me and taken another woman.
- Q Where is he living now? A I don't know exactly; he lives  
in Sans Bois County; I reckon, he is here to-day.; I saw him and  
had a talk with him this morning.
- Q You haven't married again? A No sir.

Department of the Interior,

Commissioner of Indian Affairs,

Washington, D. C.

*W. D. Green*



Callie Burns-2

Kansas is in the ne spaper but I never seen it.

Q He could not have obtained a divorce in the Choctaw courts? A No sir.

Examination by Mr. Cornish.

Q What time in months or years was it after her separation from Hendry to the time she married Joe Burns; about how many months, or get it as near as you can. A I suppose it was about a year or a little over.

Q The woman was about your house most of the time was she, or was she away from there? ~~xxxxxxxxxxxxxxxxxxxxxxxx~~ from the time she separated from Hendry ~~xxxx~~ until she married Joe Burns? A Old man Hendry ~~xxxx~~ left her she was gone about a month and then come back--

Q How long had she cooked in your house before her marriage to Joe Burns? A About a month.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the five civilized Tribes, she reported in full the proceedings in the above entitled cause on the 5th day of December, 1900, and that the above and foregoing is a true and correct transcript of her stenographic notes in said cause.

Subscribed and sworn to before me this 5<sup>th</sup> day of December, 1900.

*Anna Bell*  
  
Acting Chairman.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Garvin, I.T. Nov. 26, 1902.

7-D229

In the matter of the application of Callie Helmes for enrollment  
as an inter-married citizen of the Choctaw Nation.

Callie Helmes being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Callie Helmes.  
Q How old are you? A I am 31 years old.  
Q What is your post office address? A Fowlerville, Indian Territory  
Q What Nation is that in? A That's just 6 miles;- about 12 or 15  
miles west place up here.  
Q In the Choctaw Nation? A Yes sir.  
Q How long have you been a resident of the Choctaw Nation?  
A I can't tell exactly; I have been here ever since I was 10 years  
about.  
Q You have lived here continuously for the past 10 years? A Yes, ex-  
cept 8 months I was in Hot Springs, Arkansas; that was three years  
ago and stayed there on a visit all Summer and Fall.  
Q You never made your home outside of the Territory during those  
10 years? A No sir.  
Q Do you claim inter-married rights in the Choctaw Nation? A Yes  
sir.  
Q What is the name of your Choctaw husband through whom you claim  
those rights? A Joe Burns; this boy's father.  
Q Is he a recognized and enrolled citizen of the Choctaw Nation?  
A Yes sir.  
Q Were his rights ever disputed? A No sir.  
Q When were you married to Joe Burns? A I don't know exactly; it was  
in September 1880 I believe; 11 years this next September.  
Q Where was this marriage ceremony performed? A At Arn Bridge in  
the Choctaw Nation; I was married by a full blood Choctaw.  
Q Who performed that marriage ceremony? A Solomon Hossilberry.  
Q At the time of your marriage were both you and your husband  
residents of the Choctaw Nation? A Yes sir.  
Q Were you ever married before your marriage to Joe Burns? A Yes  
sir.  
Q How many times? A Just one time.  
Q What was the name of your former husband? A William Vance.  
Q Was he a white man? A Yes sir.  
Q When were you married to him? A I was married to him the year  
I came to the Territory. He didn't live only five months after I  
was married.  
Q You lived with him until his death? A Yes sir.  
Q How long after his death did you marry Joe Burns? A It  
was a two or three years, I don't remember exactly.  
Q Vance was the only man to whom you were married before your  
marriage to Joe Burns? A Yes sir.  
Q Were you not at one time the wife of a man named Henry? A No sir  
Q Did you ever know a man named Hal Henry? A No sir; I knew one  
by the name of Will Hendry; that's what he told me his name was.

Q Were you ever the wife of Will Hendry? A Yes; I forgot a moment ago; his name was Will Hendry he told me.

Q When were you married to him? A It was in Sans Bois Town; we lived together three months and he run off and they claimed he had a wife there and I wouldn't live with him.

Q Were you married to this Will Hendry? A Said to be; I didn't claim it as a marriage after I found out.

Q Was that before your marriage to Joe Burns? A Yes a long time before.

Q What did you state a moment before? A I forgot it.

Q So you sit up here and tell me that you forgot that you lived with that man? A Yes, I sure did.

Q Who married you to him? A I can't tell you.

Q You lived with him about three months? A About three or four week

Q Then did he leave you? A Then he went to Ft. Smith and then the news came back to me that he was in jail and had a wife there.

Q Were you ever divorced from him? A Yes, they said we wasn't legally married when I applied for the divorce.

Q Who told you that? A Several people.

Q Where did you apply for that divorce? A I asked several of them about it.

Q Did you apply for a divorce from anyone authorized to grant divorces? A No sir.

Q Just asked several people? A Yes, I asked advise of several people.

Q Did you know that he had another wife at the time of his marriage to you? A Well, I seen his children and a woman told me; several people. And a fellow named Joe Coburn told me he was acquainted with him.

Q Was his wife living at the time of your marriage to him? A Yes; Joe Coburn told me.

Q Told you that that man was married at the time of his marriage to you? A Yes sir.

Q And you never attempted to get a divorce from him; just took their word for it? A Yes sir.

Q Never investigated any further? A No sir.

Q How long was it between your separation from Hendry and your marriage to Burns? A About two or three years; I don't remember how long.

Q Isn't it a fact, Mrs. Helmes, that you were married to Burns a few months after you separated from Hendry? A No sir it was a year or so; two or three years maybe.

Q Did you ever see that man Hendry after he left you? A No sir.

Q Do you know whether he got a divorce from you? A Mr Coburn said he got his divorce and then Mr. Coburn said he was divorced.

Q From you? A Yes, that is what Mr. Coburn said.

Q You took his Mr. Coburn's word in regard to your marriage and separation from Hendry? A Yes sir.

Q Never asked any-- A I asked several people there in Ft. Smith about his wife.

Q Was that his home, Ft. Smith? A Yes, I seen him in jail and talked to him.

Q How long did you live with Joe Burns? A Nearly three years.

Q Did he die at the end of that time? A No sir.

Q Did you leave him? A He left me.

Q What was the cause of this separation? A He got to seeing another girl and wanted to bring her to the house.

Q Where were you living then? A Shackrack in the Territory and he quit me and went and married that woman.

Q After he left you he married that other woman? A Yes sir.

Q Was that the only cause of this separation? A I don't believe in living with two wives. That's a l.

- Q Did you ever give him any cause for leaving you? A No sir, I thought too much of him.
- Q From the time of your marriage to him until he left you did you live together as husband and wife? A Yes we was just as nice and peaceable and quiet as you ever seen people.
- Q How did it happen that he went off with the other woman all of a sudden? A Just fell in love with her and got to going with her.
- Q Did you ever obtain a divorce from Joe Burns? A He got a divorce.
- Q Where did he get that divorce? A At the Choctaw Court; I got a notice that he got his divorce.
- Q What were the grounds upon which that divorce was granted? A I don't know; it didn't explain to me.
- Q Do you know what reasons he set up before that Court? A No sir; I asked several; I asked witnesses and they said they didn't know; I know he did but he wouldn't tell me.
- Q After your separation from Joe Burns did you remarry? A Yes sir.
- Q What was the date of your fourth marriage? A I don't remember.
- Q What was the name of your fourth husband? A Helmes.
- Q Are you living with him at the present time? A Yes sir.
- Q How long after your separation from Joe Burns was it until your marriage to Helmes? A About 6 years I reckon.
- Q During all that time did you live alone? A Yes sir.
- Q When were you married to Helmes? A A It has been about three years ago last May I think.
- Q Who performed the marriage ceremony? A A fellow in Ft. Smith-- I don't know his name; the Christian minister.
- Q Were you living in Arkansas at that time? A No sir, I was on the way to Hot Springs; we was married in Ft. Smith; went to Hot Springs and was there 6 or 8 months and come back home.
- Q You have lived here continuously since that time? A Yes sir.
- Q Where were you living at the time Joe Burns left you? A At Shack crack.
- Q Did you have a house there? A Yes sir.
- Q You and he were living there at that house? A Yes sir.
- Q Was it his house? A It was his when he drove off.
- Q Did he leave you in his house? A Yes sir.
- Q Left you all the furniture? A Yes, but afterwards he took away what he wanted and what he didn't want he left.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 26th day of November, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 15 day of December, 1902.

J. C. Bales

Notary Public.

Copy.

This certifies that Joseph Burns of Sans Bois County Choctaw Nation, and Callie Hendricks a citizen of the United States, were by me joined together in holy matrimony, at the residence of Thomas Barnet of said County on Saturday January 2nd 1892.

(Signed) Solomon McGilbeny,

Judge SansBois County.

Witness: Thomas Barnet.

Endorsed:

Recorded in the Records od San Bois County in Book of Records on Page 259. This July 4, 1892.

(Signed) Wallace Bond, Clerk,

Sans Bois Co.

State of Arkansas,  
County of Sebastian.ss.

I, John E. Tatum, Clerk of the Sebastian Chancery Court for the Fort Smith District in the State of Arkansas, do hereby certify that a decree <sup>of divorce</sup> was granted plaintiff, Maud Scholz Hendry, in the case of Maud Scholz Hendry against Malcolm F. Hendry, on the 20th day of October, 1891, a regular day of the October, 1891 term of said Court, as shown by Chancery Court Record, Volume "H." at page 271 of the Chancery Court records on file in my office in Fort Smith, Arkansas.

Witness my hand and seal of said Court on this the 8th day of February, 1905.

(SEAL) John E. Tatum, Chancery Clerk.  
By Claude Hoffman, D.C.

Endorsed on back:  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED  
FEB 15 1905.  
WAMS BIXBY Chairman.

Flora L. Ross, stenographer to the Commission to the Five Civilized Tribes, hereby certifies that the above and foregoing is a true and correct copy of the original now on file with the Commission.

Flora L. Ross  
Subscribed and sworn to before me this 28th day of February 1905.

[Signature]  
Notary Public.



I, Jerry Folsom of McCurtain, Ind Territory state that I know Joseph Burns and his wife, Alice Burns. I also knew Callie Hendry. Joseph Burns was married to Callie Hendry about the year 1892 or 94. At the time Joseph Burns married Callie Hendry she was the lawful wife of one Malcolm F. Hendry. Callie Hendry and Malcolm F. Hendry were married at my house in November 1891. Malcolm F. Hendry and his wife Callie Hendry lived together a very short time, then she, as above stated married Joseph Burns, having never procured a divorce from Hendry. I understand that Joseph Burns made a statement before the Commission to the effect, that he obtained a divorce from Callie Hendry, before he married his present wife, Alice Burns. This is a mistake, and occurred by this reason; Burns came to me, I being an Attorney, and procured my services to to secure him a divorce. I took the case for Burns, and upon investigation I found that a divorce in the case was not necessary as Callie and her previous husband, Malcolm F. Hendry were never divorced. Joe was under the impression I had procured the divorce and was still under the impression till his return from the Commission when he requested me to obtain for him a copy of the decree that he might file the same with the Commission. I then explained the matter to him, telling him that it was not necessary to get the divorce as the marriage was null and void on account of her not being divorced from Hendry. I was summons in this matter to appear at Atoka some time ago. I then understood Callie Burns was making an effort to be allowed an allotment by virtue of her marriage to Burns. I understand she was not allowed to participate in the distribution of the lands of the Nation on the ground she was not lawfully married to Burns. I know she was not divorced from Hendry for I investigated the case carefully. Joseph Burns married his present wife, Alice Burns, January 16, 1898. He and his present wife are now living together and have been ever since that were married. Joseph Burns is a Choctaw Indian of pure blood, and is duly enrolled as such and has been allowed his allotment and has selected the same. His present wife is a white woman and is an applicant for enrollment as an intermarried citizen by virtue of her marriage to Burns. Burns and his present wife are lawfully married.

Jerry Folsom.

Subscribed and sworn to before me this the 21<sup>st</sup> day of February 1905.

My Com. exp  
Feb 2, 1906.  
(SEAL)

Frank T. Parks  
Notary Public.  
Central Dist. I. T.

Endorsed on back:  
DEPARTMENT OF INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED FEB 25 1905.

TANS BIXBY Chairman.

Flora L. Ross, stenographer to the Commission to the Five Civilized Tribes, hereby certifies that the above and foregoing is a true and correct copy of the original now on file with the Commission.

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

  
Notary Public.

Affidavit of Joseph Burns

I, Joseph Burns, of McCurtain, Indian Territory, State that I am the lawful husband of Alice Burns. I was married to Alice Burns on the 16th day of January 1898 at the home of J. W. Leflore a short distance from Wilton, I. T. The Commission has a copy of the license, which was filed with them some time ago.

Previous to my marriage to my present wife, I married one, Callie Hendry, The marriage occurred about the 3rd of January 1894. I lived with Callie Hendry a very short time for I found out she had never been divorced from her husband, "Malcolm W. Hendry. As soon as I found out Callie Hendry had not been divorced from her husband, I left her, and retained Jerry Tolson a Choctaw Lawyer, to procure a divorce for me, and was later told by my Attorney to go ahead and marry my present wife as every thing was alright. I was under the impression a divorce was necessary to release me, and was still under the impression that one had been granted till some time ago, when I went to my Attorney and asked him to procure me a copy of the decree, granting the divorce, that I might file it with the Commission, and he informed me that there was no such decree, as it was necessary for me to obtain a divorce, for when he took the case he investigated the matter and found there was never a divorce from Hendry and his wife, and my marriage to his wife, and my marriage to Callie Hendry was null and void.

Witness my hand this the 10th day of February 1905.

E. E. Parke  
Witnesses C. T. Mitchell

vis  
Joseph X Burns  
mark

Subscribed and sworn to before me this the 10th day of February 1905.

(SEAL)

Frank E. Parke  
Notary Public.

My Com. expires 2/2/06.

Flora L. Ross, stenographer to the Commission to the Five Civilized Tribes, hereby certifies that the above and foregoing is a true and correct copy of the original now on file with the Commission.

*Flora L. Ross*  
Subscribed and sworn to before me this 28th day of February 1905.

*[Signature]*  
Notary Public.

7-7-229.

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

In the matter of the application of Callie Helmes 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 June 13, 1899 application was made to this Commission for the enrollment of Callie Helmes (as Callie Burns) as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of said application at Atoka, Indian Territory, on December 9, 1900 and at Darvin, Indian Territory on November 26, 1902.

It appears from the record herein that the applicant claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her alleged marriage to Joseph Burns, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as No. 7455, upon the lists 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 on January 17, 1903.

It further appears from the record herein that on January 2, 1892 there was performed a ceremony of marriage between the applicant and the said Joseph Burns. It is shown, however, by the record that prior to said date the applicant had been married to one Malcolm F. Hendry, from whom she had not been divorced. She claims that at the time she married the said Malcolm F. Hendry he already had a living wife from whom he had not been divorced and, therefore, that her marriage to him was null and void and hence her marriage to Joseph Burns was a good and lawful marriage.

It appears from the record, however, that she was married to the said Malcolm F. Hendry in November 1891, and there is attached to and made a part of the record a certified copy of a certificate issued by the Chancery Clerk of Sebastian County, State of Arkansas showing that a decree of divorce was issued to the former wife of the said Malcolm F. Hendry, on October 24, 1891. It follows that Malcolm F. Hendry's marriage to the applicant was a valid marriage, and as the applicant had never been divorced from Malcolm F. Hendry at the time of the alleged marriage to Joseph Burns said last mentioned marriage was null and void.

It is, therefore, the opinion of this Commission that Callie Helmes is not entitled to be enrolled as a citizen by

intermarriage 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.

Wuskokee, Indian Territory,

MAR 24 1905

7-D-229.

Muskogee, Indian Territory, March 24, 1905.

Callie Helmes,

Fowlerville, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 24, 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,

ASST. SEC. OF INT.

Registered.

Chairman.

Incl. 7-D-229.

7-D-229

Muskogee, Indian Territory, March 24, 1905.

Easton, Rowells, & Harrison,  
Attorneys at Law,  
Muscogee, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 24, 1905, denying the application for the enrollment of Callie Helmes 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,

*[Signature]*

Chairman.

Registered.

Incl. 7-D-229.

7-D-229

Muskogee, Indian Territory, March 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 decision of this Commission rendered March 24, 1905, denying the application for the enrollment of Callie Helmes as a citizen by inter-marriage 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,

(SIGNED)

Incl. 7-D-229.

Chairman.

COPY!

Muskogee, Indian Territory, March 24, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith the record of proceedings, with the decision of the Commission of March 24, 1903, refusing the application for the enrollment of Callie Helmes as an intermarried citizen of the Choctaw Nation; also the record of proceedings, together with the decision of the Commission of March 21, 1903, granting the application of Alice Burns for enrollment as a citizen by intermarriage of the Choctaw Nation.

These two cases are transmitted for the consideration of the Department and attention is particularly invited to the decision refusing the application for the enrollment of Callie Helmes. The record in the case of Callie Helmes shows that prior to her marriage to Joseph Burns she had been married to one Malcolm F. Hendry, from whom she had not been divorced. The Commission has, therefore, held that there was no legal marriage contract between the applicant and Joseph Burns through whom she claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation.

If, however, the Department does not concur in this view expressed by the Commission, and the applicant should be held to be



entitled to be enrolled as a citizen by intermarriage of the Choctaw Nation, then the Commission's decision of March 24, 1905, granting the application of Alice Burns for enrollment as an intermarried citizen of the Choctaw Nation would, of necessity, have to be reversed for the reason that it would then be shown that Joseph Burns, at the time of his marriage to Alice Burns, had a lawful wife from whom he had not been legally separated, being the applicant, Corlie Helms.

Respectfully,

~~(SIGNED)~~

*James E. ...*

Chairman.

A. 5-14

Land.  
23599-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, April 13, 1905.

The Honorable,

(copy)

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 24, 1905, transmitting the record of the applications for enrollment as citizens by intermarriage of the Choctaw Nation by Alice Burns and Callie Helms (as Callie Burns).

March 24, 1905, the Commission decided favorably to Alice Burns and adversely to Callie Helms.

The record shows that both applicants claim title to enrollment by reason of marriage to Joseph Burns a recognized and enrolled citizen by blood of the Choctaw Nation whose name appears at No. 7485 of a list of Choctaw citizens approved by the Department January 17, 1903.

It further appears by the record that on January 2, 1892, a ceremony of marriage was performed between Callie Helms and Joseph Burns. It is shown however, by the record that prior to said date Callie Helms had been married to one Malcolm F. Hendry from whom she had not been divorced and who was still living at the date of her marriage to Joseph Burns.

It further appears that on January 16, 1893, the applicant, Alice Burns was lawfully married to the said Joseph

In view of the record the approval of the Commission's decision favorable to Alice Burns and adversely to Callie Helms is recommended.

Very Respectfully,

H.M.M.  
W.

C. F. Larrabee  
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

W.C.C.  
FILE

D.O. 1891-1903.  
I.N. 1891-1903.

March 24, 1905.

SIR:

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

Gentlemen:

March 24, 1905, you transmitted the report in the  
number of the applications for enrollment of Alice Burns  
and Willie Helms (as child's name) as citizens of the Cherokee  
of the Cherokee Nation, including a resolution of March 14,  
1905, which was in favor of Alice Burns and adverse to Willie  
Helms.

Reporting April 11, 1905, the Indian Office recom-  
mends that your decision be approved. A copy of its letter  
is inclosed.

The Department concurs in said recommendation, and your  
decision is hereby affirmed.

Respectfully,

Thos Ryan,  
Acting Secretary.

1 inclosure.

7-D-219.

COPY

Mustang, Indian Territory, May 9, 1905.

Miss Holmes,

Wheelerville, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, under date of April 27, 1905, affirmed the decision of this Commission dated March 21, 1905, denying your application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

*E. B. Needles.*

Commissioner in Charge.

7-D-220

COPY,

Muskogee, Indian Territory, May 9, 1906.

**Easton, Rowells & Harrison,**

Attorneys at Law,

Hugo, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of April 27, 1905, affirmed the decision of this Commission dated March 24, 1905, denying the application for the enrollment of Callie Helmes as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED:

*I. B. Needles.*

Commissioner in Charge.

COPY.

7-0-229.

Muskogee, Indian Territory, May 3, 1905.

Mansfield, McTurray & 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 April 27, 1905, affirmed the decision of this Commission dated March 24, 1905, denying the application for the enrollment of Callie Helmes, as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

*Needles.*

Commissioner in Charge.

Muskogee, Indian Territory, June 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

March 24, 1905, the Commission to the Five Civilized Tribes rendered its decision refusing the application of Callie Helms (Burnes) for enrollment as an intermarried citizen of the Choctaw Nation, and this action was approved by the Secretary of the Interior, April 27, 1905 (A.T. D. 3854-1905).

I now have the honor to transmit herewith for consideration in this case, motion of Callie . . Burnes (Helms) for rehearing in the matter of her application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.

Choctaw D 229.



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

In the matter of the application  
of Callie L. Burns, a citizen  
by intermarriage of the Choctaw  
Nation.

PETITION FOR REHEARING

Comes now your petitioner, Callie L. Burns,  
and respectfully asks the Honorable Secretary of the Interior that  
her application for citizenship of the Choctaw Nation by inter-  
marriage be reopened and a rehearing granted her for the following  
reasons.

1st. That sometime prior to December, 1905 as shown by the  
records of the Commission to the Five Civilized Tribes, she made  
a personal application to the said Commission and that at the time  
she made said application her evidence in the said cause was taken  
and that at the time of the taking of her said evidence that she  
was sick and under the influence of medicine and did not know what  
she stated; that she has evidence now to show that when she was only  
thirteen years of age that she married a man named Hender; that at  
the time she married the said Hender he had a living wife from whom  
he had not been divorced and that her marriage to Hender was a mock  
marriage and that when she found this out after living with him  
about two weeks she left him and that Hender was sent to the peni-  
tentiary.

That sometime after this she married one Burns, a Choctaw  
citizen, and lived with him until he died; that by Burns she had  
one child, Bertie Burns, who is now fifteen years old and enrolled  
as a citizen by blood of the Choctaw Nation.

Therefore, these facts being considered, your petitioner prays  
the Honorable Secretary of the Interior that she may be granted

STATEMENT

JUN 2 - 1906

-2-

anew hearing that she might procure the testimony of the said witnesses to the said facts herein stated.

Callie M. Burnes.

Subscribed and sworn to before me this the 17th day of May A. D. 1906.

H. L. Fowler,  
Notary Public.



7-D-229

Muskogee, Indian Territory, August 17, 1906.

Callie Helms,

Fowlerville, Indian Territory,

Dear Madam:

You are hereby advised that on June 28, 1906, the Secretary of the Interior denied the motion for rehearing in the matter of the application for the enrollment of Callie Burns as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-229

Muskogee, Indian Territory, August 17, 1906.

J. W. Jones,

Atoka, Indian Territory,

Dear Sir:

You are hereby advised that on June 28, 1906, the Secretary of the Interior denied the motion for rehearing in the matter of the application for the enrollment of Callie Burns as a citizen by intermarriage of the Choctaw Nation.

For your information there is inclosed herewith a copy of Departmental letter of June 28, 1906, denying said motion.

Respectfully,

LM 1/17

Commissioner/

7 D-229

Muskogee, Indian Territory, August 17, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on June 28, 1906, the Secretary of the Interior denied the motion for a rehearing in the matter of the application for the enrollment of Callie Burns as a citizen by intermarriage of the Choctaw Nation.

For your information there is inclosed herewith a copy of Departmental letter of June 28, 1906, denying said motion.

Respectfully,

LM 2/17

Commissioner.

Muscogee, Indian Territory,

August 18th, 1900.

Callie Burns,

War, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorney, Messrs McFann, Crossfield, Murray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at War, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-1-00.



Muskogee, Indian Territory, January 23, 1901.

Mary K. Burns,

Clear Creek, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 17th instant in which you desire to be informed if you and your son Lawrence B. Burns are listed for enrollment as citizens of the Choctaw Nation.

Replying to your letter you are informed that the records of this Commission show that a Callie Burns, 29 years of age, of Ward, Indian Territory, is listed for enrollment as a doubtful claimant to citizenship in the Choctaw Nation, claiming such right by reason of her marriage to Joe Burns, a Choctaw Indian. It is thought by the Commission that you are the person so listed as Callie Burns. If not, please so advise the Commission, stating your full name, your age, the time and place you made application for enrollment, the names of other members of your family who appeared at the same time and any other information that may lead to your identification.

The records further show that Lawrence B. Burns, 6 years of age, the son of Joe and Callie Burns, is listed for enrollment as a citizen by blood of the Choctaw Nation.

Yours truly,

7-D-229  
7-2568

Acting Chairman.

Muskogee, Indian Territory, February 5, 1901.

Ed C. Radford,

Clearcreek, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 16th ultimo in which you desire to be advised if Callie Burns and Bertie Burns appear upon the rolls of the Choctaw Nation.

Replying to your letter you are informed that the records of the Commission show that Lawrence B. Burns, 6 years of age, the son of Joe and Callie Burns is listed for enrollment as a citizen by blood of the Choctaw Nation. This child appears on the 1896 Census roll of the Choctaw Nation as Burton Burns.

The records further show that Callie Burns, 29 years of age of Ward, Indian Territory, is listed for enrollment as a doubtful claimant to citizenship in the Choctaw Nation. The Choctaw Nation through its legal representatives have filed a protest to her final enrollment as a citizen of the Chickasaw Nation and she was notified of this fact on August 18th, 1900 and at the same time notified of the session of the Commission to be held at Atoka, Indian Territory commencing December 3rd, 1900. At such session of the Commission additional testimony was taken on the part of the Nation in this case. The contention of the Choctaw Nation in this case is that Callie Burns, who is a white woman and claims by inter-marriage to a Choctaw man named Joe Burns, at the time she married Joe Burns had a living husband from whom she had not been divorced.

RC R 2

The Commission has not up to this time rendered any decision in this case but when such decision is rendered a copy of the same, stating fully therein the reason for any action that may be taken by the Commission, will be mailed to Mrs. Burns.

Yours truly,

Acting Chairman.

7-2568

7-D229

7-D-229.

Muskogee, Indian Territory, September 1, 1904.

Callie Burnes,  
Fowlerville, Indian Territory,

Dear Madam:

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it appears from the testimony in your case, given by you at Garvin, Indian Territory that you were married to one Will Hendry prior to your marriage to Joe Burnes, the Indian spouse through whom you claim your right to enrollment. It further appears that you were not divorced from said Hendry when you were married to your Indian spouse, but that you claim that the said Hendry had a living wife at the time he was married to you, and for that reason your marriage to him was illegal.

You are advised that it will be necessary for you to furnish satisfactory evidence of the fact that said Will Hendry had a living wife at the time of your marriage to him before your case can be further considered.

Respectfully,

Chairman.

Choctaw D 229

Muskogee, Indian Territory, March 21, 1905.

Easton, Rowells & Harrison,  
Attorneys at Law,  
Hugo, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of March 13, inclosing certified copy of decree of divorce between Maud Scholz Hendry and Malcolm F. Hendry; also certified copy of marriage license and certificate between Malcolm F. Hendry and Maude Scholze which you offer in support of the application of Callie Burns for enrollment as an intermarried citizen of the Choctaw Nation, and the same have been filed with the record in this case.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 26, 1905.

Blanton & Andrews,  
Attorneys at Law,  
Ada, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 17, requesting a copy of the testimony in the matter of the application of Callie Burns for enrollment as an intermarried citizen of the Choctaw Nation. You state that she has furnished you with a copy of the decision of the Commission and insists that the finding of facts are erroneous; you therefore request a copy of the testimony and state that you have written the Secretary of the Interior, asking that the case be held up, if not already determined, until you can be heard in the matter.

In reply to your letter you are advised that on April 27, 1905, the Secretary of the Interior affirmed the decision of the Commission, refusing the application for the enrollment of Callie Burns.

You are further advised that there are not a sufficient number of copies of the record in this case to permit

B & A --2.

the withdrawal of one from our files, but if you desire, you will be permitted access to our records for the purpose of making a copy thereof.

Respectfully,

Chairman.

7-D-229,

Muskogee, Indian Territory, June 3, 1905.

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

Dear Sir:

Receipt is hereby acknowledged of your letter of May 31, stating that you are unable to identify any person by the name of Callie Helms, Choctaw Card D 229, and that the name of Callie Burns appears upon your list of undetermined Choctaw citizens, D 229, and you ask to be advised if this person is identical with the Callie Helms mentioned in our letter of May 29, 1905, and if the name of Callie Burns, Choctaw D. 229, should be cancelled upon your undetermined list.

In reply to your letter you are advised that Callie Burns is identical with the Callie Helms referred to in our letter of May 29, and her name should be cancelled upon the list of undetermined applicants for enrollment in the Choctaw Nation in the possession of your office.

Respectfully,

Commissioner in Charge..



7-D-229

Muskogee, Indian Territory, September 19, 1905.

Callie Burns,  
Atoka, Indian Territory.

Dear Madam:

Replying to your letter of September 15th you are advised that on March 24, 1905, the Commission to the Five Civilized Tribes rendered a decision refusing the application for the enrollment of Callie Helmes as a citizen by intermarriage of the Choctaw Nation.

It appears that a copy of the decision of the Commission to the Five Civilized Tribes was forwarded to you by registered mail at Valliant, Indian Territory, and this office has your registry receipt for such copy.

On April 27, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of March 24, 1905, refusing the application for the enrollment of Callie Helmes (as Callie Burns) as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Acting Commissioner.

Atoka, Ind. Ter. May 9th, 1906.

The Commissioner to the Five Civilized Tribes,  
Muscogee, I.T.

My Dear Sir:- I would like to know if an application for a new hearing will be allowed in the case of Callie M. Burns a citizen by intermarriage of the Choctaw Nation. At the time she made her former application she was sick and under the influence of medicine and did not know what she stated.

We have also found new evidence which shows that at the time she was supposed to have married one Heneler she was only a child thirteen years old and that Heneler had a living wife at that time and was not divorced, that after she found that out she left Heneler and after this she married one Burnes a citizen of the Choctaw Nation and lived with him until his death; that by this marriage she had one child Birdie Burnes who is enrolled as a citizen of the Choctaw Nation.

Kindly let me hear from you at once.

Yours truly,

J. W. Jones.

7-D-229

Muskogee, Indian Territory, May 14, 1906.

J. W. Jones,  
Attorney at Law,  
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 9, 1906, in which you ask if an application for a new hearing will be allowed in the case of Callie E. Burnes an applicant for enrollment as an intermarried citizen of the Choctaw Nation as you have found new evidence which you desire to introduce in this case.

In reply to your letter you are advised that as the application of Callie Burnes for enrollment as an intermarried citizen of the Choctaw Nation has been refused by the Commission to the Five Civilized Tribes and this action affirmed by the Department, if it is desired to secure a rehearing in this case ~~it~~ will be necessary that formal petition be addressed to the Secretary of the Interior through this office.

Respectfully,

Acting Commissioner.

7-D-229

Muskogee, Indian Territory, June 1, 1906.

J. W. Jones,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 1, 1906, inclosing petition for rehearing in the matter of the application for the enrollment of Callie M. Burnes (Wells) as an inter-married citizen of the Choctaw Nation and the same has been forwarded the Secretary of the Interior for consideration in connection with this case.

Respectfully,

Commissioner.

G.R.

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

June 28, 1906.

I.T.D.3854-1905.  
11108-1906.  
*L.C. 2778-1906*  
L.R.S.

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

Sir:

June 2, 1906, you transmitted a motion for a rehearing filed on behalf of Callie Burns, formerly Hendry, now Helmes, in the matter of her application for enrollment as an inter-married citizen of the Choctaw Nation, wherein the Department on April 27, 1905, (I.T.D.3854), affirmed the decision of the Commission to the Five Civilized Tribes of March 24, 1905, denying her application.

The Department has carefully considered said motion in connection with the original records in the cases of Alice Burns and Callie Helmes, and applicant failing to furnish sufficient evidence upon said motion for rehearing to warrant the Department in disturbing its decision of April 27, 1905, said motion for rehearing is hereby denied.

You will advise applicant of this action.

Respectfully,

Jesse E. Wilson,

Acting Secretary.

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## MARRIAGE LICENSE

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Mr. . . . .

TO

M . . . . .

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**NOTE.**—This License, with Certificate duly executed and officially signed, must be returned to the office from whence it was issued within sixty days from the date of License, under penalty of forfeiture of the Bond. No minister of the Gospel is authorized to solemnize the rites of matrimony until he shall have his license or credentials recorded in some county in the State. He should then fill out the above blank certificate.

---

---

Filed for record this . . . . . day

of . . . . . 190.....

.. Clerk

By .. . . . D. C.

---

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STATE OF ARKANSAS  
 COUNTY OF SEBASTIAN FORT SMITH DIST.

I, T. N REED, Clerk of the County Court of said County, certify that the above License for and Certificate of Marriage of Mr. \_\_\_\_\_ and M. \_\_\_\_\_ were on the \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_, filed in my office and the same are now duly recorded on page \_\_\_\_\_ of Book \_\_\_\_\_ of Marriage Records.

Witness my hand and the Seal of said County, this \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_\_.

By \_\_\_\_\_ Clerk  
 \_\_\_\_\_ D. C.

MARRIAGE LICENSE

Mr \_\_\_\_\_ TO \_\_\_\_\_  
 M \_\_\_\_\_

NOTE.—This License, with Certificate duly executed and officially signed, may be returned to the office from whence it was issued within sixty days from the date of License, under penalty of forfeiture of the Bond. No minister of the Gospel is authorized to solemnize the rites of matrimony until he shall have his license or credentials recorded in some county in the State. He should then fill out the above blank certificate.

Filed for record this \_\_\_\_\_ day  
 of \_\_\_\_\_, 190\_\_\_\_.  
 \_\_\_\_\_ Clerk  
 By \_\_\_\_\_ D. C.

# Marriage License



STATE OF ARKANSAS )  
COUNTY OF SEBASTIAN )  
FORT SMITH DISTRICT )

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the rite and publish the bans of Matrimony between Mr. Valc. Im F. Hendry of ~~the~~ the County of Sebastian State of Arkansas aged fifteen years, and Mrs. Mauda Scholze of ~~the~~ the County of Sebastian State of Arkansas aged fifteen years, according to Law, and do you officially sign and return this License to the parties herein named.

Witness my hand and official seal this 22nd day of March 1886

John H. McClure  
Clerk of the County Court.

BY \_\_\_\_\_ DEPUTY CLERK

## Certificate of Marriage

STATE OF ARKANSAS }  
COUNTY OF Sebastian }

I, W. Sampson do hereby certify that on the 22nd day of March 1886 I did, duly and according to Law, as commanded in the foregoing License, solemnize the rite and publish the bans of Matrimony between the parties therein named.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 1886

My credentials are accepted as Recorder's Office Sebastian County, Ark.  
John H. McClure, Clerk of the County Court.



In the matter of the enrollment  
of Callie Burns, as an In-  
dianized Citizen of the  
Choctaw Nation.

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

MAR 20 1905

*[Handwritten signature]*

Easton Rowles & Hardison  
Atty. Hugo. S. J.

State of Arkansas,     )  
                              (    SS.  
County of Sebastian.    )

I, T. W. Peed, County Clerk of Sebastian County, Arkansas, do hereby certify that the attached and foregoing sheet contains true, perfect, and complete copies of the marriage license, authorizing the marriage of Malcolm P. Hendry and Maude Scholze, and the certificate of marriage, showing the marriage of said Malcolm P. Hendry and Maude Scholze, as said license and certificate appear of record in my office in Fort Smith, Arkansas, in Marriage Record "C", at page 299.

In testimony whereof, I do hereunto set my hand, as County Clerk of said County, and do hereto affix my official seal, at my office in Fort Smith, Arkansas, this 8<sup>th</sup> day of March, 1905.

T. W. Peed  
County Clerk of Sebastian  
County, Arkansas.

I, W. A. Falconer, Judge of the County Court within and for the Fort Smith District of Sebastian County, Arkansas, do hereby certify that T. W. Peed, whose name is subscribed to the above and foregoing certificate, was, at the date of the making of said certificate, the duly commissioned, qualified, and acting County Clerk of said Sebastian County, Arkansas. And I further certify that I am well acquainted with the handwriting of said T. W. Peed and do verily believe that his name subscribed to said certificate is his true and genuine signature. And I further certify that said certificate is in due form of law and is made by the proper officer.

Witness my hand this 8<sup>th</sup> day of March, 1905.

W. A. Falconer  
Judge of the County Court within  
and for the Fort Smith District  
of Sebastian County, Arkansas.

State of Arkansas, )  
County of Sebastian, ) ss.  
Fort Smith District. )

I, T. W. Reed, Clerk of the County Court within and for the Fort Smith District of Sebastian County, Arkansas, do hereby certify that W. A. Falconer, whose name is subscribed to the above and immediately foregoing certificate, was, at the date of the making of said certificate, the duly commissioned, qualified, and acting Judge of said Court and sole Judge thereof. And I further certify that I am well acquainted with the handwriting of said W. A. Falconer and do verily believe that his name subscribed to said certificate is his true and genuine signature.

In testimony whereof, I do hereunto set my hand, as Clerk of said Court, and do hereto affix the seal of said Court, at my office in Fort Smith, Arkansas, this 8<sup>th</sup> day of March, 1905.

T. W. Reed  
Clerk of the County Court within  
and for the Fort Smith District  
of Sebastian County, Arkansas.

In the matter of the  
Enrollment of Callie Burma  
as an intermarried citizen  
of the Choctaw Nation

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

MAR 20 1905

Easton Rowell Hudson  
att'y at large O.S.

In the Sebastian Chancery Court,  
Fort Smith District.

October Term, 1891.

Pleas before the Hon. Edgar E. Bryant, Judge of said Court, had on the 20th day of October, 1891, a regular day of said term, when the following, among other proceedings, was had and done, to-wit:

Maud Scholz Hendry,	Plaintiff,
vs.     D E C R E E .	No.36- 376.
Malcolm F. Hendry,	Defendant.

On this day, this cause coming on to be heard comes the plaintiff by her attorneys, Sandels & Hill, but the defendant comes not, though legally summoned herein more than twenty days before the first day of this term of Court. And it appearing to the Court from the complaint and the proofs in this cause that said plaintiff and defendant were legally married to each other on the... day of March 188... and lived together as husband and wife; that on or about the first day of May 1889 and at divers other times subsequent thereto, the said defendant committed the act of adultery with one Iola May Seamon, an inmate of a house of prostitution and a notorious woman, that defendant spent of the time during said year in dissipation and riotous living consorting with prostitutes, and leading an open and notorious life of shame; That said plaintiff has resided in this County for more than one year before the filing of this suit; That the cause of action occurred and existed in this state and within five years next before the institution of this suit.

It is therefore considered, ordered, adjudged and decreed by the Court that the bonds of matrimony now and heretofore existing between the plaintiff, Maud Scholz Hendry, and the defendant, Malcolm F. Hendry, be and the same hereby are, dissolved, set aside and held for naught, and that the said plaintiff be restored to all rights and privileges of a single and unmarried person. And that she recover her costs herein.

State of Arkansas, )  
County of Sebastian, ) SS.  
Fort Smith District. )

I, John E. Tatum, Clerk of the Chancery Court within and for the Fort Smith District of Sebastian County, Arkansas, the same being a court of record, do hereby certify that the attached and foregoing one sheet— contains a true, perfect, and complete copy and transcript of the decree of divorce rendered by said Court on the 20th day of October, 1891, in the case of Maud Scholz Hendry against Malcolm F. Hendry, as said decree of divorce appears of record in my office in Fort Smith, Arkansas, in Chancery Record "E", page 271.

In testimony whereof, I do hereunto set my hand, as Clerk of said Court, and do hereto affix the seal of said Court, on this 8<sup>th</sup> day of March, 1905.

*John E. Tatum*  
Clerk of the Chancery Court within  
and for the Fort Smith District  
of Sebastian County, Arkansas.

I, J. V. Bourland, Judge of the Chancery Court within and for the Fort Smith District of Sebastian County, Arkansas, do hereby certify that John E. Tatum, whose name is subscribed to the above and foregoing certificate, was, at the date of the making of said certificate, the duly qualified and acting Clerk of said Court. And I further certify that I am well acquainted with the handwriting of said John E. Tatum and do verily believe that his name subscribed to said certificate is his true and genuine signature. And I further certify that said certificate is in due form of law.

Witness my hand this 11<sup>th</sup> day of March, 1905.

*J. V. Bourland*  
Judge of the Chancery Court within  
and for the Fort Smith District  
of Sebastian County, Arkansas.

State of Arkansas, )  
County of Sebastian, ) SS.  
Fort Smith District. )

I, John F. Tatum, Clerk of the Chancery Court within and for the Fort Smith District of Sebastian County, Arkansas, do hereby certify that J. V. Bourland, whose name is subscribed to the above and immediately foregoing certificate, was, at the date of the making of said certificate, the duly qualified and acting Judge of said Court and sole Judge thereof. And I further certify that I am well acquainted with the handwriting of said J. V. Bourland and do verily believe that his name subscribed to said certificate is his true and genuine signature.

In testimony whereof, I do hereunto set my hand, as Clerk of said Court, and do hereto affix the seal of said Court, on this \_\_\_\_\_ day of March, 1905.

*John C. Peters*  
Clerk of the Chancery Court within  
and for the Fort Smith District  
of Sebastian County, Arkansas.

Over Birmingham

AS  
ST

# 6091



c

J

8.2.17

Ellen Moore, A. L.

FOR IDENTIFICATION AS  
A FINGERPRINT SUBJECT.

RECEIVED BY # 7366

Choc D232 John H. Minckart

D232

10 25

John H. Minchard

**CANCELLED**  
 Duplicate - dead prior to the ratification of the  
 Chocoma Whiskey agreement on Sept 25 1902

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

In the enrollment of John H. Minehart as intermarried Choctaw being sworn and examined by Com. McKennon he testifies:

Q What is your age? A I was born in 1836, 17th day of March. I was married in Fort Smith in 1862 to Martha Foster, daughter of Choctaw Hugh Foster, a recognized citizen, and in 1867 I was married by Judge James Trahern in the Choctaw Nation, who was then Judge of Skullyville County., and Dick Haley was County Clerk, he issued me the license; they had commenced to get a little particular; before that they didn't require the license.

Q You then in 1867 re-married according to Choctaw Laws and were married by a Choctaw officer? A Yes sir, by Judge of a County Court.

Q Your papers have all been destroyed? A They have been misplaced or destroyed; I am not able to find them.

Q You know whether there is any record existing of that marriage or not? A No sir. The Clerk's office was burned at Skullyville and all records from '66 up to '72 or three were destroyed in that fire,- the County Court records.

Q Is she living yet? A No sir, dead.

Q You lived with her until she died? A Yes sir.

Q You haven't re-married? A Yes sir.

Q Have you married a Choctaw or a white woman? A White woman. When? A About seven year ago.

Q That would be about 1892? A Yes sir, I think that is about the year, 1892. Six or seven years ago; she is not a citizen of the Choctaw Nation, she is a white woman, and I claim no right for her.

Q (By Judge Shackelford) Where do you reside now?

A My place of residence, sometimes in Ft. Smith, I am not able -

Q Is Fort Smith your home? A No sir, I never claimed any

John B. Minehart, #2)

home in Fort Smith.

Q Aint the mans home where his wife lives? A I don't know what construction you place upon that; both of these young men that registereu a while ago are my sons, the last one lives on my resident place and I stay with him when I am u. here, a week or two, three weeks, and go back to Fort Smith and stay a week or so, and come back here again; all my property that I have got is here.

Q Your wife lives in Fort Smith? A She does part of the time.

Q You have property there? A No sir, I live in her house.

Q She owns a house there? A Yes sir.

Q And she lives there and you live there with her sometimes?

A Yes sir.

Q (Captain McK) How long have you been living that way?

A About four years, between four and five years; I am not able to do anything, to attend to any business and I just pass the time here and there.

Q Where had you lived prior to that time? A Here ever since 1863 in the Chectaw Nation.

1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025

*M. D. Green*

IN RE  
THE DEATH OF

J. H. Mirehart  
a citizen of the  
Cherokee Nation.

Approved APR 26 1902 1

*[Handwritten Signature]*  
Commissioner.

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

FILED

APR 26 1902

*[Handwritten Signature]*  
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *J. H. Minchart* (Here insert name of deceased) a citizen of the *Choctaw* Nation, who formerly resided at or near *Bradley* (Here insert name of post office), Ind. Ter., and died on the *1* day of *November*, *1900*

AFFIDAVIT OF RELATIVE.

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

I, *Walter H. Minchart* on oath state that I am *30* years of age and a citizen, by *Blood*, of the *Choctaw* Nation; that my post office address is *Bradley* (Here insert name of post office), Ind. Ter.; that I am *a son* (State relationship, as: the father; an uncle; a cousin, etc.) of *J. H. Minchart* (Here insert name of deceased) who was a citizen, by *Marriage*, of the *Choctaw* Nation; and that said *J. H. Minchart* (Here insert name of deceased) died on the *1* day of *November*, *1900*

WITNESSES TO MARK:

*Walter H. Minchart*

(Must be Two Witnesses.)

Subscribed and sworn to before me this *23* day of *April* *1902*

*J. H. Casey*  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

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

I, *Chas Broome*, on oath state that I am *41* years of age, and a citizen, by *Blood*, of the *Choctaw* Nation; that my post office address is *Bradley, Ind. Ter.* (Here insert name of post office.); that I was personally acquainted with *J. H. Minchart* (Here insert name of deceased) who was a citizen, by *Marriage*, of the *Choctaw* Nation; and that said *J. H. Minchart* (Here insert name of deceased) died on the *1st* day of *November*, *1900*

WITNESSES TO MARK:

*Chas Broome*

(Must be Two Witnesses.)

Subscribed and sworn to before me this *23* day of *April* *1902*

*J. H. Casey*  
Notary Public.

Choctaw D-232.

Muskogee, Indian Territory, February 28, 1902.

John H. Minehart,

Oak Lodge, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 7th 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.

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.



Muscogee, Indian Territory,

August 14th, 1900.

John W. Minehart,

Oak Lodge, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs DeFennel, Mansfield, McMurphy, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-1000.

Muskogee, Indian Territory, September 13, 1900

J. H. Minohart,  
Care Cravens & Cravens, Attorneys at Law,  
Fort Smith, Arkansas.

Dear Sir:

The Commission is in receipt of your letter of the 3rd instant in which you desire to be furnished with a copy of the protest filed against your enrollment as a citizen of the Choctaw Nation.

You are informed that the Commission cannot at this time furnish you with the grounds upon which the objection has been made to your enrollment by the Choctaw and Chickasaw Nations for the reason that up to this time the Commission has only been furnished by the attorneys of the Choctaw and Chickasaw Nations with a list of the doubtful claimants to enrollment to whom objection has been made. In justice to these applicants whose enrollment has thus been protested, the Commission has requested the attorneys of the Choctaw and Chickasaw Nations to file notice on such applicants, prior to October 31st, 1900, stating therein the ground upon which protest is made to their enrollment. If, however, the Commission is in possession of sufficient facts upon which to render a decision in these cases and additional oral testimony is not required, you will be so notified and will be allowed to submit for the consideration of the Commission a written argument or brief in support of your application.

7-D-232

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, February 28, 1902.

John H. Minehart,

Oak Lodge, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 7th 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.

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.

T. B. Needles,

Commissioner in Charge.

Register.

Muskogee, Indian Territory, March 24, 1902.

Walter K. Minehart,  
Braden, Indian Territory.

Dear Sir:

Information has reached this office that your father, John H. Minehart, has died since the time application was made for his enrollment as an intermarried 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 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

WKN 2

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

Yours truly,

Commissioner in Charge.

Eny.

D.C.

Muskogee, Indian Territory, April 8, 1903.

George Minehart,

Oak Lodge, Indian Territory.

Dear Sir:

The Commission has received information of the death of your father John H. Minehart since the time he was listed for enrollment as a citizen by intermarriage 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 there-  
to.

G M 2

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.

Muskogee, Indian Territory, April 26, 1902.

Walter H. Minehart,  
Braden, Indian Territory.

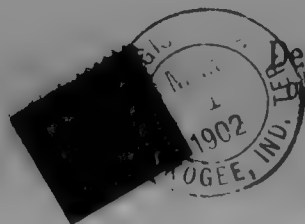
Dear Sir:

Receipt is hereby acknowledged of your affidavit and that of Charles Broome, relative to the death of your father John H. Minehart, which occurred November 1, 1900, and the same being in proper form have been duly filed with the records of the Commission.

Yours truly,

Commissioner in Charge.





Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

<sup>302A</sup>  
John W. Mincham

Died Nov 1<sup>st</sup> 1902 }  
S. his son Supt. <sub>pm.</sub>

~~Call Lodge~~

~~Indian Territory~~

COMMISSIONERS  
HENRY L. DAWPS  
TAMM BIXBY  
THOMAS B. NEEDLES  
C. K. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED IN FILE 10 11 11 11

Choctaw D-232.

Muskogee, Indian Territory, February 28, 1902.

John H. Minehart,  
Oak Lodge, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 7th 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.

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.

  
Commissioner in Charge.

Register.

Choc D233 John T. Garrett

Dismissed May 27, 1904

D 233

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

-- 0----

Record in the matter of the application for enrollment  
as a citizen by intermarriage of the Choctaw Nation of:

John T. Garret ,

C-D-233.

-----0-----

Madison, Wisconsin Territory,

August 18th, 1850.

John T. Smith,

Madison, Wisconsin Territory,

Dear Sir:

I have the honor to acknowledge the receipt of your letter, and in reply to inform you that the same has been forwarded to the proper authorities. I have also the honor to inform you that the same has been filed with the proper authorities, and that you are hereby notified as a citizen of the Territory.

The same will be read at the next session of the Territory, and the same will be read at the next session of the Territory, and the same will be read at the next session of the Territory, and the same will be read at the next session of the Territory.

Yours truly,

Acting Chairman.

7-1-23.

Muskogee, Indian Territory, September 10, 1900.

John T. Smith,

St. Louis, Indian Territory.

Dear Sir:-

Since notice in your of August 10, 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. However, the notice of protest has been withdrawn in your favor by the attorneys for the Nation.

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 to begin in December, 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 December 1st, 1901.

As soon thereafter as practicable the Commission will render its final decision upon your right to enrollment and the decision of the Commission, stating fully the reasons therefor and the action that may be taken, will be mailed to you.

Yours truly,

Arthur C. ...

Choctaw P-233.

Muskogee, Indian Territory, February 28, 1902.

John T. Garrett,

Sans Bois, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 7th 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.

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.

this is to certify that on  
This on the 25 day of  
May, A. D. 1899 solemnize  
the Rite of Matrimony ~~By~~  
Between John T. Garrett  
A Citizen of the United States  
to Phebe E. Garrett a Citizen  
of the Choctaw Nation As  
Commanded in the foregoing  
gives my credentials as on  
Record in the office of the  
Clerk of the United States in  
South McAlester Indian Territory  
Book A, Page 30 This witness  
My Hand this 25 day of  
May, A. D. 1899  
Isaac Napier  
Clerk



Marriage License

Shown to and solemnized  
before me this 23

day of May 1881

J. S. Sherrill  
J. S. Sherrill

Marriage License

known to and published  
before me this 23  
day of May 1899

J. M. Sherrill  
Clerk

I J. M. Sherrill County Clerk of Ocala, Fla. do hereby  
certify that the license for and witnesses of  
marriage of John P. Carrato and Phelo Carrato  
were filed in my office this 27 day of May A.D. 1899  
and duly recorded in Record on Page 348397  
Witness my hand and office this 27 day  
of May A.D. 1899

J. M. Sherrill  
Clerk

Choctaw Nation Cedar County  
To whom these presents shall come  
Greeting;

Know ye that I J. M. Sherrill County  
Clerk of Cedar County Choctaw Nation  
do hereby grant unto John T. Garrett  
a citizen of the United States a  
License to marry Thebe E. Garrett  
a citizen of Choctaw Nation by blood  
and a resident of San Bois County  
in said Nation. The said John T.  
Garrett having presented to me a  
Certificate signed by ten reputable  
Citizens by blood of the Choctaw Nation  
stating that the said John T. Garrett  
is a man of good moral character  
& that they have been acquainted with  
said John T. Garrett for twelve  
months last past; and the said  
John T. Garrett having taken the  
oath required by the laws of the Choctaw  
Nation of non-citizens who marry Choctaw  
women.

Now therefore this is to authorize the  
rites of matrimony to be celebrated  
between the said John T. Garrett  
and the said Thebe E. Garrett,  
Given under my hand and  
seal of said County hereto affixed  
this 23<sup>rd</sup> day of May A.D. 1899.

J. M. Sherrill  
Co. Clerk

Department of the Interior.  
Commission to the Five Civilized Tribes

In the matter of the application of  
John T. Garrett for enrollment as an  
intermarried citizen of the Choctaw  
Nation.

----D 233----

On the 28th day of February, 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 notified by registered mail that the application of John T. Garrett 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 7th day of April, 1902, for final consideration.

Now, on this 7th day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicant, being called, failed to appear, either in person or by attorney, and the Choctaw Nation appeared by its attorneys, Mansfield, McMurray & Cornish, and submitted this case upon the record.

-----000-----

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 7th day of April, 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 C Risteen*  
Subscribed and sworn to before me this 10th day of April, 1902

*Wm. H. Caldwell*

Notary Public.

D. 233

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

In the enrollment of John T. Garrett as an intermarried Choctaw; being sworn and examined by Com. McKennon he testifies:

John T. Garrett, aged forty-five.

Q When were you married to your wife Phoebe? A The first time, it has been about twenty-three years ago.

Q Where? A Right here in this County.

Q By whom? A Judge Cribbs.

Q Under the Choctaw Law? A No sir. I reckon not; he claimed there wasn't any license at that time.

Q This license that you present here then, issued 23rd day of May, 1899, under which you married your wife Phoebe E. Garrett on the 25th day of May, 1899, then, is a re-marriage, she was already your wife? A Yes sir.

Q You hadn't been divorced from her? A No sir.

Q You just married her to conform to the Choctaw law now?

A Yes sir, she wasn't satisfied with our marriage.

Q Was that all the reason why you married again, because she wasn't satisfied with it? A Yes sir. She said the Choctaw Court required her to marry under her law.

Q Not that you might have an interest in the property?

A No sir.

Witness my hand and seal this 10th day of May, 1899.

M. D. Green

7-10-233

7-10-233.

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

---o---

In the matter of the application of John T. Garrett for enrollment as a citizen by intermarriage of the Choctaw Nation.

---o---

The applicant, John T. Garrett, claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage to one Phoebe Garrett. The right of the applicant's wife, Phoebe Garrett, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of April 26, 1904, in case No. 56, upon the South McAlester docket of said court, it is hereby ordered that the application of John T. Garrett for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

\_\_\_\_\_

7- D- 233.

COPY:

Muskogee, Indian Territory, June 8, 1904.

John T. Garrett,

Sans Bois, 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 your enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

*James Bixby.*

Registered.

Chairman.

Incl. 7- D- 233.

7- D- 233.

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 enrollment as a citizen by inter-marriage of the Choctaw Nation of John T. Garrett.

Respectfully,  
(SIGNED)

*Tams Bixby.*

Chairman.

Registered.

Incl. 7- D- 233.

See Choctaw R- 650 for registry receipt for this letter.



Choc D 234

Georgia E. Garrett

Dismissed May 27, 1904

D234

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

---o---

Record in the matter of the application for enrollment  
as an intermarried citizen of the Choctaw Nation of:

Georgia E. Garrett,

7-D-234.

---o---

32. [REDACTED]

5026 [REDACTED]

### CERTIFICATE OF RECORD OF MARRIAGES

UNITED STATES OF AMERICA }  
THE INDIAN TERRITORY } SCT.  
CENTRAL DISTRICT }

I, E. J. FANNIN, Clerk of the United States Court in the Indian Territory and District aforesaid, DO HEREBY CERTIFY that the License for and Certificate of the Marriage of

Mr. *Willie A. Garrett* and  
Mrs. *George E. Tucker*

were filed in my office in said Territory and District the *17* day of *January* A. D. 189*9* and duly recorded in Book *8* of Marriage Record, Page *283*

WITNESS my hand and seal of said Court, at

*Do. McAlester* this *28*  
day of *January* A. D. 189*9*

By *E. J. Fannin*, Clerk.  
Deputy.



# MARRIAGE LICENSE

No. 502



UNITED STATES OF AMERICA }  
THE INDIAN TERRITORY } SS.  
CENTRAL DISTRICT

To Any Person Authorized by Law to Solemnize Marriage...GREETING:

You are hereby commanded to solemnize the Rite and publish the Vows of Matrimony between Mr. Willie A. Garrett of Law Bois in the Indian Territory, aged 21 years, and Miss Georgy E. Tucker of Law Bois in the Indian Territory, aged 20 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 20 day of Dec A. D. 1898  
E. J. Lamm  
Clerk of the U. S. Court

Deputy



## CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA }  
INDIAN TERRITORY } SS.  
CENTRAL DIST

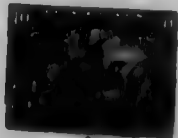
I, E. J. Lamm  
a. Clerk

DO HEREBY CERTIFY That on the 26 day of Dec A. D. 1898  
I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Vows of MATRIMONY between the parties therein named.

Witness my hand this day of A. D. 1898

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory.

Central District, Book 1 Page 30



NOTE: This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of 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 (\$100.00).

7-1-234.

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


-----o-----

In the matter of the application for the enrollment of Georgia E. Garrett as a citizen by intermarriage of the Choctaw Nation.

-----o-----

The applicant, Georgia E. Garrett, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one William A. Garrett. The right of the applicant's husband, William A. Garrett, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of April 26, 1904, in case No. 56, upon the South McAlester docket of said court, it is hereby ordered that the application of Georgia E. Garrett for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
\_\_\_\_\_  
Chairman.

Mustoge, Indian Territory,

-----o-----

COPY: 7- D- 234.

Muskogee, Indian Territory, June 8, 1904.

Georgia E. Garrett,  
Sans Bois, 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 your enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Registered.

Incl. 7- D- 234.

7- D- 234.

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 enrollment as a citizen by inter-marriage of the Choctaw Nation of Georgia E. Garrett.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Registered.

Incl. 7- D- 234.

See Choctaw R- 650 for registry receipt for this letter.

Muscogee, Indian Territory,

August 13th, 1900.

Georgia A. Barrett,

Cherokee, Indian Territory,

Dear Sirs:

You are hereby notified that the Choctaw Nation, through its  
agents, Messrs. [unclear], [unclear], [unclear], [unclear], [unclear], has  
received notice of protest to your enrollment  
of [unclear] of the [unclear] Nation.

The Commission, on Monday, December 18, 1900, will hold a  
hearing on this matter, [unclear]. At that time you and the  
Choctaw Nation will be permitted to offer additional testimony and  
written arguments in this case, and this hearing will be final.

[unclear]

Acting Chairman.



Muskogee, Indian Territory, September 18, 1900.

George A. Garrett,

Sans Bois, Indian Territory.

Dear Sir:-

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. However the notice of protest has been withdrawn in your case by the attorneys of the Nation.

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 Stokola 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 May 1st, 1901.

As soon as the facts are ascertained the Commission will decide and in its determination will be bound by the decision of the Commission, which will be final for any purpose that may be taken, and will be subject to appeal.

7-D- 234  
7 - 2594

Wagon, Indian Territory, March 7, 1903.

William Garrett,

Basepoint, Indian Territory.

Dear Sir:

Reference to the application for enrollment as a citizen of the Choctaw Nation of Oscar A. Garrett, infant son of William and Georgia M. Garrett, born November 7, 1902, recently received to this office; your attention is invited to the following provision of section thirty-four of the act of Congress approved July 1, 1902 which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"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 by 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."

W G 2

Under the above legislation, the Commission is without authority to enroll this child.

Respectfully,

Chairman.

Choc 0235

Anderson F. Cowling

John R. Smedley

~~0235~~

0235

A 235

*Anderson P. Cowling et al.*

GRANTED JUN 21 1905

DECISION FAVORABLE JUN 21 1905

CONFIRMED JUN 21 1905

RECORDED JUN 21 1905

COMMISSION FORM FOR APPLICANT

*See Petition # 073.*

*See also 2005. Protect of Atty for Nationality*

*See 20. no record and protect forwarded. Sept  
Recd go to No 5 to 5 transferred  
- Choctaw jacket no - 5754  
July 16/05*

MAY 1905

*1/2*

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

In the enrollment of Anderson F. Cowling and family as Choctaw citizens; being sworn and examined by Com. McKennon, he testifies:

Q Where have you been living for the last twenty years?

A In the Choctaw Nation.

Q With this family of yours that you have enrolled?

A Yes sir.

Q You are the identical Anderson F. Cowling admitted in this judgment here are you?     A Yes sir.

-----

Department of the Interior,  
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

-----

Lenora B. Ashton, as stenographer to the Commissioner to the Five Civilized Tribes, upon oath states that she made the above and foregoing copy, and that the same is a full and correct copy of the original transcript.

Lenora B. Ashton.

Subscribed and sworn to before me this 7th day of April, 1906.

Henry C. Hains  
Notary Public.

JWW

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

JLR

I.T.D. 97-1906.  
LRS

January 11, 1906.

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

Sir:

There is inclosed herewith a petition filed by attorney in the matter of the application of Anderson F. Cowling for enrollment as a citizen by intermarriage of the Choctaw Nation.

According to the allegations contained in this petition, said applicant was a recognized citizen of the Choctaw Nation prior to the act of June 10, 1896. It therefore seems that this case comes within the rule prescribed in the approved opinion of the Assistant Attorney-General of March 24, 1905, relative to the Chickasaw enrollment case of Benjamin F. Vaughan.

You are authorized to entertain the application of Mr. Cowling and dispose of the same upon its merits. It is requested that you report your action to the Department in the matter, with your reasons for taking the same.

Action in the case must be preceded by due notice to all parties in interest.

Respectfully,  
Chas. Ryan,

Through the Commissioner  
of Indian Affairs.

First Assistant Secretary.

Inclosure.

BEFORE THE HONORABLE, THE SECRETARY OF THE INTERIOR.

In re Application of Anderson F. Cowling, Intermarried Choctaw Claimant.

P E T I T I O N.

Your petitioner above named, through his attorney, William W. Wright, of Washington, D. C., respectfully shows:

On or about the year 1877 your petitioner settled in the Choctaw Nation, I. T. and has continued to reside in said Nation since that date. During his residence therein, your petitioner acquired rights as an intermarried citizen of said Choctaw Nation and was in all other ways recognized as a citizen by said Choctaw Nation. Your petitioner educated his children in the Choctaw schools and was granted permits for sub-leasing his land to tenants, was recognized as a voter and allowed to vote, and was allowed to purchase land and improvements, sold at public auction under legal process prevailing in said Nation, all of which is shown by a number of the original bills of sale and memoranda of title executed and delivered by the duly authorized officials conducting said sale, all of which will more fully appear from copies of said bills of sale hereto attached and referred to and made a part of this petition, marked EXHIBIT A.

In addition to the tribal recognition, as above set forth, your petitioner was further recognized as a Citizen of the Choctaw Nation by reason of the fact that he was appointed deputy sheriff of Sanshole County, Choctaw Nation, on the second day of August, 1889, and exercised the office of such, all of which more fully appears from a copy of said appointment, attached hereto and made



a part hereof, marked EXHIBIT B.

Your petitioner has been always recognized by the Choctaw Nation as a citizen of the tribe and his status as citizen had never been questioned.

Thereafter, under the Act of Congress, known as the Act of June 10, 1896, your petitioner applied to the Commission of the Five Civilized Tribes for enrollment as a citizen by intermarriage of the Choctaw Nation, and was duly admitted as such on December 2, 1896, as more fully appears from an official notice from said Commission, a copy of which is hereto attached and made a part hereof, marked EXHIBIT C.

As a further proof of the tribal status of your petitioner, it is respectfully shown that his name appears on the 1885 census roll of the Choctaw Nation, Sansbois County, as a citizen by intermarriage.

Your petitioner further shows that he was married to his Choctaw wife under the laws and customs of the Choctaw Nation, and that his wife and children, who applied under the Act of June 10, 1896, have been duly admitted as citizens of said Choctaw Nation and have been finally approved by the Secretary.

Notwithstanding the favorable action of said Commission, in regard to said application for citizenship, an appeal was taken by the Choctaw Nation to a U. S. Court in Indian Territory and a judgment favorable to your petitioner was rendered by said Court on the 11th day of September, 1897. An examination of the records of the Commission to the Five Tribes, in regard to your petitioner's application, which show that, although said Commission rendered a decision admitting your petitioner as a citizen by intermarriage of the Choctaw Nation, an appeal was taken by said Choctaw Nation,

upon the ground that your petitioner was not a citizen by blood of the Choctaw Nation. Your petitioner's status as a Choctaw by blood was determined favorably in the judgment of said U. S. Court, but the decision of said Commission, admitting your petitioner as an intermarried citizen, has never been appealed from or disturbed in any way, and the records of said Commission show therefore, that your petitioner is entitled to enrollment as an intermarried citizen of the Choctaw Nation and such decision by the Commission, under the Act of June 10, 1896, has never been appealed.

Thereafter, under the Act approved July 1, 1902, your petitioner was notified to appear before the Citizenship Court and, after proceedings therein, an alleged judgment was rendered, vacating all proceedings theretofore had and denying any citizenship rights in the Choctaw Nation to your petitioner.

Wherefore, under the recent ruling of the Honorable Secretary, in the petition of "Lula West", it is submitted that said Citizenship Court had no jurisdiction of the rights of your petitioner and as to his rights, the said judgment of the Citizenship Court was wholly null and void.

It is further submitted that since the judgment of the U. S. Court, above referred to, the rights of your petitioner have been finally adjudicated, and when said Citizenship Court attempted to assume jurisdiction, the case of your petitioner was already res adjudicata.

Wherefore, the premises considered, and it appearing that your petitioner had tribal recognition during his period of residence in the Choctaw Nation, and was on the Citizenship Rolls of said Nation, prior to the Act of June 10, 1896, your petitioner prays as follows:

P R A Y E R S.

1. That the Honorable Secretary order such further proceedings in the application of your petitioner as may be necessary to properly adjudicate his citizenship rights.

2. That the Commissioner to the Five Tribes be ordered to investigate the facts as to your petitioner's claim and that he be ordered to enroll your petitioner and to accord him all rights and privileges to which he may be entitled as a duly recognized citizen of the Choctaw Nation.

3. And for such other and further relief as to your Honor may seem proper in the premises.

Respectfully submitted,

William W. Wright  
Attorney for petitioner.

Ex. A.

No. 1.

KNOW ALL MEN BY THESE PRESENTS, That I, Wilson W. Carney, Sheriff of Sans Bois County by virtue of authority in me vested as a Sheriff for and in consideration of the amount of \$40.00 (Forty dollars) cash to me in hand paid the receipt whereof is hereby acknowledged have this day sold unto A. F. Cowling a certain improvement known as a J. L. Blaylock place situated in Sans Bois County C. N. three miles north of Cache P. O. This sale is made in compliance with Art. No. 17, General Council Approved Nov. 1st, 1882.

the first day of January 1883.

W. W. Carney,

Sheriff of Sans Bois County,

C. N.

I do hereby certify that the above is a true and correct copy of the original filed for record this 17th day of Nov. A. D. 1905.

H. M. Moore,

Co. Clerk, Sans Bois Co.,

C. N.

No. 2.

Know all men by these presents that I Robert J. Ward, Sheriff of Skullyville County, Choctaw Nation, by virtue of an act of the General Council Approved Nov. 1, A. D. 1882, have this day sold to A. F. Cowling he being the highest and best bidder for the sum of Three \$3.00 Dollars to me in hand paid all of a certain improvement known as the B. C. Cowling place and surrendered by said B. C. Cowling to the Choctaw Nation.

Witness my hand this the 5th day of Feb. A. D. 1883.

R. J. Ward,

Sheriff of Skullyville County, C.N.

I hereby certify that the above is a true and correct copy of the original presented to me for record.

This the 5th day of Feb. A. D, 1883.

T. D. Sexton,  
Clerk.

By W. W. Watkins, D. C.

-2-

I, L. R. Moore, Clerk of Skullyville Co. do hereby certify that the above is a true and correct copy of the records as on record in this office.

Given under my hand and seal of office this the 16th day of November, A. D. 1905.

L. R. Moore,  
Clerk of Skullyville County, Choctaw  
Nation.

Exhibit C.

DEPARTMENT OF THE INTERIOR.  
Commission to the Five Civilized Tribes.

Anderson F. Cowling, et al, )  
Cole & Red. )  
.VS. ) NO. 741.  
)  
Choctaw Nation. )

FORT SMITH, ARK., DEC. 2ND, 1896.

Sir:

In compliance with the provisions of Act of Congress, Approved June 10, 1896, the Commission to the Five Civilized Tribes has considered this application, with proof, and the same has been GRANTED by the Commission.

Respectfully,

H. M. JACOWAY, Jr.,  
Secretary.

Exhibit B.

This is to certify that A. F. Cowling is appointed Deputy Sheriff of Sans Bois County, Choctaw Nation, and he is hereby authorized to execute all orders, may lawfully come into his hand.

Given under my hand and seal this 2nd day of August, A.D. 1889.

Lewis Lucas, Sheriff,  
Sand Bois County, C. N.

AFFIDAVIT OF SERVICE.

City of Washington, )  
                          ) S.S.  
District of Columbia.)

William W. Wright, being first duly sworn, upon oath deposes and says:

He is the attorney for the petitioner named in the foregoing and attached petition and that he served a true copy of said petition together with the exhibits, etc., upon the attorneys for the Choctaw Nation, by mailing to Messrs. Mansfield, Mc.Murray and Cornish, by registered mail, a true copy of the same on the day of January, 1906, as more fully appears from the official receipt of the postmaster hereto attached.

William W. Wright.

Subscribed and sworn to before me this 3 day of January, 1906.

Geo. F. Terry  
Notary Public.  
D C

(SEAL)

(Registry receipt hereto attached).

Indorsed:

BEFORE THE HONORABLE, THE  
SECRETARY OF THE INTERIOR.

In re Petition of  
ANDERSON F. COWLING,  
Intermarried Choctaw Citizen.  
PETITION, EXHIBITS AND  
AFFIDAVIT OF SERVICE.

Department of the Interior,  
Commissioner to the Five Civil-  
ized Tribes.

Filed Jan. 16, 1906.  
Tams Bixby, Commissioner.

Department of the Interior,  
Received Jan. 3, 1906.  
Enc. No. 1 of No. 97.  
Indian Territory Division.

William W. Wright, Corcoran Building, Washington, D. C.  
Attorney for Petitioner.

(Cont.)

7-5-255

Muskogee, Indian Territory, February 23, 1906.

Anderson S. Jewling,

Cowlington, Indian Territory.

Dear Sir:

You are hereby notified that on January 11, 1906, the Secretary of the Interior authorized this office to entertain your application for enrollment as a citizen by intermarriage of the Choctaw Nation under the opinion of the Assistant Attorney General of March 24, 1905, in the Chickasaw enrollment case of Benjamin S. Yauskan and dispose of the same upon its merits.

You are therefore hereby advised that the Commissioner to the Five Civilized Tribes will, at his office in Muskogee, Indian Territory, on Thursday, April 5, 1906, at nine o'clock a.m. hear the testimony of witnesses in support of your application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

SIGNED *Wm. J. Hall*  
Acting Commissioner.



(Copy.)

7-D-201

Luskogee, Indian Territory, February 20, 1906.

William W. Wright,  
Bond Building,  
Washington, D. C.

Dear Sir:

You are hereby notified that on January 11, 1906, the Secretary of the Interior authorized this office to entertain the application of Anderson W. Corling for enrollment as a citizen by intermarriage of the Choctaw Nation under the opinion of the Assistant Attorney General of March 24, 1905, in the Chickasaw enrollment case of Benjamin J. Vaughan and dispose of the same upon its merits.

You are therefore hereby advised that the Commissioner to the Five Civilized Tribes will, at his office in Luskogee, Indian Territory on Thursday, April 5, 1906, at nine o'clock A. M. hear the testimony of witnesses in support of the application of Anderson W. Corling for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

SIGNED *Wm. C. ...*

Acting Commissioner.

(302)

7-D-255

Muskogee, Indian Territory, January 23, 1906.

Hansfield, McClurray & Corbin,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on January 11, 1906, the Secretary of the Interior authorized this office to entertain the application of Anderson W. Cowling for enrollment as a citizen by intermarriage of the Choctaw Nation under the opinion of the Assistant Attorney General of June 14, 1905, in the Chickasaw enrollment case of Benjamin L. Jackson and dispose of the same upon its merits.

You are therefore hereby notified that the Commissioner to the Five Civilized Tribes will, at his office in Muskogee, Indian Territory, on Thursday, April 3, 1906, at nine o'clock a.m., hear the testimony of witnesses in support of the application of Anderson W. Cowling for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

SIGNED

*Wm. C. Hall*

Acting Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY, APRIL 5, 1906.

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In the matter of the application of Anderson F.  
Cowling for enrollment as a citizen of the Choctaw Nation.

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STATEMENT OF THE CASE.

The applicant in this case, Anderson F. Cowling, under the Act of Congress approved June 10, 1896 (29 Stats., 321), submitted his petition to the Commission to the Five Civilized Tribes for admission to citizenship in the Choctaw Nation.

In the petition Cowling claimed his right to admission as a citizen by blood of the Choctaw Nation.

The case was docketed as 1896 Choctaw Citizenship Case No. 741.

The applicant was admitted by the Commission to the Five Civilized Tribes under the Act of June 10, 1896 as a citizen by intermarriage of the Choctaw Nation.

From this decision an appeal was taken to the United States Court for the Central District of the Indian Territory, and on September 11, 1897 judgment was rendered by said court in the Central District of the Indian Territory, Case No. 170, affirming the decision of the Commission to the Five Civilized Tribes, and admitting Anderson F. Cowling to citizenship in the Choctaw Nation.

The judgment of the United States Court remained in full force and effect until the same was vacated and nullified by the decree of the Choctaw and Chickasaw Citizenship Court in the test suit of the "Choctaw and Chickasaw Nations or Tribes versus J. T. Riddle, et al.," rendered December 17, 1902.

Cowling subsequently had certified to the Choctaw and Chickasaw Citizenship Court the record of the proceedings had before the Commission to the Five Civilized Tribes and the United States Court in the matter of his citizenship in the Choctaw Nation.

Trial of the cause was had before the Citizenship Court, and on February 29, 1904 a decree was rendered by the Choctaw and Chickasaw Citizenship Court, in South McAlester, Case No. 25, denying the application of Anderson F. Cowling for admission to citizenship in the Choctaw Nation.

There was subsequently filed with the Department by William W. Wright, Attorney at Law, Washington, D. C., a petition in which it is alleged that Cowling became an actual resident of the Choctaw Nation in the year 1877, and acquired rights as an intermarried citizen of said Nation prior to the approval of the Act of Congress of June 10, 1896; that his status as such citizen was fixed and determined before the approval of said Act; that his citizenship was at the time res adjudicata; that the judgment of the Citizenship Court rendered against him was null and void, and that he is entitled to a rehearing in conformity with the opinion of the Assistant Attorney General in the Choctaw enrollment case of Loula West, et al.

The Secretary of the Interior on January 11, 1906 (I.T.D. 97-1906), transmitted the petition referred to to the Commissioner to the Five Civilized Tribes, and directed that the application of Cowling be entertained and disposed of upon its merits, and that report of the action of the Commissioner be made to the Department in the matter, with his reasons for taking the same.

The Department also directed that action in this case must be preceded by due notice to all parties in interest.

In conformity with the Department's instructions of January 11, 1906, Anderson F. Cowling, Cowlington, Indian Territory, William W. Wright, Attorney for applicant, Washington, D. C., and Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified on February 23, 1906 that the Commissioner to the Five Civilized Tribes would, at his office at Muskogee, Indian Territory, on Thursday April 5, 1906, at 9:00 a. m., hear such testimony as might be submitted in reference to the right to enrollment of Anderson F. Cowling as a citizen by intermarriage of the Choctaw Nation.

On the 5th day of April, 1906, this cause being called for hearing in conformity with the notices sent out, the following appearances were entered and proceedings had:

APPEARANCES;

The applicant, Anderson F. Cowling.  
W. N. Redwine, Attorney at Law, South McAlester, Indian Territory, appearing on behalf of William W. Wright, Attorney at Law, Washington, D. C., attorney for the applicant.  
G. Rosenwinkel, of Mansfield, McMurray & Cornish, appearing on behalf of the Choctaw and Chickasaw Nations.

ANDERSON F. COWLING, being first duly sworn testified as follows:

BY THE COMMISSIONER:

- Q How old are you? A 61; will be 62 last day of this month.  
Q Where do you live? A Cowlington, Indian Territory.  
Q Are you the identical Anderson F. Cowling who has heretofore made application to the Commission to the Five Civilized Tribes for enrollment as a citizen of the Choctaw Nation?  
A Yes sir.  
Q What is the name of your wife? A Caroline.

BY MR. REDWINE:

- Q How do you claim your citizenship, as an intermarried citizen, citizen by blood, or both?  
A I had always claimed it by blood, but I married my wife under their law, at the request of my wife's Uncle.  
Q When did you first move to the Territory? A In 1877.  
Q Did you make application to the Choctaw Council then to be admitted as a citizen by blood? A Yes sir.  
Q And the Choctaw Council recognized you?

BY MR. ROSENWINKEL:

We object, for the reason that it is immaterial and incompetent.

BY MR. REDWINE:

- Q What was done? A Governor Overton had made a big speech---  
Q What was done? A There was nothing done; they advised us to go home and move in.  
Q Who advised you to do this?

BY MR. ROSENWINKEL:

We object to the question, and state that the only matter in issue here is the right of Mr. Cowling as a citizen by intermarriage of the Choctaw Nation, and the only two questions involved are whether he married a recognized and enrolled Choctaw citizen, enrolled by blood, or whether he married her in accordance with the laws of the Choctaw Nation. Everything else is immaterial and incompetent.

BY THE COMMISSIONER:

Mr. Redwine, what is the purpose of the question?

MR. REDWINE:

The purpose of the question is to show that Mr. Cowling had tribal recognition by blood before he was married to his wife under the Choctaw laws, and that he has been recognized as a citizen of the Choctaw Nation since 1877.

BY THE COMMISSIONER:

In what manner has he been recognized?

MR. REDWINE:

He was recognized as a citizen by blood from 1877 to 1879, when he married a woman under the tribal laws of the Choctaw Nation; since that time he has been recognized as a citizen of the Choctaw Nation.

I am unable to state whether recognized by blood or intermarriage.

BY THE COMMISSIONER:

- Q Mr. Cowling when you came to the Indian Territory in 1877, did you apply to the Choctaw legislature for admission?  
A Yes sir, we claimed to be Choctaw and Chickasaw citizens by blood, and our relatives lived there.  
Q At the time you came to the Indian Territory in 1877, or at any time before you submitted your application to the Dawes Commission in 1896, was your name ever placed on any tribal roll of the Choctaw or Chickasaw Nation?  
A No sir.  
Q Did you ever draw any money as a citizen of either of the said tribes? A No sir.  
Q Were you ever admitted to citizenship?  
A No sir; nothing only buying and selling and having privileges.  
Q Your citizenship was not established? A No sir.  
Q What is the name of the woman through whom you claim rights as an intermarried citizen? A Caroline.  
Q Your present wife? A Yes sir.  
Q Is that the only person you were ever married to?  
A No sir; I was married to a woman when I was first grown;  
Q Was she an Indian? A No sir.  
Q What was her name? A Mollie Walker.  
Q Were both your first wife, Mollie Walker, and your present wife Caroline Cowling, white women? A Yes sir.  
Q Neither were citizens of the Choctaw Nation? A No sir.  
Q Was not your wife, Caroline Cowling, prior to the time you married her married to a Choctaw Indian named William A. Harris? A Yes sir.  
Q She acquired her rights through Harris? A Yes sir.

BY MR. REDWINE:

- Q Did you marry your present wife under the Choctaw laws?  
A Yes sir.

BY MR. ROSENWINKEL:

We object, for the reasons above stated.

BY MR. REDWINE:

Permission is asked to file a certified copy of the marriage license between the applicant and his present wife.

BY THE COMMISSIONER:

Is it intended on behalf of the applicant to insist that he acquired any rights as a citizen by intermarriage of the Choctaw Nation, by reason of his marriage to this woman?

MR. REDWINE:

Do I contend that he acquired any?

THE COMMISSIONER:

Yes sir.

MR. REDWINE:

It is contended that he married according to the Choctaw laws, and also that he is an Indian by blood, and the purpose of introducing the marriage license is to get it before the Department to be considered by the Department for what it is worth.

BY THE COMMISSIONER:

In reference to the question as to any right that Mr. Cowling may have acquired as an intermarried citizen of the Choctaw Nation by reason of his marriage to Caroline Cowling, his white wife, who seems to have acquired her citizenship by a former marriage to a Choctaw Indian, I will state for your information that the Assistant Attorney General for the Department of the Interior, in an opinion of January 28, 1905, in the Chickasaw enrollment case of Emma McMennamin, held as follows:

"I am of the opinion that citizenship in the Nation cannot be acquired by one not born to its allegiance through intermarriage with one also alien born whose citizenship is acquired by intermarriage, and the Commission properly denied Mrs. McMennamin enrollment."

BY MR. REDWINE:

The applicant offers a copy of the marriage license between himself and Caroline Cowling, which shows that he was married according to the laws of the Choctaw Nation.

The applicant offers the certificate of the Commission to the Five Civilized Tribes dated December 3, 1896, showing that he was admitted to citizenship in the Choctaw Nation as an intermarried citizen.

Q Mr. Cowling, how long have you been recognized as a citizen of the Choctaw Nation? --- Since 1877?

BY MR. ROSENWINKEL:

We object for the reason that it is immaterial, irrelevant and has no possible bearing on the issues in the case.

(Witness) A Yes sir, I have.

Q In what way?

BY THE COMMISSIONER:

The Commissioner will rule that inasmuch as the applicant has already testified that he was not at any time prior to the submission of his application to the Commission to the Five Civilized Tribes in 1896 recognized in any manner by the tribal authorities of either the Choctaw or Chickasaw Nation as a citizen by blood, and as his name has never been enrolled upon any of the tribal rolls, and as he has never participated in the payment of any money or been specifically admitted to citizenship by any citizenship court or committee, that the decree of the Choctaw and Chickasaw Citizenship Court adverse to him is conclusive, and that he is not such a person as in the opinion of the Assistant Attorney General for the Department of the Interior in the Loula West case is entitled to a rehearing upon the merits of the question of his right to enrollment as a citizen by blood of the Choctaw Nation.

BY MR. REDWINE:

Applicant excepts.

Q Mr. Cowling, did you ever vote in the Choctaw elections?

MR. ROSEWINKEL:

Objection for the same reasons previously stated, and will state in addition that it is immaterial whether or not he ever voted in the Choctaw Nation.

BY THE COMMISSIONER:

Objections sustained, for the same reasons above stated.

BY MR. REDWINE:

Q Mr. Cowling, have you been recognized by the authorities of the Choctaw Nation in the leasing and sale of farms, acting as deputy sheriff, and generally recognized in every way as a citizen by blood of the Choctaw Nation?

BY MR. ROSEWINKEL:

Objection, for the same reasons as heretofore stated.

BY THE COMMISSIONER:

Objection sustained.

BY MR. REDWINE:

Applicant excepts.



BY MR. REDWINE:

Applicant offers in evidence in support of his application all the pleadings, affidavits and testimony, in fact the complete record, in his case as made in 1896 before the Commission to the Five Civilized Tribes when he was admitted to citizenship as an intermarried citizen by the Commission to the Five Civilized Tribes, and all the pleadings, affidavits and testimony introduced in his case on appeal from the Commission to the Five Civilized Tribes in 1896, to the United States Court at South McAlester, Indian Territory, together with the judgment of said court at South McAlester, Indian Territory.

BY MR. ROSEWINKEL:

The Attorneys for the Choctaw and Chickasaw Nations object to the introduction of the papers, affidavits and pleadings referred to, for the reason that the same are incompetent, immaterial, and have no bearing on the issues herein involved.

BY THE COMMISSIONER:

Objection sustained for the reasons above set forth.

BY MR. REDWINE:

Applicant excepts.

-----

S. T. Wright, a stenographer to the Commissioner to the Five Civilized Tribes, on oath states that he correctly reported the proceedings had in the above entitled cause, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

*S. T. Wright*

Subscribed and sworn to before me this 6th day of April, 1906.

*Edward Merrill*  
Notary Public.

(COPY)

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

Port Smith, Arkansas Dec. 3, 1896.

741

Anderson P Cowling : Filed Sept 7-1896. Answer filed.  
at al : Application of Anderson Cowling as an  
: intermarried citizen and Caroline  
V : Cowling his wife and John A. A B;  
: and Anaminta Cowling, their children  
Choctaw Nation. : citizens by blood granted

Cole & Redwine, South McAlister I T

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I, H. M. JACOWAY, JR., Secretary, do hereby certify that the  
above and foregoing is a true and correct copy of Choctaw  
Record C page 322, of The Commission to the Five Civil-  
ized Tribes.

Given under my hand and official signature this

the 6 day of Feby 189 7

(signed) H M Jacoway Jr  
Secretary.

By Henry Stroup

Act

(COPY)

Scullyville County -  
-  
Choctaw Nation. -

This is to show to whom it may Concern that Anderson F. Cowling a citizen of the United States (who was previously married to a citizen of the Choctaw Nation, without regard to the Choctaw law regulating the marriage of a white man to a Choctaw woman) having now fully complied with the requirements of the law, I William A Welch County Judge of Scullyville County Choctaw Nation do hereby grant unto him, the said Anderson F Cowling a License to Marry one Caroline Harris a citizen of the Choctaw Nation. Given under my hand on this 4th day of July A. D. 1881.

(signed) W A Welch

Judge as aforesaid.

By authority of the foregoing License, and by authority in me vested by law, I J G Hardin did on the 10, day of July A. D. 1881, at Scullyville County duly Join in the bonds of matrimony Anderson F Cowling and Caroline Harris and did then and there pronounce them Husband and wife.

(signed) J. G. Hardin

Minister of Gospel.

Recorded on Page 207, of the Records of Scullyville County C. N. this 16<sup>th</sup> day of July A. D. 1881.

R. J. Ward

County Clerk.

Anderson F. Cowling  
Marriage License  
To Caroline Harris.

7-D-235.

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

In the matter of the application for the enrollment of  
Anderson F. Cowling as a citizen of the Choctaw Nation.

D E C I S I O N .

It appears from the census card record in this case that on June 13, 1899, Anderson F. Cowling appeared before the Commission to the Five Civilized Tribes at Spiro, Indian Territory, and made application for the enrollment of himself and his three minor children, John A., A. D., and Oramittie Cowling, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Caroline Cowling, as a citizen by intermarriage of said nation. The application for the enrollment of Caroline Cowling has heretofore been determined, her name appearing as number 1507 upon a list prepared by the Commissioner to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior November 27, 1905. The application for the enrollment of John A., A. D., and Oramittie Cowling has also been determined, their names appearing as numbers 15963, 15964 and 15965, respectively, upon a list prepared by the Commissioner to the Five Civilized Tribes, under the provisions of the Act of Congress above cited, of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior November 27, 1905.

It appears from the records of the Commission to the Five Civilized Tribes that on September 7, 1896, in the case entitled "Anderson F. Cowling, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 741), the applicant, Anderson F. Cowling, made original application to said Commission, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Choctaw Nation as a citizen by blood of said nation; and that on December 2, 1896, said Commission rendered its decision therein, admitting said applicant as a citizen by intermarriage of the Choctaw Nation. From this decision of the Commission, an appeal was taken by the Choctaw Nation to the United States Court for the Central District of Indian Territory, which court on September 11, 1897, in the case entitled "Anderson F. Cowling vs. Choctaw Nation" (Citizenship Case No. 170), entered of record a judgment admitting the applicant, Anderson F. Cowling as a citizen by blood of the Choctaw Nation.

It further appears from the records in the possession of this office that on December 17, 1902, the Choctaw and Chickasaw

Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid decision of the United States Court for the Central District of Indian Territory.

Thereafter, said case was certified to the said Choctaw and Chickasaw Citizenship Court for a trial de novo, and on February 29, 1904, said court, in the case entitled "A. F. Cowling vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court, Case No. 25, South McAlester Docket), entered of record the following judgment: "It is therefore ordered, adjudged and decreed that the petition of the plaintiff, A. F. Cowling, be denied, and that he be declared not a citizen of the Choctaw Nation, and not entitled to enrollment as such citizen, and not entitled to any rights whatever flowing therefrom."

The Department on January 11, 1906, (I. T. D. 97-1906), forwarded to this office a petition filed by William W. Wright, attorney for the petitioner, Anderson F. Cowling, praying that said petitioner be enrolled as a citizen by intermarriage of the Choctaw Nation, with instructions that the application of the petitioner be entertained, and that the same be disposed of upon its merits, after due notice had been given all the parties in interest.

On February 23, 1906, the applicant, Anderson F. Cowling, his attorney of record, William W. Wright, of Washington, D. C., together with Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, were informed of the action of the Department, and advised that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Thursday, April 5, 1906, at nine o'clock A. M., hear the testimony of witnesses in support of the application of Anderson F. Cowling for enrollment as a citizen by intermarriage of the Choctaw Nation.

On April 5, 1906, proceedings were had in the matter of said application in accordance with Departmental instructions.

Inasmuch as the applicant herein claimed rights to enrollment as a citizen by blood of the Choctaw Nation, his rights as such citizen will also be considered herein.

It appears from the record herein and from the records in the possession of this office that the applicant, Anderson F. Cowling, claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage to Caroline Cowling, above mentioned, a recognized and enrolled citizen by intermarriage of the Choctaw Nation.

It further appears from the records in the possession of this office that the said Caroline Cowling is a white woman, and claimed her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage in 1869 to William A. Harris, a recognized Choctaw Indian; that on June 22, 1905, the Commission to the Five Civilized Tribes rendered its decision in the matter of said application, enrolling said Caroline Cowling as a citizen by intermarriage of the Choctaw Nation, which decision was on September 13, 1905 (I. T. D. 10910-1905), affirmed by the Department.

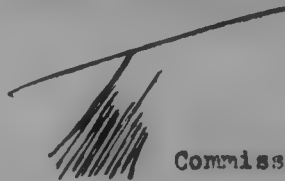
From the census card record in this case it appears that the applicant, Anderson F. Cowling, is the son of E. W. Cowling (now deceased), a non-citizen white man, and Sarah Cowling (now

deceased), an alleged Choctaw Indian.

It does not appear from the record herein or from the records in the possession of this office that said applicant has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation.

I am, therefore, of the opinion that following the ruling of the Department in the case of Emma McMenamin (I. T. D. 11582-1904), the application for the enrollment of Anderson F. Cowling as a citizen by intermarriage 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.

I am further of the opinion that the application for the enrollment of Anderson F. Cowling as a citizen by blood of the Choctaw Nation should be denied, under the provisions of law above cited, and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

MAY 7 - 1906

7-D-235

Muskogee, Indian Territory, May 7, 1906.

Anderson F. Cowling,  
Cowlington, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered May 7, 1906, denying your application for enrollment as a citizen by blood, and also 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,

Registered.

Incl. 7-D-235

*J.D.*  
Acting Commissioner.

7-D-235

Muskogee, Indian Territory, May 7, 1906.

W. N. Redwine,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes on May 7, 1906, rendered his decision denying the application for the enrollment of Anderson F. Cowling as a citizen by blood, and also 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,

*Wm. C. Egan*

Registered.

Acting Commissioner.



7-D-235

Muskogee, Indian Territory, May 7, 1906.

William W. Wright,  
Corcoran Building,  
Washington, D. C.,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered May 7, 1906, denying the application for the enrollment of Anderson E. Cowling as a citizen by blood, and also 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,

Registered.

Acting Commissioner.

Incl. 7-D-235

7-D-235

Muskogee, Indian Territory, May 7, 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 May 7, 1906, denying the application for the enrollment of Anderson F. Cowling as a citizen by blood, and also 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,

7-D-235

Acting Commissioner.

Muskogee, Indian Territory, May 8, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of January 11, 1906, (I T D 97-1906), transmitted a petition filed by W. W. Wright, attorney at law, in the matter of the application of Anderson F. Cowling for enrollment as a citizen by intermarriage of the Choctaw Nation.

The Department expressing the view that according to the allegations contained in the petition, the applicant was a recognized citizen of the Choctaw Nation prior to the approval of the Act of Congress approved June 10, 1896, directed that Mr. Cowling's application be disposed of upon its merits, in conformity with the approved opinion of the Assistant Attorney General for the Department March 24, 1905, relative to the Chickasaw enrollment case of Benjamin F. Vaughan.

In conformity with the Department's instructions Anderson F. Cowling, Cowlington, Indian Territory, William W. Wright, attorney for the applicant, Washington, D. C., and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner to the Five Civilized Tribes would, at his office at Muskogee, Indian

Territory, on Thursday, April 5, 1906, at nine o'clock A. M., hear the testimony of witnesses in support of the application of Anderson F. Cowling for enrollment as a citizen by intermarriage of the Choctaw Nation. A hearing was had before this office on April 5, 1906, in conformity with said notices.

I now have the honor to transmit herewith the record in the matter of the application for the enrollment of Anderson F. Cowling as a citizen of the Choctaw Nation, with the decision of the Commissioner to the Five Civilized Tribes of May 7, 1906, denying the application for the enrollment of Cowling both as a citizen by blood and by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED: JOHN C. STANTON

Acting Commissioner.

Through the Commissioner  
of Indian Affairs.

MoW 8/1

COPY.

Muskogee, Indian Territory, May 14, 1906.

W. N. Redwine,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, transmitting a motion for rehearing in reference to the right to enrollment of Anderson F. Cowling as a citizen of the Choctaw Nation.

You are advised that the same has this day been transmitted to the Secretary of the Interior for consideration in connection with the record in this case and the decision of the Commissioner to the Five Civilized Tribes of May 7, 1906, which have heretofore been forwarded the Department.

Respectfully,

SIGNED

*Wm. C. Deak*

Acting Commissioner.

COPY.

Muskogee, Indian Territory, May 14, 1906.

The Honorable,

The Secretary, of the Interior.

Sir:

Under date of May 8, 1906, this office transmitted to the Department through the Commissioner of Indian Affairs, the record in the matter of the application for the enrollment of Anderson F. Cowling as a citizen of the Choctaw Nation, with the decision of the Commissioner to the Five Civilized Tribes of May 7, 1906, denying the application for the enrollment of Anderson F. Cowling both as a citizen by blood and by intermarriage of the Choctaw Nation.

I now have the honor to transmit herewith for consideration in connection with said case, a motion for rehearing filed with this office on May 12, 1906, by W. H. Redwine, South McAlester, Indian Territory, and W. W. Wright, Washington, D. C., who appear as attorneys of record for the applicant.

This motion for rehearing is submitted with a view to permitting Mr. Cowling to establish his right to enrollment as a citizen by blood of the Choctaw Nation.

The attention of the Department is invited to the fact as recited in the decision of the Commissioner to the Five Civilized Tribes of May 7, 1906, that Mr. Cowling was denied citizenship in

(2)

the Choctaw Nation, by a decree of the Choctaw and Chickasaw Citizenship Court of February 29, 1904, and to that portion of the Commissioner's decision as follows:

"It does not appear from the record herein or from the records in the possession of this office that said applicant has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation."

It would therefore seemingly appear that the Commission to the Five Civilized Tribes, the United States Court in Indian Territory and the Choctaw and Chickasaw Citizenship Court had full jurisdiction to determine the right to enrollment of Anderson F. Cowling as a citizen by blood of the Choctaw Nation and that he is not such a person as is now entitled to a rehearing and review of his application under the opinion of the Assistant Attorney General for the Department in the Loula West case.

In connection with this case, attention is invited to Departmental letter of September 12, 1905 (I.T.D. 10910-1905), affirming the decision of the Commission to the Five Civilized Tribes of January 22, 1905, granting the application for the enrollment of Cowling's children, John A. Cowling, A. D. Cowling and Oramittie Cowling as citizens by blood of the Choctaw Nation; also Departmental letter of January 11, 1906 (I.T.D. 97-1906), authorizing

(3)

the Commissioner to entertain the application for the enrollment of Anderson F. Cowling as a citizen by intermarriage of the Choctaw Nation in conformity with the rule prescribed in the approved opinion of the Assistant Attorney General of March 24, 1905, relative to the Chickasaw enrollment case of Benjamin J. Vaughan.

Respectfully,

SIGNED *Wm. C. Deall*

Through the  
Commissioner of Indian Affairs.

Acting Commissioner.

CP 14-4



COPY.

Muskogee, Indian Territory, August 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Permit me to invite your attention to this office letters of May 8th and 14th, 1906, in reference to the application of Anderson F. Cowling for enrollment as a citizen by intermarriage of the Choctaw Nation, with the former of which was transmitted my decision of May 7, 1906, refusing the application for the enrollment of Anderson F. Cowling, both as a citizen by blood and as a citizen by intermarriage of the Choctaw Nation.

I now transmit, to be made a part of the record in said case, a petition filed direct with this office on February 14, 1906, by William S. Wright, attorney at law, of Washington, D. C., which was inadvertently omitted from the original record in the case as transmitted to the Department. This petition is in all material essentials similar to the petition transmitted to this office with Department letter of January 11, 1906 (I.T.D. 97-1906).

Respectfully,

SIGNED *Tama Dixey*

Commissioner.

LEA 10-1.

Through the  
Commissioner of Indian Affairs.

JJ Jr

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DEPARTMENT OF THE INTERIOR

WASHINGTON

D.C. 9657-1907.  
I.T.D. 24466-1906.  
15778- "  
327-1907.

February 15, 1907.

Direct.

LNS

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

Sir:

May 8, 1906, you transmitted the record in the matter of the application for the enrollment of Anderson F. Cowling as a citizen of the Choctaw Nation, together with your decision of May 7, 1906, denying said application for enrollment of Cowling both as a citizen by blood and by intermarriage of the Choctaw Nation.

Reporting December 6, 1906 (Land-06), the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

Your decision is hereby affirmed. 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 9 for Ind. Of.

A.F.Mc.  
2-16-07.

Refer in reply to the following.

COPY

LAND:  
41190-1906  
43016-1906  
72353-1906

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON

December 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of January 11, 1906 (I.T.D. 97), September 12, 1905 (I.T.D. 10910), January 28, 1905 (I.T.D. 11582-1904), February 10, 1905, (I.T.D. 10353-1904) and March 24, 1905 (11952-1904), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated May 8, 1906, transmitting the record relative to the application of Anderson F. Cowling, et.al., for enrollment as citizens of the Choctaw Nation.

On June 13, 1899, Anderson F. Cowling applied to the Commission to the Five Civilized Tribes, at Spiro, I. T., for the enrollment of himself and his three minor children, John A., A.D., and Oramittie Cowling, as citizens by blood, and for the enrollment of his wife, Caroline Cowling, as a citizen by intermarriage.

The application for the enrollment of Caroline Cowling, had already been determined, she being identified at No. 1507, on a list prepared by the Commissioner under the provisions of the Act of July 1, 1902 (32 Stat. L., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation and approved by the Department on November 27, 1905.

John A., A.D., and Oramittie Cowling were also identified at Numbers 15963, 15964 and 15965, respectively, on a list prepared by the Commissioner, under the provisions of the Act, above cited, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Department on November 27, 1905.

The records of the Commission show that on September 7, 1896, in the case entitled "Anderson F. Cowling, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 741), the principal applicant applied to the Commission under the provisions of the Act of June 10, 1896 (29 Stat. L., 321), for enrollment as a citizen by blood of the Choctaw Nation. On December 2, 1896, the Commission rendered a decision admitting the applicant as a citizen by intermarriage of that nation.

An appeal was taken from this decision to the United States Court for the Central District of Indian Territory which court, on September 11, 1897, in the case entitled "Anderson F. Cowling vs. Choctaw Nation" (Citizenship Case No. 170), rendered a decision admitting the principal applicant as a citizen by blood.

On December 17, 1902, the Choctaw-Chickasaw Citizenship Court, created under the provisions of the Act of July 1, 1902 (32 Stat. L., 641), reversed the decision of the United States Court for the Central District of Indian Territory. The case was certified to the Choctaw-Chickasaw Citizenship Court for a trial de novo, and on February 29, 1904, this court, in the case entitled "A.F. Cowling vs. Choctaw and Chickasaw Nations"

Choctaw-Chickasaw Citizenship Court, Case No. 25, South McAlester Docket), held that the petition of the applicant for enrollment as a citizen should be denied and that he should be declared not a citizen of the Choctaw Nation and not entitled to enrollment as a citizen nor to any rights whatever flowing therefrom.

On January 11, 1906 (I.T.D. 97) the Department forwarded to the Commissioner a petition filed by William W. Wright, attorney for the petitioner, Anderson F. Cowling, praying for the enrollment of the petitioner as a citizen by intermarriage of the Choctaw Nation, with instructions that the petition be entertained and the case heard on its merits and disposed of after due notice had been given to all parties in interest.

On February 23, 1906, the applicant, his attorney of record, William W. Wright, and the firm of Mansfield, McMurray and Cornish, attorneys for the Choctaw and Chickasaw Nations, were informed of the action of the Department and advised that the Commissioner would hear testimony relative to the enrollment of the applicant as a citizen by intermarriage of the Choctaw Nation at his office at Muskogee, I. T., on April 5, 1906, at 9 o'clock A.M. On this date proceedings were had in this case according to Departmental instructions. As the applicant claimed the right to enrollment as a citizen by blood, as well as a citizen by intermarriage, his right to such enrollment was considered.

On May 7, 1906, the Commissioner decided that Anderson F. Cowling was not entitled to enrollment either as a citizen by blood or as a citizen by intermarriage of the Choctaw Nation.

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The applicant claimed the right to enrollment as a citizen by intermarriage of that nation by virtue of his marriage to Caroline Cowling, whose application as a citizen by intermarriage was approved by the Department on September 12, 1905 (I.T.D.10910). The record further showed that the applicant was the son of B. M. Cowling (deceased), a non-citizen white man, and Sarah Cowling (deceased) an alleged Choctaw citizen.

The Commissioner reported that the records in his possession did not show that the applicant had ever been a recognized citizen of the Choctaw Nation or that he had been enrolled as a citizen by the Choctaw tribal authorities or admitted as a citizen of that nation by the United States Court.

On May 14, 1906, William W. Wright, attorney for the applicant filed a motion for rehearing. A copy of the testimony taken before the Commissioner relative to the applicant's right to enrollment as a citizen by blood of the Choctaw Nation was attached to the motion and marked "Exhibit A". The attorney for the applicant asked that this testimony which had been excluded by the Commissioner, be considered by the Department.

On August 6, 1906, the attorney for the applicant filed a petition in this case, in which it was claimed that inasmuch as the applicant had resided continuously in the Choctaw Nation since 1877, and had transacted business and had public office there and had been married under tribal authority, and as his application for enrollment as a citizen both by blood and by intermarriage of

the Choctaw Nation had been approved by the Commission and the United States Court, that this gave him sufficient status as a citizen to bring his case within the rule laid down in the opinion of the Assistant Attorney-General for the Department in the case of Loula West in Department letter of February 10, 1905 (I.T.D. 10353-1904), and that the Choctaw-Chickasaw Citizenship Court had no jurisdiction in this case and that its decision adverse to the applicant was therefore void.

It was also contended that the decision of the Commission approving the application of Anderson F. Cowling, the principal applicant, as a citizen by intermarriage in the Choctaw Nation, had never been reversed by the Citizenship Court, above mentioned, and that his name appeared on the 1885 Census Roll of the Choctaw Nation, Sans Bois County, as a citizen by intermarriage.

In view of the fact that the applicant's name does not appear on any tribal roll in the possession of the Commissioner and that he seems to have had no status as a citizen previous to the date of the decision of the Commission admitting him to such enrollment, the Office is of the opinion that this case does not come within the rule laid down in the case of Loula West (I.T.D. 10353-1904), above cited, and that the Choctaw-Chickasaw Citizenship Court had jurisdiction in this case and therefore had authority to reverse the previous decisions of the Commission and the United States Court.

It seems clear, from the text of the judgment entered of record that the Citizenship Court, above mentioned, did reverse

the decisions of the Commission and of the United States Court and denied enrollment to the applicant, both as a citizen by blood and as a citizen by intermarriage of the Choctaw Nation. In view of the opinion of the Assistant Attorney-General in the case of Emma McMenamin in Department letter of January 28, 1905 (11582-1904), the applicant would not be entitled to enrollment as a citizen by intermarriage.

In the Department letter of January 11, 1906 (I.T.D. 97), the First Assistant Secretary of the Department in transmitting the petition of the applicant's attorney to the Commissioner, said that if the evidence established the fact that the applicant was a recognized and enrolled citizen of the Choctaw Nation prior to June 10, 1896, as his petition alleged, that this case would then come within the rule laid down in the opinion of the Assistant Attorney-General for the Department in the case of Benjamin J. Vaughan in Department letter of March 24, 1905 (11952-1904). The Commissioner did not discuss this feature of the case in his decision but as the evidence did not bear out the contention that the applicant was a recognized and enrolled citizen of the Choctaw Nation prior to June 10, 1896, the opinion in the case above cited, would not apply to this case.

In view of the record therefore and in view of the decision of the Choctaw-Chickasaw Citizenship Court, the approval of the decision of the Commissioner denying the applicant enrollment both as a citizen by blood and by intermarriage of the Choctaw Nation, is recommended.

Very respectfully,

Acting Commissioner.

MHD  
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JJ Jr

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DEPARTMENT OF THE INTERIOR

WASHINGTON

D.C. 9657-1907.  
I.T.D. 24466-1906.  
15775- "  
327-1907.

February 15, 1907.

Direct.

LNS

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

Sir:

May 8, 1906, you transmitted the record in the matter of the application for the enrollment of Anderson F. Cowling as a citizen of the Choctaw Nation, together with your decision of May 7, 1906, denying said application for enrollment of Cowling both as a citizen by blood and by intermarriage of the Choctaw Nation.

Reporting December 6, 1906 (Land-06), the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

Your decision is hereby affirmed. The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thor Ryan

First Assistant Secretary.

1 inc. and 9 for Ind. Of.

A.F.Me.  
2-16-07.

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Refer in reply to the following.

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COPY

LAND:  
41190-1906  
43016-1906  
72353-1906

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON

December 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of January 11, 1906 (I.T.D. 97), September 12, 1905 (I.T.D. 10910), January 28, 1905 (I.T.D. 11582-1904), February 10, 1905, (I.T.D. 10353-1904) and March 24, 1905 (11952-1904), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated May 8, 1906, transmitting the record relative to the application of Anderson F. Cowling, et.al., for enrollment as citizens of the Choctaw Nation.

On June 13, 1899, Anderson F. Cowling applied to the Commission to the Five Civilized Tribes, at Spiro, I. T., for the enrollment of himself and his three minor children, John A., A.D., and Oramittie Cowling, as citizens by blood, and for the enrollment of his wife, Caroline Cowling, as a citizen by intermarriage.

The application for the enrollment of Caroline Cowling, had already been determined, she being identified at No. 1307, on a list prepared by the Commissioner under the provisions of the Act of July 1, 1902 (32 Stat. L., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation and approved by the Department on November 27, 1905.

John A., A.D., and Oramittie Cowling were also identified at Numbers 15963, 15964 and 15965, respectively, on a list prepared by the Commissioner, under the provisions of the Act, above cited, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Department on November 27, 1905.

The records of the Commission show that on September 7, 1896, in the case entitled "Anderson F. Cowling, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 741), the principal applicant applied to the Commission under the provisions of the Act of June 10, 1896 (29 Stat. L., 321), for enrollment as a citizen by blood of the Choctaw Nation. On December 2, 1896, the Commission rendered a decision admitting the applicant as a citizen by intermarriage of that nation.

An appeal was taken from this decision to the United States Court for the Central District of Indian Territory which court, on September 11, 1897, in the case entitled "Anderson F. Cowling vs. Choctaw Nation" (Citizenship Case No. 170), rendered a decision admitting the principal applicant as a citizen by blood.

On December 17, 1902, the Choctaw-Chickasaw Citizenship Court, created under the provisions of the Act of July 1, 1902 (32 Stat. L., 641), reversed the decision of the United States Court for the Central District of Indian Territory. The case was certified to the Choctaw-Chickasaw Citizenship Court for a trial de novo, and on February 29, 1904, this court, in the case entitled "A.F. Cowling vs. Choctaw and Chickasaw Nations"

Choctaw-Chickasaw Citizenship Court, Case No. 25, South McAlester Docket), held that the petition of the applicant for enrollment as a citizen should be denied and that he should be declared not a citizen of the Choctaw Nation and not entitled to enrollment as a citizen nor to any rights whatever flowing therefrom.

On January 11, 1906 (I.T.D. 97) the Department forwarded to the Commissioner a petition filed by William W. Wright, attorney for the petitioner, Anderson F. Cowling, praying for the enrollment of the petitioner as a citizen by intermarriage of the Choctaw Nation, with instructions that the petition be entertained and the case heard on its merits and disposed of after due notice had been given to all parties in interest.

On February 23, 1906, the applicant, his attorney of record, William W. Wright, and the firm of Mansfield, McMurray and Cornish, attorneys for the Choctaw and Chickasaw Nations, were informed of the action of the Department and advised that the Commissioner would hear testimony relative to the enrollment of the applicant as a citizen by intermarriage of the Choctaw Nation at his office at Muskogee, I. T., on April 5, 1906, at 9 o'clock A.M. On this date proceedings were had in this case according to Departmental instructions. As the applicant claimed the right to enrollment as a citizen by blood, as well as a citizen by intermarriage, his right to such enrollment was considered.

On May 7, 1906, the Commissioner decided that Anderson F. Cowling was not entitled to enrollment either as a citizen by blood or as a citizen by intermarriage of the Choctaw Nation.

The applicant claimed the right to enrollment as a citizen by intermarriage of that nation by virtue of his marriage to Caroline Cowling, whose application as a citizen by intermarriage was approved by the Department on September 12, 1905 (I.T.D.10910). The record further showed that the applicant was the son of B. M. Cowling (deceased), a non-citizen white man, and Sarah Cowling (deceased) an alleged Choctaw citizen.

The Commissioner reported that the records in his possession did not show that the applicant had ever been a recognized citizen of the Choctaw Nation or that he had been enrolled as a citizen by the Choctaw tribal authorities or admitted as a citizen of that nation by the United States Court.

On May 14, 1906, William W. Wright, attorney for the applicant filed a motion for rehearing. A copy of the testimony taken before the Commissioner relative to the applicant's right to enrollment as a citizen by blood of the Choctaw Nation was attached to the motion and marked "Exhibit A". The attorney for the applicant asked that his testimony which had been excluded by the Commissioner, be considered by the Department.

On August 6, 1906, the attorney for the applicant filed a petition in this case, in which it was claimed that inasmuch as the applicant had resided continuously in the Choctaw Nation since 1877, and had transacted business and had public office there and had been married under tribal authority, and as his application for enrollment as a citizen both by blood and by intermarriage of

the Choctaw Nation had been approved by the Commission and the United States Court, that this gave him sufficient status as a citizen to bring his case within the rule laid down in the opinion of the Assistant Attorney-General for the Department in the case of Loula West in Department letter of February 10, 1905 (I.T.D. 10353-1904), and that the Choctaw-Chickasaw Citizenship Court had no jurisdiction in this case and that its decision adverse to the applicant was therefore void.

It was also contended that the decision of the Commission approving the application of Anderson T. Cowling, the principal applicant, as a citizen by intermarriage in the Choctaw Nation, had never been reversed by the Citizenship Court, above mentioned, and that his name appeared on the 1885 Census Roll of the Choctaw Nation, Sans Bois County, as a citizen by intermarriage.

In view of the fact that the applicant's name does not appear on any tribal roll in the possession of the Commissioner and that he seems to have had no status as a citizen previous to the date of his decision of the Commission admitting him to such enrollment, the Office is of the opinion that this case does not come within the rule laid down in the case of Loula West (I.T.D. 10353-1904), above cited, and that the Choctaw-Chickasaw Citizenship Court has jurisdiction in his case and therefore had authority to reverse the previous decisions of the Commission and the United States Court.

It seems clear, from the text of the judgment entered of record that the Citizenship Court, above mentioned, did reverse

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the decisions of the Commission and of the United States Court and denied enrollment to the applicant, both as a citizen by blood and as a citizen by intermarriage of the Choctaw Nation. In view of the opinion of the Assistant Attorney-General in the case of Emma McKenamin in Department letter of January 28, 1905 (11582-1904), the applicant would not be entitled to enrollment as a citizen by intermarriage.

In the Department letter of January 11, 1906 (I.T.D. 97), the First Assistant Secretary of the Department in transmitting the petition of the applicant's attorney to the Commissioner, said that if the evidence established the fact that the applicant was a recognized and enrolled citizen of the Choctaw Nation prior to June 10, 1896, as his petition alleged, that this case would then come within the rule laid down in the opinion of the Assistant Attorney-General for the Department in the case of Benjamin J. Vaughan in Department letter of March 24, 1905 (11952-1904). The Commissioner did not discuss this feature of the case in his decision but as the evidence did not bear out the contention that the applicant was a recognized and enrolled citizen of the Choctaw Nation prior to June 10, 1896, the opinion in the case above cited, would not apply to this case.

In view of the record therefore and in view of the decision of the Choctaw-Chickasaw Citizenship Court, the approval of the decision of the Commissioner denying the applicant enrollment both as a citizen by blood and by intermarriage of the Choctaw Nation, is recommended.

Very respectfully,

HDD  
C

Acting Commissioner.

JJ Jr

HR

DEPARTMENT OF THE INTERIOR

WASHINGTON

D.C. 9657-1907.  
I.T.D. 24466-1906.  
15775- "  
327-1907.

February 15, 1907.

Direct.

LMS

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

Sir:

May 8, 1906, you transmitted the record in the matter of the application for the enrollment of Anderson F. Cowling as a citizen of the Choctaw Nation, together with your decision of May 7, 1906, denying said application for enrollment of Cowling both as a citizen by blood and by intermarriage of the Choctaw Nation.

Reporting December 6, 1906 (Land-06), the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

Your decision is hereby affirmed. 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 9 for Ind. Of.

A.J.No.  
2-16-07.



Refer in reply to the following

COPY

LAND:  
41190-1906  
43016-1906  
72353-1906

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON

December 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of January 11, 1906 (I.T.D. 97), September 12, 1905 (I.T.D. 10910), January 28, 1905 (I.T.D. 11582-1904), February 10, 1905, (I.T.D. 10353-1904) and March 24, 1905 (11952-1904), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated May 8, 1906, transmitting the record relative to the application of Anderson F. Cowling, et.al., for enrollment as citizens of the Choctaw Nation.

On June 13, 1899, Anderson F. Cowling applied to the Commission to the Five Civilized Tribes, at Spiro, I. T., for the enrollment of himself and his three minor children, John A., A.D., and Oramittie Cowling, as citizens by blood, and for the enrollment of his wife, Caroline Cowling, as a citizen by intermarriage.

The application for the enrollment of Caroline Cowling, had already been determined, she being identified at No. 1507, on a list prepared by the Commissioner under the provisions of the Act of July 1, 1902 (32 Stat. L., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation and approved by the Department on November 27, 1905.

John A., A.D., and Oramittie Cowling were also identified at Numbers 15963, 15964 and 15966, respectively, on a list prepared by the Commissioner, under the provisions of the Act, above cited, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Department on November 27, 1903.

The records of the Commission show that on September 7, 1896, in the case entitled "Anderson F. Cowling, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 741), the principal applicant applied to the Commission under the provisions of the Act of June 10, 1896 (29 Stat. L., 321), for enrollment as a citizen by blood of the Choctaw Nation. On December 2, 1896, the Commission rendered a decision admitting the applicant as a citizen by intermarriage of that nation.

An appeal was taken from this decision to the United States Court for the Central District of Indian Territory which court, on September 11, 1897, in the case entitled "Anderson F. Cowling vs. Choctaw Nation" (Citizenship Case No. 170), rendered a decision admitting the principal applicant as a citizen by blood.

On December 17, 1902, the Choctaw-Chickasaw Citizenship Court, created under the provisions of the Act of July 1, 1902 (32 Stat. L., 641), reversed the decision of the United States Court for the Central District of Indian Territory. The case was certified to the Choctaw-Chickasaw Citizenship Court for trial de novo, and on February 29, 1904, this court, in the case entitled "A.F. Cowling vs. Choctaw and Chickasaw Nations"

Choctaw-Chickasaw Citizenship Court, Case No. 25, South McAlester Docket), held that the petition of the applicant for enrollment as a citizen should be denied and that he should be declared not a citizen of the Choctaw Nation and not entitled to enrollment as a citizen nor to any rights whatever flowing therefrom.

On January 11, 1906 (I.T.D. 97) the Department forwarded to the Commissioner a petition filed by William W. Wright, attorney for the petitioner, Anderson F. Cowling, praying for the enrollment of the petitioner as a citizen by intermarriage of the Choctaw Nation, with instructions that the petition be entertained and the case heard on its merits and disposed of after due notice had been given to all parties in interest.

On February 23, 1906, the applicant, his attorney of record, William W. Wright, and the firm of Mansfield, McMurray and Cornish, attorneys for the Choctaw and Chickasaw Nations, were informed of the action of the Department and advised that the Commissioner would hear testimony relative to the enrollment of the applicant as a citizen by intermarriage of the Choctaw Nation at his office at Muskogee, I. T., on April 5, 1906, at 9 o'clock A.M. On this date proceedings were had in this case according to Departmental instructions. As the applicant claimed the right to enrollment as a citizen by blood, as well as a citizen by intermarriage, his right to such enrollment was considered.

On May 7, 1906, the Commissioner decided that Anderson F. Cowling was not entitled to enrollment either as a citizen by blood or as a citizen by intermarriage of the Choctaw Nation.

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The applicant claimed the right to enrollment as a citizen by intermarriage of that nation by virtue of his marriage to Caroline Cowling, whose application as a citizen by intermarriage was approved by the Department on September 12, 1905 (I.T.D.10910). The record further showed that the applicant was the son of B. M. Cowling (deceased), a non-citizen white man, and Sarah Cowling (deceased) an alleged Choctaw citizen.

The Commissioner reported that the records in his possession did not show that the applicant had ever been a recognized citizen of the Choctaw Nation or that he had been enrolled as a citizen by the Choctaw tribal authorities or admitted as a citizen of that nation by the United States Court.

On May 14, 1906, William V. Wright, attorney for the applicant filed a motion for rehearing. A copy of the testimony taken before the Commissioner relative to the applicant's right to enrollment as a citizen by blood of the Choctaw Nation was attached to the motion and marked "Exhibit A". The attorney for the applicant asked that this testimony which had been excluded by the Commissioner, be considered by the Department.

On August 6, 1906, the attorney for the applicant filed a petition in this case, in which it was claimed that inasmuch as the applicant had resided continuously in the Choctaw Nation since 1877, and had transacted business and had public office there and had been married under tribal authority, and as his application for enrollment as a citizen both by blood and by int marriage of

the Choctaw Nation had been approved by the Commission and the United States Court, that this gave him sufficient status as a citizen to bring his case within the rule laid down in the opinion of the Assistant Attorney-General for the Department in the case of Loula West in Department letter of February 10, 1905 (I.T.D. 10353-1904), and that the Choctaw-Chickasaw Citizenship Court had no jurisdiction in this case and that its decision adverse to the applicant was therefore void.

It was also contended that the decision of the Commission approving the application of Anderson T. Cowling, the principal applicant, as a citizen by intermarriage in the Choctaw Nation, had never been reversed by the Citizenship Court, above mentioned, and that his name appeared on the 1885 Census Roll of the Choctaw Nation, Sans Bois County, as a citizen by intermarriage.

In view of the fact that the applicant's name does not appear on any tribal roll in the possession of the Commissioner and that he seems to have had no status as a citizen previous to the date of the decision of the Commission admitting him to such enrollment, the Office is of the opinion that this case does not come within the rule laid down in the case of Loula West (I.T.D. 10353-1904), above cited, and that the Choctaw-Chickasaw Citizenship Court had jurisdiction in this case and therefore had authority to reverse the previous decisions of the Commission and the United States Court.

It seems clear, from the text of the judgment entered of record that the Citizenship Court, above mentioned, did reverse

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the decisions of the Commission and of the United States Court and denied enrollment to the applicant, both as a citizen by blood and as a citizen by intermarriage of the Choctaw Nation. In view of the opinion of the Assistant Attorney-General in the case of Emma McKenamin in Department letter of January 28, 1905 (11582-1904), the applicant would not be entitled to enrollment as a citizen by intermarriage.

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In view of the record therefore and in view of the decision of the Choctaw- Chickasaw Citizenship Court, the approval of the decision of the Commissioner denying the applicant enrollment both as a citizen by blood and by intermarriage of the Choctaw Nation, is recommended.

Very respectfully,

HRO  
C

Acting Commissioner.

JJ Jr

FHE

DEPARTMENT OF THE INTERIOR

WASHINGTON

February 15, 1907.

D.C. 9657-1907.  
I.T.D. 24466-1906.  
15775- "  
327-1907.

Direct.

LNS

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

Sir:

May 8, 1906, you transmitted the record in the matter of the application for the enrollment of Anderson W. Cowling as a citizen of the Choctaw Nation, together with your decision of May 7, 1906, denying said application for enrollment of Cowling both as a citizen by blood and by intermarriage of the Choctaw Nation.

Reporting December 6, 1906 (Land-05), the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

Your decision is hereby affirmed. 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 9 for Ind. Of.

A.F.No.  
2-16-07.

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An appeal was taken from this decision to the United States Court for the Central District of Indian Territory which court, on September 11, 1897, in the case entitled "Anderson F. Cowling vs. Choctaw Nation" (Citizenship Case No. 170), rendered a decision admitting the principal applicant as a citizen by blood.

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On May 7, 1906, the Commissioner decided that Anderson F. Cowling was not entitled to enrollment either as a citizen by blood or as a citizen by intermarriage of the Choctaw Nation.

The applicant claimed the right to enrollment as a citizen by intermarriage of that nation by virtue of his marriage to Caroline Cowling, whose application as a citizen by intermarriage was approved by the Department on September 12, 1905 (I.T.D.10910). The record further showed that the applicant was the son of B. M. Cowling (deceased), a non-citizen white man, and Sarah Cowling (deceased) an alleged Choctaw citizen.

The Commissioner reported that the records in his possession did not show that the applicant had ever been a recognized citizen of the Choctaw Nation or that he had been enrolled as a citizen by the Choctaw tribal authorities or admitted as a citizen of that nation by the United States Court.

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the Choctaw Nation had been approved by the Commission and the United States Court, that this gave him sufficient status as a citizen to bring his case within the rule laid down in the opinion of the Assistant Attorney-General for the Department in the case of Loula West in Department letter of February 10, 1905 (I.T.D. 10355-1904), and that the Choctaw-Chickasaw Citizenship Court had no jurisdiction in this case and that its decision adverse to the applicant was therefore void.

It was also contended that the decision of the Commission approving the application of Anderson F. Cowling, the principal applicant, as a citizen by intermarriage in the Choctaw Nation, had never been reversed by the Citizenship Court, above mentioned, and that his name appeared on the 1905 census roll of the Choctaw Nation, Sans Bois County, as a citizen by intermarriage.

In view of the fact that the applicant's name does not appear on any tribal roll in the possession of the Commissioner and that he does not have had no status as a citizen previous to the date of the decision of the Commission admitting him to such enrollment, the Office is of the opinion that this case does not come within the rule laid down in the case of Loula West (I.T.D. 10355-1904), above cited, and that the Choctaw-Chickasaw Citizenship Court had jurisdiction in this case and therefore had authority to reverse the previous decisions of the Commission and the United States Court.

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Very respectfully,

Acting Commissioner.

HRD  
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JJ Jr

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DEPARTMENT OF THE INTERIOR

WASHINGTON

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The Commissioner reported that the records in his possession did not show that the applicant had ever been a recognized citizen of the Choctaw Nation or that he had been enrolled as a citizen by the Choctaw tribal authorities or admitted as a citizen of that nation by the United States Court.

On May 14, 1906, William W. Wright, attorney for the applicant, filed a motion for rehearing. A copy of the testimony taken before the Commissioner relative to the applicant's right to enrollment as a citizen by blood of the Choctaw Nation was attached to the motion and marked "Exhibit A". The attorney for the applicant asked that this testimony which had been excluded by the Commissioner, be considered by the Department.

On August 6, 1906, the attorney for the applicant filed a petition in this case, in which it was claimed that inasmuch as the applicant had resided continuously in the Choctaw Nation since 1877, and had transacted business and had public office there and had been married under tribal authority, and as his application for enrollment as a citizen both by blood and by intermarriage of

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It was also contended that the decision of the Commission approving the application of Anderson F. Coaling, the principal applicant, as a citizen by intermarriage in the Choctaw Nation, had never been reversed by the Citizenship Court, above mentioned, and that his name appeared on the 1905 Census Roll of the Choctaw Nation, Seminole County, as a citizen by intermarriage.

In view of the fact that the applicant's name does not appear on any tribal roll in the possession of the Commissioner and that he seems to have had no status as a citizen previous to the date of the decision of the Commission admitting him to such enrollment, the Office is of the opinion that this case does not come within the rule laid down in the case of Loula West (I.T.D. 10353-1904), above cited, and that the Choctaw-Chickasaw Citizenship Court had jurisdiction in this case and therefore had authority to reverse the previous decisions of the Commission and the United States Court.

It seems clear, from the text of the judgment entered of record that the Citizenship Court, above mentioned, did reverse

the decisions of the Commission and of the United States Court and denied enrollment to the applicant, both as a citizen by blood and as a citizen by intermarriage of the Choctaw Nation. In view of the opinion of the Assistant Attorney-General in the case of Lema McWenamin in Department letter of January 28, 1905 (11582-1904), the applicant would not be entitled to enrollment as a citizen by intermarriage.

In the Department letter of January 11, 1906 (I.T.D. 27), the First Assistant Secretary of the Department in transmitting the petition of the applicant's attorney to the Commissioner, said that if the evidence established the fact that the applicant was a recognized and enrolled citizen of the Choctaw Nation prior to June 10, 1896, as his petition alleged, that this case would then come within the rule laid down in the opinion of the Assistant Attorney-General for the Department in the case of Benjamin J. Vaughan in Department letter of March 24, 1905 (11952-1904). The Commissioner did not discuss this feature of the case in his decision but as the evidence did not bear out the contention that the applicant was a recognized and enrolled citizen of the Choctaw Nation prior to June 10, 1896, the opinion in the case above cited, would not apply to this case.

In view of the record therefore and in view of the decision of the Choctaw-Chickasaw Citizenship Court, the approval of the decision of the Commission denying the applicant enrollment both as a citizen by blood and by intermarriage of the Choctaw Nation, is recommended.

Very respectfully,

Acting Commissioner.

HRD  
C

7-D-235

Muskogee, Indian Territory, March 7, 1907.

Alexander F. Collins,

Cowlington, Indian Territory.

Dear Sir:

You are hereby advised that on February 27, 1907,  
the Secretary of the Interior made a decision of the  
Commissioner to the Five Civilized Tribes, as ordered on 3, 1907,  
directing an application for a patent as a certificate of land  
a title as a certificate of land of the Choctaw Na-  
tion.

Respectfully,

Commissioner.

7-D-235

Muskogee, Indian Territory, March 2, 1907.

W. H. Redick,

Attorney at Law,

Salt Well Station, Indian Territory.

Dear Sir:

You are hereby advised that on February 18, 1907, the Secretary of the Interior affirmed the decision of the Commission on the Five Civilized Tribes, rendered May 7, 1906, denying the application for the enrollment of Anderson E. Cowling as a citizen by blood, and also as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-235

Muskogee, Indian Territory, March 2, 1907.

William W. Wright,  
Corcoran Building,  
Washington, D. C.

Dear Sir:

You are hereby notified that the Secretary of the Interior affirms the decision of the Commissioner to the Five Civilized Tribes, rendered May 4, 1906, denying the application for the enrollment of Anderson F. Conley as a citizen by blood, but also as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-235

Muskogee, Indian Territory, March 2, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 15, 1907,  
the Secretary of the Interior affirmed the decision of the  
Commissioner to the Five Civilized Tribes, rendered May 7, 1906,  
denying the application for the enrollment of Anderson P.  
Cowling as a citizen by blood, and also as a citizen by inter-  
marriage of the Choctaw Nation.

Respectfully,

Commissioner.



JJ Jr

FHE

DEPARTMENT OF THE INTERIOR

WASHINGTON

F.C. 9657-1907.  
I.T.D. 24466-1906.  
15775- "  
327-1907.

February 15, 1907.

Direct.

SIR:

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

Sir:

May 8, 1906, you transmitted the record in the matter of the application for the enrollment of Anderson B. Cowling as a citizen of the Choctaw Nation, together with your decision of May 7, 1906, denying said application for enrollment of Cowling both as a citizen by blood and by intermarriage of the Choctaw Nation.

Reporting December 6, 1906 (Land-06), the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

Your decision is hereby affirmed. 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 9 for Ind. Of.

A.N.C.  
2-15-07.

Refer in reply to the following:

41190-1906  
43016-1906  
72353-1906

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON

COPY

December 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of January 11, 1906 (I.T.D. 97), September 12, 1905 (I.T.D. 10910), January 23, 1905 (I.T.D. 11582-1904), February 10, 1905, (I.T.D. 10353-1904) and March 24, 1905 (11952-1904), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated May 8, 1906, transmitting the record relative to the application of Anderson E. Cowling, et al., for enrollment as citizens of the Choctaw Nation.

On June 13, 1899, Anderson E. Cowling applied to the Commission to the Five Civilized Tribes, at Spiro, I. T., for the enrollment of himself and his three minor children, John A., A.D., and Oramittie Cowling, as citizens by blood, and for the enrollment of his wife, Caroline Cowling, as a citizen by intermarriage.

The application for the enrollment of Caroline Cowling, had already been determined, she being identified at No. 1507, on a list prepared by the Commissioner under the provisions of the Act of July 1, 1902 (32 Stat. U., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation and approved by the Department on November 27, 1905.

John A., A.D., and Oranittie Cowling were also identified at Numbers 15963, 15964 and 15965, respectively, on a list prepared by the Commissioner, under the provisions of the Act, above cited, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Department on November 27, 1905.

The records of the Commission show that on September 7, 1896, in the case entitled "Anderson E. Cowling, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Pocket, Case No. 741), the principal applicant applied to the Commission under the provisions of the Act of June 10, 1896 (29 Stat. L., 321), for enrollment as a citizen by blood of the Choctaw Nation. On December 1, 1896, the Commission rendered a decision admitting the applicant as a citizen by intermarriage of that nation.

An appeal was taken from this decision to the United States Court for the Central District of Indian Territory which court, on September 11, 1897, in the case entitled "Anderson E. Cowling vs. Choctaw Nation" (Citizenship Case No. 170), rendered a decision admitting the principal applicant as a citizen by blood.

On December 17, 1902, the Choctaw-Chickasaw Citizenship Court, created under the provisions of the Act of July 1, 1902 (32 Stat. L., 641), reversed the decision of the United States Court for the Central District of Indian Territory. The case was certified to the Choctaw-Chickasaw Citizenship Court for trial de novo, and on February 29, 1904, this court, in the case entitled "A. E. Cowling vs. Choctaw and Chickasaw Nations"

Choctaw-Chickasaw Citizenship Court, Case No. 25, (C. C. Alester  
J. J. (let), held that the petition of the applicant for enrollment  
as a citizen should be denied and that he should be declared not  
a citizen of the Choctaw Nation and not entitled to enrollment  
as a citizen nor to any rights whatever flowing therefrom.

On January 11, 1906 (A. D. 97) the Department forwarded  
to the Commission a petition filed by William B. Wright, at-  
torney for the petitioner, Anderson T. Cornish, praying for the en-  
rollment of the petitioner as a citizen by intermarriage of the  
Choctaw Nation, with instructions that the petition be entered and  
the case heard on its merits and disposed of after due no-  
tice had been given to all parties in interest.

On February 25, 1906, the applicant, his attorney of  
record, William B. Wright, and the firm of Mansfield, Cherry and  
Cornish, attorneys for the Choctaw and Chickasaw Nations, were  
informed of the action of the Department and advised that the  
Board of Commissioners would hear testimony relative to the enrollment of

the applicant as a citizen by intermarriage of the Choctaw Nation  
in its office at Tuskegee, I. T., on April 3, 1906, at 9 o'clock  
A. M. On this date proceedings were had in this case according  
to Departmental instructions. As the applicant claimed the  
right to enrollment as a citizen by blood, as well as a citizen  
by intermarriage, his right to such enrollment was considered.

On April 7, 1906, the Board of Commissioners decided that Anderson  
T. Cornish was not entitled to enrollment either as a citizen by  
blood or as a citizen by intermarriage of the Choctaw Nation.

The applicant claimed the right to enrollment as a citizen by intermarriage of that nation by virtue of his marriage to Caroline Cowling, whose application as a citizen by intermarriage was approved by the Department on September 12, 1905 (I.T.D.10910). The record further showed that the applicant was the son of S. Cowling (deceased), a non-citizen white man, and Sarah Cowling (deceased) an alleged Choctaw citizen.

The Commissioner reported that the records in his possession did not show that the applicant had ever been a recognized citizen of the Choctaw Nation or that he had been enrolled as a citizen by the Choctaw tribal authorities or admitted as a citizen of that nation by the United States Court.

On May 14, 1906, William W. Wright, attorney for the applicant filed a motion for rehearing. A copy of the testimony taken before the Commissioner relative to the applicant's right to enrollment as a citizen by blood of the Choctaw Nation was attached to the motion and marked "Exhibit A". The attorney for the applicant asked that this testimony which had been excluded by the Commissioner, be considered by the Department.

On August 6, 1906, the attorney for the applicant filed a petition in this case, in which it was claimed that inasmuch as the applicant had resided continuously in the Choctaw Nation since 1877, and had transacted business and had public office there and had been married under tribal authority, and as his application for enrollment as a citizen both by blood and by intermarriage of

the Choctaw Nation had been approved by the Commission and the United States Court, that this gave him sufficient status as a citizen to bring his case within the rule laid down in the opinion of the Assistant Attorney-General for the Department in the case of Loula West in Department letter of February 10, 1905 (I.T.D. 10353-1904), and that the Choctaw-Chickasaw Citizenship Court had no jurisdiction in this case and that its decision adverse to the applicant was therefore void.

It was also contended that the decision of the Commission approving the application of Anderson F. Cowling, the principal applicant, as a citizen by intermarriage in the Choctaw Nation, had never been reversed by the Citizenship Court, above mentioned, and that his name appeared on the 1885 Census Roll of the Choctaw Nation, Sans Bois County, as a citizen by intermarriage.

In view of the fact that the applicant's name does not appear on any tribal roll in the possession of the Commissioner and that he seems to have had no status as a citizen previous to the date of the decision of the Commission admitting him to such enrollment, the Office is of the opinion that this case does not come within the rule laid down in the case of Loula West (I.T.D. 10353-1904), above cited, and that the Choctaw-Chickasaw Citizenship Court had jurisdiction in this case and therefore had authority to reverse the previous decisions of the Commission and the United States Court.

It seems clear, from the text of the judgment entered of record that the Citizenship Court, above mentioned, did reverse

the decisions of the Commission and of the United States Court and denied enrollment to the applicant, both as a citizen by blood and as a citizen by intermarriage of the Choctaw Nation. In view of the opinion of the Assistant Attorney-General in the case of Emma McMinn in Department letter of January 28, 1905 (11582-1904), the applicant would not be entitled to enrollment as a citizen by intermarriage.

In the Department letter of January 11, 1906 (I.T.D. 97), the First Assistant Secretary of the Department in transmitting the petition of the applicant's attorney to the Commissioner, said that if the evidence established the fact that the applicant was a recognized and enrolled citizen of the Choctaw Nation prior to June 10, 1896, as his petition alleged, that this case would then come within the rule laid down in the opinion of the Assistant Attorney-General for the Department in the case of Benjamin J. Vaughan in Department letter of March 24, 1905 (11952-1904). The Commissioner did not discuss this feature of the case in his decision but as the evidence did not bear out the contention that the applicant was a recognized and enrolled citizen of the Choctaw Nation prior to June 10, 1896, the opinion in the case above cited, would not apply to this case.

In view of the record therefore and in view of the decision of the Choctaw- Chickasaw Citizenship Court, the approval of the decision of the Commissioner denying the applicant enrollment both as a citizen by blood and by intermarriage of the Choctaw Nation, is recommended.

Very respectfully,

Acting Commissioner.

Muskogee, Indian Territory, March 4, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

May 7, 1906, the Commissioner to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Anderson F. Cowling as a citizen by blood of the Choctaw Nation, and on the same date the record in this case was forwarded to the Secretary of the Interior. February 15, 1907, this action was approved by the Department.

I now have the honor to transmit herewith motion filed this day by W. W. Wright, Attorney at Law, Washington, D. C. for review and reconsideration of the application for the enrollment of Anderson F. Cowling as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

Choctaw D 235.



BEFORE THE HONORABLE, THE SECRETARY OF THE INTERIOR.

-----: : : : :-----

In reapplication of Anderson F. Cowling, a citizen by blood of the Choctaw Nation.

MOTION FOR REVIEW.

Now comes the applicant above named, by his attorney, William W. Wright, of Washington, D. C., and as grounds for his motion for review and reconsideration, respectfully shows as follows:

1. Said decision does not advise applicant in regard to his rights, neither does it give any reasons why his right to enrollment is refused.

2. It appears from the record in the above application that the applicant is possessed of Indian blood, has been uniformly recognized by the tribal authorities as a citizen of the Choctaw Nation, as evidenced by the fact that he was appointed to office and held office as Deputy Sheriff of Sans Bois County, Choctaw Nation, many years prior to June 10, 1896.

3. Applicant appears by name upon the 1880 Choctaw Census Roll now in the possession of the Commissioner to the Five Civilized Tribes.

ARGUMENT.

Your attention is respectfully directed to the fact that the decision of the Secretary of the Interior in the above entitled

application rendered February 15, 1907, does not advise the applicant as to his rights, neither does it give any reasons why his enrollment should be denied.

The present record discloses sufficient facts to show that applicant is not only an enrolled citizen but he has been recognized, not only by the individual citizens of the Choctaw Nation, but has also been officially recognized as a Choctaw citizen by the tribal authorities themselves, as evidenced by his appointment to office and the exercise of the functions of Sheriff of Sans Bois County.

It is submitted that, under the Act of June 10, 1896, applicant complies with every requirement and should be enrolled.

WHEREFORE, It is respectfully requested that the merits of the above application be given that proper care and consideration to which they are entitled.

William W. Wright.

AFFIDAVIT.

CITY OF WASHINGTON, )  
                          ) SS  
DISTRICT OF COLUMBIA.)

William W. Wright, being first duly sworn upon oath deposes and says. He is the attorney for the applicant named in the foregoing motion for review and reconsideration and that, on the 28th day of February 1907, he served a true copy of said motion upon Mansfield, McFurray & Cornish, attorneys for the Choctaw Nation, by registered mail, directed to them at South McAlester, Ind. T., as appears from the official receipt hereto attached.

Affiant furthermore says that this motion is filed in perfect good faith and not for the purposes of any delay.

William W. Wright.

Subscribed and sworn to before me this 28th day of February 1907.

(SEAL)

Geo. E. Terry,  
Notary Public, D. C.

7-D-235

Muskogee, Indian Territory, June 11, 1906.

Anderson F. Cowling,  
Cowlington, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 28, 1906, relative to your right to enrollment as a citizen by blood of the Choctaw Nation.

In reply to your letter you are advised that the record in your case together with the decision of the Commissioner to the Five Civilized Tribes of May 7, 1906, refusing your application for enrollment as a citizen by blood and also as a citizen by intermarriage of the Choctaw Nation was forwarded the Department on that date. On May 14, 1906, motion for rehearing in your case which was submitted by W. N. Redwine and W. W. Wright was forwarded the Department and this office has not yet been advised of any action in your case.

Respectfully,

Commissioner.

7-2-1885

Muskogee, Indian Territory, December 21, 1906

W. V. Wright,  
Attorney at Law,  
Washington Loan & Trust Building,  
Washington, D. C.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 11, 1906, stating that you are one of the attorneys in the matter of the application of Anderson F. Cowling for enrollment as a Choctaw b-blood and intermarriage; that you noticed in your files a memorandum to the effect that the name of A. F. or Anderson F. Cowling appears upon the 1885 census roll San Bois County, at No. 528 and you ask that the rolls be examined and you be advised if this is correct.

In reply to your letter you are advised that the name of Anderson F. Cowling appears upon the 1885 census roll of the Choctaw Nation, San Bois County at No. 528 and opposite his name is the description "male, white".

Respectfully,

Acting Commissioner.

7-D-235

Muskogee, Indian Territory, March 5, 1907.

W. W. Wright,  
Washington Loan & Trust Building,  
Washington, D. C.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 28, 1907, inclosing motion for review and reconsideration in the matter of the application for the enrollment of Anderson F. Cowling as a citizen by blood of the Choctaw Nation and the same has this day been transmitted to the Secretary of the Interior for consideration in connection with this case.

Respectfully,

Commissioner.

END  
OF  
ROLL





