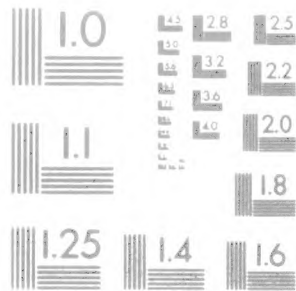
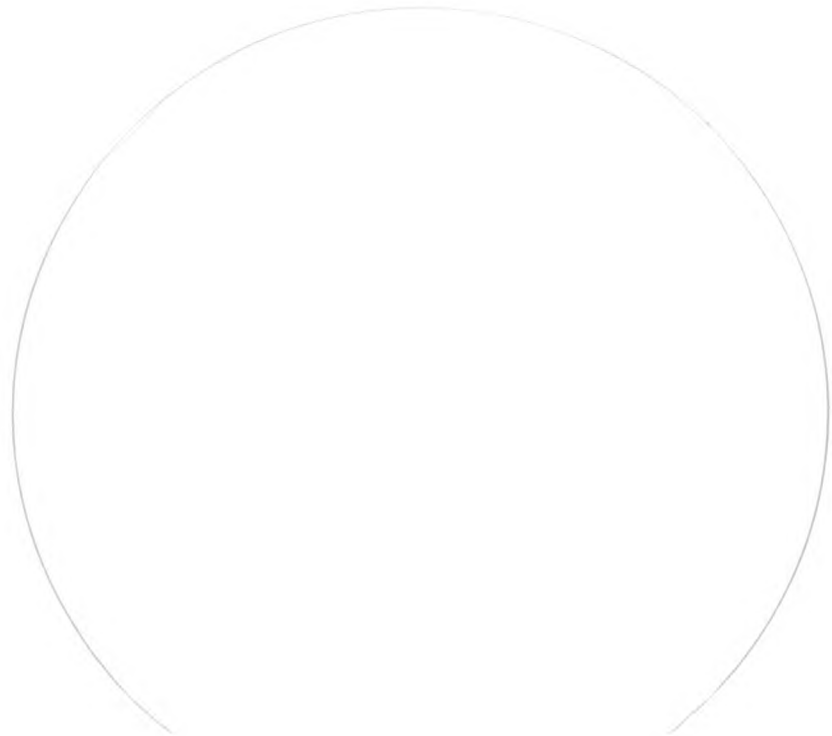


NATIONAL BUREAU OF STANDARDS

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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 91

MISSISSIPPI CHOCTAW MCR 626 - MCR 714

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

WASHINGTON

Choc MCR 626 Alice M. Miller

MCR 626

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. August 23, 1900 .

In the matter of the application for identification as a Mississippi Choctaw of Alice M. Miller, who being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.

- Q What is your name? A Alice M. Miller.
Q What is your age? A 33, will be soon.
Q What is your post-office address? A South McAlester.
Q Indian Territory? A Yes sir.
Q Do you live at South McAlester? A Yes sir.
Q How long have you lived there? A About one month.
Q How long have you lived in the Indian Territory? A I have lived in the Indian Territory about three years.
Q Have you lived here continuously for the past three years?
A No sir, not altogether. I really have maintained my home in the Indian Territory. I am a teacher.
Q Have you maintained a residence any where else but in the Indian Territory for the past three years?? A No sir, I taught in Oklahoma but really my home has been in the Indian Territory.
Q How much Choctaw blood do you claim? A One sixteenth. My great grand father was one half Choctaw.
Q What is your father's name? A George W. Miller.
Q Is your father living? A Yes sir.
Q What is your mother's name? A Victoria Elizabeth Miller. She was a Hawkins. It is on that side.
Q Is your mother living? A No sir.
Q How long has your mother been dead? A She died in 1882.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q Is your mother's name on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Did your mother ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir, we lived in Mississippi then.
Q Has your mother ever been recognized in any manner by the Choctaw tribal authorities as a citizen of the Choctaw Nation?
A Yes sir, I suppose so. Her father was.
Q How was your mother recognized by the tribal authorities?
A She was recognized as an Indian of course because my grand father was.
Q By the authorities of the Nation recognized and enrolled as a Choctaw Indian? A Not enrolled, no sir.
Q Recognition to citizenship would mean that they had in some manner recognized her right as a citizen. Of course the recognition by people living there does not recognize her as a citizen of the tribe. A Yes sir, I see.
Q Is your name on any of the tribal rolls of the Choctaw Nation?
A No sir.
Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Have you in any manner been recognized by the Choctaw tribal authorities as a citizen of that Nation? A No sir.
Q Did you or any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No sir.
Q Have you ever prior to this time made any application to either the authorities of the Choctaw Nation or of the United States for either citizenship or enrollment in the Choctaw Nation? A No sir.
Q This is your first application of any description? A Yes sir.
Q You are now making application for identification as a

Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Mississippi Choctaw? A On account of when my mother's people were all recognized three years ago last summer they were enrolled as Mississippi Choctaws and the proof was made and at that time I was away, in 1896 I believe it was, visiting in Mississippi and did not know of the call.

Q You believe then that by reason of the fact that your mother's brothers were admitted to citizenship that you should be identified as a Mississippi Choctaw? A Yes sir.

Q They were admitted to citizenship by a judgment of the United States Court were they not? A They were recognized by the Bawes Commission subject to the Secretary of the Interior.

Q What were their names? A J. M. Hawkins. E. B. Hawkins R. H. Hawkins, M. S. Ragland and Nora Fair.

Q You claim your right to identification as a Mississippi Choctaw by virtue of the fact that certain relatives of yours have been admitted to citizenship by this Commission? A Yes sir.

Q When and where were they admitted? A Last summer, I think, at Partshorne.

Q They were enrolled? A Yes sir.

Q When was their status as citizens of the Choctaw Nation first established? A I don't believe I know just when.

Q Miss Miller, the records of the Commission show that under the act of Congress of June 10th, 1896, there was filed with this Commission an original application for citizenship in the Choctaw Nation by R. H. Hawkins et al Docket C 1896 Citizenship Cases, page 270, Choctaw case No. 421, and the Choctaw Nation filed an answer to that application. The Commission after considering the evidence offered therein on December 2nd, 1896, denied the applicants' right to citizenship in the Choctaw Nation. After that, the applicants appealed their case to the United States Court for the Central District of the Indian Territory and that court reversed the decision of this Commission and admitted to citizenship in the Choctaw Nation forty eight people including the parties whom you have just stated to be on the Choctaw rolls. Now I will have to ask you if you were a party to the original application made in this case? A No sir, I was away at the time and did not know of it.

Q Your name was not included in the judgment of the United States Court? A No sir.

Q The status of these people - the applicants in this case - was never established until the rendering of the judgment of that court. They had never been in any way recognized or enrolled as citizens of the Choctaw Nation until that time, had they? A No sir, I think not.

Q You now claim your identification as a Mississippi Choctaw and make that claim to identification by reason of the fact that these parties were admitted to citizenship in the Choctaw Nation by judgment of the United States Court? A Yes sir.

Q Do you make any claim by virtue of any of the treaties entered into between the United States and the Choctaw tribes of Indians? A I don't know anything about that.

Q Did you ever hear of the treaty of Dancing Rabbit Creek made between the United States and the Choctaw Nation in 1830? A If I ever heard of it I have forgotten about it.

Q Do you make any claim under the fourteenth article of that treaty? A I don't know about that.

Q Did you or any of your ancestors ever take advantage of the fourteenth article of the treaty of 1830? A I don't know, I have

Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.

Q Do you claim under the fifteenth article of that treaty?

A I don't know what that is.

Q Do you claim under the nineteenth article? A I don't know.

Q Do you make any claim under the supplement to the treaty of 1830? A I don't know anything about that.

Q Are you married? A No sir.

- Q Have you ever been married? A No sir.
- Q You are making this claim solely on your own behalf? A Yes sir.
- Q You stated that you have lived in the Indian Territory for the past three years? A Yes sir, except when I was teaching.
- Q Where did you live prior to that time? A Arkansas.
- Q How long did you live in Arkansas? A Five years. We have been away from Mississippi eight years.
- Q Where did you live prior to your residence in Arkansas? A Mississippi.
- Q How long did you live in Mississippi? A All my life.
- Q You were born in Mississippi? A Yes sir.
- Q Which one of your ancestors was recognized by the Choctaws in Mississippi as a citizen of that tribe and was living there at the time the treaty was entered into between the Choctaw Indians and the United States in 1830? A I suppose my great grand father.
- Q What was his name? A Samuel Hawkins. He was half Choctaw and at the time you mention I suppose he was living.
- Q Did he receive any land in Mississippi as a beneficiary under the fourteenth article of the treaty of 1830? A Not that I know of.
- Q Did he remove from Mississippi to the Indian Territory when the Indians were removed therefrom under the treaty of 1830? A No sir.
- Q He remained in Mississippi? A Yes sir.
- Q Have you any evidence of the fact that he was a recognized citizen of the Choctaw Nation? A No sir. I don't know that he was enrolled. He was recognized though.
- Q Is there any additional statement that you desire to make at this time in support of your application? A I believe I told you the reason my name was omitted. I was away and did not know of the call of the Commission.
- Q Any other statement you want to make? A I cant think of any just now. I taught an Indian school in the Choctaw Nation, one year. How I happened to make my home in the Indian Territory is that I live with my uncle. I taught one national school in the Choctaw Nation and will teach another Indian school this coming year in the Choctaw Nation.
- Q Is there any documentary evidence in the way of affidavits or statements, that you desire to file at this time in support of your application? A Yes sir.

The affidavit of G. P. Dunlap offered in evidence, marked exhibit A, identified as such and made a part of the record in this case.

- Q Is there any additional evidence that you want to file with the Commission? A Not with me.
- Q Will you want to file any at a future time? A I would like to get up a couple of affidavits I suppose.

Permission granted the applicant to file additional written evidence in support of her application provided the same is filed within fifteen days from the date hereof.

The decision of the Commission as to your application will be mailed to you in writing in the near future to your present post office address.

A My address then will be Allen, Indian Territory.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above case on the 23rd day of August, 1900 and that the above and

Alice M. Miller 4

foregoing is a full, true and correct transcript of her stenographic notes in said cause.

Myra Young

Subscribed and sworn to before me this 4 day of Sept. 1900.

[Signature]
Acting Chairman.

Consolidated Cas

of
John C. Hawkins et al.

REFER TO M. O. R. 629

Samuel Hawkins (1/2)

Hansel Hawkins
wife
Susanna Hawkins
dead

mar
629

John C. Hawkins 47-1/16
wife

① Dorothy Ann Hawkins
dead

② Maudie Victoria Hawkins
- W.

mar
629

Mary Elnor Hawkins 20

" William B. " 3

" Vera " 1

Elena (or Elona) Hawkins 25

mar

N. W. Thompson

Asa Thompson 8

Walter " 5

Clarence " 2

Nannie M. Hawkins 22

mar
626

Alice M. Miller 33-1/16

Victoria Elizabeth Hawkins
mar

George W. Miller

+ E. B. Hawkins D274

+ R. H. Hawkins D278

+ Nannie S. Ragwell (or Ragland) D287
(see Hawkins)

+ Nora Fair D289
(dead) (see Hawkins)

James M. Hawkins D274
dead

+ Court Case #27, admitted to citizenship by U.S. Court.

Muskogee, Indian Territory, May 15, 1902.

Alice M. Miller,

Allen, Indian Territory.

Dear Madam:-

It appears from the records of the Commission to the Five Civilized Tribes that on August 23, 1900, you appeared before said Commission at Muskogee, Indian Territory, and there made personal application for the identification of yourself as a Mississippi Choctaw, and that at that time you testified that you derived your Choctaw blood from your mother, Victoria Elizabeth Miller, and you filed an ex parte affidavit in support of your said application; but you did not attempt to show which one of your ancestors resided in the old Choctaw Nation, in Mississippi and Alabama, in 1830, and complied or attempted to comply with the provisions of Article Fourteen of the Treaty of "Dancing Rabbit Creek."

The authority which empowers this Commission to determine applications for identification as Mississippi Choctaws is contained in the twenty-first section of the Act of Congress of June 25, 1900, (35 Stat., 495), and is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-

A. M. H., 2.

seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Article Fourteen herein referred to is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee-simple shall issue; said reservation shall include the present improvements of the head of the family or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they remove are not entitled to any portion of the Choctaw annuity."

In order that you may have an opportunity to introduce further testimony in behalf of your application for identification as a Mississippi Choctaw relative to your ancestors who may have been residents of the old Choctaw Nation, in Mississippi and Alabama, in 1830, and who complied or attempted to comply with the provisions

A. N. H., S.

of Article Fourteen of the Treaty of "Bowing Rabbit Creek", as above quoted, you are hereby granted thirty days from this date in which to appear in person before the Commission to the Five Civilized Tribes, at its office, in Muskogee, Indian Territory, and testify further as to these facts, or introduce witnesses in person who may be able to testify of their own knowledge of said facts. In the event that said witnesses are not residents of Indian Territory, or that they are incapacitated from appearing in person, by reason of old age or infirmity, their depositions will be considered, provided same are taken in accordance with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification at Mississippi Choctaw, a copy of which rules is herewith enclosed you.

Yours truly,

Acting Chairman

Enclosures:
Rules and Regulations.

Registered.

Department of the Interior.

Commissioner to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

4538

Alice M. Miller



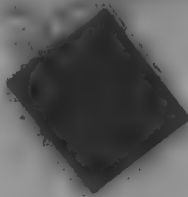
Allen

J. J.

REGISTERED
FEB 14 1908
M. J. ... T. ...

2nd Notice Nov 4 1902

Reg 669



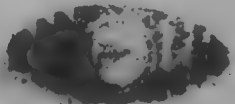
Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

3331
2096



Alice M. Miller,

South McAlester, Indian Territory.

Allen - I. T.

UNCLE SAM

~~... OF THE IN...~~
~~COMMISSION TO THE ...~~

~~FILED~~

SOUTH WALKER
NOV 7 1133AM
1902

REGISTERED
DEC 2 1902
MUSKOGEE, IND. TER.

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

ALLISON L. AVLESWORTH,
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 626

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 25, 1902.

Alice M. Miller, *Alson*
~~South McAlester~~, Indian Territory.

Dear Madam:

You are hereby advised that on the 25th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John C. Hawkins, et al., embracing the following applications for identification as Mississippi Choctaws:

John C. Hawkins, et al.,	M.C.R. 629
Alice M. Miller,	M.C.R. 626

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John C. Hawkins, Mary Elmer Hawkins, William B. Hawkins, Vera Hawkins and Alice M. Miller as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

A.M.M.-----2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

L. R. McQuinn

Commissioner in Charge.

Registered.

Department of the Interior.

Commissioner of the General Land Office,
Washington, D.C.

Receipt for ... \$100.

Alice M. Miller,
Allen, Indian Territory.



626

File

APR 7 1903
REC'D

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

F I L E D

APR 7 1903

APR 7 1903
REC'D

400013

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

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

REFER IN REPLY TO THE FOLLOWING
M.C.R. 626

ALLISON L. AYLEWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

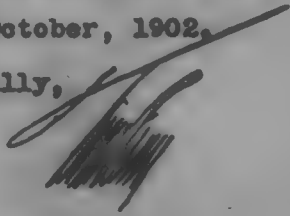
Muskogee, Indian Territory, February 21, 1903.

Alice M. Miller,
Allen, Indian Territory.

Dear Madam:

You are hereby notified that on the 7th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John C. Hawkins, et al., of which decision you were advised by registered mail on the 25th day of October, 1902.

Respectfully,



Chairman.

COPY

M.S.R. 623

Muskogee, Indian Territory, February 21, 1903.

Alice H. Miller,

Allen, Indian Territory.

Dear Madam:

You are hereby notified that on the 7th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John C. Hawkins, et al., of which decision you were advised by registered mail on the 25th day of October, 1902.

Respectfully,

SIGNED:

Jame Bixby.
Chairman.

Aug. 23rd, 1900.

1/16.

Alice M. Miller. 33.

So. Mo. Alaster, S. G.

Father: Geo. W. Miller ✓

Mother: Victoria E. Miller dead.

Claims through mother.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

125000

DECISION RENDERED. OCT 25 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 25 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 25 1902

RECORD FORWARDED DEPARTMENT.

NOV 11 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

FEB 7 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

FEB 21 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

FEB 21 1903

REFER TO M. C. R.

CHOC MCR 627 Burrell F. McLendon

MCR 627

Surrell F. Mc...
J. al.

... written Feb. 2-- 1901. H. H.

DECISION RENDERED MAR 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT APR -6 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. APR -6 1904

RECORD FORWARDED DEPARTMENT.
APR 22 1904

*Apr 16, 1906, Transferred to and listed
on Choctaw Card No. 5948. See letter
of Department, Apr. 6, 1906. (I.T.D. 6072-
1904.)*

4/6/06

choc MCR 628 Beulah m. Hacker

MCR 628

U.S. DEPARTMENT OF THE INTERIOR
A MISSISSIPPI CHOCTAW

Beulah M. Nacker et al

REFUSED.

DECISION RENDERED MAY 28 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 29 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 29 1902

RECORD FORWARDED DEPARTMENT.

MAY 29 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 7 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

AUG 13 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

AUG 13 1902

Beulah M. Nacker et al

Department of the Interior,
Commission to the Five Civilized Tribes,
 Muskogee, August, 23d, 1900.

+*+*+*+*+*

In the matter of the application for identification as a Mississippi Choctaw of Beulah M. Hacker and her four minor children.

Beulah M. Hacker being first duly sworn before Acting Chairman Birby, testified as follows:

Examination by the Commission:

- Q. What is your name? A. Beulah M. Hacker.
- Q. What is your age? A. 30 years old.
- Q. What is your post office address? A. South McAlester, I. T.,
- Q. Do you live at South McAlester? A. Two miles from there.
- Q. How long have you lived in the Muskogee Choctaw Nation? A. Three years.
- Q. Have you maintained a residence in the Indian Territory continuously for the past three years? A. Yes sir.
- Q. You have not been outside of the Territory during that time? A. No sir.
- Q. How much Choctaw blood do you claim? A. 1/16
- Q. What is your father's name? A. Joseph H. Swain.
- Q. Is he living? A. No sir.
- Q. What is your mother's name? A. Elizabeth Swain.
- Q. Is she living? A. No sir.
- Q. Through which one of your parents do you claim your Choctaw blood? A. Through my father.
- Q. Is his name upon any of the tribal rolls of the Choctaw Nation? A. No sir.
- Q. Did he ever make application to the tribal authorities of the Choctaw Nation, for citizenship in that Nation? A. No sir.
- Q. Has he ever been recognized in any manner as a citizen of that Nation? A. No sir.
- Q. When did he die? A. Two years ago.
- Q. Did he make application in 1898 to this Commission for citizenship in the Choctaw Nation? A. No sir.
- Q. Is your name on the tribal rolls of the Choctaw Nation? A. No sir.
- Q. Never made application? A. No sir.
- Q. Have you ever been recognized by the tribal authorities of the Choctaw Nation as a citizen of that Nation? A. No sir.
- Q. Did you or any one on your behalf make application to this Commission in the year 1898 for citizenship in the Choctaw Nation? A. I don't know.
- Q. You would know whether you did or not? A. I didn't.
- Q. Did you authorize any one to make an application for you before this Commission in 1898? A. No sir.
- Q. You are now making application for identification as a Mississippi Choctaw? A. Yes sir.
- Q. Why do you believe that you are entitled to be identified by this Commission as a Mississippi Choctaw? A. My grandfather was a Mississippi Choctaw.
- Q. And you believe that because he was that you are entitled to be identified by this Commission? A. Yes sir.
- Q. Do you make any claim by reason of the treaties entered into between the United States and the Choctaw tribe of Indians? A. I don't know sir.
- Q. Have you ever heard of the treaty of 1830? A. No sir.
- Q. You do not know one single provision of it? A. No sir.
- Q. Then you make no claim under the treaty of 1830? A. I don't know.
- Q. Do you claim under the 14th Article of the treaty of 1830? A. No sir.
- Q. Did you or any of your ancestors ever take advantage of the 14th Article of the treaty of 1830? A. No sir I reckon not.
- Q. Did you or your ancestors ever receive or claim any lands in the State of Mississippi under the provisions of the treaty of 1830? A. Yes sir.

- Q. Have you any evidence of that fact, and as to how your ancestors came into possession of lands in the State of Mississippi? A. No sir.
- Q. How do you know that your ancestors received land under the 14th Article of the treaty of 1830? A. Have heard Pa talking about it.
- Q. And he claimed that they received land in the State of Mississippi as beneficiaries under the treaty of 1830 and 14th article thereof? A. Yes sir.
- Q. Did your father ever show you any evidence of the fact that your ancestors had land in the State of Mississippi? A. No sir.
- Q. Have you the original or a certified copy of the patent which was given to your ancestors with the land they received in the State of Mississippi? A. No sir.
- Q. Do you make any claim under the 15th Article of the treaty of 1830? A. No sir.
- Q. Do you make any claim under the 19th article of that treaty? A. No sir; I don't know.
- Q. Do you make any claim under the Supplement of the treaty? A. I don't know.
- Q. Are you married? A. Yes sir.
- Q. Where were you married? A. In Texas.
- Q. What town in Texas? A. Garden Valley.
- Q. When were you married? A. I have been married 14 years.
- Q. What is your husband's name? A. William H. Hacker.
- Q. Is he living? A. Yes sir.
- Q. You don't make any claim for him? A. No sir.
- Q. Have you any evidence of your marriage to William H. Hacker with you at this time? A. No sir.
- Q. Is he a white man? A. Yes sir.
- Q. Have you any children? A. Yes sir.
- Q. Any of them under 21 years and minors? A. Yes sir.
- Q. Are you here to make application for those children also?
- Q. What degree of Choctaw blood do you claim for them? A. I don't know what degree they have.
- Q. Do they have the same Indian blood as you have? A. Yes sir.
- Q. What are their names and ages? A. Ida Agnes age 11; Eliza Delilah age 8; Jodie Erar age 6 and Otto Fredrich age 4 years.
- Q. You are the mother of all these children? A. Yes sir.
- Q. Is William H. Hacker the father of all these children? A. Yes sir.
- Q. Are they all living with you at your home? A. Yes sir.
- Q. You are their natural guardian and protector? A. Yes sir.
- Q. Where did you live prior to the time you lived in ~~the~~ the Territory? A. In Texas.
- Q. How long did you live in Texas? A. All my life up to the time I came to the Territory?
- Q. Were you born in Texas? A. Yes sir.
- Q. And lived there until the time you came to the Territory.
- Q. Which of your ancestors ever lived in the State of Mississippi? A. I could not say which ones ever lived there except one.
- Q. Then you know of one who lived there? A. Yes sir.
- Q. Which one lived in Mississippi and was recognized by the Choctaw tribal authorities as a citizen of the Choctaw tribe when the treaty of 1830 was entered into between the United States and the Choctaw Nation. A. Obedia Gatto.
- Q. He was a recognized Choctaw at that time? A. He was.
- Q. In the year 1830? A. I don't know about that.
- Q. When did he die? A. I don't know.
- Q. Did he remove from the State of Mississippi to the present Indian Territory when the Choctaw Indians came to their present home from Mississippi? A. I don't know.
- Q. Did he receive any lands in the Choctaw country in Mississippi, in consideration of his not having moved removed to the Indian Territory? A. I don't know.
- Q. Is there any additional statement that you desire to make at this time to the Commission in support of your application? A. No sir.
- Q. Is there any written evidence that you desire to submit to them

Samuel H. Hacker, J.

Commission at this time for its consideration in this case? A. Yes sir.

The written application of this applicant offered in evidence, marked exhibit "A", identified as such, filed, and made a part of this record in this case.

Q. Do you desire to rest your case upon the oral testimony that you have given at this time? A. I do.

The decision of the Commission as to your application and the application which you make on behalf of your four minor children for identification as Mississippi Choctaws will be mailed to you in the near future at your present post office address.

Chas. von Weise having been 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 25th day of August, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Chas von Weise

Subscribed and sworn to before me this the 11 day of Sept 1900.

[Signature]
Acting Chairman.

4/18
C. H. W. O. B.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Elizabeth M. Hatcher,
for the identification of herself and her four minor
children, Ida Agnes, Eliza Bellish, Fannie Hatcher and Otto
Frederick Hatcher, as Mississippi Choctaws-- H.C.R. 620

----- DECISION -----

It appears from the record herein that an application
for identification as Mississippi Choctaws, was made to this Com-
mission by Elizabeth M. Hatcher for herself and her four minor children
Ida Agnes, Eliza Bellish, Fannie Hatcher and Otto Frederick, under the
following provision of the act of Congress, approved June 26, 1890
(22 Stat. 401):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may
administer oaths, examine witnesses and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September

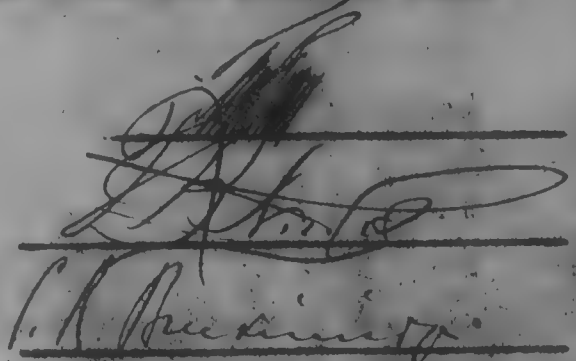
twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Obedia Satts, who is alleged to have been a Choctaw Indian and to have resided in Mississippi in 1830.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that no one of said applicants 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 or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321.)

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Obedia Satts, or any of the applicants herein, signified, (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 133) and August 20, 1842 (5 Stats. 513). Neither does it appear from the records of this Commission that there are affiliated with this case any other persons claiming descent or any rights as Choctaw Indians through Obedia Satts, the alleged ancestor of the principal applicant herein.

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Beniah H. Hasker, Ida Agnes Hasker, Elga Delilah Hasker, Jodie Burr Hasker and Otto Frederick Hasker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES



Two handwritten signatures are present, each written over a horizontal line. The top signature is more stylized and difficult to read, while the bottom signature appears to be 'C. H. ...'.

Commissioners

Washington, Indian Territory

MAY 28 1902

COPY.

M O R 028

Muskogee, Indian Territory, May 28, 1902.

Beulah M. Hacker,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that on the 28th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Beulah M. Hacker, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 20, 1896, (30 Stat., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Beulah M. Hacker, Ida Agnes Hacker, Riga Delilah Hacker, Jessie Exer Hacker and Otto Frederick Hacker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

3 11 1902

COPY.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

COM

Muskogee, Indian Territory, May 30, 1902.

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

Gentlemen:

You are hereby advised that on the 28th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Beulah W. Hacker, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 24, 1898, (30 Stat., 405) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concluded as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Beulah W. Hacker, Ida Agnes Hacker, Elga Delilah Hacker, Fodie Exer Hacker and Otis Frederick Hacker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

COPY.

M. MOK & [unclear]

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

RECEIVED
MAY 10 1900
U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RECEIVED
MAY 10 1900
U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

COPY.

Muskogee, Indian Territory, May 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Beulah M. Hacker, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 28th, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

(Copy)

Land
32839--1902.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS,

Washington, July 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report dated May 29, 1902 from G. R. Breckinridge, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, transmitting for the Department's consideration the record relative to the application of Beulah M. Hacker for the identification of herself and her minor children, Ida Agnes, Elga Delilah, Jodie Eror and Ottie Frederick Hacker, as Mississippi Choctaws claiming rights in the Choctaw lands under and in accordance with the provisions of the 14th article of the treaty of 1830.

The principal applicant attempts to trace descent from Obedia Catto, an alleged Choctaw Indian, by the affidavit of Beulah Hacker nee Swain it is attempted to be shown that said Obedia Catto was duly and regularly married; that a daughter was born as the issue of said marriage who was a full-blood Choctaw Indian; that she married one James Swain father of said principal

applicant who married Elizabeth Tunnell mother of said principal applicant.

May 28, 1902 the Commission held that the parties above named were not entitled to identification as Mississippi Choctaws. A careful search of the records of this office relative to the person who complied or attempted to comply with the 14th article of the treaty of 1830 has been made and no record has been found that Obedia Catto - Swain (first name not given) J. H. Swain or Elizabeth Swain nee Tunnell complied or attempted to comply with the provisions of said article, or that either of them applied to the Commission appointed under the provisions of the Acts of March 3, 1837 and August 23, 1842 for an adjudication of their rights. This being true the decision of the Commission is correct, should be approved and the office so recommends.

Very respectfully,

Your obedient servant,

A. C. Tanner,

Acting Commissioner.

C. A. N. (H.)

D.C. 12728

45739

J. V. H.
CMB

I.T.D. 4487-1902
L. R. S.

DEPARTMENT OF THE INTERIOR.
Washington. August 1, 1902.

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

Gentlemen:

The Department has considered the record in the matter of the application of Beulah M. Hacker for the identification of herself and her four minor children, Ida Agnes, Elga Delilah, Jodie Exer, and Otto Frederick Hacker, as Mississippi Choctaws. You rendered your decision May 28, 1902, refusing to enroll the applicants.

The principal applicant attempts to trace descent from Obedia Catto, an alleged Choctaw Indian, whose daughter (not named) married one James Swain. From this marriage was born J. H. Swain, who married Elizabeth Tunnell, and they were the parents of the principal applicant.

The whole record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation, or that the alleged ancestors, above named, ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the Acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 615).

-2-

The Acting Commissioner of Indian Affairs forwarded your decision of July 24, 1902, recommending that the same be approved.

The Department, upon careful review of the whole case, approves your action, and your decision is affirmed.

Copy of the report of the Acting Commissioner is inclosed.

Respectfully,

Thos. Ryan

Acting Secretary.

B.K.D.

inclosure.

COPY.

M.C.R. 628

Muskogee, Indian Territory, August 13, 1902.

Beulah M. Hacker,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that on the 1st day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Beulah M. Hacker, et al., of which decision you were duly advised by registered mail on the 29th day of May, 1902.

Yours truly,

SIGNED

Acting Chairman.

COPY. M.C.R. 628

Mustogee, Indian Territory, August 13, 1902.

Mansfield, McMurrey & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

Sojth McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Beulah M. Hacker, et al., of which decision you were duly advised by mail on the 29th day of May, 1902.

Yours truly,

(SIGNED)

Acting Chairman.

Huskogee, Indian Territory, August 13, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations;

Sojth McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Beulah M. Hecker, et al., of which decision you were duly advised by mail on the 29th day of May, 1902.

Yours truly,

(SIGNED)

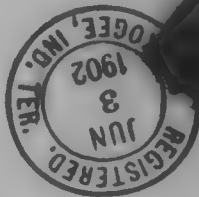
Acting Chairman.

OR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

Edith M. Nicker Etal

628

Reg 19



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

2264

3947



UNCLAIMED.

Beulah M. Hacker

~~*South M. Alister,*~~

Muskogee

S.S.

628

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

FILED
JUL 10 1902

[Signature]
ACTING CHAIRMAN

WHEELING, W. VA.
JUN 4 9 30 AM
1902

SOUTH WHEELING, W. VA.
JUN 4 9 30 AM
1902

WHEELING, W. VA.
JUN 4 1902

WHEELING, W. VA.
JUN 7 1902

Handwritten initials

COMMISSIONERS.
HENRY L. DAWES.
JAMES BIRBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

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

REFER IN REPLY TO THE FOLLOWING
M O R 628

ALLISON I. AYLESWORTH
SECRETARY

ADDRESSES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 29, 1902.

Beulah M. Hacker,
South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that on the 28th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Beulah M. Hacker, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Beulah M. Hacker, Ida Agnes Hacker, Elga Delilah Hacker, Jodie Exer Hacker and Otto Frederick Hacker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

B M H—2

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

C. R. McQuinn

Commissioner in Charge.

Registered.

N O R 62
N O R 250
Chee-D- 226

McMangoe, Indian Territory, August 9, 1908.

J.S. Stigler,

Stigler, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th inst., in which you desire to be informed if W.E. Macker or his children are enrolled as citizens of the Choctaw Nation. You also ask information concerning J.R. Smith's application as a Mississippi Choctaw.

In reply, you are informed that the records of the Commission show that Beulah H. Macker, residence South McAlester, Indian Territory, wife of William H. Macker, is an applicant for the identification of herself and her minor children, Ida Agnes, Hilda Bellah, Jodie Mae and Otto F. Macker, as Mississippi Choctaws; and that James R. Smith, residence Eden Bridge, Indian Territory, is also an applicant for the identification of himself and his minor children, Lee, Edna, Elsie, Annetta, Edna and James Richard Leonard Smith as Mississippi Choctaws.

No decision has been reached nor opinion rendered.

2 2 2

relative to the right of these persons to be identified as
Mississippi Sharecroppers. Their protest stated in that of applicants
whose right to identification as Mississippi Sharecroppers has in no
manner been determined.

Yours truly,

Acting Chairman.

Miss. Choctaw R 626

Muskogee, Indian Territory, September 25, 1902.

W. E. Hacker,

Stigler, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 21, asking why the application of your wife, Beulah M. Hacker, was rejected, and stating that you might possibly be able to secure the necessary proof to support her claim. You also ask, if her application is denied, whether you could sell your place on time and be safe in getting your money.

We can render you no further information in regard to this matter than to advise you that the Commission has refused the application for identification as a Mississippi Choctaw of Beulah M. Hacker, and the Secretary of the Interior having, on August 1, 1902, affirmed the decision of the Commission, the Commission considers the case closed. Your wife's application having been denied, she is not entitled in any manner to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, December 19, 1902.

W. E. Hooker,

Stigler, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, addressed to the United States Indian Agent, and by him referred to this Commission for consideration and appropriate action. Therein you make certain statements concerning your wife's Choctaw descent, and ask if you will be allowed to prove her right.

In reply, you are informed that the Commission has addressed you several communications, advising you that the Secretary of the Interior, on August 1, 1902 approved the decision of this Commission refusing the application made by your wife for the identification of herself and her minor children as Mississippi Choctaws.

The Commission considers this case closed, and cannot receive or consider further evidence therein.

Respectfully,

Commissioner in Charge.

Aug. 23, 1900.

1/6

Beulah M. Hacker.

30.

So. Me. Alister, I. O.

FATHER: Joseph H. Swain - dead

MOTHER: Elizabeth Swain - dead

Alarms through father.

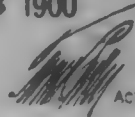
HUSBAND: William E. Hacker

Children:

Ida Agnes Hacker	11
Elga Belinda "	" 8.
Joclie Ozer. "	" 6.
Otto Frederick "	" 4

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 23 1900



ACTING CHAIRMAN.

MCR 629 John C. Hawkins

MCR 629

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T. August, 23rd, 1900.

In the matter of the application for identification as a Mississippi Choctaw, of John C. Hawkins, and of his three minor children.

John C. Hawkins being first duly sworn by Acting Chairman Binby testified as follows:

By the Commission:

- Q. What is your name? A. John C. Hawkins.
Q. What is your age? A. 47.
Q. What is your post office? A. LaFlere, Choctaw Nation, Indian Territory.
Q. Do you live there? A. Yes sir.
Q. How long have you lived there? ~~SIX WEEKS~~. A. Six weeks.
Q. Then you have only maintained a residence in the Indian Territory for the past six weeks? A. Yes sir.
Q. How much Choctaw blood do you claim? A. I dont know how much
as I dont know how to calculate the blood.
Q. About how much? A. Not more than 1/16
Q. What is your father's name? A. Samuel Hawkins.
Q. Is he living? A. No sir.
Q. What is your mother's name? A. Susanna Hawkins.
Q. Is she living? A. No sir.
Q. Through which one of your parents do you claim your Choctaw blood?
A. Through my father.
Q. Is his name on the tribal roll of the Choctaw Nation? A. No sir.
Q. Did he ever make application to the tribal authorities of the Choctaw Nation as a citizen of the Nation? A. I dont know.
Q. Was he recognized in any manner as a citizen? A. I am not positive.
Q. When did he die? A. In 1887.
Q. Is your name upon any of the tribal rolls of the Choctaw Nation?
A. No sir.
Q. Did you ever make application to the tribal authorities of the Choctaw Nation as a citizen of that Nation? A. No sir.
Q. Your name is not on the rolls of the Choctaw Nation? A. No sir.
Q. Did you make application to this Commission in the year 1900 for citizenship in the Choctaw Nation? A. No sir.
Q. You now make application for identification as a Mississippi Choctaw? A. Yes sir.
Q. Why do you think that this Commission has the power to identify you as a Mississippi Choctaw? A. I thought that that was the business of the Commission.
Q. Is your brother ~~enrolled~~ on the rolls of the Choctaw Nation? A. Yes sir.
Q. How did your brothers become enrolled as citizens of the Choctaw Nation? A. Before the United States Court I believe.
Q. Is that the reason why you think that you ought to be identified as a Mississippi Choctaw by this Commission? A. Yes sir if they are entitled I am.
Q. Do you claim under the treaty of 1830? A. I suppose so.
Q. Did you take advantage of the provisions of that treaty? A. No sir.
Q. Do you claim under the 14th article of that treaty? A. I reckon so.
Q. Did you take advantage of the provisions of the 14th article?
A. No sir.
Q. Did you ever receive or claim any lands in the State of Mississippi as a beneficiary under the 14th article of that treaty? A. No sir.
Q. You stated that your brothers were enrolled as citizens of the Choctaw Nation ~~enrolled~~ were they so enrolled by this Commission?
A. I dont know whether they were enrolled by this Commission or not.
Q. You claim that you have brothers whose names are on the rolls of the Choctaw Nation? A. Yes sir.

John C. Hawkins 2.

Q. How did they become citizens of the Choctaw Nation? A. I dont know.

Q. Is it not a fact that they became citizens of the Choctaw Nation by reason of a decree of the United States Court? A. I believe that is the way.

Q. Is it the case of R. H. Hawkins vs. the Choctaw Nation? A. Yes sir.

Q. What are the names of your brothers? A. James M. Hawkins; E. B Hawkins; R. H. Hawkins; Nannie S. Ragwall and Nora Fair.

The records of the Commission examined, 1896 citizenship docket "C" page 270, Choctaw case #421, R. H. Hawkins et al. vs. Choctaw Nation, original application filed September, 27th 1896, answer of the Choctaw Nation filed thereto, and on December, 3d 1896 the Commission denied the application, and appeal was taken to the United States Court for the Central District of the Indian Territory, and that Court reversed the decision of this Commission and admitted to citizenship in the Choctaw Nation 46 people, including among others the names of R. H. Hawkins; E. B. Hawkins; Nora Fair and Nannie S. Ragwall.

Q. Were you a party to the original application made in 1896? A. No sir.

Q. This Commission never took action in your case? A. No sir.

Q. Was your name before this Commission at that time? A. Never was.

Q. Are you married? A. Yes sir.

Q. What is your wife's name? A. Mandia Victoria.

Q. Are you making any application for her? A. If she is entitled to I will.

Q. We are not saying whether she is entitled to make application; are you making any claim for her? A. No sir.

Q. Is she a white woman? A. Yes sir.

Q. Has no Indian blood? A. Not that I know of.

Q. Have you any children? A. Yes sir five.

Q. What are the names of your children under 21 and minors? A. Mary Elmer, age 20; William S. age 8 and Vera age one year.

Q. You are the father of all but three of these children? A. Yes sir.

Q. Who is the mother of Mary Elmer? A. My first wife, Bertha Ann.

Q. Is she living? A. No sir.

Q. Who is the mother of these last two children? A. My last wife.

Q. Are these children living with you at your home? A. Yes sir.

Q. You stated that you had lived in the Indian Territory for three weeks? A. Yes sir.

Q. Where did you live prior to that? A. In Arkansas.

Q. Where prior to that? A. In Mississippi.

Q. In Mississippi? A. Yes sir.

Q. Were you born there? A. Yes sir.

Q. Were you ever recognized by the Choctaw tribal authorities there? A. No sir.

Q. Which one of your ancestors was recognized by the Choctaw tribal authorities there? A. I dont know if the tribal authorities ever recognized them.

Q. Which one of your ancestors was living and recognized by the Choctaw tribal authorities in 1830. A. My grandfather and his brother was both recognized at that time.

Q. Your grandfather was a Choctaw Indian? A. Said to be.

Q. Was he ever enrolled as such by the Choctaw tribal authorities? A. I dont know whether or not he was. I think his brother David came to the Indian Territory when the Indians came.

Q. When did he come to the Territory? A. Way back there.

Q. What year? A. I dont know.

Q. What evidence have you that your ancestors were members of the Choctaw tribe and were living with them and recognized by them in the year 1830? A. I have nothing to go by but what I have heard.

Q. Is there any additional statement that you desire to make at this time? A. No sir.

Q. Is there any written evidence that you wish to submit to this

John A. Hartman J.

Commission for its consideration at this time? A. Yes sir.

The written and application of the applicant offered in evidenced marked exhibit "A", identified as such, filed, and made a part of this record in this case.

The decision of the Commission as to your application and the application which you make on behalf of your three minor children for identification as Mississippi Choctaws, will be mailed to you at your present postoffice address at some future date.

La Fiere, Indian Territory.

Chas. von Weise having been 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 23rd day of August, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Chas. von Weise

Subscribed and sworn to before me the 11 day of September 1900.


Acting Chairman.

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

In the matter of the application of John C. Hopkins, et al., for identification as Mississippi Choctaws, consolidating the applications of:

John C. Hopkins, et al., H.C.R. 680
Alice M. Miller, H.C.R. 682

CONTENTS

List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page occupied by each in said record.

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

In the matter of the application of Alice M. Miller for identification as a Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Alice M. Miller appeared before the Commission at Muskogee, Indian Territory, August 23, 1900, and there made application for identification as a Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 26, 1898, (Public - No. 162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make reports to the Secretary of the Interior."

After considering the application of the claimant, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of Alice M. Miller

as an Mississippi Cheataw, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Muskogee, Indian Territory.

Chas. C. W.

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

In the matter of the application of John C. Hawkins, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

John C. Hawkins, et al., M.C.R. 626
Alice M. Miller, M.C.R. 626

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

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by John C. Hawkins for himself and his three minor children, Mary
Ellen, William E., and Vera Hawkins, and by Alice M. Miller for her-
self, under the following provision of the act of Congress approved
June 30, 1890 (26 Stat., 490):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of one Samuel Hawkins who is alleged to have been a half-blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants 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, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 381). Applicants herein apparently base their right to identification upon the fact that some of their relatives have been admitted by judgment of the United States Court, Central District, Indian Territory, under the provisions of the act of Congress aforesaid (Choctaw citizenship case No. 421, R. H. Hawkins, et al., vs. Choctaw Nation, appealed from the decision of this Commission, refusing the application), but none of the applicants herein was a party to said proceeding nor a party to any application submitted under said act.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Samuel Hawkins, or ancestors line remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights there-

under to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1897 (5 Stats., 100) and August 23, 1942 (5 Stats., 812).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John C. Hawkins, Mary Elmer Hawkins, William E. Hawkins, Vera Hawkins and Alice K. Miller as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED.

Jams Bixby.

Acting Chairman.

SIGNED.

C. T. B. Needles.

Commissioner.

SIGNED.

C. R. Breckinridge.

Commissioner.

Okmulgee, Indian Territory,

OCT 25 1902

COPY.

M.O.R. 629

Muskogee, Indian Territory, October 25, 1902.

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

Gentlemen:

You are hereby advised that on the 25th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John C. Hawkins, et al., embracing the following applications for identification as Mississippi Choctaws:

John C. Hawkins, et al.,
Alice M. Miller,

M.C.R. 629
M.C.R. 629

These applications were made under the provision of the act of Congress of June 25, 1898, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John C. Hawkins, Mary Elmer Hawkins, William B. Hawkins, Vera Hawkins and Alice M. Miller as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that

M.C.R. 629

the applications for their identification as such should be refused, and it is so ordered."

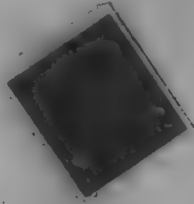
You are further advised that the principal applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Dixby.
Acting Chairman.

*Returned
to
Winter Reg No. 4*



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

*3403
2134*

Reg

*P.M.
Leflore
Ind.*

John C. Hawkins,

Leflore, Indian Territory.

REGISTERED TRADES.

FILED

JAN 9 1903



ACTING CHAIRMAN

REGISTERED
JAN 4 1903
MUSKOGEE, IND. TER.

ND

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

M.C.R. 629

ALLISON L. AYLESWORTH,
SECRETARY.

Muskogee, Indian Territory, October 25, 1902.

John C. Hawkins,
Leflore, Indian Territory.

Dear Sir:

You are hereby advised that on the 25th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John C. Hawkins, et al., embracing the following applications for identification as Mississippi Choctaws:

John C. Hawkins, et al., M.C.R. 629
Alice M. Miller, M.C.R. 626

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

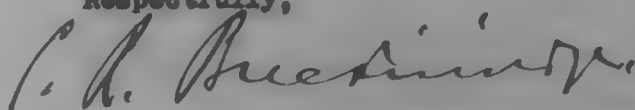
Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John C. Hawkins, Mary Elmer Hawkins, William B. Hawkins, Vera Hawkins and Alice M. Miller as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

J.C.H.---2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

A handwritten signature in cursive script, appearing to read "C. H. Brewster".

Commissioner in Charge.
~~Acting Chairman.~~

Registered.

COPY.

Muskogee, Indian Territory, November 11, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of John C. Hawkins, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 25, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

John C. Hawkins, et al.,	M.C.R. 629
Alice H. Miller,	M.C.R. 626

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED:

James Dixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

1 enclosure, M. C. R. 629

(COPY)

Refer in reply to
the following:
Land.
66309-1902

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, Jan. 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, for your consideration, the record in the matter of the consolidated application of John C. Hawkins for himself and his three minor children, Mary Elner, William B., and Vera Hawkins, Alice M. Miller for herself, for identification as Mississippi Choctaw Indians, wherein an adverse decision was rendered by the Commission to the Five Civilized Tribes, October 25, 1902.

The testimony in the case shows that the applicants base their claims to identification on their descent from Samuel Hawkins, their common ancestor, whom it is alleged was a member of the Choctaw tribe of Indians in Mississippi in 1830, through Hansel Hawkins, father of John C. Hawkins and Victoria Elizabeth Hawkins (nee Miller) mother of Alice M. Miller.

The Commission rejected the applicants because it did not appear from its records that the ancestors claimed under, by the applicants complied or attempted to comply with the provisions of the 14th Article of the treaty of 1830.

An examination of the records of this office discloses the fact that the names of Samuel Hawkins, Hansel Hawkins or Victoria Elizabeth Hawkins (nee Miller) do not appear among the names of those Choctaw Indians who complied or attempted to

comply with the provisions of the 14th Article of the Choctaw treaty of 1830, neither does appear that they applied to the Commissions appointed under Acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if they had any, as Choctaw Indians.

This being the case, it is evident that the decision of the Commission rejecting the applicants is correct, and this office concurs in that finding and recommends its approval.

Very respectfully,

W. A. JONES,

Commissioner.

G. T. C.

L.

D.C. No. 4327-1903.

(COPY)

J.V.H.

DEPARTMENT OF THE INTERIOR.

RAF.

Washington.

ITD.480-1903.

February 7, 1903.

L R S

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 11, 1902, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws, of John C. Hawkins and his minor children, Mary Elmer, William B. and Vera Hawkins; and of Alice M. Miller.

It appears that John C. Hawkins is a son of Hansel Hawkins, who was a son of Samuel Hawkins, who is alleged to have been a half blood Choctaw Indian; and that Alice M. Miller is a daughter of Victoria E. Miller, who is a daughter of Hansel Hawkins above mentioned.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Samuel Hawkins or a less remote ancestor of the applicants complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1857 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application October 25, 1902.

Forwarding the papers January 16, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department has carefully reviewed the whole record in the case and hereby affirms your decision.

Respectfully,

(Signed)

Thos. Ryan,
Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

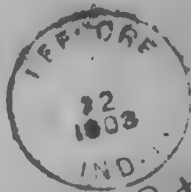
You are hereby notified that on the 7th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John C. Hawkins, et al., of which decision you were advised by mail on the 25th day of October, 1902.

Respectfully,

SIGNED:

James Bixby.

Chairman.



Returned to writer



Department of the Interior.

Office of the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for postage, \$300.

John C. Hawkins,

Le Flore, Indian Territory.

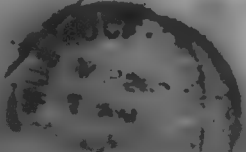
629

File



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 2 1908

[Handwritten signature]



W 03

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
M.C.R. 629

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

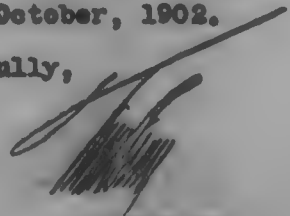
Muskogee, Indian Territory, February 21, 1903.

John C. Hawkins,
Le Flore, Indian Territory.

Dear Sir:

You are hereby notified that on the 7th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John C. Hawkins, et al., of which decision you were advised by registered mail on the 25th day of October, 1902.

Respectfully,



Chairman.

Aug. 23rd. 1920.

1/6

John B. Hawkins. 47.

Le Flore, Ind. Ter.
Curtaw Nation.

FATHER: Hansel Hawkins - dead

MOTHER: Susan Hawkins - dead.

Claims through father.

WIFE: Mandy Victoria Hawkins,

Mary Elmer Hawkins 20

Wm. B. " 3

Vera " 1

MOTHER:

Horothy A. Hawkins, dead

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW,

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

FILED
AUG 23 1900


ACTING CHAIRMAN.

OCT 25 1902

OCT 25

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 25 1902

RECORD FORWARDED DEPARTMENT.

NOV 11 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

NOV 7 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

FEB 21 1903

NOTICE OF DEPARTMENTAL ACTION

FEB 21

choc mcr 630 william A. Baxter

see mcr 632-633-631-634-635

mcr 630

FOR IDENTIFICATION
A MISSISSIPPI CHOCTAW R. 630

William A. Baxter, et al.

REFUSED

DECISION RENDERED JUL 24 1902

NOTICE OF DECISION MAILED APPLICANT,
JUL 24 1902

RECORD FORWARDED DEPARTMENT,
JUL 24 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS,
JUL 24 1902

ACTION APPROVED BY SECRETARY OF INTERIOR
AUG 25 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT,
SEP 5 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS,
SEP 5 1902

REFER TO M. C. R. 632-633-634-635

Department of the Interior,
Commission to the Five Civilized Tribes,
August, 25rd, 1900.

In the matter of the application for identification as a Mississippi Choctaw of William A. Baxter.

William A. Baxter being first duly sworn by Acting Chairman Dixby, testified as follows:

Examination by the Commission:

- Q. What is your name? A. William A. Baxter.
- Q. What is your age? A. 65.
- Q. What is your post office address? A. Okmulgee, I. T.
- Q. What Nation? A. Creek Nation Indian Territory.
- Q. Do you live at Okmulgee? A. Ten miles the other side.
- Q. In the Creek Nation? A. Yes sir.
- Q. How long have you lived in the Indian Territory? A. Since 1883.
- Q. Have you lived all that time in the Creek Nation? A. No sir I lived in the Chickasaw Nation and in the Pett Country part of the time.
- Q. Have you been outside of the Territory in the last three years? A. Yes sir, in Texas and Oklahoma.
- Q. How much Choctaw blood do you claim? A. 1/8
- Q. What is your father's name? A. Alexandre Baxter.
- Q. Is he living? A. No sir.
- Q. What is your mother's name? A. Sallie Baxter.
- Q. Is she living? A. No sir.
- Q. Through which one do you claim your Choctaw blood? A. Through my mother.
- Q. Is your mother's name upon any of the tribal rolls of the Choctaw Nation? A. I cannot tell you.
- Q. Did she ever make application to the tribal authorities of the Choctaw Nation for citizenship? A. No sir.
- Q. Is she recognized in any way as a citizen of the Choctaw Nation by the tribal authorities thereof? A. No sir.
- Q. Is your name upon any of the tribal rolls of the Choctaw Nation? A. No sir.
- Q. Did you ever make application to the tribal authorities of the Choctaw Nation for citizenship in said Nation? A. No sir.
- Q. Have you ever been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that Nation? A. No sir.
- Q. Did you or any one in your behalf make application to this Commission in 1896 for my citizenship in the Choctaw Nation? A. No sir.
- Q. Have you prior to this time ever made application for citizenship or enrollment in the Choctaw Nation? A. No sir this is my first application.
- Q. The first application you ever made? A. Yes sir.
- Q. You now make application for identification as a Mississippi Choctaw? A. Yes sir.
- Q. Why do you suppose that you are entitled to be identified by this Commission as a Mississippi Choctaw? A. From what my ancestors tell me.
- Q. Through which one of your ancestors do you claim this right to be identified? A. Though my mother.
- Q. Was she living in 1830, in Mississippi? A. No sir.
- Q. Which one of your ancestors was living in Mississippi at that time? A. My grandfather was.
- Q. And was recognized by the tribal authorities of the Choctaw tribe as a Choctaw Indian at the time the treaty was made between the United States and the Choctaw Indians? A. That is what they tell me.
- Q. What was your grandfather's name? A. Jonathan Baxter.
- Q. Did he receive any lands in the State of Mississippi? A. I don't know.

Wm. A. Baxter, 2.

- Q. You are only making claim to identification by reason of the fact that you have Choctaw blood in your veins? A. Yes sir.
- Q. Do you make any claim through any treaties? A. I dont know.
- Q. Did you ever hear of the treaty of 1830? A. Yes sir.
- Q. Have you ever read it? A. I have read all of them, but don't remember them.
- Q. You do not know what provision of the treaty of 1830 is applicable to you? A. I dont know that I do. *
- Q. Do you claim under the 14th article of that treaty? A. I dont know that I know what that 14th article is.
- Q. Do you know of, or have you ever read a single line of law that empowers this Commission to identify Mississippi Choctaws? A. No sir.
- Q. Did any of your ancestors take advantage of the 14th article of the treaty of 1830? A. Not that I know of.
- Q. Do you claim under the 15th article of that treaty? A. Not that I know of.
- Q. Do you wish to make any claim under the 16th article? A. Cannot tell you.
- Q. Do you claim under the Supplement? A. I dont know.
- Q. Is your wife living? A. No sir.
- Q. Have you any children? A. Yes sir.
- Q. Under twentyone years of age and minors? A. No sir.
- Q. In your former testimony you stated that you had lived in the Territory since 1868, have you lived here continuously all that time? A. Yes sir except two years in the Pott country.
- Q. Where did you live prior to coming to the Indian Territory? A. In Texas.
- Q. Where did you live prior to that? A. In Missouri.
- Q. Did you ever live in Mississippi? A. No sir.
- Q. Where were you born? A. Missouri.
- Q. Which one of your ancestors lived in Mississippi? A. My grand-father lived there.
- Q. Have you any evidence that Jehnathan Bowler ever lived in Mississippi and was recognized by the Choctaw tribal authorities when the treaty of 1830 with the United States was made? A. I dont know whether he was living there then or not.
- Q. Have you any additional evidence that you desire to submit to the Commission at this time? A. No sir.
- Q. Have you any written evidence that you desire to offer? A. Not now. I will have some to send in I think.
- Q. How much time do you desire to have to send it in? A. I dont know exactly how much.

Permission is given applicant herein to file additional written papers in support of his application and all proper papers affidavits etc. will be received by the Commission and filed if they are received within fifteen days from this date.

The written application of applicant Wm. A. Baxter offered in evidence marked exhibit "A", identified as such, filed and made a part of the record in this case.

The decision of the Commission as to your application for identification as a Mississippi Choctaw, will be mailed to you in writing in the near future to your present post-office address.

Chas. von Weizsäcker, 2nd day 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 23rd day of August, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, of said proceedings on said date.

Chas von Weizsäcker

Subscribed and sworn to before me this 11th day of September, 1900.

Chairman.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William A. Baxter, et al., for identification as Mississippi Choctaws, consolidating the applications of -

William A. Baxter,	M C R 630
Ella H. Hilburn, et al.,	" 632
Price Baxter, et al.,	" 633
Bettie Hewitt, et al.,	" 631
Samuel D. Baxter,	" 634
William Baxter,	" 635

List of the papers forwarded to the Secretary of the Interior, comprising the record in the consolidated case of William A. Baxter, et al., for identification as Mississippi Choctaws, M C R 630.

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Original application of William A. Baxter for identification as a Mississippi Choctaw.....	1
Written petition of William A. Baxter, et al.....	2
Written decision of the Commission refusing the application of William A. Baxter for identification as a Mississippi Choctaw.....	6

Copy of the letter of the Commission transmitting to William A. Baxter the above decision..... 8

Registry receipt..... 9

Original application of Ella H. Hilburn, et al. for identification as Mississippi Choctaws.....10

The written petition of Ella H. Hilburn..... 12

The original application of Price Baxter, et al. for identification as Mississippi Choctaws..... 13

The written petition of Price Baxter..... 16

The original decision of the Commission refusing the application of Price Baxter, et al. for identification as Mississippi Choctaws..... 18

Copy of the letter of the Commission to Price Baxter, transmitting above decision.....20

Registry receipt..... 21

Original application of Bettie Hewitt, et al. for identification as Mississippi Choctaws..... 22

Written petition of Bettie Hewitt.....25

The written decision of the Commission refusing the application of Bettie Hewitt, et al., for identification as Mississippi Choctaws..... 27

Copy of the letter of the Commission to Bettie Hewitt transmitting the above decision,..... 29

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Original application of Samuel D. Baxter for identification as a Mississippi Choctaw..... 31

Written petition of Samuel D. Baxter..... 34

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Written petition of William Baxter 38

The final decision of the Commission in the consolidated case of William A. Baxter, et al., applicants for identification as Mississippi Choctaw, refusing such applications..... 39

JRB

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

In the matter of the application of William A. Baxter,
et al., for identification as Hionisatpyi ghosts, consolidating
the applications of

William A. Baxter,
Ella H. Milburn, et al.,
Price Baxter, et al.,
Bettie Hewitt, et al.,
Samuel B. Baxter,
William Baxter,

NO 630
NO 632
NO 633
NO 631
NO 634
NO 635

*** D E C I S I O N ***

It appears from the record herein that applications for
identification as Hionisatpyi ghosts were made to this Commission
by William A. Baxter for himself; by Ella H. Milburn for herself
and her three minor children, Clara, Harry and D. Jane Milburn;
by Price Baxter for himself and his minor child, Willie Baxter;
by Bettie Hewitt for herself and her two minor children, Fancher
and Edna Hewitt; by Samuel B. Baxter for himself; and by William
Baxter for himself under the following provision of the act of
Congress approved July 22, 1904, (33 Stat., 476):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Jonathan Deasler, or Deaseth, or Deasart, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

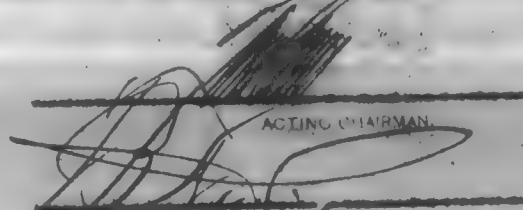
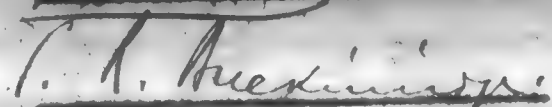
It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 521).

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jonathan Deasler, or Deaseth, or Deasart, or any line remote ancestor of any of the applicants

Marvin, or any of said applicants, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Cheetaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 199), and August 23, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William A. Baxter, Ella E. Hilburn, Clara Hilburn, Harry Hilburn, D. June Hilburn, Fries Baxter, Willie Baxter, Bettie Hewitt, Pearley Hewitt, Ollie Hewitt, Samuel D. Baxter, and William Baxter as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification aforesaid should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,


 ACTING CHAIRMAN


Washago, Indian Territory,

Commissioner.

JUL 24 1902

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land 44598-1902.

Washington, August 6, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 24, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application for identification as Mississippi Chestaws by the following named persons:

William A. Baxter, for himself;
Ella H. Hilburn, for herself and three minor children,
Olena, Harry and D. June Hilburn;
Price Baxter, for himself and minor child Willie Baxter;
Bettie Hewitt for herself and her two minor children,
Pearley and Ollie Hewitt;
Samuel D. Baxter, for himself;
William Baxter, for himself.

Descent is claimed from Jonathan Baxter, or Besarth, or Benzart, an alleged Chestaw Indian living in the State of Mississippi in 1830.

The records of this office do not show that said alleged ancestor received or attempted to secure the benefits of the fourteenth article of the treaty of September 27, 1832. The office therefore respectfully recommends that the decision of the Commission refusing identification, be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

NOV
D

3 inclosures.

D. C. 14055-1902.

50923

J.W.H.

FHE

DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D.4821-1902.
File 896-88.

August 25, 1902.

L. R. S.

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

Gentlemen:

July 24, 1902, you transmitted the record in the consolidated case (M.C.R. 630), embracing the applications for identification as Mississippi Choctaws of William Baxter for himself; of Ella H. Hilburn for herself and her three minor children, Olena, Harry and D. June Hilburn; of Price Baxter for himself and his minor child Willie Baxter; of Bettie Hewitt for herself and her two minor children, Pearley and Ollie Hewitt; of Samuel D. Baxter for himself; and of William Baxter for himself, together with your decision of July 24, 1902, refusing to enroll the applicants.

William A. Baxter, is the father of the other principal applicants. He attempts to trace his Choctaw descent through his mother, Sally Baxter, nee Bezier or Bezarth, to his grand-father, Jehmathan Baxter, or Bezarth.

The whole record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation or that the

alleged ancestors above named, ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 813).

The Acting Commissioner of Indian Affairs forwarded your decision August 6, 1902, recommending that the same be approved. The Department upon review of the whole case, approves your action, and your decision is affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary,

B.M.D.

1 inclosure

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

William A. Baxter et al

MAR 1830

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

In the matter of the application of William A. Paxter for the identification as a Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that William A. Paxter appeared before the Commission at Muskogee, Indian Territory, August 23, 1900, and there made application for identification as a Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No. 162), and is as follows, to-wit:

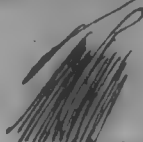
"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimant, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of William A. Pax-

ter as a Mississippi Choctaw, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

A handwritten signature in dark ink, appearing to be a cursive name, possibly "J. H. ...".

Acting Chairman.

Muskogee, Indian Territory.

FEB 21 1901

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

William A. Baxter

m.c.R.
#630

N. FREEDMEN ROLL.

NAME OF MOTHER

FATHER'S OWNER

FATHER'S TRIBAL ENROLLMENT

YEAR COUNTY No.

REFER TO M. C. R.

6-20

William A. Baxter
ch.

Consolidated Case

Johnathan Bozarth

Ira Bozarth

^{Reed - Bozarth}
Johnathan Bozarth
or Bozarth
fake blood
married
Marie Shaw

B. J. Bozarth

Anna Bozarth

Polly Bozarth

Sallie Baxter
nee Bozarth
mar.

Alexander Baxter

Reason Baxter

Columbus Baxter

Bella Baxter

^{mer 6/30}
William A. Baxter 65 1/8
mar
Sallie Baxter, dead,
nee Bryan

Sarah E. Baxter

^{mer 6/32}
Ella H. Hilburn 40 1/6
mar
Nathaniel Hilburn

^{mer 6/33}
Price Baxter 37 1/6
mar
Ida Baxter, w.
nee Dymum

^{mer 6/31}
Bettie Hewitt 35 1/6
mar
Charlie Hewitt

^{mer 6/34}
Olena Hilburn 16
mar
Hamp Hilburn 14
D. June Hilburn 11

^{mer 6/33}
Willie Baxter 22

^{mer 6/34}
Pearsey Hewitt 10
Ellie Hewitt ?

^{mer 6/34}
Samuel D. Baxter 28 1/6
mar
Bess Baxter, w.
nee Bennett

^{mer 6/35}
William Baxter 24 1/6

COPY.

M C R 630

Muskegee, Indian Territory, July 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William A. Baxter, et al., applicants to the Commission for identification as Mississippi Choctaws; including the decision of the Commission of July 24, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

William A. Baxter,	M C R 630
Ella H. Kilburn, et al.,	M C R 632
Price Baxter, et al.,	M C R 633
Bettie Hewitt, et al.,	M C R 631
Samuel D. Baxter,	M C R 634
William Baxter,	M C R 635

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letter being attached to the record.

Respectfully,

(SIGNED).

J. B. Woodlee

Commissioner in Charge.

Through the Commissioner
of Indian Affairs,
Enclosure.

COPY.

M C R 630

Muskogee, Indian Territory, July 24, 1902.

William A. Baxter,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 24th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William A. Baxter, et al., embracing the following applications for identification as Mississippi Choctaws:

William A. Baxter,	M C R 630
Ella H. Hilburn, et al.,	M C R 632
Price Baxter, et al.,	M C R 633
Bettie Hewitt, et al.,	M C R 631
Samuel D. Baxter,	M C R 634
William Baxter,	M C R 635

These applications were made under the provisions of the act of Congress of June 30, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

W A B 22

William A. Baxter, Ella E. Hilburn, Glenn Hilburn, Harry Hilburn, D. June Hilburn, Fred Hilburn, Willie Baxter, Bessie Hewitt, Pearley Hewitt, Olive Hewitt, Samuel D. Baxter, and William Baxter as Cherokee Indians entitled to rights in the Cherokee lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it so be ordered.

That the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,
(SIGNED).

T. E. Needles.

Commissioner in Charge.

Registered.

COPY.

H C R 630

Mustagee, Indian Territory, July 24, 1902.

Messrs. Murray & Cornish,

Attorneys for the Cheate and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 24th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William A. Baxter, et al., embracing the following applications for identification as Mississippi Choctaws:

William A. Baxter, et al.,	H C R 630
Ella M. Hilburn, et al.,	H C R 630
Price Baxter, et al.,	H C R 630
Bessie Hewitt, et al.,	H C R 631
Samuel D. Baxter,	H C R 634
William Baxter,	H C R 630

These applications were made under the provisions of the act of Congress of June 26, 1900 (32 Stat., 676), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to find and say of record on the same, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

W. H. A. C. J.

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William A. Barker, Ella H. Sawyer, Clara Williams, Harry Hillborn, B. Jane Hillborn, Fries Sawyer, Annie Sawyer, Della Taylor, Pauline Sawyer, Ella H. Sawyer, Joseph A. Sawyer, and William Barker as Cheaters inasmuch as they are found in the Cheater lists under the provisions of said articles fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be returned, and so is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

W. H. A. C. J.

Commissioner in Charge

M.C.R. 630

Enid, Indian Territory, September 8, 1902.

Wheatfield, McFerry & Corvick,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 25th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Missions Capt. Shortall of the several persons included in the consolidated case of William A. Baxter, et al., of which decision you were advised by mail on the 24th day of July, 1902.

Yours truly,

Acting Chairman.

COPY.

Muskogee, Indian Territory, September 8, 1902.

William A. Baxter,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 25th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Indians of the several persons included in the consolidated case of William A. Baxter, et al., of which decision you were advised by registered mail on the 24th day of July, 1902.

Yours truly,

RESPEC.

James Dixby.

Acting Chairman

Aug. 23d, 1900.

1/8

William C. Baxter. 65.

Okmulgee, Ind. Ter.

FATHER: Amanda Baxter - dead

MOTHER: Sallie Baxter - dead.

Claims through mother.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

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

FILED

AUG 23 1900



ACTING CHAIRMAN.

A MISSOURI
REFUSED

William P. Baxter et al.

Judgment written Feb/ 2-- 1901, H.H.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT,
FEB 21 1901


ACTING CHAIRMAN

REFER TO M. C. R.

636 *Edna H. Williams et al*

637 *Price Baxter et al*

638 *Bettie Hewitt*

Samuel D. Baxter

William Baxter

COPIES PREPARED JUN 13 1902

Choc mcr 631 Bettie Hewitt

see mcr 630

mcr 631

FOR IDENTIFICATION AS
A MEMBER OF THE CHOCTAW. R. 631

Bettie Newitt, et al.

REFUSED

DECISION MADE JUL 24 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 24 1902

NOTICE OF DECISION MADE
FOR SERVICE OF CHOCTAW NATIONS.

JUL 24 1902

RECORDS - FILED DEPARTMENT.

JUL 24 1902

ACTION APPEAL TO DEPARTMENT OF INTERIOR.

AUG 27 1902

NOTICE OF DECISION MADE
FORWARDED APPLICANT.

SEP 5 1902

NOTICE OF DECISION MADE
FORWARDED TO DEPT. OF INTERIOR
AND CHICKASAW NATIONS.

REFER TO W. O. R. 630

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. August, 23rd, 1900.

In the matter of the application of Bettie Hewitt for identification of herself and her two minor children as Mississippi Choctaws: Bettie Hewitt being first duly sworn by Acting Chairman Bixby testified as follows:-

Examination by the Commission:

- Q. What is your name? A. Bettie Hewitt.
Q. What is your age? A. 35 years.
Q. What is your post office address? A. Ada, I. T.
Q. Is that in the Chickasaw Nation? A. Yes sir.
Q. How long have you lived in the Indian Territory? A. Four months.
Q. Where did you live prior to that? A. In Oklahoma.
Q. Your actual residence in the Indian Territory has been four months.
A. No sir I lived here eight years ago.
Q. How much Choctaw blood do you claim? A. 1/16.
Q. What is your father's name? A. William A. Baxter.
Q. Is he living? A. Yes sir.
Q. What is your mother's name? A. Sallie Baxter.
Q. Is she living? A. No sir.
Q. Through which one of your parents do you claim your Choctaw blood?
A. Through my father.
Q. Is his name on any of the Choctaw tribal rolls? A. No sir.
Q. Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation in the year 1896? A. Not that I know of.
Q. Is your name on any of the tribal rolls of the Choctaw Nation?
A. No sir.
Q. You say that you have not made application to the Choctaw tribal authorities for citizenship in that Nation? A. No sir.
Q. Nor recognized by the tribal authorities? A. No sir.
Q. Did your father ever make application to this Commission for citizenship in the Choctaw Nation in the year 1896? A. No sir I dont think he did.
Q. Did you ever apply to this Commission for citizenship or enrollment in the Choctaw Nation? A. No sir.
Q. Is this the first application of any description that you have made? A. Yes sir.
Q. You now make application for identification as a Mississippi Choctaw? A. Yes sir.
Q. Why do you believe that you are entitled to identification by this Commission as a Mississippi Choctaw? A. Have always heard that I was a Mississippi Choctaw.
Q. When did you hear it? A. Always have heard it.
Q. Did you ever hear it from the Choctaw tribal authorities? A. No sir.
Q. Why are you making this application? A. Because I think that I have a right in the Choctaw Nation.
Q. Why do you think that you have a right there? A. I dont know except that I have been told that I was a Choctaw Indian-- had some Choctaw blood.
Q. You must have some claim that you make, some source of blood; you have here made an application for identification as a Mississippi Choctaw and if you have a right and you believe you have, we want to know what right your right is. How do you claim to be a Choctaw.
A. Because my father and grandfather was a Choctaw.

- Q. Have you any evidence of that fact? A. No sir, nothing but what I have heard.
- Q. Was your grand father ever recognized by the Choctaw tribal authorities? A. No sir.
- Q. Do you make this application by reason of any of the treaties between the United States and the Choctaw Indians? A. I dont know.
- Q. Did you ever hear of the treaty of 1830? A. No sir.
- Q. No you make any claim under that treaty? A. No sir.
- Q. Do you claim under the 14th article of the treaty of 1830? A. I dont know what that is.
- Q. Did any of your ancestors ever take advantage of the 14th article of the treaty of 1830? I dont know.
- Q. Did any of your ancestors ever claim or receive any land as beneficiaries under the 14th article of the treaty of 1830? A. I dont know.
- Q. Do you make any claim under the 15th article of the treaty of 1830? A. I dont know what that is.
- Q. Do you make any claim under the 19th article? A. I dont know.
- Q. Make any claim under the Supplement? A. dont know.
- Q. Are you married? A. Yes sir.
- Q. What is your husbands name? A. Charlie Hewitt.
- Q. Is he living? A. Yes sir.
- Q. How old is he? A. 41 years.
- Q. Do you make any claim for him? A. No sir.
- Q. Have you any children? A. Two.
- Q. Under 21 years and unmarried? A. Yes sir.
- Q. What are their names and ages? A. Pearley Hewitt age 10 years and Ollie Hewitt, age 3 years.
- Q. You are the mother of both of these children? A. Yes sir.
- Q. And Charlie Hewitt is the father? A. Yes sir.
- Q. Are these children living with you at your home? A. Yes sir.
- Q. You stated that you have lived in the Indian Territory for how long? A. Eight years before I went to Oklahoma.
- Q. How long this last time? A. Four months.
- Q. Where prior to coming to Oklahoma the Indian Territory? A. In Oklahoma?
- Q. How long did you live there? A. Eight years.
- Q. Where did you live prior to that? A. In the Chickasaw Nation.
- Q. How long did you live there? A. Eight years.
- Q. Where did you live in the Chickasaw Nation? A. West of Ardmore at Hewitt, I. T.
- Q. Never endeavored to be enrolled as a Choctaw Indian before. A. No sir.
- Q. You say you lived in the Indian Territory eight years that first time? A. Yes sir.
- Q. Where did you come from when you came to the Chickasaw Nation the first time? A. From Texas.
- Q. How long did you live there? A. Two or three years.
- Q. Where did you come from to Texas? A. Missouri.
- Q. Were you born in Missouri? A. Yes sir.
- Q. Did you ever live in Mississippi? A. No sir.
- Q. Which one of your ancestors ever lived in Mississippi? A. My great grandfather.
- Q. What was his name? A. Jonathan Bowerth.
- Q. Was he a recognized member of the Choctaw tribe in Mississippi? A. I think so.
- Q. Have you any evidence of that fact? A. No sir.
- Q. Was he enrolled by the Indian authorities in Mississippi? A. I think so.
- Q. On what roll does his name appear? A. I dont know.
- Q. Does his name appear on the 1830 roll? A. I dont know.
- Q. How long did he live in Mississippi? A. All his life.
- Q. Died there? A. Yes sir.
- Q. When did he die? A. I dont know.
- Q. Is there any additional statement that you desire to make in support of your case. A. No sir.

Bettie Hewitt, f 3:

Q. Is there any written evidence that you desire to submit to this Commission at this time for its consideration? . A. Yes sir I have these papers.

The original application and petition of Bettie Hewitt offered in evidence, marked exhibit "A", identified as such, filed, and made a part of the record in this case.

Q. Is that all you have to say? A. Yes sir.

Q. Will there be any other evidence that you desire to submit? A. I guess not.

Q. You desire to rest your case upon the oral evidence that you have offered at this time, and such written evidence as you have offered? A. Yes sir.

The decision of the Commission as to your application for identification as a Mississippi Choctaw, will be mailed to you in writing in the near future at your present postoffice address.

Chas. von Weise having been 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 23rd day of August, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, of said proceedings on said date.

Chas. von Weise

Subscribed and sworn to before me this the 11 day of September, 1900.


Acting Chairman.

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

In the matter of the application of Bettie Hewitt for the identification of herself and her minor children, Pearley and Ollie Hewitt, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Bettie Hewitt appeared before the Commission at Muskogee, Indian Territory, August 23, 1900, and there made application for the identification of herself and her minor children, Pearley Hewitt and Ollie Hewitt, as Mississippi Choctaws.

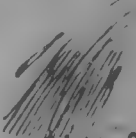
The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of Bettie Hewitt for herself and for her minor children, Pearley Hewitt and Ollie Hewitt, as Mississippi Choctaws, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Muskogee, Indian Territory.

FEB 21 1901

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

*Bettie Hewitt
et al*

*m.c.R.
#631*

COPY.

M C R 631

Muskegee, Indian Territory, July 24, 1902.

Bettie Hewitt,

Ada, Indian Territory.

Dear Madam:

You are hereby advised that on the 24th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William A. Baxter, et al., embracing the following applications for identification as Mississippi Choctaws:

William A. Baxter,	M C R 630
Ella H. Hilburn, et al.,	M C R 632
Price Baxter, et al.,	M C R 633
Bettie Hewitt, et al.,	M C R 631
Samuel B. Baxter,	M C R 634
William Baxter,	M C R 635

These applications were made under the provisions of the act of Congress of June 20, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

B H __2.

William A. Baxter, Ella H. Hilburn, Olena Hilburn, Harry Hilburn, D. June Hilburn, Price Baxter, Willie Baxter, Bettie Hewitt, Pearley Hewitt, Ollie Hewitt, Samuel D. Baxter, and William Baxter as Chestaw Indians entitled to rights in the Chestaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. I. Neelley
Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, September 5, 1902.

Battle Hewitt,

Ada, Indian Territory.

Dear Madam:

You are hereby advised that on the 25th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Choctaws of the several persons included in the consolidated case of William A. Baxter, et al., of which decision you were advised by registered mail on the 24th day of July, 1902.

Yours truly,

(SIGNED)

Taine Dixby.

Acting Chairman.

Aug. 29th, 1900

1/16

Bethie Hewitt, 35

Adm. Supt. Des.
Chickasaw.

FATHER: William C. Baxter ✓

MOTHER: Fannie Baxter ✓ Dead

Claims through father.

HUSBAND:

Charley Hewitt 41.

No claim for children.

Children:

Pearley Hewitt	10	}
Ollie " "	3	

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

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

FILED

AUG 23 1900

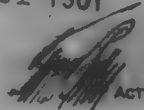


ARTHUR J. SHERMAN

NOT USED
Jettie Hewitt et al.

Judgment written Feb. 2 --- 1901, H.H.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.
FEB 21 1901


ACTING CHAIRMAN.

Ref No 630

REFER TO M. C. R.

DECISION PRESENTED JUN 13 1902

Choc mcr 632 ENa H. Hilburn

see mcr 630

mcr 632

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW. R. 632

Ella N. Hilburn, et al.

REFUSED

DECISION RENDERED: JUL 24 1902

NOTICE OF DECISION MAILED APPLICANT:

JUL 24 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICAGAW NATIONS,

JUL 24 1902

RECORD FORWARDED DEPARTMENT

JUL 24 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

AUG 25 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

SEP 5 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICAGAW NATIONS.

SEP 5 1902

REFER TO M. C. R. 630

Department of the Interior,
Commission of the Five Civilized Tribes,
Muskogee Land Office, Muskogee August, 23rd, 1900.

In the matter of the application for identification as a Mississippi Choctaw of Ella H. Hilburn, and her three minor children, Ella H. Hilburn being duly sworn before Acting Chairman Birby testified as follows:

Examination by the Commission

- Q. What is your name? A. Ella H. Hilburn.
Q. What is your age? A. 40.
Q. What is your post office address? A. St Jo, Texas.
Q. You live in Texas? A. Yes sir.
Q. How long have you lived there? A. Twenty-two or three years.
Q. Have you ever lived in the Indian Territory? A. No sir.
Q. How much Choctaw blood do you claim? A. 1/16.
Q. What is your father's name? A. William A. Baxter.
Q. Is he living? A. Yes sir.
Q. What is your mother's name? A. Sallie Baxter.
Q. Is she living? A. No sir.
Q. Through which one of your parents do you claim your Choctaw blood?
A. Through my father.
Q. Is his name on any of the tribal rolls of the Choctaw Nation?
A. No sir.
Q. Did your father ever make application to the tribal authorities of the Choctaw Nation for citizenship in that Nation? A. No sir.
Q. Is your name on the tribal rolls of the Choctaw Nation? A. No sir.
Q. Did you ever make application to the tribal authorities of the Choctaw Nation for citizenship therein? A. No sir.
Q. Have you ever been recognized by the tribal authorities of the Choctaw Nation as a citizen of that Nation? A. No sir.
Q. Did you or any one in your behalf ever make application to this Commission in 1896 for citizenship in the Choctaw Nation? A. No sir.
Q. Have you ever prior to this time ever made application to this Commission for citizenship or enrollment in the Choctaw Nation? A. No sir.
Q. Is this the first application that you have ever made? A. Yes sir.
Q. You now make application for identification as a Mississippi Choctaw? A. Yes sir.
Q. Why do you believe that you are entitled to identification as a Mississippi Choctaw? A. Just because of what I have heard my father and grandfather say.
Q. And you believe it gives this Commission the right to identify you as a ~~Mississippi~~ Mississippi Choctaw? A. Yes sir.
Q. Do you claim under any of the treaties between the United States and the Choctaws? A. No sir.
Q. Do you claim under the treaty of 1830? A. No sir.
Q. Do you make any claim under the 14th article of the treaty of 1830? A. No sir.
Q. Did you or your ancestors ever take advantage of the 14th article of that treaty? A. No sir.
Q. Did you or your ancestors ever claim or receive any land under the 14th article of the treaty of 1830? A. No sir.
Q. Do you make any claim under the 15th article of that treaty?
A. No sir.
Q. Do you make any claim under the 15th article of that treaty?
A. No sir.
Q. Do you make any claim under the Supplement? A. I don't know whether I do or not.
Q. Do you know what the 15th article of the treaty of 1830 is? A.
A. No sir.
Q. Would you make any claim under it and not know what it was? A.
A. No sir.
Q. Are you married? A. ~~Yes~~. Yes sir.
Q. What is your husband's name? A. Nathaniel Hilburn.
Q. What is his age? A. 30.
Q. Do you make any claim for your husband? A. No sir.

- Q. When were you married to him? A. In 1883.
Q. Where were you married to him? A. Gainesville, Texas.
Q. Under the laws of Texas? A. Yes sir.
Q. Were you ever married to him under the laws of the Choctaw Nation?
A. No sir.
Q. Have you any evidence of your marriage to your husband Nathaniel
Wilburn that you desire to submit for the consideration of the
Commission at this time? A. I suppose not.
Q. Have you any children? A. Yes sir.
Q. What are their names and ages? A. Olena, age 16; Harry, age 14;
and D June, age 11.
Q. You are the mother of these three children? A. Yes sir.
Q. Nathaniel Wilburn is the father? A. Yes sir.
Q. Are they all living with you? A. Yes sir.
Q. You say you have lived in Texas for the past 20 years? A. Yes
sir.
Q. Did you ever live in Mississippi? A. No sir.
Q. Where were you born? A. In Missouri.
Q. Did any of your ancestors ever live in Mississippi in 1830? A.
My great-grand-father.
Q. Is it through him that you claim your right to be identified as
a Mississippi Choctaw? A. Yes sir.
Q. Have you any evidence that he was recognized by the Choctaw tribal
authorities of the State of Mississippi as a Choctaw when the treaty
was made in 1830? A. No sir.
Q. Is there any additional statement that you desire to make at
this time? A. No sir.
Q. Have you any written evidence that you desire to submit to the
Commission for its consideration? A. Yes sir I have these papers
if they are any good.

The original application and petition of Ella H. Wilburn offered
in evidence, marked exhibit "A", identified as such, filed
and made a part of the record in this case.

- Is there any other statement that you desire to make? A. No sir.
Q. Do you desire to rest your application upon the oral testimony
given in this case at this time and on such other written evidence
as you have submitted to this Commission? A. Yes sir.

The decision of the Commission as to your application and the
application made by you on behalf of your three minor children
for identification as Mississippi Choctaws will be mailed to
you in the near future to your present post office address.

Chas. von Weize having been 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 25th day of August, 1900, and that the above and foregoing
is a full, true and correct transcript of his stenographic notes
on said date.

Chas. von Weize

Subscribed and sworn to before me this the 11th day of September, 1900.

Muskogee, Indian Territory, October 26, 1900.

Theodore H. Ellis,
Sulphur, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 16th instant in which you desire to be informed if Mrs. Ella Hillburn is on either the Choctaw or Chickasaw rolls.

You are informed that the records of this Commission do not show the name of any such party as being listed for enrollment by this Commission as a citizen of either the Choctaw or Chickasaw Nation.

The records do show, however, that on August 23rd, 1900, Ella H. Hillburn, 40 years of age, of St. Jo, Texas, appeared before this Commission and made application for the identification of herself and her three children, Olena, Harry and D. June as Mississippi Choctaws.

The Commission has up to this time, not passed upon their rights to identification as Mississippi Choctaws but contemplates doing so in the near future and when a decision is reached in this case, a copy of the same will be mailed to the applicants, stating fully therein the reasons for any action the Commission may take in the matter of the application for identification as Mississippi Choctaws of Mrs. Hillburn and her children.

Yours truly,

COPY.

M O R 632

Muskogee, Indian Territory, July 24, 1902.

Miss H. Hilburn,

Saint Jo, Texas.

Dear Madam

You are hereby advised that on the 24th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William A. Baxter, et al., embracing the following applications for identification as Mississippi Chestnut:

William A. Baxter,	M O R 630
Miss H. Hilburn et al.,	M O R 632
Price Baxter, et al.,	M O R 633
Bettie Hewitt, et al.,	M O R 631
Samuel D. Baxter,	M O R 634
William Baxter,	M O R 635

These applications were made under the provisions of the Act of Congress of June 22, 1902 (32 Stat., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Chestaw Indians claiming rights in the Chestaw lands under article fourteen of the treaty between the United States and the Chestaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

1111.

William A. Baxter, Elie H. Hilburn, Glenn Hilburn, Harry Elie
burn, D. June Hilburn, Price Baxter, Willie Baxter, Bettie
Howitt, Pearley Howitt, Elsie Howitt, Samuel D. Baxter, and
William Baxter as Choctaw Indians entitled to rights in the
Choctaw lands under the provisions of said article fourteen of
the treaty of eighteen hundred and thirty, and that the appli-
cations for their identification as such should be refused, and
that the same be returned.

It is further advised that the Commissioner has at this
date forwarded the record in this case to the Secretary of the
Interior for review and you will be informed in due time of such ac-
tion as may be taken by him.

Yours truly,

(SIGNED)

I. B. Needles,

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, September 5, 1902.

Ellis H. Hilburn,
Saint Jo, Texas.

Dear Madam:

You are hereby advised that on the 23th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Choctaws of the several persons included in the consolidated case of William A. Baxter, et al., of which decision you were advised by registered mail on the 24th day of July, 1902.

Yours truly,

(SIGNED)

Tamm Bixby.
Acting Chairman

Aug. 23
Ella H. Hilburn. 40.

1/16

St. Jo. Texas

FATHER: William S. Baxter
MOTHER: Sallie Baxter dead.
Claims through father.

HUSBAND:

Nathaniel Hilburn, 50.
No claim.

Children:

Olevo Hilburn	16
Harry " "	14
W. June " "	11

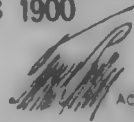
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.**

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

FILED

AUG 23 1900



ACTING CHAIRMAN.

Choc MCR 633 Price Boxter

see MCR 630

MCR 633

ORIGINAL FILED IN
U.S. DEPARTMENT OF THE INTERIOR

P. 633

Price Baxter, et al

REFUSED

RECORD FORWARDED JUL 21 1902
FORWARDED DEPARTMENT.

JUL 21 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 24 1902

RECORD FORWARDED DEPARTMENT.

JUL 24 1902

ACTION APPROVED BY DEPARTMENT OF THE INTERIOR

AUG 25 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

SEP -5 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

SEP 5 1902

REFER TO U.S. R. 630

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T. August 23, 1900.

In the matter of the application for identification as Mississippi Choctaws of Price Baxter and of his minor children. Price Baxter being duly sworn by Acting Chairman Bixby testified as follows:

Examination by Commission.

- Q What is your name? A Price Baxter.
- Q What is your age? A 37.
- Q What is your post-office address? A Okmulgee.
- Q Do you live at Okmulgee? A That is my post-office. I live the other side of there.
- Q In the Creek Nation? A Yes sir.
- Q How long have you lived in the Creek Nation? A About thirteen months.
- Q Where did you live prior to that time? A In the Chickasaw Nation.
- Q How long have you lived in the Indian Territory? A I don't know exactly but it has been about seventeen years.
- Q Have you been outside of the Indian Territory in the past three years? A Yes sir.
- Q For how long a time and where did you go? A Not over a month at a time.
- Q Did you ever remove from the Indian Territory with the purpose of making your residence elsewhere? A No sir, I have never lived any where else.
- Q What proportion Choctaw blood do you claim? A One sixteenth.
- Q What is your father's name? A William A. Baxter.
- Q Is he living? A Yes sir.
- Q Is your mother living? A No sir.
- Q What was her name? A Sally Baxter.
- Q Through which one of your parents do you claim your Choctaw blood? A My father.
- Q Is your father's name on any of the tribal rolls of the Choctaw Nation? A Not that I know of.
- Q Did your father ever make application to the Choctaw tribal authorities for enrollment as a citizen of the Choctaw Nation? A I don't know that he did.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever been recognized by the tribal authorities of the Choctaw Nation as a citizen of that Nation? A Well, I don't know that I have by the authorities.
- Q These are the people we want to know about, the authorities of the Nation. Did they ever recognize you in any way, by any official act of their legislature, of their council? A I don't know.
- Q Did you or did any one in your behalf make application to this Commission in 1896 for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A I did not.
- Q Have you ever prior to this time made any application to either the authorities of the United States or of the Choctaw Nation for either citizenship or enrollment as a Choctaw? A No sir, I haven't.
- Q This is your first application, of any description? A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Why do you consider yourself to be entitled to be identified by this Commission as a Mississippi Choctaw? A Because my father

Price Baxter 3 ----

- Q Have you any children under twenty one years of age and unmarried? A One.
- Q What is the child's name? A Willie Baxter.
- Q Make any claim for Willie Baxter? A Yes sir.
- Q What do you claim Willie Baxter to be? A I claim him to be a Mississippi Choctaw.
- Q How old is he? A A little over two years old.
- Q You are his father? A Yes sir.
- Q Ida Baxter is his mother? A Yes sir.
- Q Is there any additional statement that you desire to make at this time in support of your application and the application you make on behalf of your child? A I believe not.
- Q Is there any written evidence that you desire to submit to the Commission for its consideration in support of this application? A Yes sir.

The original petition and application of Price Baxter offered in evidence, marked exhibit A, identified as such, filed and made a part of the records in this case.

- Q Is there anything further you want to say? A No sir.
- Q Will there be any additional evidence that you will desire to submit with the Commission? A No sir, I think not.
- Q You desire to rest your case with the Commission upon your oral testimony given and the written evidence submitted at this time? A Yes sir.

The decision of the Commission in regard to your application and the application you make for your minor child, Willie Baxter, for identification as Mississippi Choctaws, will be mailed to you in the near future to your present post office address.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause of the 23rd day of August, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 4 day of Sept. 1900.

Myra Young
Acting Chairman.

claims to be.

Q Is your father a Choctaw citizen? A Yes sir.

Q He is? A He claims to be.

Q How did he become such? A Why, he claims it by -

Q I don't want to know what he claims. We want facts. Is your father a citizen of the Choctaw Nation. Has his status as such been established in any manner? A No, I think not.

Q Then what is the basis of your claim for identification as a Mississippi Choctaw? A Because his ancestors came from Mississippi.

Q Which one of your ancestors was a Choctaw Indian in the state of Mississippi and recognized as such in 1830 when the treaty was entered into between the United States and the Choctaw tribe of Indians? A On my grand father's side.

Q What was his name? A Reeden Bossart, was his name, Johnathan Bossart.

Q Was he a recognized citizen of the Choctaw Nation? A Yes sir, I think so.

Q Have you any evidence of that fact? A No, I have not.

Q Was he enrolled as an Indian? A I don't know.

Q How do you know that he was a member of the Choctaw tribe of Indians then? A I don't know it myself.

Q We must have facts. A Yes sir.

Q If this ancestor through whom you make this claim - we must have unquestioned evidence that he was a Choctaw Indian? A I don't know.

Q Do you claim anything under the treaties entered into between the United States and the Choctaw tribe of Indians. A Why, I don't know.

Q Did you ever hear of the treaty of 1830? A Yes sir.

Q Did you ever read it? A No sir.

Q Did you ever have it explained to you? A No sir.

Q Do you know what its general provisions are? A No sir.

Q Do you make any claim under the treaty of 1830? A Why, I claim it through my father.

Q Do you make any claim under the treaty of 1830? A I do not know.

Q Do you claim under the fourteenth article of the treaty of 1830? A I don't know.

Q Did you or any of your ancestors ever take advantage of the fourteenth article of the treaty of 1830? A Not that I know of.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A Not that I know of.

Q Do you claim under the fifteenth article of the treaty of 1830? A I don't know.

Q Do you claim under the nineteenth article of that treaty?

A I just trusted to my father. I don't know what we claim under.

Q Do you claim under the nineteenth article of the treaty of 1830? A I don't know what the nineteenth article is.

Q Do you claim under the supplement to the treaty of 1830?

A I don't know.

Q Are you married? A Yes sir.

Q What is your wife's name? A Ida Baxter.

Q How old is she? A She is 26.

Q Do you make any claim for her? A No sir.

Q She is a white woman? A Yes sir.

Q Where were you married to her? A In the Chickasaw Nation.

Q When? A In 1892 I believe.

Q Under what law were you married to her? A Arkansas law, I believe. We are governed by down there. We weren't married by the Chickasaw law.

Q Have you any evidence of your marriage to Ida Baxter that you desire to offer in evidence? A I have a certificate stating that we were married but I don't know as I desire to offer it as evidence unless it is necessary.

Q We haven't any evidence of your marriage. We don't know whether Ida Baxter is your wife or not. A I have a certificate of the marriage at home.

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

In the matter of the application of Price Baxter for the identification of himself and his minor child, Willie Baxter, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Price Baxter appeared before the Commission at Muskogee, Indian Territory, August 23, 1900, and there made application for the identification of himself and his minor child, Willie Baxter, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of Price Baxter for himself and for his minor child, Willie Baxter, as Mississippi Choctaws, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.

Muskogee, Indian Territory.

FEB 21 1901

MISSISSIPPI CHOCTAW

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Price Baxter
et al

mcr
#633

COPY.

M C R 633

Muskogee, Indian Territory, July 24, 1902.

Price Baxter,

Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that on the 24th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William A. Baxter, et al., embracing the following applications for identification as Mississippi Choctaws:

William A. Baxter,	M C R 630
Elle H. Hilburn, et al.,	M C R 632
Price Baxter, et al.,	M C R 633
Bettie Hewitt, et al.,	M C R 631
Samuel D. Baxter,	M C R 634
William Baxter,	M C R 635

These applications were made under the provisions of the act of Congress of June 22, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

P B 2.

William A. Baxter, Ella E. Hilburn, Glens Hilburn, Harry Hilburn, D. June Hilburn, Price Baxter, Willie Baxter, Bettie Hewitt, Pearley Hewitt, Ollie Hewitt, Samuel D. Baxter, and William Baxter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

E. B. Hedrick
Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, September 5, 1902.

Price Baxter,

Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that on the 25th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheetaws of the several person included in the consolidated case of William A. Baxter, et al., of which decision you were advised by registered mail on the 24th day of July, 1902.

Yours truly,

SIGNED:

Tamm Bixby.

Acting Chairman.

Aug. 23rd, 1900.

1/6.

Price Baxter 57.

Okmulgee, Ind. Ter.

FATHER: William C. Baxter ✓

MOTHER: Sallie Baxter - dead
Claim through father.

WIFE: Ida Baxter 26. ✓
No claim for wife.

CHILD:
Willie Baxter 2. ✓

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 23 1900


ACTING CHAIRMAN.

9633

A MISSISSIPPI CHOCOLATE

REFUSED.

Price Baxter et al.

Judgment written Feb. 2--- 1901, H. H.

DEPARTMENT OF THE INTERIOR,
C THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT,
FEB 21 1901

[Signature]
ACTING CHIEF

REFER TO M. C. R.

Choc MCR 634 Samuel D. Baxter

see MCR 630

MCR 634

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW. R. 634

Samuel D. Baxter

REFUSED

RECORDED JUL 14 1902

INDEXED JUL 14 1902

JUL 14 1902

NOTICE OF DEPARTMENTAL ACTION
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORDED FORWARDED DEPARTMENT.

JUL 14 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 25 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

SEP -5 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

SEP -5 1902

REFER TO M. C. R. 630.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T. August 23, 1900.

In the matter of the application for identification as a Mississippi Choctaw of Samuel D. Baxter, he being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.

- Q What is your name? A Samuel D. Baxter.
Q What is your age? A 28 years.
Q What is your post-office address? A Okmulgee.
Q Do you live at Okmulgee? A Near there.
Q In the Creek Nation? A Yes sir.
Q How long have you lived in the Creek Nation? A Two years/
Q Where did you live before that? A Oklahoma.
Q How long have you lived in the Indian Territory?
A I have lived here something near two years.
Q Is that the only time you have lived in the Indian Territory?
A No sir.
Q When did you live here before that. A Just before I came
to Oklahoma.
Q When was it and how long did you live here? A I lived in
the Chickasaw Nation from 1882 until 1898, I guess, 1896.
Q How much Choctaw blood do you claim? A One sixteenth.
Q What is your father's name? A William A. Baxter.
Q Is he living? A Yes sir.
Q What is your mother's name? A Sallie Baxter.
Q Is she living? A No sir.
Q Through which one of your parents do you claim your Choctaw
blood? A Father.
Q Is your father's name on any of the tribal rolls of the
Choctaw Nation? A Not that I know of.
Q Did your father ever make application to the Choctaw tribal
authorities for enrollment as a citizen of the Choctaw Nation? A
Not that I know of.
Q Is your name on any of the tribal rolls of the Choctaw Na-
tion? A Not that I know of.
Q Did you ever make application to the Choctaw tribal authori-
ties for citizenship in the Choctaw Nation? A No sir.
Q Did you, or did any one for you, make application to this
Commission in 1896 for citizenship in the Choctaw Nation under the
act of Congress of June 10th, 1896? A No sir.
Q Have you ever prior to this time made any application to
either the authorities of the United States or the authorities of
the Choctaw Nation for either citizenship or enrollment as a Choctaw?
A No sir.
Q This is your first application of any description? A Yes
sir.
Q You are now making application for identification as a
Mississippi Choctaw? A Yes sir.
Q Why do you believe that you are entitled at this time to
be identified by this Commission as a Mississippi Choctaw? A I
believe I have Indian blood in me.
Q You believe that the fact that you have been taught that you
have Choctaw blood in your veins? A Yes sir.
Q Is that the only basis of your claim? Is that all the basis
of your claim, the fact that you have Choctaw blood? A I can't
understand you.
Q Is the fact that you have Choctaw blood the only reason
you are making this claim for identification as a Mississippi
Choctaw? A Why, I would like to have the right of it.
Q What right? A As a Choctaw.
Q What are the rights of a Choctaw? A I don't know. I am
not posted on the matter at all.
Q Why do you think it is worth while to make this application
then if you don't know what the rights are. You have made appli-

Samuel D. Baxter 2 ---

cation here for identification as a Mississippi Choctaw. You have stated that you have Choctaw blood in your veins? A I said I believed I did.

Q And I asked you if that is the only reason you think you are entitled to be identified as a Mississippi Choctaw. What other reasons have you? A I believe, why, I think my ancestors was Choctaws or part Choctaws.

Q Were your ancestors recognized by the Choctaw Indians in Mississippi as citizens of the Choctaw Nation? A Not that I know of.

Q Do you make any claim by reason of any of the treaties entered into between the United States and the Choctaw tribe of Indians?

A No sir.

Q Did you ever hear of the treaty of 1830? A No sir.

Q Do you make any claim under the treaty of 1830? A I don't know as I do.

Q Do you claim under the fourteenth article of the treaty of 1830? A Not that I know of.

Q Did you or any of your ancestors ever take advantage of the fourteenth article of the treaty of 1830? A Not that I know of.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A Not that I know of.

Q Do you claim under the fifteenth article of the treaty of 1830? A I don't know.

A Do you claim under the nineteenth article of that treaty?

A I don't know. Not that I know of.

Q Do you claim under the supplement to that treaty? A Not that I know of.

Q Are you married? A Yes sir.

Q What is your wife's name? A Bell Baxter.

Q How old is she? A 28.

Q Do you make any claim for her? A No sir.

Q She is a white woman? A Yes sir.

Q Have you any children? A No sir.

Q You are making this application solely on your own behalf?

A Yes sir.

Q Which one of your ancestors lived in Mississippi at the time this treaty was entered into between the United States and the Choctaw Indians in 1830, through whom you now claim this right to identification as a Mississippi Choctaw? A My great grand father lived there.

Q What was his name? A Jonathan Bozzart.

Q Was he a recognized citizen of the Choctaw tribe of Indians?

A I don't know.

Q Did he receive any land in Mississippi as a beneficiary under the fourteenth article of the treaty of 1830? A I don't know.

Q When did he leave Mississippi? A I could not tell you.

Q Do you know anything of his residence in Mississippi?

A No sir.

Q Is there any additional statement you desire to make?

A No sir.

Q Is there any written evidence that you desire to file with the Commission at this time? A Yes sir.

The original application and petition of Samuel D. Baxter offered in evidence, marked exhibit A, identified as such, filed and made a part of the record in this case.

Q Is that all you have to say, sir? A Yes sir.

Q No further statement at all? A Not that I know of.

Q Will there be any additional written evidence? A Not that I know of.

Q You desire to rest your case upon your oral testimony at this time and such written evidence as you have submitted in support of the same? A Yes sir.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be based upon your oral testimony given at this time and such written evidence as you

Samuel D. Barter 3

have submitted in support of the same and the decision of the Commission will be mailed to you in writing in the near future to your present post-office address.

Myra young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause of the 23rd day of August, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 24 day of Sept. 1900.


Acting Chairman.

COPY.

M C R 634

Muskegee, Indian Territory, July 24, 1902.

Samuel D. Baxter,

Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that on the 24th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William A. Baxter, et al., embracing the following applications for identification as Mississippi Choctaws:

William A. Baxter,	M C R 630
Ella H. Hilburn, et al.,	M C R 632
Prise Baxter, et al.,	M C R 633
Bettie Hewitt, et al.,	M C R 631
Samuel D. Baxter,	M C R 634
William Baxter,	M C R 635

These applications were made under the provisions of the act of Congress of June 26, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

S D B_2.

William A. Baxter, Ella H. Hilburn, Olena Hilburn, Harry Hilburn, D. June Hilburn, Price Baxter, Willie Baxter, Bettie Hewitt, Pearley Hewitt, Ollie Hewitt, Samuel D. Baxter, and William Baxter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. S. ...

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, September 5, 1902.

Samuel D. Baxter,

Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that on the 25th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Cheetaws of the several persons included in the consolidated case of William A. Baxter, et al., of which decision you were advised by registered mail on the 24th day of July, 1902.

Yours truly,

Acting Chairman.

Aug. 23, 1900

1/6

Samuel N. Baxter, 28.

Okmulgee, Ind. Okla

FATHER: William A. Baxter ✓

MOTHER: Sallie Baxter - dead

Claims through father.

WIFE: Belle Baxter 28.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 23 1900



ACTING CHAIRMAN.

Choc mcr 635 William Baxter

see mcr 630

mcr 635

FOR IDENTIFICATION AS
A MEMBER OF CHOCTAW.

R. 635

William Baxter,

REFUSED

JUL 14 1902
NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JUL 21 1902

JUL 28 1902

RECORDED FOR ARMY DEPARTMENT.

JUL 28

ACTION APPROVED BY SECRETARY OF WAR.

AUG 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

SEP 5 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO R. 630

COPY,

Muskegee, Indian Territory, July 24, 1908.

William Baxter,

Chawbigee, Indian Territory.

Dear Sir:

You are hereby advised that on the 24th day of July, 1908 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William A. Baxter, et al., embracing the following applications for identification as Mississippi Choctaws:

William A. Baxter,	M C R 630
Ella H. Hilburn, et al.,	M C R 632
Price Baxter, et al.,	M C R 633
Bettie Hewitt, et al.,	M C R 631
Samuel D. Baxter,	M C R 634
William Baxter,	M C R 635

These applications were made under the provisions of the act of Congress of June 20, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said Decision concludes as follows:

V B 2.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William A. Baxter, Ella H. Hilburn, Olena Hilburn, Harry Hilburn, D. June Hilburn, Price Baxter, Willie Baxter, Bettie Hewitt, Pearley Hewitt, Ollie Hewitt, Samuel D. Baxter, and William Baxter as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in your case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

W. S. Medico.
Commissioner in Charge.

Registered.

Muskogee, Indian Territory, September 5, 1902.

William Baxter,
Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that on the 28th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William A. Baxter, et al., of which decision you were advised by registered mail on the 24th day of July, 1902.

Yours truly,

Acting Chairman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T. August 23, 1900.

In the matter of the application of William Baxter for identification as a Mississippi Choctaw, William Baxter being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by Commission.

- Q What is your name? A William Baxter.
- Q What is your age? A 24.
- Q What is your post-office address? A Okmulgee.
- Q Do you live at Okmulgee? A Ten miles the other side.
- Q In the Creek Nation? A Yes sir.
- Q Indian Territory? A Yes sir.
- Q How long have you lived in the Creek Nation? A Two years I believe.
- Q How long have you lived in the Indian Territory? A I have lived in the Indian Territory since 1882 except two years.
- Q Where did you live those two years and what years were they? A Oklahoma, 1897 and 1898.
- Q How much Choctaw blood do you claim? A One sixteenth.
- Q What is your father's name? A William A. Baxter.
- Q Is he living? A Yes sir.
- Q What is your mother's name? A Sallie Baxter.
- Q Is she living? A No sir.
- Q Through which one of your parents do you claim your Choctaw blood? A My father.
- Q Is your father's name on any of the tribal rolls of the Choctaw Nation? A No sir, not that I know of.
- Q Did your father ever make application to the Choctaw tribal authorities for citizenship in that Nation? A Not that I know of.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A Not that I know of.
- Q Did you ever make application to the Choctaw tribal authorities? A No sir.
- Q Have you ever been recognized in any manner by the tribal authorities of the Choctaw Nation as a citizen of that Nation? A No sir.
- Q Did you or did any one in your behalf make application to this Commission in 1896, under the act of Congress of June 10th, 1896, for citizenship in the Choctaw Nation? A No sir.
- Q This is your first application of any description? A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Why do you believe that you are entitled to be identified by this Commission at this time as a Mississippi Choctaw? A I don't know. They tell me I have.
- Q Told you what? A That I was a part Choctaw.
- Q And you think that is sufficient reason for you to be identified by this Commission? A I don't know.
- Q Then why are you making this application if you don't know? A Why because the rest of them are, I reckon.
- Q Because the rest of them are what? A Are making applications.
- Q And that is the reason you are making an application? A Yes sir.
- Q Do you claim anything by reason of any of the treaties entered into between the United States and the Choctaw Indians.
- A No sir.
- Q Did you ever hear of the treaty of 1830? A I have heard of it.
- Q What did you hear of it? A I don't recollect. I have read a little of it but I don't recollect anything about it.

William Baxter S--

Q Do you claim anything under the treaty of 1830? A No sir, I reckon not..

Q Do you claim under the fourteenth article of the treaty of 1830? A No sir, I don't believe I do.

Q Did you or any of your ancestors ever take advantage of the fourteenth article of the treaty of 1830? A Not that I know of.

Q Did you or any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know whether they did them or not.

Q Do you claim under the fifteenth article of the treaty of 1830? A No sir, I don't know what article I do claim under.

Q Do you claim under the nineteenth article of that treaty. A No sir.

Q Do you claim under the supplement to the treaty of 1830? A No sir.

Q Are you married? A No sir.

Q You are making this application solely on your own behalf?

A Yes sir.

Q You stated that you lived in the Indian Territory? A Yes sir.

Q That prior to that time you lived in Oklahoma? A Yes sir.

Q And prior to your residence in Oklahoma you lived in the Indian Territory? A Yes sir.

Q When did you first come to the Indian Territory? A 1882.

Q Where did you come from? A Texas.

Q How long did you live in Texas? A About three years I think.

Q Where did you come from to Texas? A Missouri.

Q Were you born in Missouri? A Yes sir.

Q Did you ever live in Mississippi? A No sir.

Q Did any of your ancestors ever live in Mississippi? A Yes

Q What was the name of your ancestor who lived in Mississippi in 1830 at the time the treaty was made between the United States and the Choctaw Indians? A I don't know.

Q Did ~~you~~ any of your ancestors ever receive any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A Yes sir, so I have been told.

Q How did they receive it? A I don't know.

Q Have you any evidence of the fact that any of your ancestors were recognized citizens of the Choctaw tribe of Indians in Mississippi? A No, I haven't any evidence.

Q Is there any additional statement that you desire to make at this time in support of your application? A No sir.

Q Is there any written evidence that you desire to submit for the consideration of the Commission in support of your claim?

A Yes sir, I believe so.

The original application and petition of William Baxter for identification as a Mississippi Choctaw offered in evidence, marked exhibit A, identified as such, filed and made a part of the record in this case.

Q Is there any additional statement? A No sir.

Q Will there be any additional documentary evidence that you wish to file in the future? A Not that I know of.

Q You desire to rest your case on the oral testimony given by you at this time and such evidence as you have submitted in support of the same? A Yes sir, I guess so.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be based upon your oral testimony given at this time and such written evidence as you have submitted in support of the same.

The decision of the Commission will be mailed to you in writing in the near future at your present post office address.

William Baxter 3---

Kyra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 23rd day of August, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Kyra Young

Subscribed and sworn to before me this 4 day of Sept 1900.

[Signature]
Acting Chairman.

Aug. 23rd, 1900,

1/16

William Baxter - 24,

Okmulgee, Ind. Ter.

FATHER: William A. Baxter ✓

MOTHER: Sallie Baxter, dead

Claims through father.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.**

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

FILED

AUG 23 1900



ACTING CHAIRMAN.

Choc mcr 636 Bruce Benson

see mcr 407

mcr 636

Bruce Benson et al

DECISION FILED 4 15 1902

NOTICE FILED APPLICANT

APR 11 1902

NOTICE FILED APPLICANT
ATTORNEY FOR APPLICANT

APR 11 1902

NOTICE FILED APPLICANT

APR 11 1902

NOTICE FILED APPLICANT

APR 21 1902

NOTICE FILED APPLICANT

MAY 11 1902

NOTICE OF DEPARTMENTAL
ACTION FILED APPLICANT

MAY 29 1902

NOTICE OF DEPARTMENTAL ACTION
FOR APPLICANT ATTORNEY FOR APPLICANT

MAY 29

NOTICE OF DEPARTMENTAL ACTION
FOR APPLICANT ATTORNEY FOR APPLICANT

29

REFERENCE 407

M. G. R-636.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T. August 28, 1900.

In the matter of the application for identification as Mississippi Cheetaws of Bruce Benson and Eva Benson, minor children of Susan E. Benson. Susan E. Benson being duly sworn by the Commission testified as follows:

Examination by the Commission.

- Q What is your name? A Susan Elminie Benson.
- Q What is your age? A 49.
- Q What is your post-office address? A Eagletown, in the Territory.
- Q What Territory? A Cheotaw.
- Q Is that a Territory? A It is a Nation.
- Q What Territory is the Cheotaw Nation in? A I don't know.
- Q You don't know what it is in, what territory that is in? A In the Indian Territory.
- Q How long have you lived at Eagletown? A Eight or nine months.
- Q How long have you lived in the Indian Territory? A I just came to the Indian Territory eight or nine months ago.
- Q You have only lived here for the last nine months? A Yes sir.
- Q Where did you live before that? A Texas.
- Q You are making application for identification as Mississippi Cheotaws of Bruce Benson and Eva Benson, the minor children of yourself and Ellis Benson? A Yes sir.
- Q Your deceased husband? A Yes sir.
- Q How much Cheotaw blood have these children? A One sixteenth I reckon.
- Q Was Ellis Benson, the father of these children a recognized and enrolled citizen of the Cheotaw Nation? A No sir, he had never been enrolled.
- Q Did he ever make application to the Cheotaw tribal authorities for citizenship in the Cheotaw Nation? A No sir.
- Q When did he die? A He has been dead eleven years.
- Q Are the names of Bruce or Eva Benson on any of the Cheotaw tribal rolls? A Yes sir they was put on last year I reckon. That is they went before the Commission last year and that is the first of it.
- Q The Commission had nothing to do with making of the Cheotaw tribal rolls. They are making a roll of citizens of the Cheotaw Nation now. My question is, are the names of either of these children on the Cheotaw tribal rolls? A No sir.
- Q Have they ever been recognized in any manner as citizens of the Cheotaw Nation? A No sir.
- Q Did they or did any one in their behalf ever make application to the Cheotaw tribal authorities for citizenship in the Cheotaw Nation? A Not that I know of.
- Q Did they or any one for them in 1896 make application to this Commission under the act of June 10th, 1896 for citizenship in the Cheotaw Nation? A No sir.
- Q Has any application ever been made in their behalf to this Commission prior to this time for citizenship or enrollment in the Cheotaw Nation? A No sir.
- Q This is the first application that has ever been made in behalf of these children? A Yes sir.
- Q You are now making application for the identification of these children as Mississippi Cheotaws? A Yes sir.

Susan E. Benson p 2---

Q Why do you believe they are entitled to be identified by this Commission as Mississippi Choctaws? A Well, they have Mississippi Choctaw blood in them on their father's side and are Mississippi Choctaw descendants.

Q You believe that by reason of the fact that they have Choctaw blood in their veins that they are entitled to be identified by this Commission as Mississippi Choctaws? A Yes sir.

Q Do you make any claim by reason of any of the treaties entered into between the United States and the Choctaw tribe of Indians? A I don't know.

Q Did you ever hear of the treaty of 1830? Ever heard it, knew anything about it? A No sir.

Q Do you make any claim under the treaty of 1830? A Yes sir.

Q What do you claim under that treaty? A Just a Mississippi Choctaw descendant is all I can tell you. I don't understand it much myself.

Q Do you make any claim for these children under the fourteenth article of the treaty of 1830? A Yes sir the 1830.

Q What do you claim under the fourteenth article of the treaty of 1830 for these children? A I don't know.

Q Was any advantage ever taken by the ancestors of these children of the fourteenth article of the treaty of 1830? A I don't know.

Q Did their ancestors ever receive or claim any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know, sir.

Q Do you make any claim for these children under the fifteenth article of this treaty? A No sir.

Q Do you claim under the nineteenth article of this treaty?

A No sir.

Q Do you make any claim for them under the supplement to the treaty of 1830? A No sir.

Q Do these children live in the Indian Territory? A Yes sir.

Q How long have they lived here? A Eight or nine months.

Q Where did they live before that? A Texas.

Q Where were they born? A Born in Arkansas.

Q Which one of their ancestors lived in Mississippi and was recognized by the Choctaw tribe of Indians there as citizens of that tribe and enrolled as such when the treaty was made between the Choctaw Indians and the United States in 1830? A I don't know.

Q Do you know anything in regard to the ancestors of these children? A No sir.

Q What is the age of Bruce Benson? A Eighteen.

Q How old is Eva Simpson? A She is fifteen.

Q Is there any additional statement that you desire to make at this time in regard to the application of these children? A No sir.

Q Is there any written evidence that you desire to submit to the Commission for its consideration in behalf of the application you make on behalf of these two children? A No sir.

Q Do you desire to base your claim for these children on your oral testimony given at this time? A I reckon so.

The Decision of the Commission as to the application made by you on behalf of Bruce Benson and Eva Benson, the minor children of yourself and Ellis Benson will be mailed to you in writing in the near future to your present post-office address.

After the testimony was closed, the witness returned and offered a written application, which was accepted and filed by the Commission.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above

Susan L. Benson 3--

entitled case on the 25th day of August, 1900 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Mirra Jones

Subscribed and sworn to before me this 4th day of September, 1900.

Notary Public
Notary Chairman.

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

In the matter of the application of Susan, Elminie Benson for the identification of her minor children, Bruce and Eva Benson, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Susan Elminie Benson appeared before the Commission at Muskogee, Indian Territory, August 28, 1900, and there made application for the identification of her minor children, Bruce Benson and Eva Benson, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No. 162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Com-

mission that the application for identification of Susan Minnie
Benson for her minor children, Bruce Benson and Eva Benson, as
Mississippi Choctaws, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Muskogee, Indian Territory.

FEB 21 1901

RECEIVED
FEB 21 1901
MUSKOGEE
INDIAN TERRITORY

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Susan Elminia Anson
et al

m.c.P.

COPY.

N C R 636

Muskogee, Indian Territory, April 21, 1908/

Susan E. Benson,

Baglston, Indian Territory.

Dear Madam-

You are hereby advised that on the 15th day of April, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John P. Benson, et al., embracing the following applications for identification as Mississippi Choctaws:

John P. Benson, et al.,	N C R 407
Fannie Moore,	N C R 408
Orval Benson,	N C R 408
William C. Benson, et al.,	N C R 404
Effie Burleson, et al.,	N C R 406
Mattie Benson, et al.,	N C R 408
Lucetta Benefield,	N C R 410
Frankie Benson,	N C R 411
Tom Benefield, et al.,	N C R 418
Draxton C. Benson, et al.,	N C R 413
Dora Williams, et al.,	N C R 416
Nancy Howell, et al.,	N C R 414
Minnie Howell, et al.,	N C R 417
Thomas E. Benson,	N C R 419
Mary Hogan, et al.,	N C R 421
Hannie Benson,	N C R 422
Bettie Ashcraft, et al.,	N C R 423
Anatan A. Benson,	N C R 427
Bruce Benson, et al.,	N C R 636
John Benson,	N C R 637
Ellis Benson,	N C R 638

Said decision, after a review of the evidence

5 2 2

submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stats. 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of John P. Benson, Alice Benson, Lillie Benson, Garry Benson, Fannie Moore, Orval Benson, William C. Benson, Nathaniel F. Benson, David L. Benson, Maude W. Benson, Daisy F. Benson, Luther A. Benson, Yotha M. Benson, Bettie E. Benson, Claude Benson, Straud Benson, Barlow K. Benson, Chester H. Benson, Effie Burleson, Marian Elmer Burleson, Mattie Benson, Lane Benson, Theodosia Benson, Bonnie Benson, Jewell Benson, Lucetta Benefield, Frank Benson, Tom Benefield, Corbett Benefield, Tanie Benefield, Frank Benefield, Ira Benefield, Braxton C. Benson, Florence Benson, Bertha Benson, Lucetta Benson, Mattie Benson, Bulce Benson, Dora Williams, Elsie Williams, Nancy Howell, James Howell, Minnie Benson, Wilma Brown, Thomas E. Benson, Mary Hogan, James Thomas Hogan, Lee Claud Hogan, Garvin S. Hogan, Nannie Benson, Bettie Ashcraft, Johnnie Ashcraft, Etter Ashcraft, Emory Ashcraft, Austan A. Benson, Bruce Benson, Eva Benson, John Benson and Ellis Benson, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED):

James Bixby.

Acting Chairman

Registered.

M.C.R.636.

COPY.

Waukegan, Indian Territory, May 29, 1902.

Ernest Benson,

Engletown, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of May, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John F. Benson et al, of which decision you were advised by registered mail on the 23rd day of April, 1902.

Yours truly,

(SIGNED)

T. J. [Signature]

Commissioner in Charge.

Aug. 28, 1900

1/16.

Application as Mississippi
Choctaws of Bruce Benson¹⁸ and
Eva Benson.¹⁵

Appearance by.

Susan E. Benson. 49.

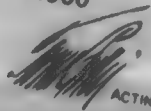
Bagletown, Ind. Ter.

FATHER: Ellis Benson - dead.

MOTHER: Susan E. Benson ✓

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F. I. D.
AUG 28 1900



ACTING CHAIRMAN.

FOR IDENTIFICATION
A MISSISSIPPI CHOCTAW

REFUSED

Bruce Benson et al.

Judgment written Feb. 2-- 1901 H. H.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.
FEB 21 1901

[Signature]
ACTING CHAIRMAN

REFER TO M. C. R.

Choc MCR 637 John Benson

see MCR 407

MCR 637

R. 637

John Benson

RECEIVED

APR 21 1892

MAY 1 1892

MAY 23 1892

MAY 27 1892

MAY 27 1892

407

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. August 28, 1900.

In the matter of the application for identification as a Mississippi Choctaw of John Benson, John Benson being duly sworn by the Commission testified as follows:

Examination by the Commission.

- Q What is your name? A John Benson.
Q What is your age? A Twenty five.
Q What is your post-office address? A Eagletown, I. T.
Q You live at Eagletown? A Yes sir.
Q How long have you lived in the Indian Territory? A Eight months.
Q Where did you live prior to that time? A I lived in Texas.
Q You have only lived in the Indian Territory for the past eight months? A Yes sir.
Q How much Choctaw blood do you claim? A One sixteenth.
Q What is your father's name? A Ellis Benson.
Q Is he living? A No sir.
Q What is your mother's name? A Susan Elmina Benson.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q Is your father's name on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Did your father ever make application to the Choctaw tribal authorities for citizenship in that Nation? A No sir.
Q Was your father ever recognized in any manner as a citizen of the Choctaw Nation? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Did you ever make application to the Choctaw tribal authorities for citizenship in that Nation? A Yes sir.
Q When? A Last November.
Q To the Choctaw tribal authorities? A No sir.
Q You have never made application to the Choctaw tribal authorities? A No sir.
Q Did you or did any one in your behalf make application to this Commission in 1896 for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No sir.
Q Have you prior to this time ever made any application to either the authorities of the United States or the Choctaw Nation for either citizenship or enrollment in the Choctaw Nation? A No sir.
Q Is it not a fact that you applied to this Commission November 14th, 1899 at South McAlester for enrollment as a citizen of the Choctaw Nation? A Yes sir.
Q Why did you say you had never made any application prior to this time then? A I didn't understand you.
Q You are aware of the fact that when you made application to the Commission at south McAlester, the 14th of November, 1899 the Commission refused to enroll you as a citizen? A Yes sir.
Q Why do you make this application now then? A My people all made application again and I think I can make application to.
Q Have you any better grounds than you had a year ago? A I don't know much about the grounds myself.
Q It wasn't sufficient then, you know that you had been refused then? A No sir.
Q Have you any further evidence of the fact that you are entitled to be enrolled as a citizen of the Choctaw Nation or to be identified as a Mississippi Choctaw than you had last November? A Yes sir, more proof I guess.
Q What do you mean by more proof? A There was more witnesses than there was at McAlester.

John Benson 2 --

Q More witnesses as to what? A More witnesses to prove up the blood I guess. More Choctaw witnesses.

Q Why did you make application to the Commission last November as a citizen by blood, for enrollment as a citizen by blood, and now come here and make application for identification as a Mississippi Choctaw? A I don't know.

Q Do you know anything about it? A No sir.

Q Do you know what you are trying to do? A I know I am trying to prove up the right.

Copy of the testimony of John Benson in his application for enrollment as a citizen by blood at McAlester, Indian Territory, November 14th, 1899, offered in evidence marked exhibit A, identified as such, filed and made a part of the record in this case

Q You now make application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Mississippi Choctaw? A My uncle told me all I know about it.

Q Do you know anything about it to your own personal knowledge? A No sir.

Q You don't even know what you are making application as, do you? A Application as a Mississippi Choctaw.

Q What is a Mississippi Choctaw? A It is a Choctaw that was in Mississippi I guess, never did come to this Territory.

Q You think then by reason of the fact that you have been taught and believe you have Choctaw blood in your veins that you should be identified by this Commission as a Mississippi Choctaw at this time? A Yes sir.

Q Is that the only basis of your claim? A Yes sir.

Q Just by reason of the fact that you have Choctaw blood you now think you are entitled to be identified as a Mississippi Choctaw? A Yes sir.

Q Do you make any claim by reason of any of the treaties entered into between the Choctaw Indians and the United States?

Q I don't understand much about the treaties. I claim under the treaty of 1830.

Q Then you do make a claim under the treaty of 1830? A Yes sir, and under the treaty of 1866.

Q What do you claim under the treaty of 1866? A I don't know anything about the treaty.

Q What do you claim under the treaty of 1830? A I don't know anything about the treaty.

Q Do you make any claim under the fourteenth article of the treaty of 1830? A No sir.

Q Did you or any of your ancestors ever take advantage of the treaty of 1830? A No sir.

Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.

Q Do you make any claim under the fifteenth article of that treaty? A No sir.

Q Do you claim under the nineteenth article of that treaty? A No sir.

Q Do you make any claim under the supplement to that treaty? A No sir.

Q Are you married? A No sir.

Q Have you ever been married? A No sir.

Q Making this claim solely on your own behalf? A Yes sir.

Q You stated that you have lived in the Indian Territory for the past eight months? A Yes sir.

Q Where did you live before that? A I lived in Mississippi part of the time and in Texas part of the time.

Q Where did you live prior to your residence in the Indian Territory? A Arkansas.

Q How long did you live in Arkansas? A About a year.

Q Where did you live before that? A Texas.

Q How long did you live in Texas? A Six years.

John Benson 3---

- Q Where did you live before that? A In Arkansas.
Q How long did you live in Arkansas the first time? A About nine years.
Q Where did you live before you moved to Arkansas? A Mississippi?
Q Were you born in Mississippi? A Yes sir.
Q Were you recognized as a Choctaw Indian in Mississippi? A No sir.
Q Which one of your ancestors was recognized by the Choctaw Indians in Mississippi as a Choctaw and enrolled as such at the time the treaty was made between the Choctaw Indians and the United States in 1830? A I don't know.
Q Do you know anything concerning your ancestors and their rights to hold land in Mississippi under the fourteenth article of the treaty of 1830? A No sir.
Q Do you know any further statements or facts that would be beneficial in any way to the claim you make at this time for identification as a Mississippi Choctaw? A No sir.
Q Is there any additional statement that you desire to make? A No sir.
Q Is there any written evidence that you desire to submit for the consideration of the Commission? A No sir.

The decision of the Commission as to the application you make for identification as a Mississippi Choctaw, will be mailed to you in writing in the near future at your present post-office address.

After the above testimony was closed, the witness returned and offered a written application which was accepted and filed by the Commission.

Myra Young, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 28th day of August, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 4th day of September, 1900.


Acting Chairman.

Commission to the Five Civilized Tribes,

McAlester, I.T., Nov. 24, 1899.

In the application of John Benson for enrollment as a Choctaw;
being sworn and examined by Com'r McKennon as states:

- Q What is your name? A John Benson.
Q How old are you? A Twenty-four.
Q Where are you from? A Arkansas.
Q How long have you lived in Arkansas? A I lived there about
twelve years.
Q Come from there to the Territory? A Yes sir.
Q When? A The second day of ~~approx~~ this month.
Q The 2nd day of November 1899? A Yes sir.
Q Never lived here before? A No sir.
Q You are not on the Choctaw rolls? A No sir.
Q Your father and mother never have been? A No sir.
Q Did you make application to the Dawes Commission in 1896?
A No sir.
Q None was made for you? A No sir.

(Com'r McKennon: Enrollment is refused.)

(Com'r McKennon; apparently white)

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.

[Signature]

7-R-442

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

In the matter of the application of John Benson for enrollment as a citizen of the Choctaw Nation.

D E C I S I O N .

The applicant, John Benson, appeared before the Commission at McAlester, Indian Territory, November 14, 1899, and made application for enrollment as a citizen of the Choctaw Nation.

From an examination of the records in possession of the Commission, and from the evidence in this case, it appears that the name of the applicant has never been upon any of the tribal rolls of the Choctaw Nation; and it does not appear that the applicant was ever admitted to citizenship in the Choctaw Nation by the tribal authorities of the said Nation. It further appears from said records and evidence that the applicant was never admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, acting under the Act of Congress of June 10, 1896, or by the United States Court in Indian Territory, on appeal from the decision of the said tribal authorities or the decision of the said Commission.

It also appears from the evidence that the applicant did not remove to Indian Territory in compliance with the Act of Congress of June 28, 1898, (Curtis Bill), which 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."

Therefore, the application of the said John Benson for enrollment as a citizen of the Choctaw Nation is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory, _____ 1901,

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

In the matter of the application of John Benson for identification as a Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that John Benson appeared before the Commission at Muskogee, Indian Territory, August 28, 1900, and there made application for identification as a Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimant, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Com-

mission that the application for identification of Jehn Benson as
a Mississippi Choctaw, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory,

4

COMMISSIONERS:
WY L DAWES,
JES BIXBY,
THOMAS B NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 20th, 1901.

John Benson,

Eagletown, I.T.

Dear Sir:

There is enclosed you herewith a copy of the Commission's decision refusing your application for identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

encl.hh
Reg.M.

M.C.R. 637

COPY.

Muskogee, Indian Territory, April 21, 1902.

John Benson,

Muskogee, Indian Territory.

Dear Sir-

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John P. Benson, et al., embracing the following applications for identification as Mississippi Choctaws:

John P. Benson, et al.,	M C R 407
Fannie Moore,	M C R 408
Orval Benson,	M C R 409
William C. Benson, et al.,	M C R 404
Effie Burleson, et al.,	M C R 408
Mattie Benson, et al.,	M C R 406
Lucretia Benefield,	M C R 410
Frankie Benson,	M C R 411
Tom Benefield, et al.,	M C R 412
Eraxton C. Benson, et al.,	M C R 413
Dora Williams, et al.,	M C R 418
Nancy Howell, et al.,	M C R 416
Minnie Benson, et al.,	M C R 417
Thomas B. Benson,	M C R 419
Mary Hogan, et al.,	M C R 421
Bennie Benson,	M C R 422
Bettie Ashcraft, et al.,	M C R 423
Austan A. Benson,	M C R 427
Bruce Benson, et al.,	M C R 636
John Benson,	M C R 637
Ellis Benson,	M C R 638

Said decision, after a review of the evidence

J B 2

submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats. 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of John P. Benson, Alice Benson, Lillie Benson, Carry Benson, Fannie Moore, Orval Benson, William C. Benson, Nathaniel F. Benson, David L. Benson, Maude W. Benson, Daisy F. Benson, Luther A. Benson, Yetha M. Benson, Bettie E. Benson, Claude Benson, Straud Benson, Harlow K. Benson, Chester H. Benson, Effie Burleson, Marian Elmer Burleson, Mattie Benson, Lane Benson, Theodosia Benson, Bonnie Benson, Jewell Benson, Lucetta Benefield, Frankie Benson, Tom Benefield, Corbett Benefield, Tanie Benefield, Frank Benefield, Ira Benefield, Braxton C. Benson, Florence Benson, Bertha Benson, Lucetta Benson, Hattie Benson, Hulce Benson, Dora Williams, Elsie Williams, Nancy Howell, James Howell, Minnie Benson, Wilma Brown, Thomas H. Benson, Mary Hogan, James Thomas Hogan, Lee Claud Hogan, Carvin S. Hogan, Fannie Benson, Bettie Ashcraft, Johnnie Ashcraft, Etter Ashcraft, Enory Ashcraft, Austan A. Benson, Bruce Benson, Eva Benson, John Benson and Ellis Benson, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *Tame Dixey.*
Acting Chairman.

Registered.

M.C.R. 687

COPY.

Mustang, Indian Territory, May 29, 1908.

John Benson,

Agletown, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of May, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John P. Benson et al, of which decision you were advised by registered mail on the 21st day of April, 1908.

Yours truly,

(SIGNED)

I. I. ...
Commissioner in Charge.

Aug. 28, 1900.

1/16

John Benson,

25

Cogletown, Ind. Pres.

FATHER: Ellis Benson ✓ dead.

MOTHER: Susan E. Benson ✓

Claims through father.

Not married, and no children.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 28 1900

 ACTING CHAIRMAN.

Choc mcr 638 Ellis Benson

sac mcr 407

mcr 638

Lucie Benson

REFUSED

NOTICE TO APPEAR

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

IN RE: [Illegible]

NOTICE TO APPEAR

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

IN RE: [Illegible]

NOTICE TO APPEAR

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

IN RE: [Illegible]

NOTICE TO APPEAR

107

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T. August 28, 1900.

In the matter of the application for identification as a Mississippi Choctaw of Ellis Benson. Ellis Benson being duly sworn by the Commission, testified as follows.

Examination by the Commission.

- Q What is your name? A Ellis Benson.
Q What is your age? A Twenty one.
Q What is your post-office address? A Eagletown,
Q Indian Territory? A Yes sir.
Q How long have you lived in the Indian Territory? A About eight months.
Q Where did you live prior to that time? A Texas.
Q How much Choctaw blood do you claim? A One sixteenth.
Q What is your father's name? A Ellis Benson
Q Is he living? A No sir.
Q What is your mother's name? A Susan Elmina Benson.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q Is your father's name on any of the Choctaw tribal rolls? A No sir.
Q Did your father ever make application to the Choctaw tribal authorities for citizenship in that Nation? A No sir.
Q Was your father in any manner ever recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Did you ever make application to the Choctaw tribal authorities for citizenship in that Nation? A No sir.
Q Have you ever been recognized in any manner by the Choctaw tribal authorities as a citizen of that Nation? A No sir.
Q Did you or any one in your behalf make application to this Commission in 1896 for citizenship in the Choctaw Nation under the act of June 10th, 1896? A No sir.
Q Have you ever prior to this time made any application to either the authorities of the United States or the Choctaw Nation for either citizenship or enrollment in that Nation? A We made application to the Dawes Commission.
Q When? A September 14th, I believe, 1899. November 14th.

The records of the Commission examined and it appears that Ellis Benson, 22 years of age made application to this Commission for enrollment as a citizen of the Choctaw Nation, November 14th, 1899, and after being examined by the Commission, the Commission after hearing his oral testimony at that time refused his enrollment as a citizen of the Choctaw Nation.

- Q There seems to be a question arising as to two Ellis Benson's having appeared? A Two of us. We are cousins.
Q One of them says that he came from Texas to the Indian Territory the first of the month and the other man says he came there the day before? A I can't tell you. My age was 21.
Q When you went to South McAlester, how long had you been in the Indian territory? A About twelve days I guess.
Q Then you are the one that had been there since the first of November. Who is this other Ellis Benson? A He is a cousin.
Q Where is he? A I don't know where he is at now.

Copy of the testimony of Ellis Benson before the Commission at McAlester, Indian Territory, November 14th, 1899, offered in evidence, marked exhibit A, being identified as such, filed and made a part of the records in this case.

Ellis Benson 2--

Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Mississippi Choctaw? A I don't know.

Q Why are you making the application then? A I don't know that.

Q What is your object in making the application? A My people is and I am to.

Q Your people are what? A Making application.

Q And that is the only reason you are making application? A Yes sir.

Q Do you make any claim by reason of any of the treaties made between the United States and the Choctaw tribe of Indians? A I don't know, sir.

Q Did you ever hear of the treaty of 1830? A I don't know anything about it.

Q Do you make any claim under the treaty of 1830? A No sir.

Q Do you make any claim under the fourteenth article of the treaty of 1830? A No sir.

Q Did any of your ancestors ever take advantage of the fourteenth article of the treaty of 1830? A No sir, not that I know of.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know, sir.

Q Do you make any claim under the fifteenth article of the treaty of 1830? A No sir.

Q Do you claim under the nineteenth article of that treaty.

A No sir.

Q Do you make any claim under the supplement to that treaty?

A No sir.

Q Are you married? A No sir.

Q Ever been married? A No sir.

Q Making this claim solely on your own behalf? A Yes sir.

Q Is there any additional statement you desire to make in support of your application at this time? A No sir.

Q Any additional testimony that you desire to submit in support of your claim? A The evidence that comes in with the other Benson case.

Q The Commission will not undertake or consider written evidence filed in support of one application as having any bearing on another application. All evidence submitted for the consideration of the Commission must be filed in one particular case. How much time do you want in which to offer additional evidence? A I don't know.

Q Permission is granted the applicant to file additional written evidence provided the same is filed within fifteen days from this date.

The decision of the Commission as to your application for identification as a Mississippi Choctaw, will be mailed to you in writing in the near future at your present post-office address.

After the above testimony was closed, the witness returned and offered a written application which was accepted and filed by the Commission.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 28th day of August, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 4th day of ~~September~~ 1900

Myra Young
Asking Chairman.

Commission to the Five Civilized Tribes.

McAlester, T., Nov. 14, 1899.

In the application of Ellis Benson for enrollment as a Choctaw being sworn and examined by Com'r McKennon she states:

Q What is your name? A Ellis Benson.

Q How old are you? A Twenty-two.

Q Where are you from? A I am a native of Mississippi; I came from there to Arkansas and lived there ten years, and from there to Texas, and from there here.

Q How long did you live in Texas? A About five years.

Q When did you come to the Territory? A I came yesterday.

Q Never lived here before? A No sir.

Q You were never on the Choctaw roll? A No sir.

Q Nor your father and mother? A No sir.

Q Was your name in the application for citizenship to the General Commission in 1895? A No sir not as I know of.

Com'r McKennon: Enrollment is refused.

(Com'r McKennon apparently white.)

Department of the Interior.

Commission to the Five Civilized Tribes.

I hereby certify upon my official duties being called to duty as General Commission that this transcript is a true, full and correct translation of my stenographic notes.

M. D. [Signature]

7-PA36

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

In the matter of the application of Ellis Benson for enrollment as a citizen of the Choctaw Nation.

DECISION.

The applicant, Ellis Benson, appeared before the Commission at McAlester, Indian Territory, November 14, 1899, and there made application for enrollment as a citizen of the Choctaw Nation.

From an examination of the records in possession of the Commission, and from the evidence in this case, it appears that the name of the applicant has never been upon any of the tribal rolls of the Choctaw Nation; and it does not appear that the applicant was ever admitted to citizenship in the Choctaw Nation by the tribal authorities of the said Nation. It further appears that the applicant was never admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, acting under the Act of Congress of June 10, 1896, or by the United States Court in Indian Territory, on appeal from the decision of the said tribal authorities or the decision of the said Commission.

It also appears from the evidence that the applicant did not remove to Indian Territory in compliance with the Act of Congress of June 28, 1898, (Curtis Bill), which 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."

Therefore, the application of the said Ellis Benson for enrollment as a citizen of the Choctaw Nation is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory, _____ 1901.

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

In the matter of the application of Ellis Benson for identification as a Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Ellis Benson appeared before the Commission at Muskogee, Indian Territory, August 28, 1900, and there made application for identification as a Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimant, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of John Benson as a Mississippi Choctaw, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory,

Muskogee, Indian Territory.

September 8th, 1900.

Ellis Benson,

Eagletown, Indian Territory.

Dear Sir:-

The Commission is in receipt of the affidavits of James Franier, Annie Stumphill, B. G. Stumphill and John Lewis, in the matter of the application of Ellis Benson for identification as a Mississippi Choctaw, and the same has been duly filed with the records of the Commission.

Yours truly,

Acting Chairman.

In answering this letter
 please refer to H.C.R.- 600

COMMISSIONERS:
HENRY L. DAWES,
TANS BIRBY,
THOMAS B. NEEDLER,
C. B. BRACKENRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

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

Muskogee, Indian Territory, March 20th, 1901.

Ellis Benson,

Bagletown, I.T.

Dear Sir:

There is enclosed you herewith a copy of the Commission's decision refusing your application for identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

encl. hh
Reg. M.

M.C.R. 638

COPY.

M C R 439

Muskogee, Indian Territory, April 21, 1908.

Ellis Benson,

Wagletown, Indian Territory.

Dear Sir-

You are hereby advised that on the 15th day of April, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John P. Benson, et al., embracing the following applications for identification as Mississippi Choctaws:

John P. Benson, et al.,	M C R 407
Fannie Moore,	M C R 408
Orval Benson,	M C R 409
William B. Benson, et al.,	M C R 404
Effie Darlesson, et al.,	M C R 405
Mattie Benson, et al.,	M C R 406
Inocetta Benefield,	M C R 410
Frankie Benson,	M C R 411
Tom Benefield, et al.,	M C R 412
Draxton C. Benson, et al.,	M C R 413
Bora Williams, et al.,	M C R 415
Nancy Howell, et al.,	M C R 416
Minnie Benson, et al.,	M C R 417
Thomas E. Benson,	M C R 419
Mary Hogan, et al.,	M C R 421
Nannie Benson,	M C R 422
Bettie Ashcraft, et al.,	M C R 423
Austan A. Benson,	M C R 424
Bruce Benson, et al.,	M C R 436
John Benson,	M C R 437
Ellis Benson,	M C R 438

Said decision, after a review of the evidence

2 2

submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898(30 Stats. 496) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of John P. Benson, Alice Benson, Lillie Benson, Garry Benson, Fannie Moore, Orval Benson, William C. Benson, Nathaniel F. Benson, David L. Benson, Maude W. Benson, Daisy F. Benson, Luther A. Benson, Yotha K. Benson, Bettie K. Benson, Claude Benson, Straud Benson, Barlow K. Benson, Chester H. Benson, Effie Burleson, Marian Elmer Burleson, Mattie Benson, Lane Benson, Theodosia Benson, Bonnie Benson, Jewell Benson, Lucetta Benefield, Frankie Benson, Tom Benefield, Corbett Benefield, Tamie Benefield, Frank Benefield, Ira Benefield, Braxton C. Benson, Florence Benson, Bertha Benson, Lucetta Benson, Hattie Benson, Mable Benson, Dora Williams, Elsie Williams, Nancy Howell, James Howell, Minnie Benson, Wilma Brown, Thomas J. Benson, Mary Hogan, James Thomas Hogan, Lee Claud Hogan, Carvin S. Hogan, Nannie Benson, Bettie Ashcraft, Johnnie Ashcraft, Otter Ashcraft, Emory Ashcraft, Austan A. Benson, Bruce Benson, Eva Benson, John Benson and Ellis Benson, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tamie Dwyer

Acting Chairman.

Registered.

M.O.R. 636.

COPY.

Muskogee, Indian Territory, May 29, 1908.

Ellie Benson,

Bagletown, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of May, 1908, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John P. Benson et al, of which decision you were advised by registered mail on the 21st day of April, 1908.

Yours truly,

(SIGNED)

Commissioner in Charge.

Aug. 28, 1900.

116

Ellis Benson. 21

Coyletown, Ind. Ter.

FATHER: Ellis Benson - dead

MOTHER: Susan E. Benson ✓

Claims through father.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

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

FILED

AUG 28 1900



ACTING CHAIRMAN.

Choc mcr 639 miles F. Blundell

mcr 639

Department of the Interior,
Commission to the Five Civilized Tribes,
Tuskagee, I. T. August 26, 1900.

In the matter of the application for identification as Mississippi Choctaws of Miles F. Blundell and of his six minor children. Miles F. Blundell being duly sworn by the Commission, testified as follows:

Examination by the Commission.

- Q What is your name? A Miles F. Blundell.
Q What is your age? A I am 53 years old sir.
Q What is your post-office address? A Foster, Chickasaw Nation?
Q Indian Territory? A Yes sir.
Q Do you live in the Indian Territory? A Yes sir.
Q How long have you lived here? A Since 1888.
Q Have you maintained a continuous residence here since 1888?
A Yes sir.
Q Have you been outside of the Indian Territory in the past three years? A No sir.
Q How much Choctaw blood do you claim? A One eighth.
Q What is your father's name? A Francis Blundell.
Q Is he living? A No sir.
Q What is your mother's name? A Rebecca Blundell.
Q Is she living? A No sir.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q Is your father's name on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Did your father ever make application to the tribal authorities of the Choctaw Nation for citizenship in that Nation? A No sir.
Q When did he die? A In 1895.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Did you ever make application to the Choctaw tribal authorities for citizenship in that Nation? A No sir.
Q Have you ever been recognized in any manner by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.
Q Did you or any one in your behalf, make application to this Commission under the act of Congress of June 10th, 1896, for citizenship in the Choctaw Nation? A No sir.
Q Have you ever prior to this time made application to either the authorities of the United States or the authorities of the Choctaw Nation for either enrollment or citizenship in the Choctaw Nation? A I never have.
Q This is your first application of any description? A Yes sir.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q Why do you believe that you are entitled at this time to be identified by this Commission as a Mississippi Choctaw, under the fourteenth article of the treaty of 1830? A My people are all Choctaw Indians, Mississippi tribe, that is my ancestors.
Q Your ancestors were recognized citizens of the Choctaw Nation? A Yes sir, in Mississippi.
Q You are then making a claim under the fourteenth article of the treaty of 1830? A Yes sir.
Q Did any of your ancestors ever take advantage of the provisions of the fourteenth article of the treaty of 1830? A None that I ever have any knowledge of.
Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the

Niles P. Blundell 2---

treaty of 1830. A I don't know.

Q Do you make any claim under the fifteenth article of the treaty of 1830? A No sir.

Q Do you make any claim under the nineteenth article of the treaty of 1830? A No sir.

Q Do you make any claim under the supplement to the treaty of 1830? A No sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Ex Vetma Blundell.

Q What is her age? A 42 years.

Q Are you making any claim for her? A No sir.

Q She is a white woman? A Yes sir.

Q Never claimed any Indian blood or made any claim to Indian citizenship? A No sir.

Q When did you marry her? A in 1875.

Q Where? A Brown County, Texas.

Q Did you ever marry her in accordance with the laws of the Choctaw Nation? A No sir.

Q Have you any evidence of your marriage to her that you desire to present for the consideration of the Commission at this time? A No sir.

Q You are not making application for your wife? A No sir.

Q Have you any children under twenty one years of age and unmarried for whom you desire to make application? A Yes sir, I have six.

Q What are the names of these children and their ages? A Fannie M. Blundell, 17. Lee Blundell 15. Van E. Blundell 13. Noma Blundell 10. Johnnie O. Blundell, 8. Mattie May Blundell two.

Q Is that all? A Yes sir.

Q You are the father of these six children, A Yes sir.

Q Vetma Blundell is the mother? A Yes sir.

Q Of all six of them? A Yes sir.

Q These children live with you at your home? A Yes sir.

Q You stated that you had lived in the Indian Territory continuously since 1888? A Yes sir.

Q Where did you live prior to that time? A Texas.

Q How long did you live in Texas? A All my life.

Q You were born in Texas? A Yes sir.

Q Which one of your ancestors was living in Mississippi and recognized by the Choctaw Indians in 1830 when the treaty was made between the Choctaw Indians and the United States? A William Turnbull.

Q Was he an enrolled citizen? A I suppose he was.

Q Did he come with the Choctaw Indians from Mississippi to the Choctaw Nation in the Indian Territory? A I could not say whether he ever came from Mississippi or not. I can't say whether he ever came or not. My recollection is now that he died in Mississippi.

Q Have you any evidence of the fact that he ever took advantage of the fourteenth article of the treaty of 1830 and remained in Mississippi and received land in consideration of his not moving to the Choctaw nation when the Choctaw tribe of Indians moved here? A I have not.

Q Is there any additional statement you desire to make in support of your application? A No sir.

Q Is there any written evidence that you desire to file in support of the application made by you on your own behalf and on behalf of your children? A No sir.

The decision of the Commission as to your application and the application you make on behalf of your six minor children for identification as Mississippi Choctaws, will be mailed to you in writing in the near future to your present post-office address.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized

Walter H. Russell, Jr.

Whereas, the reporter in full of the proceedings held in the above
and foregoing is a true and correct copy of the stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 4th day of December, 1900.

[Signature]
Notary Public.

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

In the matter of the application of Miles F. Blundell,
 et al., for identification as Mississippi Choctaws, consolidating
 the applications of -

Miles F. Blundell, et al., M.C.R. 639
 Martha L. Hixton, et al., M.C.R. 640

List of papers forwarded to the Secretary of the Interior,
 comprising the record in the consolidated case of Miles F.
 Blundell, et al.

Page.

Original application of Miles F. Blundell, et al., to the Dawes Commission for identification as Mississippi Choctaws	3
Decision of the Commission to the Five Civilized Tribes refusing the application of Miles F. Blundell, et al., for identification as Mississippi Choctaws, dated February 27, 1901	4
Letter of the Commission to Miles F. Blundell, dated May 25, 1902, requesting additional testimony	5
Registry return receipt of letter to Miles F. Blundell	11
Original application of Martha L. Hixton, et al., to the Dawes Commission for identification as Mississippi Choctaws	15
Decision of the Commission to the Five Civilized Tribes refusing the application of Martha L. Hixton, et al., for identification as Mississippi Choctaws, dated February 27, 1901	16

200.

Letter of the Commission to Martha L. Edington,
dated May 23, 1908, requesting additional testimony . 16

Registry return receipt of letter to Martha L.
Edington 19

Decision of the Commission refusing the consolidated applica-
tion of Miles P. Blundell, et al., for identification as
Mississippi Cheaters 20

COPY.

L. D.
C.W.

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

In the matter of the application of Miles F. Kendall,
et al., for identification as Mississippi Choctaws, consolidating
the applications of -

Miles F. Kendall, et al., N.O.R. 239

Martha L. Kingston, et al., N.O.R. 240

DECISION.

It appears from the record herein that applications for
identification as Mississippi Choctaws were made on this Commission
by Miles F. Kendall for himself and his six other children, George
M., Bob, Tom, John, Thomas B., and Martha May Kendall, and by
Martha L. Kingston for herself and her six minor children, Willie
Belle, Jessie, Sam, Frank and Alice Kingston, under the follow-
ing provision of the act of Congress approved June 22, 1902, (32
Stats., 225):

That hereafter shall have authority to determine the
rights of the Choctaw and Chickasaw Indians in the lands
reserved to them by the act of Congress approved June 22, 1902,
and also to determine the rights of the Choctaw and Chickasaw
Indians in the lands reserved to them by the act of Congress
approved June 22, 1902, and also to determine the rights of the
Choctaw and Chickasaw Indians in the lands reserved to them by
the act of Congress approved June 22, 1902.

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of William Turnbull, who is alleged to have been a Choctaw Indian, degree of blood not stated, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants 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, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1895 (29 Stat. 321).

It is found that the name of one William Turnbull appears on page 84 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Lefflore's District in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek" and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The name of one William Turnbull is also found on page 126 of the record above cited in "A list of claims allowed under the treaty, in Greenwood Lefflore's District". It is further found that the name of one William Turnbull appears on page 83 of "A schedule of those Choctaws who

received lands under the provisions of the fourteenth article of the treaty of eighteen hundred and thirty by remaining upon the land for five years, in accordance with the provisions of that act, as prepared by the Indian Office; and also on page 179 of the Claimants' Brief and Evidence in the case of the Choctaw Nation versus the United States before the Court of Claims, No. 12742, in the general deposition of Moontubbee, containing a list of names attending the Council that decided to take lands under the fourteenth article.

Although it appears from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that one William Turnbull complied with the provisions of said article fourteen and received land as a beneficiary thereunder, it is not shown by the evidence offered by the several applicants herein that the William Turnbull through whom they claim is the identical William Turnbull whose name appears in the records above cited. It also appears that on May 23, 1902, the applicants were notified by the Commission that they would be given thirty days in which to show the relationship existing between themselves and the William Turnbull through whom they claim, and also as to whether he was a beneficiary under article fourteen of the treaty of eighteen hundred and thirty, which they have failed to do.

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Miles

-4-

F. Blundell, Fannie M. Blundell, Lee Blundell, Van Blundell, Nora Blundell, Johnnie O. Blundell, Mattie May Blundell, Martha L. Edington, Willie Edington, Katie Edington, Bessie Edington, Oscar Edington, Fannie Edington and Alice Edington as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

SIGNED,

Tams Dixby.
Acting Chairman.

SIGNED,

T. B. Needles.
Commissioner.

SIGNED,

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

FEB 6 1903

COPY.

Muskogee, Indian Territory, February 6, 1903.

Miles F. Blundell,
Foster, Indian Territory.

Dear Sir:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Miles F. Blundell, et al., embracing the following applications for identification as

Mississippi Choctaws:

Miles F. Blundell, et al., M.C.R. 639
Martha L. Edington, et al., " 640

These applications were made under the provision of the act of Congress of June 28, 1902 (36 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Miles F. Blundell, Fannie M. Blundell, Lee Blundell, Van Blundell, Hema Blundell, Johnnie O. Blundell, Mattie May Blundell, Martha L. Edington, Willie Edington, Katie Edington, Beacie Edington, Oscar Edington, Fannie Edington and Alice Edington

M. F. D. No. 2.

as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

C. R. Breckinridge.

Commissioner in Charge.

Registered.

COPY

Mustagee, Indian Territory, February 6, 1903.

Mansfield, Mc Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Miles F. Blundell, et al., embracing the following applications for identification as Mississippi Choctaws:

Miles F. Blundell, et al., M.C.R. 639
Martha L. Edington, et al., " 640

These applications were made under the provision of the act of Congress of June 20, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Miles F. Blundell, Fannie M. Blundell, Lee Blundell, Van Blundell, Nema Blundell, Johnnie G. Blundell, Mattie May Blundell, Martha L. Edington, Willie Edington, Katie Edington, Bessie Edington, Oscar Edington, Fannie Edington and Alice Edington as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

M. M. & C. No. 2.

file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

W. H. H. H.

C. R. Breckinridge
Commissioner in Charge.

COPY

Muskogee, Indian Territory, February 24, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Miles P. Blundell, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 6, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Miles P. Blundell, et al.,	M.C.R. 639.
Martha L. Edington, et al.,	M.C.R. 640.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Jame Bixby

Chairman.

Through the
Commissioner of Indian Affairs.
2 inclosures: M.C.R. 639

MCR 639

Land.
13667-1903.

DEPARTMENT OF THE INTERIOR, (COPY).
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, March 18, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Miles F. Blundell for himself and his six minor children, Fannie M., Lee, Van, Noma, Johnnie O. and Mattie May Blundell; and Martha L. Edington for herself and her six minor children, Willie, Katie, Beesie, Oscar, Fannie and Alice Edington, wherein a decision adverse to the applicants was rendered by the Commission February 6, 1903.

The testimony in this case shows that Miles F. Blundell and those claiming through him give Francis Blundell as their Choctaw ancestor.

Martha L. Edington and those claiming through her give Wm. Turnbull as their Choctaw ancestor.

In neither case could the parties testify as to whether their Choctaw ancestors of any degree of removal were recognized citizens of the Choctaw Nation in Mississippi or Alabama in 1830, or complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

The original examination was not full enough and the Commission notified the parties by registered mail of a further opportunity that would be given to supplement the evidence on material

points, but additional evidence was not furnished.

An examination has been made of the records of this office with reference to the names of Francis Blundell and Wm. Turnbull and it is discovered that their names do not appear among the names of those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

This being the case, it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(E. B. H.)

P.

Land.
31075-1903.

(COPY).
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, January 28, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of May 15, 1903 (I.T.D. 3048-1903), relative to the application of Miles F. Blundell et al., for identification as Mississippi Choctaws.

The claimants in this case base their application on their descent from William Turnbull, a beneficiary under the 14th article of the treaty of 1830. The Department asks for such evidence as the records of this office contain relative to William Turnbull.

The evidence furnished relative to William Turnbull and his claims was in the main in the shape of schedules on which his name appeared, the schedule covering an entire class of applicants. In Armstrong's register of Indians in the Leflore District, Choctaw Nation, Mississippi, at page 5 appears the name of William Turnbull. He had at that time 200 acres of land in cultivation, the entire number of the family was four and the number of males over sixteen years of age was two. The locality of the farm was on the "Yellow Bush" and a note follows to this effect: "Three places. Lives upon one on the hill, three-fourths mile from old place."

On page 5 of Martin's report of Choctaw locations, treaty of 1830, appears the following entry:

Located October 7, 1837, William and Judy Turnbull, number of children over two years, two, number of sections entitled, two, number of sections located, two. Tracts, the whole of sections 17 and 18, T. 28 N., R. 4 E.; number of acres, 1281.68, in the State of Mississippi, North-west Land District, Leflores District. There was filed with William Ward, Choctaw Agent, the following claim in behalf of William Turnbull:

August 11th, 1831, Choctaw Nation.

Col. William Ward,
Choctaw Agent. -

Dear Sir:

As the late Treaty made and entered into between the United States and the Choctaw Nation at Dancing Rabbit Creek makes it the duty of all the Choctaws that wish to become citizens of the United States and makes it their duty to signify to you or some authorized person their intention of doing so - I therefore for myself and my wife Judy Perry and her two children signifying this as our intention to take our five years stay where I now live - said house and a large plantation made before the treaty - I wish you to receipt this application and return it to as a proof of our application being made before six months run out from the ratification of said Treaty - The names of our children, Jessy Turnbull, William Turnbull, Judy Turnbull and myself William Turnbull - each child over ten years of age,

Entered 2nd July 1832 for five years stay.

Signed. S. Ward, Sub-Agent.

As will be seen, the wife of Turnbull was named Judy, sometimes given Julia, who was a daughter of Pamela Perry. Both children were over ten years of age, their names being Jesse and William. Subsequently the two sections above described in Grenada County, Mississippi were patented to Turnbull.

The examination of the witnesses in this case while it disclosed their claim to descent from William Turnbull, did not con-

tain the line of descent so as to enable the office to say whether the proof as to that question was satisfactory and I therefore recommend that the case be remanded to the Commission for further investigation as to the line of descent.

Very Respectfully,

G. F. Larrabee,

Acting Commissioner.

RRH:EDW

(COPY)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

G.R.

LLB

D.C. 6426-1905.
I.T.D. 3048-1903.
1078-1905.

February 3, 1905.

IRS.

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

Gentlemen:

February 24, 1903, you transmitted the record in the matter of the applications of Miles F. Blundell et al., M.C.R. 639, and Martha L. Edington et al., M.C.R. 640, for identification as Mississippi Choctaws including your decision of February 6, 1903, adverse to all the applicants.

March 18, 1903, the Acting Commissioner of Indian Affairs reporting in the matter recommended that your decision be affirmed. Copy of said letter is inclosed.

January 28, 1905, the Acting Commissioner of Indian Affairs upon retransmitting the record in said cases recommended "that the cases be remanded to the Commission for further investigation as to the line of descent." Copy herewith inclosed.

The Department does not concur in the recommendation made by the Acting Commissioner in his letter of January 28, 1905, for the reason that it appears of record that on May 23, 1902, subsequent to the hearing had on the examination of applicants for identification, the Commission notified applicants "that they would be given 30 days in which to show the relationship

existing between themselves and the William Turnbull through whom they claim, and also as to whether he was a beneficiary under Article 14 of the Treaty of 1830, which they have failed to do."

The Department sees no reason to disturb your decision of February 6, 1903, rendered therein, and said decision is hereby affirmed.

Respectfully,

Thos. Ryan
Acting Secretary.

2 inclosures.

COPY!

M.C.R. 439.

Muskogee, Indian Territory, February 13, 1906.

Miles F. Blundell,

Foster, Indian Territory.

Dear Sir:

You are hereby notified that on the 3rd day of February, 1906, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification of yourself, Fannie M. Blundell, Lee Blundell, Van Blundell, Noma Blundell, Johnnie O. Blundell and Mattie May Blundell, as Mississippi Choctaws, included in the consolidated case of Miles F. Blundell et al., of which decision you were advised by registered mail on the 6th day of February 1903.

Respectfully,

RESERVED

Fannie Blundell

Chairman.

M.C.R. 639

COPY.

Muskogee, Indian Territory, February 13, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 3rd day of February 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Miles F. Blundell et al., of which decision you were advised by mail on the 4th day of February, 1903.

Respectfully,

SIGNED,

James Bixby

Chairman.

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

In the matter of the application of Miles F. Blundell, for the identification of himself and his minor children, Pannie M., Lee, Van, Noma, Jehmie O., and Mattie May Blundell, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Miles F. Blundell, appeared before the Commission at Muskogee, Indian Territory, August 26, 1898, and there made application for the identification of himself and his minor children, Pannie M. Blundell, Lee Blundell, Van Blundell, Noma Blundell, Johnnie O. Blundell, and Mattie May Blundell, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 26, 1898, (Public No., 162), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of Miles P. Blundell, for himself and his minor children, Fannie M. Blundell, Lee Blundell, Van Blundell, Nema Blundell, Johnnie O. Blundell, and Mattie May Blundell, as Mississippi Choctaws, be, and the same is, hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Muskogee, Indian Territory.

FEB 27 1901

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

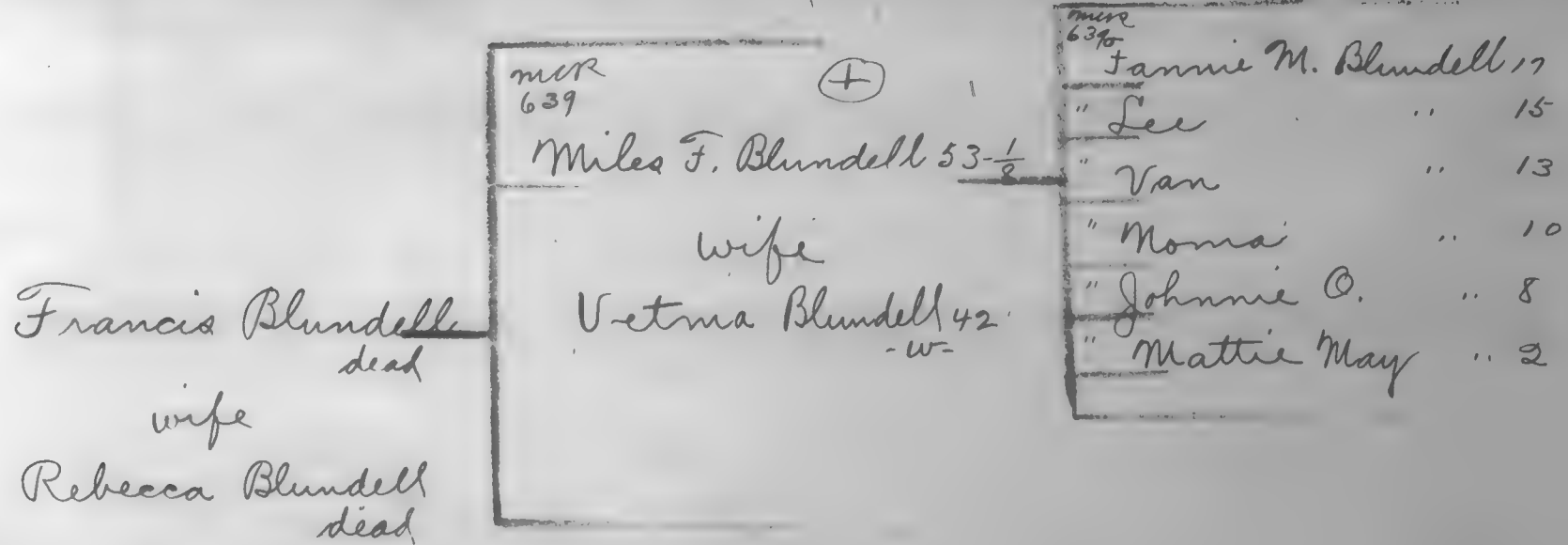
*Miles F. Blumell
et al*

*mcr
#639.*

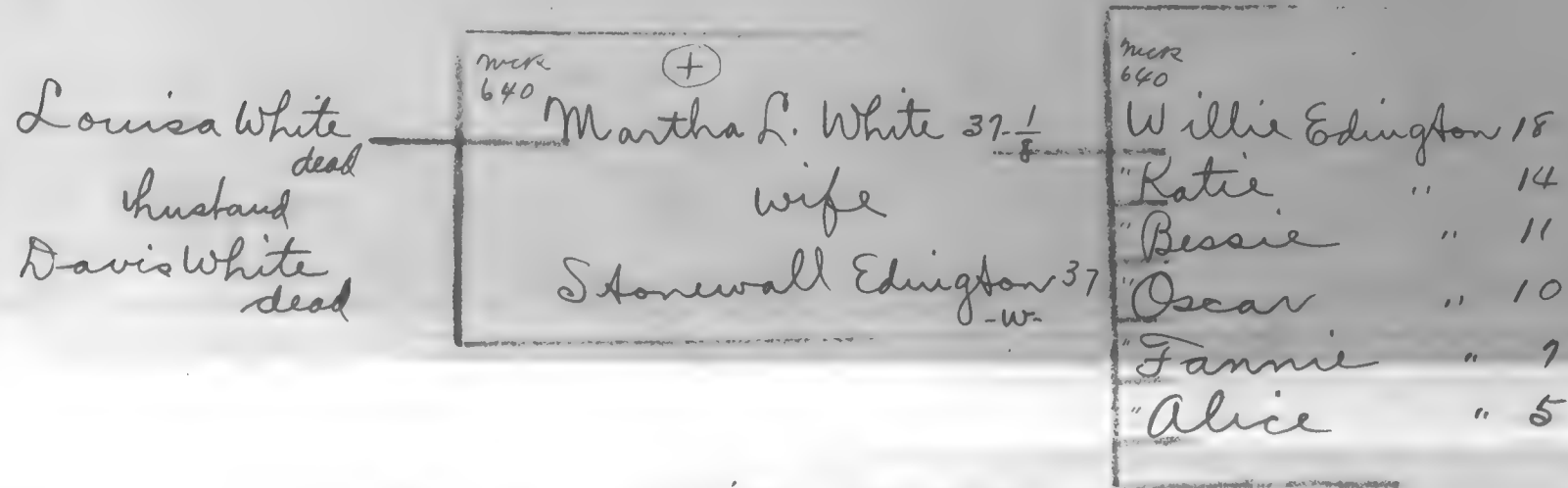
Consolidated Case
of
Miles F. Blundell et al.

REFER TO M. C. R.

639



(Wm Turnbull.)



⊕ Common ancestor of both is William Turnbull;
 relationship not given.

Muskogee, Indian Territory, February 27 / 1901.

Wiles F. Blundell,

Foster, I.T.

Dear Sir:

There is enclosed you herewith a copy of the Commission's decision refusing your application for identification as a Mississippi Choctaw, and also for your minor children as Mississippi Choctaws.

Yours truly,

Spring 1901

M. S. P. 1901

Aug. 28, 1900

1/8.

Miles F. Blundell. 54.

Foster, Ind. Per.

FATHER: Francis Blundell - dead

MOTHER: Rebecca Blundell - dead.

Claims through father

WIFE: Veturia Blundell - 42

Children:

Fannie M. Blundell	17
Lee	" " 15
Van	" " 13
Noma	" " 10
Johnnie O.	" " 8
Mattie May	" " 2

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 28 1900



ACTING CHAIRMAN.

REFUSED.

Miles F. Blundell et al.

*Judgment written Feb'y 2nd 1901
L.R.*

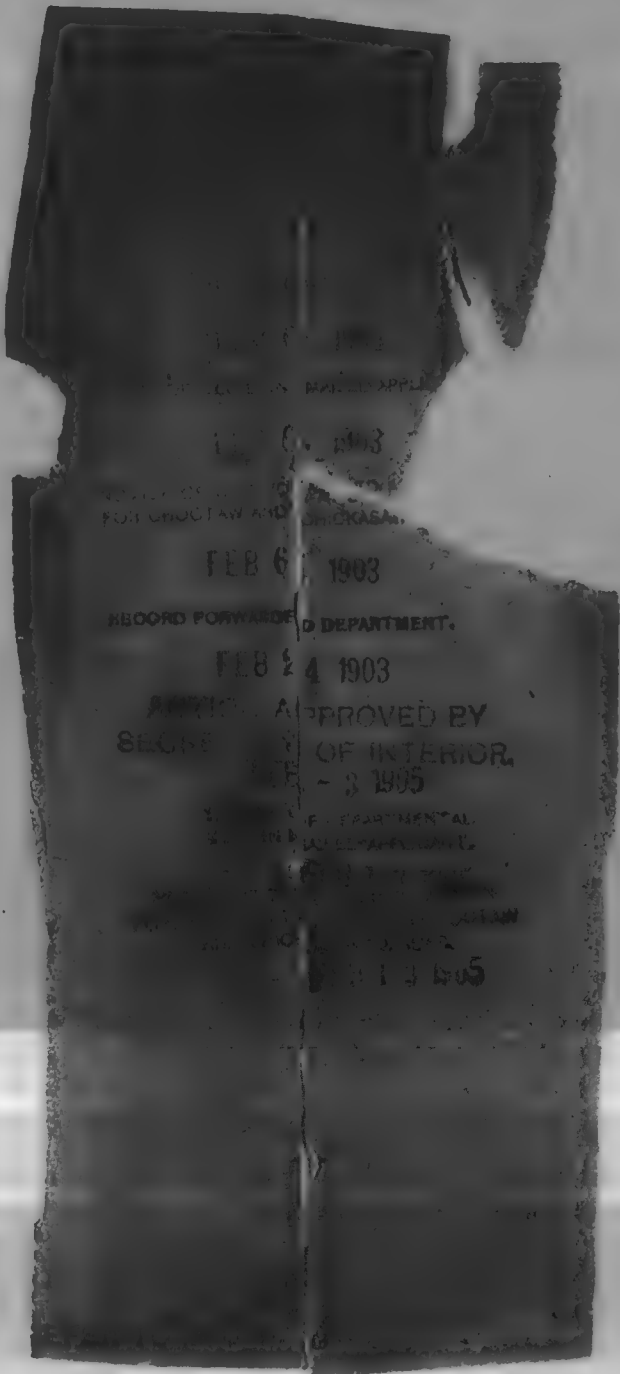
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.
FEB 27 1901


ACTING CHAIRMAN.

REFER TO M. C. R.

640 Martha L. Edington et al.

RECORDED AND INDEXED
FEB 6 1903
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RECORD FORWARDED TO DEPARTMENT.
FEB 24 1903
APPROVED BY
SECRETARY OF INTERIOR.
FEB - 3 1905
DEPARTMENTAL
13 1905



MAINE
MAINE

FEB 6 1903

FOR GOVT AND BUSINESS

FEB 6 1903

RECORD FORWARDED TO DEPARTMENT.

FEB 24 1903

APPROVED BY
SECRETARY OF INTERIOR
FEB - 3 1905

DEPARTMENTAL

11355

DECISION RENDERED.

FEB 6 1903

NOTICE OF DECISION MAILED APPLICANT

FEB 6 1903

NOTICE OF DECISION FOR CHOCTAW AND CHICKASAW

FEB 6 1903

RECORD FORWARDED TO DEPARTMENT.

FEB 24 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB - 3 1905

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT

FEB 13 1905

NOTICE OF DEPARTMENTAL ACTION FORWARDED AT BUREAU FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 13 1905

REFER TO M. O. R.

640

Choc. mcr 640 Martha L. Edington

mcr 640

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T. August 28, 1900

In the matter of the application for identification as Mississippi Choctaws of Martha L. Eddington and her six minor children. Martha L. Eddington being duly sworn by the Commission, testified as follows.

Examination by the Commission.

- Q What is your name? A Martha L. Eddington.
Q What is your age? A I am 37.
Q What is your post-office address? A Hoberson, Chickasaw Nation.
Q You live in the Chickasaw nation? A Yes sir.
Q How long have you lived in the Indian Territory? A Eight years.
Q Have you lived here continuously for the past eight years? A Yes sir.
Q Have you been outside of the Indian Territory in the past three years? A No sir.
Q How much Choctaw blood do you claim? A One eighth.
Q What is your father's name? A Davis White.
Q Is your father living? A No sir.
Q What is your mother's name? A Louisa White.
Q Is she living? A No sir.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q Is your mother's name on any of the tribal rolls of the Choctaw Nation? A Not that I know of.
Q Did your mother ever make application to the tribal authorities of the Choctaw nation for citizenship in that Nation? A Not that I know of.
Q Has your mother ever been recognized in any manner by the tribal authorities of the Choctaw Nation as a citizen of that Nation? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Did you ever make application to the Choctaw tribal authorities for citizenship in that Nation? A No sir, I never did.
Q Did you or did any one in your behalf make application to this Commission in 1896 and for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A Not that I know of.
Q Have you ever prior to this time made any application to this Commission or to the Choctaw tribal authorities for either citizenship or enrollment in the Choctaw nation? A No sir.
Q This is your first application of any description? A Yes sir.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q Why do you believe that you are entitled to be identified by this Commission as a Mississippi Choctaw? A My relations claim it. The old tribe of them. The old race claim it.
Q Claims what? A Mississippi Choctaw blood.
Q You are only making a claim then by reason of your Choctaw blood? A Yes sir.
Q Do you make any claim by reason of any of the treaties between the United States and the Choctaw Indians? A No sir.
Q Did you ever hear of the treaty of 1830? A Yes sir.
Q Do you make any claim under that treaty? A No sir.
Q Do you make any claim under the fourteenth article of the treaty of 1830? A No sir.
Q Did your ancestors ever take advantage of the fourteenth article of the treaty of 1830? A Not that I know of.

Martha L. Mington 2--

Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know.

Q Do you make any claim under the fifteenth article of the treaty of 1830? A No sir.

Q Do you make any claim under the nineteenth article of that treaty? A No sir.

Q Do you claim under the supplement to the treaty of 1830? A No sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A Stonewall Mington.

Q Is he living? A Yes sir.

Q What is his age? A 37.

Q Are you making application for your husband? A No sir.

Q He is a white man? A Yes sir.

Q Have you any children under twenty one years of age and unmarried for whom you desire to make application? A Six.

Q What are their names and ages? A Willie Mington, he is 18, Katie Mington is 14, Fessie Mington is 11, Oscar Mington 10, Fannie Mington 7 and Alice Mington 5.

Q Is that all? A Yes sir.

Q You are the mother of these six children? A Yes sir.

Q Stonewall Mington is the father of all six of them?

A Yes sir.

Q These children all live with you at your home? A Yes sir.

Q You stated that you have lived in the Indian territory eight years? A Yes sir.

Q Where did you live prior to that time? A Texas.

Q How long did you live in Texas? A Raised in Texas.

Q Born and raised in Texas and lived in Texas up until the time you moved to the Indian Territory? A Yes sir.

Q Which one of your ancestors lived in Mississippi and was recognized by the Choctaw Indians there in 1830 at the time the treaty was made between the Choctaw Indians and the United States?

A Turnbull.

Q What was his full name? A William Turnbull.

Q Did he move from Mississippi with the Choctaw Indians to the Indian Territory? A I don't know.

Q Did he receive lands in Mississippi in consideration of his remaining there as a beneficiary under the fourteenth article of the treaty of 1830? A I don't know.

Q Have you any evidence at all of your ancestor's action under the treaty of 1830? A No sir.

Q Have you any facts that would in any way be material to your application at this time in connection with your ancestor, William Turnbull? A No, I don't know as I have.

Q Is there any additional statement you desire to make?

A No sir.

Q Is there any written evidence that you desire to say submit for the consideration of the Commission, in support of your application? A No sir.

The decision of the Commission as to your application and the application you make on behalf of your six minor children for identification as Mississippi Choctaws, will be mailed to you in writing in the near future to your present post-office address.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 28th day of August, 1900, and that the above and foregoing is a full, true and complete transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 4th day of August, 1900.

Acting Notary.

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

In the matter of the application of Martha L. Edington for the identification of herself and her minor children, Willie, Katie, Bessie, Oscar, Fannie, and Alice Edington as Mississippi Choctaws.

DECISION.

The record in this case shows that Martha L. Edington, appeared before the Commission at Muskogee, Indian Territory, August, 22, 1900, and there made application for the identification of herself and her minor children Willie Edington, Katie Edington, Bessie Edington, Oscar Edington, Fannie Edington, and Alice Edington, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 20, 1898, (Public No., 142), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of Martha L. Edington, for herself and her minor children, Willie Edington, Katie Edington, Essie Edington, Oscar Edington, Fannie Edington, and Alice Edington, as Mississippi Choctaws, be, and the same is, hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.

Muskogee, Indian Territory.

FEB 27 1901

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Martha L Edington
et al

mer
#640

Waskagan, Indian Territory, February 27, 1901.

Martha L. Beington,

Robberson, T. T.

Dear Madam:

There is enclosed you herewith a copy of the Commission's
decision refusing your application and the application made by you on
behalf of your minor children for identification as Mississippi Choctaw.

Yours truly,

Acting Chairman.

H. J. A. 640

COPI

Muskogee, Indian Territory, February 6, 1903.

Martha L. Edington,

Roberson, Indian Territory.

Dear Madam:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Miles F. Blundell, et al., embracing the following applications for identification as Mississippi Choctaws:

Miles F. Blundell, et al.,	M.C.R. 639
Martha L. Edington, et al.,	" 640

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Miles F. Blundell, Fannie M. Blundell, Lee Blundell, Van Blundell, Homa Blundell, Johnnie O. Blundell, Mattie May Blundell, Martha L. Edington, Willie Edington, Katie Edington Bessie Edington, Oscar Edington, Fannie Edington and Alice Edington.

M. L. E. No. 2.

as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

C. R. Breckinridge.

Registered.

Commissioner in Charge.

H.C.R. 640.

COPY.

Muskogee, Indian Territory, February 13, 1908.

Martha L. Edington,

Roberson, Indian Territory.

Dear Madam:

You are hereby notified that on the 3rd day of February, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification of yourself, Willie Edington, Katie Edington, Bessie Edington, Oscar Edington, Fannie Edington and Alice Edington, as Mississippi Choctaws, included in the consolidated case of Miles F. Blundell et al., of which decision you were advised by registered mail on the 6th day of February 1908.

Respectfully,

SIGNED

Jama Bixby

Chairman.

Aug. 28, 1900.

1/8

Martha L. Edgington. 37. }
Roberson, Ind. Gen

FATHER: Davis White - dead
MOTHER: Louisa White - dead
Claims through mother.

HUSBAND. Stonewall Edgington 37. }

Children:

Willie Edgington	18
Katie " "	14
Bessie " "	11
Oscar " "	10
Fannie " "	7
Alice " "	5

FOR IDENTIFICATION AS
A MISSISSIPPI CROCTAW.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 28 1900

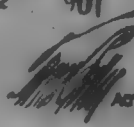

ACTING CHAIRMAN.

RECORDED
Martha L. Edgington et al.

Judgment Written Feb'y 2, 1901.

G.R.

C
DEPARTMENT OF THE INTERIOR,
THE FIVE CIVILIZED TRIBES
RETURNED AND COPY
MAILED APPLICANT.
FEB. 27 1901


ACTING CHAIRMAN

REFER TO M. C. R. 639

30

DECISION RENDERED.

FEB 6 1903

NOTICE OF DECISION MAILED APPLICANT.

FEB 6 1903

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 6 1903

RECORD FORWARDED DEPARTMENT.

FEB 24 1903

ACTION APPROVED BY
SECRETARY OF INTERIOR

FEB - 3 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

FEB 13 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

FEB 13 1905

REFER TO M. O. R. 639

Choc mcr 64/ John W. Sessums

mcr 64/

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 30, 1900.

In the matter of the application for identification as Mississippi Choctaws, of John Washington Sessums and his five minor children, Jacob, Wattie, Pearle, William Edward, John Henry and Roy Lee Sessums.

John Washington Sessums, after being sworn by the Commission, testified as follows:

(Examination by the Commission).

- Q What is your name? A My name? John Washington Sessums.
- Q What is your age? A 42.
- Q What is your post office address? A Ryan.
- Q You live at Ryan? A Yes sir, I live near Ryan.
- Q How long have you lived in the Indian Territory? A 11 years.
- Q Have you maintained a residence continuously in the Indian Territory for the past eleven years? A No sir, maybe I do not understand your question.
- Q Have you maintained a residence continuously for the past eleven years in the Indian Territory? A Yes sir.
- Q Have you been outside of the Indian Territory in the past eleven years? A Yes, I came out of it in coming here.
- Q Where are you now? A I am in the Creek Nation, I reckon.
- Q You are not in the Indian Territory? A I am.
- Q You said you came out of the Indian Territory when you came here? A No I said I came out of it in coming to this place. I came through a corner of Texas in coming here.
- Q That the only time you have been out of the Indian Territory in the past three years? A No sir.
- Q Have you ever removed out of the Indian Territory for the purpose of making your residence? A No sir.
- Q What proportion of Choctaw blood do you claim? A 1/4.
- Q What is your father's name? A Reuben F. Sessums.
- Q Is your father living? A No sir.
- Q What is your mother's name? A Nancy Amanda.
- Q Nancy A. Sessums? A Her name is Barnett at the present. My father died and she married again.
- Q Is she living? A Yes sir.
- Q Through which one of your parents do you claim your Choctaw blood? A Reuben Sessums, my father.
- Q Is your father's name upon any of the rolls of the Choctaw Nation? A I do not know whether it is or not. I have not examined the rolls.
- Q Did your father ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Was he ever recognized in any manner as a citizen of the Choctaw Nation? Q I do not know whether he was or not. His mother was.
- Q When did he die? A He died in 1895.
- Q Is your name upon any of the tribal rolls of the Choctaw Nation? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir, I never did.
- Q Have you ever been recognized in any manner by the Choctaw tribal authorities as a citizen in the Choctaw Nation? A No sir.
- Q Did you, or any one in your behalf, ever make application to this Commission in 1896 for citizenship in the Choctaw Nation, acting under the Act of Congress of June 10, 1896? A No sir. I came down to Caddo to put in my application and my

attorney failed to put it in for me. Never did put it in. Nefer has put it in yet, and I was there also last August while the Commission was there, and he said it was not worth while for me to go before the Commission and consequently I didn't, he said he would put it in, put it before the Commission himself, and I have heard since that he never did put it before the Commission and that he couldnt because it would have to be in person.

Q Have you ever prior to this time made any application to either the authorities of the United States, or the authorities of the Choctaw Nation for enrollment as a citizen of the Choctaw Nation? A No sir.

Q You are now making application for identification as a ~~Man~~ Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Mississippi Choctaw? A Why I have people that is on the roll, enrolled up there by the United States Court in 1896.

Q You were not a party in any one of those suits were you?

A No sir, my name was not in any of them at all.

Q Is that the only basis of your claim, is the fact that you have had relatives that have been admitted to citizenship by the United States Court of the Indian Territory? A Yes sir.

Q You make no claim by reason of any of the treaties of the United States and the Choctaw Nation? A No sir, I do not know anything about the treaties.

Q Do you make any claim under the treaty of 1830?

A I do not know anything about it.

Q Do you make any claim under the 14th article of the treaty of 1830? A I do not know what it is. I do not want to claim under something I do not know anything about.

Q Did you ever hear of the 14th article of the treaty of 1830? A I have heard of it.

Q Do you know what its different provisions are? A No sir.

Q Do you know the only authority of this Commission is to identify Mississippi Choctaws who have taken advantage of the 14th article of the treaty of 1830. A No sir.

Q Did you, or any of your ancestors ever take advantage of the treaty of 1830? A I do not know.

Q Did you or any of your ancestors ever receive or claim any land as beneficiaries under the treaty of 1830? A I can not tell you.

Q Do you make any claim under the 15 article of the treaty of 1830? A I cannot tell you.

Q Do you make any claim under the 19 article of the treaty of 1830. A I do not know.

Q Do you claim under the supplement of the treaty of 1830?

A I do not know whether I do or not. I do not know anything about that treaty

Q Do you know what that supplement is? A No sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Mollie.

Q Mollie what? A Her maiden name was Mollie Parks.

Q Mollie Sessums? A Yes sir.

Q How old is your wife? A 37.

Q Are you making any application for her? A No sir.

Q She is a white woman? A Yes sir.

Q Has no rights to Indian citizenship by blood? A No sir.

- Q When did you marry her? A In 1879.
- Q Where? A In Texas.
- Q Married her under the laws of the state of Texas? A Yes sir.
- Q Have you any children under 21 years of age and unmarried?
A Five.
- Q What are their names and ages? A The oldest one is Jacob.
- Q How old? A 18.
- Q The next one? A Pearlle.
- Q What is her age? A She is 15. William Edward, 13; John Henry.
- Q How old is he? A He is eleven; Roy Lee, he is two.
- Q You are the father of these five children? A Yes sir.
- Q And Mollie Sessums is the mother of these five children is she? A Yes sir.
- Q These children all live with you at your home? A Yes sir.
- Q You state that you have lived in the Indian Territory for the past eleven years continuously? A Yes sir.
- Q Where did you live prior to that time? A In Texas, born and raised there.
- Q Born and raised in Texas? A Yes sir.
- Q Ever live in Mississippi? A No.
- Q Father ever live in Mississippi? A Yes sir.
- Q Was he recognized as a citizen of the Choctaw Nation there? A I do not know, sir, whether he was or not.
- Q Which one of your ancestors was a recognized citizen of the Choctaw Nation and resided with the Choctaw Indians in Mississippi? A Why, my grandmother, I believe.
- Q What was her name? A Penny Fisher.
- Q Was she a Choctaw Indian? A Yes sir.
- Q Recognized by the Choctaw Indians in Mississippi? A That's what they say.
- Q Have you any evidence of that fact? A Only what I have been told.
- Q Have you any evidence of the fact that she ever received any land in Mississippi as a beneficiary under the 14th article of the treaty of 1830? A No sir.
- Q When did she leave Mississippi? A She died in Mississippi, I think, father lived there when he was a boy.
- Q What county in Mississippi did she live in? A I could not tell you what county it was.
- Q Do you know of any material fact as to your grandmother's residence in Mississippi? A I do not know of anything only what father said. He lived in Mississippi and I do not know anything about the County, and do not remember the name of the county.
- Q Is there any additional statement that you desire to make at this time in support of the application that you make in your own behalf, and on behalf of your five minor children?
A I do not know that there is.
- Q Is there any written evidence that you desire to submit in support of your application, and the application that you make on behalf of your five minor children. Q Yes sir. I havent it with me but I can get it up and send it in. I have part of it up. I have a certificate copy of the United States Court down at South McAlester, I want to send with it.
- Q How much time do you want? (No definite answer given to this question).
- Commissioner: If you desire to file written evidence in support of your application and the application you make in behalf of your minor children, the same will be considered, providing the same is filed with the Commission within 15 days from the date hereof.

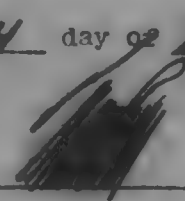
John W. Sessions ———— 4 ————

The decision of the Commission as to your application and the application you make on behalf of your five minor children for identification as Mississippi Choctaws, will be mailed to you in the near future in writing at your present post office address.

Kate De Bord, having been first duly sworn, upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above entitled cause on the 30 day of August, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

Kate De Bord

Subscribed and sworn to before me this 4 day of Sept. 1900.



Acting Chairman.

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

In the matter of the application of John Washington Sessums, for the identification of himself and his minor children Jacob, Pearle, William Edward, John Henry, and Roy Lee Sessums, as Mississippi Choctaws.

DECISION.

The record in this case shows that John Washington Sessums, appeared before the Commission at Muskogee, Indian Territory, August 30, 1900, and there made application for the identification of himself and his minor children Jacob Sessums, Pearle Sessums, William Edward Sessums, John Henry Sessums, and Roy Lee Sessums, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 26, 1898, (Public No., 162), and is as follows, to wit:

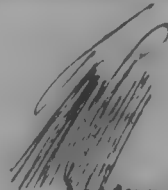
"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, con-

cluded September twenty seven, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of John Washington Sessums for himself and his minor children, Jacob Sessums, Pearle Sessums, William Edward Sessums, John Henry Sessums, and Roy Lee Sessums, as Mississippi Choctaws, be, and the same is, hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.

Waskogee, Indian Territory.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW,

John Washington Assummo
et al

mcr
#641.

Muskogee, Indian Territory, December 20, 1901.

John W. Sessums,
Ryan, Indian Territory.

Dear Sir:

In the matter of the applications for identification as
Mississippi Choctaws of

John Sessums et al.,
Thomas R. Sessums et al.,

William John Sessums et al.,
Eva Goodwin et al.,

you are informed that under date of July 30, 1901, the Commission-
er of Indian Affairs remanded to this Commission the records there-
fore forwarded the Department for approval, with instructions
that an opportunity be granted for the introduction of additional
testimony of applicants or witnesses in person in support of such
applications.

It appears from our records that at Muskogee, Indian
Territory, on August 30, 1900, you made personal application to
this Commission for the identification as Mississippi Choctaws
of yourself and five minor children claiming descent from the same
common ancestor.

In accordance with the instructions above referred to,
you are hereby notified that at the office of the Commission to the
Five Civilized Tribes at Muskogee, Indian Territory, on Tuesday
January 21, 1902 at nine o'clock A.M. there will be heard the

J. V. G. 98

testimony of such witnesses as present themselves in support of
your application.

Yours truly,

Commissioner in charge.

10-441.

COPY.

McAlester, Indian Territory June 6, 1902.

John W. Secums,
 Ryan, Indian Territory.

Dear Sir:

You are hereby advised that on the 6th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Secums, et al., embracing the following applications for identification as Mississippi Choctaws:

John Secums, et al.,	M.C.R.	104
Eva Goodwin, et al.,	M.C.R.	132
William Secums et al.,	M.C.R.	119
Wm. J. Secums, et al.,	M.C.R.	153
Thomas R. Secums, et al.,	M.C.R.	186
Reuben P. Secums, et al.,	M.C.R.	473
John Washington Secums et al.	M.C.R.	641
Mandy Jane Pettigrew et al.,	M.C.R.	474
Penny A. Dry, et al.,	M.C.R.	475
James A. J. Williams et al.,	M.C.R.	5571
Ida Henderson, et al.,	M.C.R.	5529

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John

J. W. S. #2

Sessums, Maggie L. Sessums, Lilly May Sessums, John O. Maderis, Thomas K. Maderis, Clarence Maderis, Mary L. Maderis, Lilly Maderis, Joseph Virgil Sessums, Sarah Ellis Sessums, Kva Goodwin, Tolbert Newton Goodwin, Clara May Goodwin, William Sessums, Laura Estella Sessums, Julia Ryaline Sessums, Viola Ma Sessums, William Wesley Sessums, Clifton Sessums, Joy Sessums, Bert Sessums, Elmore Sessums, Edna Sessums, Wm. J. Sessums, Wm. L. Sessums, Bulah Sessums, Beulah V. Sessums, Thomas R. Sessums, Sarah L. Sessums, Earnest D. Sessums, Reuben P. Sessums, Burnice Sessums, Allen Sessums, Lottie Sessums, Floyd Sessums, Martin Van Sessums, John Washington Sessums, Jacob Sessums, Pearl Sessums, William Edward Sessums, John Henry Sessums, Roy Lee Sessums, Mandy Jane Pettigrew, Claudie McGirk, Lina Pettigrew, Ellen Pettigrew, Mattie Pettigrew, Ruby Pettigrew, Penny A. Dry, Walter C. Dry, Ada H. Dry, Ollie A. Dry, Addie M. Dry, Eddie K. Dry, James A. J. Williams, Walter Williams, Dovie Williams, Calvin Williams, Bertie Williams, Edna Henderson, Emma Paralee Henderson, Katie Jennette Henderson, James Crawford Henderson, and Leroy Henderson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Reuben P. Sessums for the identification of his wife Blanchie Sessums, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Sam Dickey

Registered.

Acting Chairman.

copy.

H.C.R. 641

Muskogee, Indian Territory, November 15, 1902.

John W. Sassums,

Ryan, Indian Territory.

Dear Sir:

You are hereby notified that on the 9th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Sassums, et al., of which decision you were advised by registered mail on the 6th day of June, 1902.

Respectfully,

(SIGNED):

W. H. H. H.
Acting Chairman.

MCR 641

COPY

Muskogee, Indian Territory, November 14, 1906.

John W. Sessums,

Ryan, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motion filed in this office June 22, 1906, by J. V. Cabell, Attorney at Law, Ardmore, Indian Territory, for re-hearing in the consolidated Mississippi Chectaw case of John Sessums, et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

J. 3000, 11
John Washington Lessums. 42.
Ryan, Ind. Ter.

FATHER: Reuben F. Lessums - dead.
MOTHER: Nancy A. Lessums - ✓
Claims through father.

WIFE: Mollie Lessums. 37.7

No claim for wife.

Children:

Jacob Lessums	18
Mattie P. "	15
William E. "	13
John Henry "	11
Roy Lee "	2.

FATHER

MOTHER

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

AUG 29 1900

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

FILED
AUG 30 1900



ACTING CHAIRMAN.

A MIB. THE CHOCTAW,

REFUSED.

John W. Lissums et al.

Judgment Written, Feb'y 2, 1901.

G. R.

C. DEPARTMENT OF THE INTERIOR,
THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.
FEB 27 1901

[Signature]
ACTING CHIEF.

REFER TO M. C. R. *184*

DECISION RENDERED. JUN 4- 1902

COPIES OF DECISION MAILED APPLICANT.

JUN -6 1902

COPIES OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN -5 1902

RECORD FORWARDED DEPARTMENT.

JUN -6 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

NOV 5 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOV 15 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

NOV 15 1902

REFER TO M. C. R. 184

Choc MCR 642 Joseph D. Taylor

MCR 642

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Selbert, I. B. June 20, 1900.

In the matter of the Application of :
James A. Taylor et al, for Identifi- : M. C. R-436.
cation as Mississippi Choctaws. :
----- :
:

James A. Taylor, being first duly sworn by Acting Chairman
Bixby, testified as follows:

- Q What is your name? A James A. Taylor.
Q What is your age? A 50 years.
Q What is your postoffice address? A Duncan, I. T.
Q Do you claim as a Mississippi Choctaw? A My descendents come from
Mississippi; I reckon that would make me a Mississippi Choctaw.
Q Are you claiming for anyone besides yourself? A I am claiming for
my children and wife by intermarriage.
Q She is an intermarried Mississippi Choctaw, is she? A Yes sir.
Q How long have you lived in Duncan? A About 7 years.
Q Where did you come from there? A I lived in the territory 13 years
Q Where did you come from? A Texas.
Q Where were you born? A Missouri.
Q You never lived in Mississippi? A No sir.
Q But your descendents lived in Mississippi? A Yes sir.
Q What is your father's name? A James Taylor.
Q Is he living? A No sir.
Q Was he a Choctaw Indian or a white man? A White man.
Q What is your mother's name? A Louisa Taylor.
Q What was her name before she was married? A Connell.
Q She was an Indian was she? A Yes sir.
Q Is she living now? A No sir.
Q What proportion of Indian blood did she claim to have? A 1/4.
Q Was her name ever on the tribal rolls? A Not that I know of
Q Was she ever recognized by the tribal authorities as a Choctaw Indian
A No sir.
Q What proportion of Choctaw blood do you claim to have? A 1/8.
Q Has your name ever been on the tribal rolls? A No sir.
Q Have you ever been recognized by the tribal authorities as a Choctaw
Indian? A No sir.
Q Did you ever apply to the tribal authorities for enrollment? A No.
Q Did you apply to the Dawes Commission in '96? A No sir.
Q You did apply about a year ago? A Yes sir.
Q What place was it you applied? A I didn't give it in myself. I
was there but I didn't go in.
Q You were claiming at that time to be a Mississippi Choctaw, just the
same as you are now? A Yes, we claimed then to be Choctaws by
blood, but they wouldn't let us give our statement; they shut us
off; we aimed to give our statement when we was there, but they
wouldn't let us do it.
Q You are now claiming as a Mississippi Choctaw? A Yes sir.
Q Under what treaty? A Under 1830.
Q Under what 1830? A Under what 1830?
Q Yes, what treaty? A Between the United States and the Choctaws.
My Great grandfather moves with us to this country, and lived and
died near the east part of the Choctaw nation.
Q She came from Mississippi with the Choctaws? A Yes sir.
Q With the first migration? A Yes sir.
Q What year? A I don't know what year; it was in the year 1830.

2-James A. Taylor.

- Q It was seen after 1830? A Yes sir.
- Q You are quite sure about that? A Yes, that is what I have been told.
- Q Did you or your ancestors ever take advantage of the provisions of the 14th Art. of the treaty of 1830? A Not that I know of.
- Q Did either you or your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the treaty of 1830? A Not that I know of.
- Q What is the name of the mother of your children? A Eugenia.
- Q Is she living? A Yes sir.
- Q Where did you marry her? A Texas.
- Q Have you your marriage license and certificate? A No sir.
- Q Do you wish to offer them in evidence? A I wish to yes, if I can get them. If I can't get the, her father is living, and I can get his sworn statement.
- Q What are the names and ages of your children? A Wm. B. 14, Jesse 12, Joseph 10, Harvey 7, Oscar 5, Arthur Bert 3.
- Q Are they all boys? A Yes sir.
- Q These children are all living at home with you? A Yes sir.
- Q You are claiming for your wife as an intermarried Mississippi Choctaw? A Yes sir.
- Q Under what law did you marry her? A Under the law of Texas.
- Q How old is your wife? A About 36 years.
- Q What is the name of her father? A O. M. Malton.
- Q Is he living? A Yes sir.
- Q What is the name of her mother? A Martha.
- Q Is she living? A Yes sir.
- Q Your wife is a white woman? A Yes sir. her father claims he is part Choctaw.
- Q Did he ever make claim before his Commission? A No, no claim at all.
- Q Did your wife ever make any claim at all, as being a Cherokee? A No sir.
- Q Where is she? A She is at Duncan.
- Q Did you ever hear your wife say she was a Cherokee? A I have heard her claim in, but they objected.
- Q Her father made application to the Dawes Commission? A No.
- Q To the Cherokee council? A Yes, to the Cherokees.
- Q And the Cherokees found they were not entitled to citizenship? A Yes sir.
- Q You are satisfied that she is a white woman? A They claim she is white, the Cherokees? A Yes sir.
- Q They might be mistaken? A They might; I can't tell about that.
- Q In the event that this Commission should find that you were not a Mississippi Choctaw, you would still claim to be a Choctaw, wouldn't you? A I would have to be under the consideration I have been taught all my life.
- Q You wouldn't think you were a white man because the Dawes Commission refused to make you a Choctaw? A No.
- Q Your wife has been taught she is a Cherokee? A Yes sir.
- Q Have you any papers to file with the Commission? A Yes sir.
- Affidavit of J. P. Lawrence, Patay Poff, M. E. Blackburn, and J. A. Ballings, and copy of affidavit of M. Davis, offered in evidence, marked exhibit A., and made a part of this record.
- These affidavits purport to show the descent and blood of the applicants.
- A I want to show more evidence later on.
- Q What is the nature of the evidence? A I want to prove up my blood.
- Q How long will it take you to prepare it? A I can't tell exactly how long, probably a month.
- Q I can't promise to take it if it takes as long as that.
- A My folks staid in Mississippi and I didn't. I am a Mississippi

A-James A. Taylor.

Shetaw by blood.

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above mentioned witness and that the foregoing is a true and complete translation of her shorthand notes in said case.

Frances R. Brown

Subscribed in my presence and sworn to before me this
9th day of July, A. D., 1900.


Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 30, 1900.

* * * * *

In the matter of the application for identification as Mississippi Choctaws of Joseph Davis Taylor and his two minor children, Johnnie Columbus and Benjamin Franklin Taylor.

Joseph Davis Taylor, being first duly sworn, testified as follows:

(By the Commission)

- Q What is your name? A Joseph Davis Taylor.
- Q What is your post office address? A Center, Indian Territory.
- Q What is your age? A 31.
- Q You live at Center? A Yes sir.
- Q How long have you lived in the Indian Territory? A About 13 years.
- Q Have you been outside of the Indian Territory in the last 13 years? A I was in Oklahoma last summer.
- Q How long did you remain in Oklahoma? A About a month and a half.
- Q Go there for the purpose of making it your home? A No sir.
- Q What proportion of Choctaw blood do you claim? A 1/16.
- Q What is your father's name? A William Taylor.
- Q Is your father living? A No sir he is dead.
- Q What is your mother's name? A Nancy Cox, her maiden name. Nancy Taylor.
- Q Is she living? A No sir.
- Q Through which one of your parents do you claim your Choctaw blood? A My father.
- Q Your father on any of the rolls of the Choctaw Nation?
- A No sir.
- Q Did your father ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No.
- Q Has your father ever been recognized in any manner by the Choctaw tribal authorities as a citizen of the Choctaw Nation?
- Q No sir.
- Q When did your father die? A In 1897.
- Q Did he make application in 1896 to this Commission for citizenship in the Choctaw Nation, acting ? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation?
- AA No sir.
- Q Did you ever make application to any of the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever been recognized in any manner by the Choctaw tribal authorities as a citizen of the Choctaw Nation?
- A No sir.
- Q Did you, or any one in your behalf, ever make application to this Commission under the Act of Congress of June 10, 1896?
- A No sir.
- Q Have you prior to this time ever made application for citizenship or enrollment as a citizen of the Choctaw Nation?
- A No.
- Q This is your first application of any description? A Yes.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir..

- Q Why do you believe that you are entitled to be identified by this Commission as a Mississippi Choctaw? A Because I have always heard it talked out in the family that—
- Q Have you any evidence of the fact that any of your ancestors have ever been enrolled by the Choctaw tribal authorities as a Choctaw citizen? A Yes sir.
- Q Do you desire to present it at this time? A Yes sir.
- Q What do these affidavits show— my question was, have you any documentary evidence of the fact that any of your ancestors were ever enrolled as a citizen of the Choctaw Nation? A Yes sir.
- Q What were their names? A Why Louisa Cooper, or Louisa Connor, Eliza Cooper.
- Q How were they made citizens? A They were citizens before they came here.
- Q How do you know they were enrolled? A All the evidence I have is on these affidavits. I do not know myself.
- Q You don't know? Is there any documentary evidence of the fact that your ancestors were enrolled? A Yes sir, there is.
- Q These affidavits only tend to show that your ancestors have Choctaw blood in their veins, there is nothing in them that identifies them as having been enrolled by the Choctaw tribal authorities. Then you believe that the fact that you have Choctaw blood in your veins entitles you to be enrolled? A Yes sir.
- Q Do you make any claim by reason of any treaties entered into between the United States and the Choctaw Indians? A Under the treaty, if I understand right, I do not remember what treaty nor what the date, but it was in '30.
- Q Thirty what? A 1830, I reckon, when the Choctaws changed their lands there for lands here in this country.
- Q Do you make any claim by reason of that treaty? A No sir, not any more than I am making now.
- Q What evidence do you have that your ancestors took advantage of the 14th article of that treaty? A The evidence that I have, I have never had any benefit of land anywhere else.
- Q You are making application under the 14th article of that treaty? A I reckon so.
- Q Did any of your ancestors ever take advantage of that treaty? A No sir, not that I know of.
- Q Did you, or any of your ancestors ever receive or claim any land as beneficiaries under the 14th article of the treaty of 1830? A No.
- Q Do you claim under the 15 article of that treaty? A No.
- Q Claim under the 19th? A No they have never had any benefit of any land anywhere.
- Q Do you claim under the supplement of the treaty of 1830? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Florence Elizabeth Taylor.
- Q What is her age? A 27.
- Q Is she a white woman? A Yes sir.
- Q No Indian blood at all? A Not that I know of.
- Q When did you marry her? A 1895.
- Q Where? A In the Chickasaw Nation.
- Q Have you any evidence of that marriage? A No sir.
- Q Were you married in accordance with the laws of the Chickasaw Nation? A United States law.

- Q Never have been married in accordance with the laws of the Chickasaw or Choctaw Nations? A No sir.
- Q Have you any children under 21 years of age unmarried?
A I have two.
- Q What are their names and ages?
A Johnnie Columbus, 4 years old.
- Q What is the next one? A Benjamin Franklin, two years old.
- Q Is that all? A That is all.
- Q You the father of both of those children? A Yes sir.
- Q Florence Taylor the mother of both of them? A Yes sir.
- Q Both live with you at your home? A Yes sir.
- Q You stated that you have lived in the Indian Territory for the past 13 years. A Yes sir, about 13 years.
- Q Where did you live before that time? A In Texas.
- Q How long did you live in Texas? A Ever since I was about a year old.
- Q Ever live in Mississippi? A No sir.
- Q Which one of your ancestors lived in Mississippi and was recognized as a Mississippi Indian when the treaty was made between the United States and the Choctaw Nation?
A Why, Louisa Connor.
- Q Have you any evidence of that fact? A No sir, I do not know anything about it that far back.
- Q What was your grandmother's name? A My grandmother's name was Louisa Taylor.
- Q She is the one you make this application under? A Yes sir.
- Q When did she live in Mississippi? A I do not know when she lived there, she was young.
- Q Do you know anything about your grandmother's rights in Mississippi and her rights as a Choctaw Indian? A No sir.
- Q Is there any additional statement you desire to make with reference to your claim? A No sir, not that I know of.
- Q Any written evidence that you desire to file at this time?
A None, only what I have handed in here.

Commission: The affidavit of Tobias Edwards and J. D. Harrison offered in evidence, marked Exhibit A, identified as such, filed and made a part of the record in this case; a certified copy of the affidavit of J. I. Sallings, offered in evidence, marked Exhibit B, identified as such, filed and made a part of the evidence in this case; a certified copy of the affidavit of Patsy Poff, offered in evidence, marked exhibit C, identified as such, filed and made a part of the evidence in this case; a certified copy of the affidavit of M. E. Blackburn, offered in evidence, marked exhibit D, identified as such, filed and made a part of the evidence in this case; the certified copy of the affidavit of H. Davis, offered in evidence, marked exhibit E, identified as such, filed and made a part of the evidence in this case, and a certified copy of the affidavit of J. P. Lawrence, offered in evidence, marked exhibit F, identified as such, filed and made a part of the evidence in this case.

The decision of the Commission with reference to your application and the application you make on behalf of your two minor children, will be mailed to you in writing in the near future at your present post office address.

John D. Taylor-----4-----

Kate De Bord, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all the proceedings had in the above entitled cause on the 30 day of August, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, of said proceeding on said date.

Kate De Bord

Subscribed and sworn to before me on this the 4 day of

Sept 1900.



Acting Chairman.

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

In the matter of the application of Joseph Davis Taylor, for the identification of himself and his minor children Johnnie Columbus and Benjamin Franklin Taylor, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Joseph Davis Taylor appeared before the Commission at Muskogee, Indian Territory, August 30, 1900, and there made application for the identification of himself and his minor children, Johnnie Columbus Taylor, and Benjamin Franklin Taylor, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1896, (Public No., 162), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of Joseph Davis Taylor, for himself and his minor children, Johnnie Columbus Taylor and Benjamin Franklin Taylor as Mississippi Choctaws, be, and the same is, hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

A handwritten signature in dark ink, appearing to be a cursive name, possibly "J. H. ...".

Acting Chairman.

Muskogee, Indian Territory.

FEB 27 1901

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Joseph Davis Taylor
et al

mcr
#642

Miss. Chootaw R 436
Miss. Chootaw R 642

Muskogee, Indian Territory, July 12, 1902.

Jesse M. Taylor,

Bradley, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 27, inclosing affidavit of J. I. Sallings which you offer in support of the consolidated Mississippi Chootaw case of James A. Taylor, et al., and the same has been filed with the record in this case.

Also evidence of the birth of Joseph Ople Taylor, infant son of Florence E. and Joseph D. Taylor, born January 31, 1901. The affidavits of the mother and the physician at the birth of this child have been accepted as evidence of his birth and have been filed with and made a part of the original application for identification as Mississippi Chootaws of Joseph D. Taylor, et al.

Yours truly,

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 14, 1903.

Joseph Davis Taylor,

Bradley, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of February 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James A. Taylor, et al., embracing the following applications for identification as Mississippi Choctaws:

James A. Taylor, et al.,	M.C.R. 436
Joseph Davis Taylor, et al.,	M.C.R. 642
Gus Taylor,	M.C.R. 643
Allie Taylor,	M.C.R. 644
James E. Taylor, et al.,	M.C.R. 5625
Jesse M. Taylor,	M.C.R. 5626
Odis Ardrey, et al.,	M.C.R. 5627
Carrie Taylor, et al.,	M.C.R. 5628
Henry Taylor,	M.C.R. 5859
Luella E. Fuller, et al.,	M.C.R. 5860
Robert T. Taylor, et al.,	M.C.R. 5861.

These applications were made under the provision of the act of Congress approved June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

J D T -2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James A. Taylor, Wm. E. Taylor, Jesse Taylor, Joseph Taylor, Harvey Taylor, Oscar Taylor, Arthur Bert Taylor, Charles Elbert Taylor, Joseph Davis Taylor, Johnnie Columbus Taylor, Benjamin Franklin Taylor, Joseph Opie Taylor, Gus Taylor, Allie Taylor, James E. Taylor, Lela Taylor, Ella Belle Taylor, Willie Taylor, Jesse Taylor (2), Pearl Taylor, Jesse M. Taylor, James Walter Taylor, Emma Taylor, Clara Taylor, Ludie Taylor, Alvin Taylor, Ledford Taylor, Odis Ardrey, Lee Ardrey, Lena Ardrey, May Ardrey, Arlus Ardrey, Carrie Taylor, Lula Taylor, Delbert Taylor, Henry Taylor, Luella E. Fuller, Ruby L. Fuller, Leland Fuller, Orbra C. Fuller, Robert T. Taylor, Herbert Taylor, Roy C. Taylor and William R. Taylor, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James A. Taylor for the identification of his wife, Eugenia Taylor; by America Taylor for the identification of herself; and by Robert T. Taylor for the identification of his wife Lillie Taylor, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tams Dixby.

Acting Chairman.

Registered.

MCR-642.

Muskogee, Indian Territory, March 18, 1907.

Joseph D. Taylor,
Bradley, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilised Tribes of February 14, 1903, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of James A. Taylor et al.

Respectfully,

Commissioner.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Joseph Davis Taylor 1/16 3/4
Center, Ind. Ter.

FATHER: William Taylor - dead
MOTHER: Nancy Taylor - dead
Claims through father.

WIFE: Florence E. Taylor. 27.

CHILDREN:

Archie E. Taylor 4
Benj. F. " " 2.

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

FILED
AUG 30 1900


ACTING CHAIRMAN.

Wm. D. Taylor et al

REFUSED

DECISION RENDERED.

FEB 14 1903

NOTICE OF DECISION MAILED APPLICANT.

FEB 14 1903

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

FEB 14 1903

NOTICE OF DECISION FORWARDED
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 14 1903

RECORD FORWARDED DEPARTMENT.

MAR 2 1903

ACTION APPROVED BY SECRETARY OF INTERIOR. **FEB 12 1907**

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 18 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAR 18 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 18 1907

REFER TO M. C. R. 430.

REFUSED.

Joseph N. Taylor et al.

Judgment Written, Feb'y 2, 1901.

G. R.

C
DEPARTMENT OF THE INTERIOR,
THE FIVE CIVILIZED TRIBES.
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.
FEB 27 1901

[Signature]
ACTING CHIEF

REFER TO N. O. E. 436

*Latest P. O. address
Bradley IT*

DECISION PREPARED

Choc MCR 643 Gus Taylor

MCR 643

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 30, 1900.

• • • • •

In the matter of the application for identification as a
Mississippi Choctaw of Gus Taylor.
Gus Taylor being first duly sworn, testified as follows:

(Examination
(By the Commission).

- Q What is your name? A Gus Taylor.
Q What is your age? A 24.
Q What is your post office address? A Chickasha, Indian Territory..
Q You live in the Indian Territory? A Yes sir.
Q How long have you lived in the Indian Territory?
A About 10 years.
Q Have you lived here continuously for the past 10 years?
A Yes sir.
Q Have you been outside of the Indian Territory for the past 10 years? A Yes sir.
Q For how long? A About a week.
Q Never removed from the Indian Territory for the purpose of making a residence? A No sir.
Q What proportion of Choctaw blood do you claim? A 1/16.
Q What is your father's name? A William Taylor.
Q Is he living? A No sir.
Q What is your mother's name? A Nancy Taylor.
Q Is your mother living? A No sir.
Q Through which one of your parents do you claim your Choctaw blood? A My mother .
Q Your father's name on any of the tribal rolls of the Choctaw Nation? A Not that I know of.
Q Did your father ever make any application to any of the tribal authorities of the Choctaw Nation for citizenship in the Choctaw Nation? A No sir.
Q When did he die? A In 1897.
Q Is your name on any of the tribal rolls of the Choctaw Nation?
A No sir.
Q You have never made application to the tribal authorities of the Choctaw Nation for citizenship in that Nation? A No sir.
Q Have you ever been recognized in any manner as a citizen of the Choctaw Nation? A No sir.
Q Did you, or any one in your behalf, in 1896 make application to this Commission for citizenship in the Choctaw Nation, acting under the act of Congress of June 10, 1896? A No sir.
Q Have you prior to this time made application to either the authorities of the United States or the authorities of the Choctaw Nation for either citizenship or enrollment as a citizen of the Choctaw Nation? A No sir.
Q This is your first application of any description? A Yes sir.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q Why do you believe that you are entitled to be identified by this Commission as a Mississippi Choctaw. A I have been taught it.
Q Do you know what the term, "Mississippi Choctaw" means?
A No sir.
Q Do you know the authority of law under which this Commission

- is empowered to hear Mississippi Choctaws? A No sir.
- Q You are only making the claim then by reason of the fact that you have Choctaw Blood in your veins? A Yes sir.
- Q Do you make any claim under any of the treaties between the United States and the Choctaw Indians? A Claim under the treaty of 1830.
- Q What do you claim under the treaty of 1830? A I dont know.
- Q You are making a claim under something you do not know what you are claiming under; you don't know why you make the claim, and you dont' know what you claim under?
- A I claim under the treaty of 1830.
- Q What do you claim under the treaty of 1830? A I don't know what you mean.
- Q You stated that you make a claim under the treaty of 1830, didn't you? A Yes sir.
- Q What do you claim? A I claim to be a Choctaw.
- Q Do you think it is necessary to have the treaty of 1830 in order to be a Choctaw? A No.
- Q What do you claim under the treaty of 1830?
- A I claim to be a Mississippi Choctaw.
- Q Do you claim under the 14 article of the treaty of 1830?
- A I think that is the one..
- Q Do you claim under the 14 article of the treaty of 1830?
- A I don't know what article.
- Q Do you know whether your ancestors ever took advantage of the treaty of 1830, the 14th article?of the treaty of 1830?
- A I do not know.
- Q Did any of your ancestors ever receive of claim any land under the 14 article of the treaty of 1830? A I do not know.
- Q Do you make any claim under the 15 article of the treaty of 1830. A No sir..
- Q Do you make any claim under the 19 article of that treaty?
- A No.
- Q Do you claim under the supplement of the treaty of 1830?
- A No sir, I guess not.
- Q Are you married? A No sir.
- Q Have you ever been married? A No sir.
- Q You are making this application then onln in your own behalf?
- A Yes sir.
- Q You state that you have lived in the Indian Territory about 10 years? A Yes sir.
- Q Where did you live prior to that time? A In Texas.
- Q How long did you live in Texas? A All my life.
- Q Never lived in Mississippi? A No sir.
- Q Which one of your ancestors lived in Mississippi in 1830 when the treaty was made between the United States and the Choctaw Indians, and was recognized as a Choctaw Indian at that time?
- A I do not know.
- Q Any additional statement that you desire to make in regard to your claim at this time? A No sir.
- Q Any written evidence that you desire to submit at this time?
- A Yes sir.

Commission: Certified copy of the affidavit of Patsy Poff, offered in evidence, marked exhibit "A", identified as such, filed and made a part of the evidence in this case; the certified copy of the affidavit of M. E. Blackburn, offered in evidence, marked Exhibit "B", identified as such, filed and made a part of the evidence in this case

case; ; the certified copy of an affidavit of J. I. Sal-
lings, offered in evidence, marked exhibit "C", identified
as such, filed and made a part of the evidence in this case;
certified copy of affidavit of M. Davis, offered
in evidence, marked exhibit "D", identified as such, filed
and made a part of the evidence in this case; the certifi-
ed copy of affidavit of J.P. Lawrence, offered in evidence,
marked exhibit "E", identified as such, filed and made a
part of the evidence in this case, and the affidavit of
Tobias Edwards and J. D. Harrison, offered in evidence,
marked exhibit "F", identified as such, filed and made
a part of the evidence in this case.

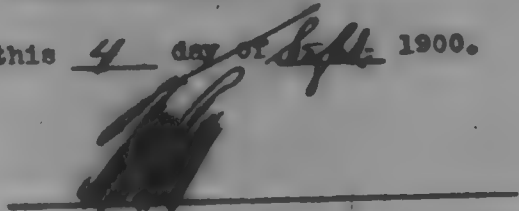
Q Is there anything additional that you want to say, sir?
A No sir.

The decision of the Commission in regard to your ap-
plication for identification as a Mississippi Choctaw, will
be mailed to you in writing in the near future at your
present post office address.

Kate De Bord, having been first duly sworn, upon her oath
states that as stenographer to the Commission to the Five Civilized
Tribes, she reported in full all the proceedings had in the above
entitled cause on the 30th day of August, 1900, and that the above
and foregoing is a full, true and correct transcript of her sten-
ographic notes, of said proceeding on said case.

Kate De Bord

Subscribed and sworn to before me this 4 day of Sept 1900.



Acting Chairman.

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

In the matter of the application of Gus Taylor, for the identification of himself as a Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Gus Taylor appeared before the Commission at Muskogee, Indian Territory, August 30, 1900, and there made application for the identification of himself as a Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 23, 1898, (Public No., 162), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands, under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and report to the Secretary of the Interior."

After considering the application of the claimant, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of Gus Taylor, for himself as a Mississippi Choctaw, be, and the same is, hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.


Acting Chairman.

FEB 27 1901

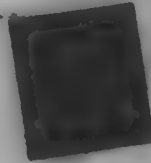
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Gene Taylor

mcr
#643

674
x
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REGISTERED
MAR 11 1901
MUSKOGEE, IND. TER.



Department of the Interior:

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

RETURN TO WRITER

APR 15 1901

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/
47

Gus Taylor,
~~RETURN TO WRITER~~ Chickasaw Indian Territory.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIRDY,
THOMAS D. NEEDLES,
C. R. BRUCKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 27/ 1901.

Geo Taylor,

Chickasha, I.T.

Dear Sir:

There is enclosed you herewith a copy of the Commission's
decision refusing your application for identification as a Mississippi
Cherokee.

Yours truly,


Acting Chairman.

Encl. 1)
Reg-M.
M.C.R. 643

Miss. Choctaw R 643

Muskogee, Indian Territory, July 12, 1902.

Gus Taylor,
Center, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 8, in which you state that you have applied for identification as a Mississippi Choctaw and have your evidence before the Commission; you ask whether it is necessary for you to employ an attorney, and you also wish to be informed if you have the right to take a place and hold it until your case is decided. In conclusion you wish to know if L. P. Hudson is still practicing before the Commission.

In reply to your letter you are advised that it appears from our records that you are an applicant to this Commission for identification as a Mississippi Choctaw. No decision has yet been reached nor opinion rendered relative to your rights as such Mississippi Choctaw, and your status is that of an applicant whose rights have not been determined. As soon as a decision is reached you will be advised of the action of the Commission and of the forwarding of the record in your case to the Secretary of the Interior.

Referring to that part of your letter in which you ask regarding your right to hold land in the Choctaw-Chickasaw country,

G.T. 2

prior to a decision being rendered in your case, your attention is invited to the following provision of the act of Congress of May 31, 1900:

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes, shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

It is not believed, however, that the benefits of this legislation would accrue to applicants until they have been identified by this Commission as Choctaws entitled to allotment.

You are further informed that L. P. Hudson has been suspended from representing applicants before this Commission. As to whether you should employ an attorney to assist you in presenting your application for identification as a Mississippi Choctaw is a matter which is entirely within your own discretion.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, November 13, 1902.

Gus Taylor,

Center, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 11, asking when a decision will be rendered in the matter of your application for identification as a Mississippi Choctaw and whether you can take a place in the Choctaw Nation before you receive a decision in your case.

In reply you are advised that no decision nor opinion has yet been rendered in your case but the Commission now has the same under consideration, and it is probable that a decision will be reached within the near future, at which time you will be duly notified of the action of the Commission.

Replying to that part of your letter in which you ask if you would be entitled to take a place in the Choctaw Nation, your attention is invited to the following provision of the act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 26, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 26, 1898 (30 Stat., 405), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the

G. T. 2

United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

It is not believed that the benefits of this legislation would accrue to applicants until they have been identified by this Commission as Mississippi Choctaws entitled to allotment. Your status at this time is that of an applicant for identification as a Mississippi Choctaw whose rights have in no manner been determined, and it is not believed that you are in any manner at this time entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Acting Chairman.

COPY.

M.C.R. 643.

Muskogee, Indian Territory, February 14, 1903.

Gus Taylor,

Center, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of February 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James A. Taylor, et al., embracing the following applications for identification as Mississippi Choctaws:

James A. Taylor, et al.,	M.C.R. 438
Joseph Davis Taylor, et al.,	M.C.R. 642
Gus Taylor,	M.C.R. 643
Allie Taylor,	M.C.R. 644
James B. Taylor, et al.,	M.C.R. 5625
Jesse M. Taylor,	M.C.R. 5626
Odin Ardrey, et al.,	M.C.R. 5427
Carrie Taylor, et al.,	M.C.R. 5628
Henry Taylor,	M.C.R. 5860
Luella E. Fuller, et al.,	M.C.R. 5860
Robert T. Taylor, et al.,	M.C.R. 5361.

These applications were made under the provision of the act of Congress approved June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James A. Taylor, Wm. E. Taylor, Jesse Taylor, Joseph Taylor, Harvey Taylor, Osoar Taylor, Arthur Bert Taylor, Charles Elbert Taylor, Joseph Davis Taylor, Johnnie Columbus Taylor, Benjamin Franklin Taylor, Joseph Ople Taylor, Gus Taylor, Allie Taylor, James E. Taylor, Lela Taylor, Ella Belle Taylor, Willie Taylor, Jesse Taylor (2), Pearl Taylor, Jesse M. Taylor, James Walter Taylor, Emma Taylor, Clara Taylor, Ludie Taylor, Alvin Taylor, Ledford Taylor, Odis Ardrey, Lee Ardrey, Lenu Ardrey, May Ardrey, Arlus Ardrey, Carrie Taylor, Lula Taylor, Delbert Taylor, Henry Taylor, Luella E. Fuller, Ruby L. Fuller, Leland Fuller, Orbra C. Fuller, Robert T. Taylor, Herbert Taylor, Roy C. Taylor and William F. Taylor; as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James A. Taylor for the identification of his wife, Eugenia Taylor; by America Taylor for the identification of herself; and by Robert T. Taylor for the identification of his wife, Lillie Taylor, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tams Dixby.

Acting Chairman.

Muskogee, Indian Territory, March 7, 1903.

Gus Taylor, *Revised. Letter. J. T. April 11. 1903.*
Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th ultimo, relative to the decision of the Commission refusing your application for identification as a Mississippi Choctaw. You state that the time allowed you within which to file arguments in your case was not sufficient and if this time cannot be extended you ask to be advised wherein your evidence is insufficient. You also ask if the other parties claiming from the same common ancestor have been notified of the action of the Commission and when the Secretary of the Interior will render his decision.

In reply to your letter you are informed that your case is included in the consolidated Mississippi Choctaw case of James A. Taylor and certain other persons, applicants to this Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestor, and that the fifteen days heretofore granted the applicants in this case within which to file arguments in support of their claims to be forwarded to the Secretary of the Interior, expired on March 1, 1903. On March 2, 1903, the record in this case, together with the decision of the Commission, was

G T 2

transmitted to the Secretary of the Interior.

The Commission cannot advise you of the probable decision of the Secretary of the Interior, but the several applicants will be duly notified of such action as may be taken by him.

Respectfully,

Chairman.

MCR-643.

Muskogee, Indian Territory, March 18, 1907.

Gus Taylor,
Center, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of February 14, 1903, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of James A. Taylor et al.

Respectfully,


Commissioner.

G. W. Taylor

Judgment written Feb'y 2, 1901 G.A.

REFER TO M. G. # 436

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.
FEB 27 1901


ACTING CHAIRMAN.

*Latent P.O. address
Clinton I.T.*

DECISION PREPARED

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

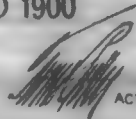
Gus. Taylor. No. 24
Chickasha, I.T.

FATHER: William Taylor, dead.
MOTHER: Nancy Taylor, dead.
Claims through father.

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

FILED

AUG 30 1900



ACTING CHAIRMAN.

W. Taylor
REFUSED

DECISION RENDERED.

FEB 14 1903

NOTICE OF DECISION MAILED APPLICANT.

FEB 14 1903

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

FEB 14 1903

NOTICE OF DECISION FORWARDED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 14 1903

RECORD FORWARDED DEPARTMENT.

MAR 2 1903

ACTION APPROVED BY SECRETARY OF INTERIOR. FEB 12 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. MAR 18 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT. MAR 18 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. MAR 18 1907

REFER TO M. C. R. 433.

W. Taylor, S. J.

choc mcr 644 Allie Taylor

mcr 644

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 30, 1900.

* * * * *

In the matter of the application for identification as a
Mississippi Choctaw of Allie Taylor.
Allie Taylor, being first duly sworn, testified as follows:

(Examination by the Commission).

- Q What is your name? A Allie Taylor.
- Q What is your age? A 23.
- Q What is your post office address? A Chickasha, Indian Territory.
- Q You live in the Indian Territory? A I do.
- Q How long have you lived in the Indian Territory?
- A To the best of my knowledge it has been 10 years.
- Q You lived here continuously for the past 10 years? A Yes sir.
- Q Have not maintained a residence outside of the Indian Territory during that time? A No sir.
- Q Been outside of the Territory for the past three years?
- A Only on business.
- Q Never been out for the purpose of making your residence anywhere else? A No sir.
- Q How much Choctaw blood do you claim? A 1/16.
- Q What is your father's name? AA William Taylor.
- Q Is he living? A No sir.
- Q What is your mother's name? A Nancy Taylor.
- Q Is she living? A No sir.
- Q Through which one of your parents do you claim your Choctaw blood?
- A Father.
- Q Is your father's name on any of the rolls of the Choctaw Nation?
- A Not that I know of.
- Q Did your father ever make application to any of the Choctaw tribal authorities for citizenship in the Choctaw Nation?
- A Not that I know of.
- Q Has your father ever been recognized in any manner as a citizen of the Choctaw Nation? A No sir.
- Q When did he die? A In 1897.
- Q Did he ever make application to this Commission for citizenship?
- A No sir.
- Q Is your name on any of the rolls of the Choctaw Nation? A No.
- Q Did you ever make application to the tribal authorities of the Choctaw Nation for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever been recognized in any manner by the Choctaw tribal authorities as a citizen of the Choctaw Nation?
- A No sir.
- Q Did you, or any one in your behalf ever make application for citizenship in the Choctaw Nation to this Commission acting under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever prior to this time made application to either the tribal authorities of the Choctaw Nation, or the authorities of the United States for citizenship or enrollment as a Choctaw Indian? A No sir.
- Q This is your first application of any description? A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian, entitled to a share of the Choctaw lands? A According to the knowledge that I have gained from others, my folks were Choctaw Indians.
- Q What knowledge have you gained? A I have been taught that I was a Choctaw.

- Q You do not understand my question, do you? Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian to share in the lands of the Choctaw Nation, under the 14th article of the treaty of 1830, between the United States and the Choctaw Nation? A Well, I do not understand that treaty.
- Q You are making application for identification as a Mississippi Choctaw? A As a Mississippi Choctaw, well, I have been taught that I was.
- Q You have made application for identification as a Mississippi Choctaw haven't you, that is what you are doing now? A Yes sir.
- Q The only authority granted this Commission to hear and determine the rights of Mississippi Choctaws was under the act of Congress of June 28, 1898, which provides that this Commission shall hear and determine the rights of applicants claiming the right to participate in the allotment of Choctaw lands under the 14th article of the treaty between the United States and the Choctaw Indians, concluded September 27, 1830. Do you claim under that 14th article of the treaty of 1830? A Well, I do not understand the treaty.
- Q I want to know if you claim under the 14th article of the treaty of 1830? A All. I claim is
- Q Do you claim under the 14 article of the treaty of 1830? A I do not know, do not understand that treaty.
- Q Answer the question, do you claim under the 14 article of the treaty of 1830? A I do, I suppose.
- Q Now do you, or do you not? A Well I do.
- Q What do you claim under that article of that treaty? A I claim it because
- Q What do you claim? A What do I claim under it? I claim
- Q Well what do you claim? A I claim Choctaw blood.
- Q Claim Choctaw blood under the 14 article of the treaty of 1830? Think it is necessary to have the treaty of 1830 to prove Choctaw blood? A No sir.
- Q Did any of your ancestors ever take advantage of the 14 article of the treaty of 1830? A No t that I know of.
- Q Did any of them ever claim or receive any land under the 14 article of the treaty of 1830? A No sir.
- Q Do you claim under the 15 article of the treaty of 1830? A No sir.
- Q Do you claim under the 19 article of the treaty of 1830? A No sir.
- Q Do you claim under the supplement of the treaty of 1830? A No sir.
- Q Making this claim solely on your own behalf? A Yes sir.
- Q You say you have lived in the Territory for the past ten years? A Yes sir.
- Q Where did you live prior to that time? A In Texas. I was born in Texas.
- Q Did you ever live in Mississippi? A No sir.
- Q Which one of your ancestors lived in Mississippi in 1830 when the treaty was concluded between the United States and the Choctaw Nation, and was recognized as a Choctaw Indian? A Louisa Cooper.
- Q Have you any documentary evidence that she was a citizen and recognized by the Choctaw tribal authorities at that time? A According to the testimony that I have here.
- Q Did Eliza Cooper, after the treaty of 1830 elect to come with the Indians to the Indian Territory, or did she remain in Mississippi? A She came to the Indian Territory.
- Q She didn't take advantage of the 14 article of the treaty of 1830, but elected to come with the rest of the tribe to the Indian Territory? A Yes sir.

Allie Taylor-----5-----

- Q Any additional statement that you want to make? A No sir.
Q Any written evidence that you desire to submit to the Commission for consideration? A Yes sir.

Commission: Certified copies of affidavits of Patsey Poff, M. E. Blackburn, J. I. Sallings, M. Davis, J. P. Lawrence, and the affidavit of Tobias Edwards and J. D. Harrison, offered in evidence, marked exhibit "A", identified as such, filed and made a part of the evidence in this case.

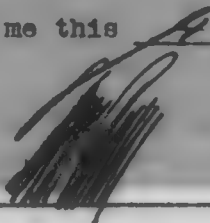
The decision of the Commission as to your application for identification as a Mississippi Choctaw, will be mailed to you in writing in the near future at your present post office address.

Kate De Bord, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all the proceedings had in the above entitled cause on the 30 day of August, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Kate D. Bord

Subscribed and sworn to before me this 14 day of

September 1900.



Acting Chairman.

Muskogee, Indian Territory, February 14, 1903.

Allie Taylor, Remailed to Bradley, D. J., on April 3 1903
Chickasha, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of February 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James A. Taylor, et al., embracing the following applications for identification as Mississippi Choctaws:

James A. Taylor, et al.,	M.C.R. 436
Joseph Davis Taylor, et al.,	M.C.R. 642
Gus Taylor,	M.C.R. 643
Allie Taylor,	M.C.R. 644
James E. Taylor, et al.,	M.C.R. 5625
Jesse M. Taylor,	M.C.R. 5626
Odis Ardrey, et al.,	M.C.R. 5627
Carrie Taylor, et al.,	M.C.R. 5628
Henry Taylor,	M.C.R. 5859
Luella B. Fuller, et al.,	M.C.R. 5860
Robert T. Taylor, et al.,	M.C.R. 5861.

These applications were made under the provision of the act of Congress approved June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James A. Taylor, Wm. E. Taylor, Jesse Taylor, Joseph Taylor, Harvey Taylor, Oscar Taylor, Arthur Bert Taylor, Charles Elbert Taylor, Joseph Davis Taylor, Johnnie Columbus Taylor, Benjamin Franklin Taylor, Joseph Ople Taylor, Gus Taylor, Allie Taylor, James E. Taylor, Lela Taylor, Ella Belle Taylor, Willie Taylor, Jesse Taylor (2), Pearl Taylor, Jesse M. Taylor, James Walter Taylor, Emma Taylor, Clara Taylor, Ludie Taylor, Alvin Taylor, Ledford Taylor, Odis Ardrey, Lee Ardrey, Lena Ardrey, May Ardrey, Arlus Ardrey, Carrie Taylor, Lula Taylor, Delbert Taylor, Henry Taylor, Luella E. Fuller, Ruby L. Fuller, Leland Fuller, Orbra C. Fuller, Robert T. Taylor, Herbert Taylor, Roy C. Taylor and William R. Taylor, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James A. Taylor for the identification of his wife, Eugenia Taylor; by America Taylor for the identification of herself; and by Robert T. Taylor for the identification of his wife, Lillie Taylor, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

S. J. H. H.

James Dixie.

Acting Chairman.

Registered.

MCR-644.

Muskogee, Indian Territory, March 18, 1907.

Allie Taylor,
Bradley, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of February 14, 1903, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of James A. Taylor et al.

Respectfully,

Commissioner.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

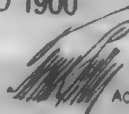
Allie Daylor. 1/16 23
Chickasha, A. T.

FATHER. William Daylor - dead
MOTHER. Nancy Daylor - dead.
Claims through father.

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

FILED

AUG 30 1900



ACTING CHAIRMAN.

REFUSED

DECISION RENDERED.

FEB 14 1903

NOTICE OF DECISION MAILED APPLICANT.

FEB 11 1903

**NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.**

FEB 14 1903

**NOTICE OF DECISION RENDERED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS**

FEB 14 1903

RECORD FORWARDED DEPARTMENT.

MAR 2 1903

ACTION APPROVED BY SECRETARY OF INTERIOR FEB 12 1907

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. MAR 18 1907**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT. MAR 18 1907**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. MAR 18 1907**

REFER TO M. O. R. 436.

P. O. Bradley, J. J.

Choc MCR 645 Lucinda G. Jackson

see MCR 1036

MCR 645

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW R. 645

Lucinda G. Jackson et al

REFUSED

DECISION RENDERED. JUN 11 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT. JUN 11 1902

NOTICE OF DEPARTMENTAL ACTION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKSAW NATIONS.

RECORDED AND INDEXED DEPARTMENT.
JUN 11 1902

ACTION APPROVED BY SECRETARY OF INTERIOR
OCT 21 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT. NOV 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO ATTORNEYS FOR CHOCTAW
AND CHICKSAW NATIONS.

REFER TO G. R. 1036

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 31, 1900.

• • • • •

In the matter of the application for identification as Mississippi Choctaws of Lucinda Catharine Jackson, and of her five minor children, James Monroe Jackson, Mary Dellar Jackson, Sarah Alice Jackson, Lily Maybelle Jackson and Pearlle Jackson.

Lucinda Catharine Jackson, being first duly sworn, testified as follows:

(Examination by the Commission).

- Q What is your name? A Lucinda Catharine Jackson.
- Q What is your age? A 38.
- Q What is your post office address? A Graham.
- Q Indian Territory? A Yes sir.
- Q Do you live in the Indian Territory? A Yes sir.
- Q How long have you lived in the Indian Territory? A 8 years.
- Q Have you maintained a continuous residence for the past 8 years in the Indian Territory? A Yes sir, not been out of it.
- Q You have not been outside of the Territory then within the last three years? A No sir, I have not been out in 8.
- Q How much Choctaw blood do you claim? A 1/16.
- Q What is your father's name? A My father's name is Thomas Reagan.
- Q Is he living? A No sir, he is dead.
- Q What is your mother's name? A My mother's name is Mary Reagan.
- Q Is your mother living? A Yes sir.
- Q Through which one of your parents do you claim your Choctaw blood? A My mother.
- Q Is your mother's name on any of the tribal rolls of the Choctaw Nation? A No sir, not that I know of.
- Q Did your mother ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation?
- A No sir.
- Q Has your mother ever been recognized in any manner by the Choctaw tribal authorities as a citizen of that nation?
- A Yes sir, she was.
- Q Have you any documentary evidence of that fact, of the fact that your mother was recognized by the Choctaw tribal authorities? A We are all recognized by the people.
- Q Listen to the question, have you any evidence of the fact that your mother was ever enrolled or admitted to citizenship in the Choctaw Nation by the tribal authorities? A No sir.
- Q My question is, were you ever recognized by the tribal authorities of the Nation? A No sir.
- Q Did your mother, or any one in her behalf, make application to this Commission acting under the act of Congress of June 10, 1896, for citizenship in the Choctaw Nation? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation?
- A No sir.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever been recognized in any manner by the Choctaw tribal authorities? A No sir.
- Q Did you, or anyone in your behalf, make application to this Commission in 1896 for citizenship in the Choctaw Nation, under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever prior to this time made any application to either the authorities of the United States or the Choctaw

Nation for either citizenship or enrollment as a Choctaw?

A No sir.

Q This is your first application of any description?

A Yes sir, I want to be enrolled and the Dawes Commission told me they were not ready then.

Q When was that? A Two years ago.

Q Where? A At Ardmore.

Q Did they make any record of that case? A No sir, I did not apply.

Q Were you examined at all? A No sir, they were not ready.

Q They never swore you? A No sir.

Q This is your first application of any description? A Yes sir.

Q You now make application as a Mississippi Choctaw?

A Yes sir.

Q Why do you believe that you are entitled to be recognized by this Commission as a Mississippi Choctaw?

A Why under the treaty of 1830, I claim that I have a right under Section 14.

Q Do you know the provisions of the 14 article of the treaty of 1830? A No sir, I do not know much about it.

Q Why do you believe that that article of that treaty gives you any rights? A Because my foreparents came from Mississippi and left their lands there and came to the Nation.

Q When did they come to the Nation? A My mother came here eight years ago..

Q Did any of your ancestors ever take advantage of the 14 article of the treaty of 1830? A No sir.

Q Never took advantage of that article? A No sir.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the 14 article of the treaty of 1830? A No sir.

Q Do you make any claim under the 15 article of the treaty of 1830? A No sir.

Q Do you make any claim under the 19 article of that treaty?

A No sir.

Q Do you make any claim under the supplement of the treaty of 1830? A No sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A Newman Thornton Jackson.

Q How old is your husband? A 38.

Q Do you make any claim for him? A No sir.

Q When did you marry him? A Been married 16 years this fall.

Q Where were you married? A In Arkansas.

Q Under the laws of the state of Arkansas? A Yes sir.

Q Were you ever married to your husband in accordance with the laws of the Choctaw Nation? A No sir.

Q Have you any children? A Yes sir.

Q What are the names and ages of your children under 21 years of age and unmarried? A James Monroe Jackson,

Q How old? A 14. Mary Bellar Jackson, 12; Sarah Alice Jackson, age 9; Lily Maybelle, age 6, and Pearl Jackson, she aint quite a year old.

Q You are the mother of these five children? A Yes sir.

Q Newman Jackson is the father of them? A Yes sir.

Q These children all live with you at your home? A Yes sir.

Q You stated that you had lived in the Indian Territory for the past 8 years? A Yes sir.

Q Where did you live prior to that time? A In Arkansas.

Q How long did you live in Arkansas? A All my life, except a little while in Tennessee.

Q You were born in Arkansas? A Yes sir.

Q And lived there all your life? A Yes sir.

Q Did you ever live in Mississippi? A No sir.

- Q Did your mother ever live in Mississippi? A Yes sir.
- Q Which one of your ancestors lived in Mississippi in 1830 when the treaty was entered into between the United States and the Choctaw Nation and was recognized as a Choctaw Indian?
- A Why, my grandmother, my mother's mother.
- Q Your mother's mother? A Yes sir.
- Q What was her name? A Petray.
- Q What was her full given name? A Mary Elizabeth Petray.
- Q Was she recognized as a member of the Choctaw tribe of 1 Indians in 1830?
- A Not that I know of.
- Q Did she ever receive any lands in Mississippi under the 14 article of the treaty of 1830? A No sir.
- Q When did she leave there and move to the Indian Territory?
- A Yes sir, she moved to Arkansas before.
- Q Did she move from Mississippi to the Indian Territory?
- A No sir, she moved to Arkansas, thento the Indian Territory.
- Q Is there any additional statement that you desire to make in support of your application and the application you make on behalf of your five minor children for identification as Mississippi Choctaws? A Nothing more than I have told you.
- Q Is there any written evidence in the way of affidavits or pther proper evidence that you desire to submit to the Commission for its consideration in support of your claim?
- A We have a family record is all that I know of.
- Q Do you desire to offer it in evidence at this time? A Yes sir. It can be got.
- Q Do you desire to offer it in evidence at this time?
- A I cannot do it.
- Q Anything else you desire to say? (No answer)
- Q Have you any written evidence that you desire to submit in support of your application? A I expect so.

Commission : Fifteen days is granted from the date hereof in which the applicant will be allowed to submit written evidence in support of her application. The decision of the Commission with reference to your application, and the application you make on behalf of your five minor children for identification as Mississippi Choctaws, will be mailed to you in writing in the near future at your present post office address.

Kate De Bord, having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 31, day of August, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceeding on said date.

Kate De Bord

Subscribed and sworn to before me this 4 day of Sept 1900.


Acting Chairman.

Muskogee, Indian Territory, September 26, 1900.

J. Vester Hullen,

Armore, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 22nd instant in which you state that some time during the month of February, 1900, one Leon Jackson, of Graham, Indian Territory, entered into a verbal contract with Jeanette McDaniel, a half breed Choctaw Indian, wherein the said Jackson agreed to pay to him the rents on the place which he, Jackson, had purchased from McDaniel for prospective allotment purposes providing said Jackson's wife, Mrs. Lou Jackson, nee Reavan, was not placed upon the Choctaw or Chickasaw rolls by the time the crops on the said place were ready to be harvested.

You request in your letter to be advised if Mrs. Lou Jackson, nee Reavan is listed for final enrollment either upon the Choctaw or Chickasaw roll.

You are informed that the records of this Commission show that Mrs. Lucinda G. Jackson, 32 years of age, of Graham, Indian Territory, appeared before the Commission on August, 31st, 1900, and made application for the identification of herself and her five minor children as Mississippi Choctaws and the Commission has not up to this time fully determined as to her rights to identification but will do so sometime within the near future and a copy of the decision of the Commission will be mailed to her, stating at length

J. V. M. 2--

its reason for any action that may be taken in her case.

As to her being listed for enrollment, you are informed that she has not made application for enrollment but only for identification as a Mississippi Choctaw and should she be identified by this Commission as a Mississippi Choctaw entitled to rights in the Choctaw lands under the fourteenth article of the treaty of 1830, it would then be necessary for her to appear in person before the Commission for the purpose of being enrolled as a citizen of the Choctaw Nation, the act of Congress of May 31st, 1900, providing:

* That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes, shall have the right at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment.

Yours truly,

Acting Chairman.

K. O. R-648

COPY

M.S.N. 648

McGregor, Indian Territory, June 18, 1908.

Lucinda Catharine Jackson,
McGregor, Indian Territory.

Dear Madam:-

You are hereby advised that on the 10th day of June, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John H. Petray, et al., embracing the following applications for identification as Mississippi Choctaws:

- John H. Petray, et al.....M.S.N. 1036
- Ida Bell Platt, et al.....M.C.R. 1037
- Mary Alice Martin, et al.....M.C.R. 1038
- Luella Reed, et al.....M.C.R. 1039
- Lucinda Catharine Jackson, et al.....M.U.R. 648

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 448) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of John H. Petray, Lawrence Jackson Petray, Julia Pearl Petray, Ida Bell Platt, Della Platt, Mary Alice Martin, Ora May Martin,

L. O. Jackson,

John Bell Martin, Lucile Reed, Elmer Guy Reed, Lucinda Esther
Pine Jackson, James Monroe Jackson, Mary Keller Jackson, Sarah
Alice Jackson, Lily Marbelle Jackson and Pearl Jackson, as
Dawson Indians entitled to rights in the Dawson lands under
the provisions of article fourteen of the treaty of 1850, and
that the applications for their identification as such should
be refused, and it is so ordered.

You are further advised that the Commissioner has on this
date forwarded the records in this case to the Secretary of the In-
terior for review and you will be informed in writing of such ac-
tion as may be taken by him.

Yours truly,

SIGNED:

T. B. Needles.

Registered,

Commissioner in Charge.

W. O. R. 648

COPY.

Muskogee, Indian Territory, November 7, 1902.

Lucinda G. Jackson,

Graham, Indian Territory.

Dear Madam:

You are hereby advised that on the 21st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John N. Petray, et al., of which decision you were advised by registered mail on the 18th day of June, 1902.

Respectfully,

(SIGNED).

Taine Dixby.

Acting Chairman.

Lucinda C. Jackson. 33.
1/16 Graham, Ind. Per.

FATHER: Thomas Reagan - dead.
MOTHER: Mary Reagan - living.
Claims through mother.
HUSBAND: Newman Jackson. 38.

Children:

James M. Jackson	14
Mary W. "	12
Charles C. "	9
Lillie M. "	6
Pearley "	1.

Aug. 21st, 1901

Choc mcr 646 mary Jane Heath

mcr 646

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

Mary Jane Heath, et al.

REFUSED

DECISION RENDERED.

NOTICE OF DECISION MAILED APPLICANT: *DEC 15 1902*

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS. *DEC 15 1902*

RECORD FORWARDED DEPARTMENT. *DEC 15 1902*

ACTION APPROVED SECRETARY OF INTERIOR. *APR 27 1903*

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. *APR 27 1903*

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. *APR 27 1903*

*6/18/1902.
O.O. Ouachita La.*

Arch

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

In the matter of the application of Mary Jane Heath, et al., for identification as Mississippi Choctaws, M.C.R. 646.
List of papers forwarded to the Secretary of the Interior comprising the record in the case of Mary Jane Heath, et al.

	Page
Original application of Mary Jane Heath, et al., before the Dawes Commission for identification as Mississippi Choctaws...	1
Sworn petition of Mary Jane Heath.....	4
Certificate of birth of Margret Jane Heath....	6
Copy of letter of the Commission to Mary Jane Heath.....	7
Registry return receipt of Mary Jane Heath.....	10
Affidavit of Mary Jane Heath.....	11
Affidavit of J. W. Heath.....	12
Decision of the Commission refusing the application of Mary Jane Heath, et al., for identification as Mississippi Choctaws.....	13

#

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T. September 1, 1900.

In the matter of the application for identification as Mississippi Choctaws of Mary Jane Heath and her two minor children. Mary Jane Heath being sworn by Commissioner Needles, testified as follows:

Examination by the Commission.

- Q What is your name? A Mary Jane Heath.
- Q What is your age? A 34.
- Q What is your post-office address? A Why, South McAlester.
- Q Indian territory, A Yes sir.
- Q Do you live at South McAlester? A Yes sir.
- Q How long have you lived there? A We came out here in June.
- Q This year? A Yes sir.
- Q Where did you come from? A From Louisiana. I am from Mississippi.
- Q You have only resided in the Indian Territory since last June? A Yes sir.
- Q How much Choctaw blood do you claim? A Only half.
- Q What is your father's name? A Jellice.
- Q His full given name? A That is all the name he's got. I never heard anything else.
- Q Is your father living? A No sir.
- Q What is your mother's name? A Louisa Griffin.
- Q Is your mother living? A No sir.
- Q Through which one of your parents do you claim your Choctaw blood? A My father.
- Q Is your father's name on any of the tribal rolls of the Choctaw Nation? A I don't know.
- Q Did your father ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A I don't know.
- Q Has your father ever been recognized in any manner by the Choctaw tribal authorities as a citizen of the Choctaw nation? A I don't know.
- Q Has your father ever been recognized in any manner by the Choctaw tribal authorities as a citizen of that Nation? A I don't know. I knew he was a full blood Choctaw.
- Q Was he ever enrolled by the Choctaw tribal authorities as a citizen? A I don't know that, sir. I was left when I was quite small and don't know anything about it.
- Q When did your father die? A When I was quite small. I was young. I don't remember.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir, I guess not.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw nation? A No sir, this is the first time.
- Q Have you ever been recognized in any manner by the authorities of the Choctaw Nation as a citizen? A Well, I guess so.
- Q How were you recognized? A As a Mississippi Choctaw.
- Q When? A Ever since my birth I guess.
- Q Have you ever been recognized by any official act of the Choctaw tribal authorities? A I don't know. I guess so.
- Q Where? A Where I live.
- Q Did the Choctaw Nation ever recognize you by any official act, by act of the Choctaw Council or Legislature at Tushkahoma? A I wasn't raised with the Choctaws you see. I was raised with white people.
- Q Don't go into the details of where you were raised. Did the Choctaw authorities ever recognize you by any official act of theirs as a citizen? A No sir, not that I know of.
- Q Did you or did any one for you in 1896, make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1897? A No sir.

Mary Jane Heath 3--

Q Have you ever prior to this time made any application to either the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw citizen? A No sir.

Q This is your first application of any description? A Yes sir.

Q Never have prior to this time made any application to any authorities? A This is the first time.

Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are a Choctaw Indian entitled to share in the lands of the Choctaw Nation as provided in the fourteenth article of the treaty of 1830? A Well, I have been told by that it was here for me and I am poor and came just as soon as I could get the money to come with. I was told by several old people that knew that I could get it.

Q You understand that the only authority vested in this Commission to identify applicants as Mississippi Choctaws, is to identify those who have, or their ancestors, have taken advantage of the fourteenth article of the treaty of 1830 and the requirements of this Commission and the Department of the Interior are that such applicants must have complied with that article. Do you understand that? A I don't know.

Q Did you ever hear of the treaty of 1830, of the fourteenth article of the treaty of 1830? A No sir.

Q Do you make any claim under the treaty of 1830? A I don't know anything about it.

Q Do you make your claim under the fourteenth article of the treaty of 1830? A Well, I don't know what it is.

Q Did you ever hear of the treaty of 1830? A No sir.

Q Don't know that such a treaty is in existence? A No sir.

(The Fourteenth article of the treaty of 1830 read and explained to the witness.)

Q Do you make a claim under this fourteenth article of the treaty of 1830? A I guess so.

Q Did any of your ancestors ever take advantage of the fourteenth article of the treaty of 1830? A I don't know.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know anything about that.

Q Do you make any claim under any other article or provision of the treaty of 1830? A I don't know.

Q Are you married? A Yes sir.

Q What is your husband's name? A Newell Greenbury Heath.

Q What is his age? A 33 or 34 I don't remember which.

Q Are you making any claim for him? A No sir.

Q He is a white man? A Yes sir.

Q He has never made any claim to Indian citizenship by blood?

A No sir.

Q Where were you married to him? A Louisiana.

Q Married under the laws of the state of Louisiana? A Yes

sir.

Q Have you any evidence of that marriage that you desire to file with the Commission? A I have a license in my valise at the hotel. I forgot to bring them.

Q Do you desire to present it during the day? A I have to go back on the noon train. I wouldn't have time to go to the hotel and get them.

Q Do you wish to offer your marriage license and certificate in evidence? A Yes sir, I can if it is necessary.

Q Have you such marriage license and certificate with you?

A In my valise at the hotel.

Q Can you submit them to the Commission today? A I don't know whether I can or not. I am obliged to go back to McAlester when the train goes.

Q Were you ever married to your husband in accordance with the laws of the Choctaw Nation? A No sir.

Q What was the date of your marriage? A November 10th, 1882.

Mary Jane Heath 2—

- Q What are the names of your children for whom you desire to make application? A Annie Stella Heath.
- Q What is her age? A She will be six years old the 24th of January.
- Q The next one? A Barney Clifton Heath.
- Q How old is Barney Clifton? A He will be two years old the 15th of December.
- Q These are all the children you have? A I have two dead.
- Q Then you haven't got them. A No sir.
- Q You are the mother of these two children? A Yes sir.
- Q Newell Greenbury Heath is the father of them? A Yes sir.
- Q Both of these children live with you at your home? A Yes sir of course they do.
- Q You stated that you had lived in the territory only since June, 1900? A Yes sir.
- Q Where did you live prior to that time? A Louisiana.
- Q How long did you live in Louisiana? A I come to Louisiana in 1892.
- Q And lived there until the time you moved to the Indian Territory in June, 1900? A Yes sir.
- Q Where did you live prior to your residence in Louisiana? A In Mississippi. In Philadelphia, Mississippi, the county seat of Neshoba County. I was raised there.
- Q Have any of your relatives been identified by this Commission as Mississippi Choctaws? A No sir, I don't know anything about them.
- Q Were you born in Mississippi? A Yes sir.
- Q Which one of your ancestors was living in Mississippi and recognized as a Choctaw Indian in 1830 when the treaty was made between the United States and the Choctaw Indians? A I don't know a thing about it.
- Q Is there any additional statement you want to make? A No sir.
- Q Do you want to submit any papers for filing? A Yes sir.

The application and petition of Mary Jane Heath offered in evidence, marked exhibit A, identified as such, filed and made a part of the record in this case.

Q Is that all you want to say? A I guess so.

The decision of the Commission as to your application and the application you make on behalf of your two minor children for identification as Mississippi Choctaws will be mailed to you in writing in the near future at your present post-office address.

NOTE. The applicant and her children look like full blood Indians.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 1st day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 4th day of September, 1900.

Myra Young
Acting Chairman.

*Wm
C.W.*

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

In the matter of the application of Mary Jane Heath, et al., for identification as Mississippi Choctaws, H O R 646.

DECISION.

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Mary Jane Heath for herself and her three minor children, Annie, Stella, Bernay Clifton, and Margaret Jane Heath, under the following provision of the act of Congress approved June 25, 1898, (30 Stat., 493):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the

-2-

United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Jullise (or Jelise), who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants 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, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 26, 1906, (34 Stat., 381).

It does not appear from the testimony and evidence referred in support of said application or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jullise (or Jelise) signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1867, (15 Stat., 100), and August 23, 1842, (5 Stat., 535).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Jane Heath, Annie Stella Heath, Barney Clifton Heath, and Margaret Jane Heath as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James Dixby

Acting Chairman.

(SIGNED)

F. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

Mustoge, Indian Territory,

DEC 6 1902

COMMISSIONERS:
HENRY L. DAVIS,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AVLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 25th, 1901.

Mary Jane Heath,

South McAlester, I.T.

Dear wadam:

There is enclosed you herewith a copy of the Commission's decision refusing your application and the application made by you on behalf of your minor children for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

encl.
Reg. M.
H.C.R. 646

Muskogee, Indian Territory, November 12, 1901.

Mrs. M. J. Heath,

Maxwell, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you state that you are a citizen of the Choctaw Nation and made application to the Commissioner of Indian Affairs, Indian Territory on September 1, 1900. You then give the names of your children who were living at the time you made such application and desire to be informed as to the necessary procedure to have a child enrolled who was born since the time you made such application.

Replying to your letter you are informed that it appears from the records of the Commission that at Muskogee, Indian Territory, on September 1, 1900, Mary Jane Heath made personal application for the identification of herself and her two minor children, Annie Stella and Barney Clifton Heath as Mississippi Choctaws.

The Commission has not as yet rendered any opinion relative to the rights of yourself and your two children to identification as Mississippi Choctaws and it is probable it will be some time before any definite action is taken in the matter.

N J H 3

If you desire to include in such application your child who has been born since September 1, 1900, there is enclosed you herewith a blank for the purpose of making such birth a matter of record. In the execution of the same, be careful to see that all blanks are properly filled, all names written in full, and in the event either of the persons whose names are to be affixed to the affidavits are unable to write and their signatures are by mark, that such signatures be attested by two disinterested parties, witnesses thereto. The notary public before whom the acknowledgments of the mother and the attending physician or nurse are made must affix his notarial jurat and seal to each separate affidavit.

Referring to your letter of August 3, 1901, requesting that you be supplied with a certificate of citizenship of yourself and your children, you are informed that the Commission cannot at this time issue any citizenship certificates to persons applicants for enrollment as citizens of the Choctaw and Chickasaw Nations. The status of you and your children is merely that of applicants for identification as Mississippi Choctaws, upon whose rights to identification as Mississippi Choctaws and enrollment as citizens of the Choctaw Nation the Commission has not up to this time rendered any opinion.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, December 13, 1901.

Mary Jane Heath,
Center, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of evidence of the birth of
Margret Jane Heath, infant daughter of Noel Heath and Mary Jane Heath.
The affidavits of the mother and the nurse at the birth of this
child have been accepted as evidence of its birth, and will be filed
with and made a part of your original application for identification
as a Mississippi Choctaw.

Yours truly,

Commissioner in Charge.

Miss. Choctaw R 640

Muskogee, Indian Territory, June 14, 1902.

Mary Jane Heath,

Osage, Louisiana,

Dear madam:

Receipt is hereby acknowledged of your letter of June 11, in which you state that you cannot appear in person before the Commission because of illness in your family, and that your witnesses are unable to appear because of their age, and you ask if their affidavits will be accepted in behalf of your application for identification as a Mississippi Choctaw, and you ask that the time be extended within which you will be permitted to offer evidence in your case.

In reply to your letter you are advised that if you and your witnesses are unable to appear in person before the Commission for examination, the Commission will accept your affidavit and the affidavits of your witnesses showing which one of your Choctaw ancestors resided in Mississippi in 1830 and complied or attempted to comply with the provisions of the fourteenth article of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, provided the same are offered within fifteen days from this date, or prior to July 2, 1902.

Yours truly,

Miss. Choctaw R 646

Muskogee, Indian Territory, July 12, 1902.

George F. Clark,

Post Master,

Osachita, Louisiana,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 8, in which you state that Mary Jane Heath did not receive our communication of June 18, 1902, until June 30, 1902, and could not therefore forward the affidavits requested therein prior to July 8; the affidavits of J. N. Heath and Mary Jane Heath are also inclosed with your letter, and the same have been filed with the record in the matter of the application for identification as Mississippi Choctaws of Mary Jane Heath, et al.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, November 29, 1902.

Mary Jane Heath,

Center, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you state you "have returned home and want to know what is necessary to be done in regard to your right, but there is nothing said about the baby."

In reply you are informed that no opinion or decision has up to this time been reached in your case, but the Commission is now considering the application made by you for the identification of yourself and minor children as Mississippi Choctaws and it is probable that a decision will be rendered in the near future when you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

The records of the Commission show that on December 15, 1901, there was filed with and made a part of the record in your case affidavits to the birth of Margaret Jane Heath, infant daughter of Mary Jane and Noel G. Heath.

Respectfully,

Acting Chairman.

COPY

Muskogee, Indian Territory, December 6, 1902.

Mary Jane Heath;

Remailed letter
Ouachita, Louisiana.*J. T. Jany 9, 1903*

Dear Madam:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Jane Heath, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Jane Heath, Annie Stella Heath, Barney Clifton Heath and Margaret Jane Heath as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

M. J. H., 2.

days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamie Bixby.

Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, December 6, 1902.

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

Gentlemen:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Jane Heath, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 496).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Jane Heath, Annie Stella Heath, Barney Clifton Heath and Margaret Jane Heath as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tama Bixby,
 Acting Chairman.

COPY.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mary Jane Heath, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 6, 1902.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Taine Clark

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. N. O. R. 646

Muskogee, Indian Territory, February 12, 1903.

Horton & Grigsby,

Attorneys at Law,

Pauls Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you state that four letters notifying Mary Jane Heath of the refusal of the application made by her for the identification of herself and her minor children as Mississippi Choctaws, were delayed and that you are endeavoring to secure additional evidence to file in her case.

In reply you are informed that the fifteen days heretofore granted the applicant in this case within which to file arguments in support of her claim to be transmitted to the Secretary of the Interior, expired December 21, 1902. On December 22, 1902, the record in the case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence in this case.

Mary Jane Heath will be notified of such action as may be taken by the Secretary of the Interior.

Respectfully,

H C R 646

Muskogee, Indian Territory, February 20, 1902,

Sam Walsh,

Philadelphia, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, enclosing, at the request of Barton & Grigsby, attorneys at Paris Valley, Indian Territory, the joint affidavit of Sam Walsh, J. V. Walsh, T. B. Yates and A. J. Yates, relating to the Mississippi Shoney case of Mary Jane Heath, et al.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, February 29, 1903.

Barton S. Grigsby,

Attorney at Law,

Pauls Valley, Indian Territory.

Gentlemen:

The Commission is in receipt of a letter from Sam Walsh, Philadelphia, Mississippi, dated February 10, 1903, with which was enclosed the joint affidavit of Sam Walsh, J. V. Walsh, T. E. Yates and A. J. Yates offered in support of the Mississippi Choctaw case of Mary Jane Heath, et al. It is stated in the letter that said affidavit is forwarded at your request.

On February 12, 1903, the Commission addressed you a communication advising you that on December 22, 1902, the record in this case, together with the decision of the Commission, was forwarded to the Secretary of the Interior, and that pending action thereon by him the Commission could not receive or consider further evidence therein.

The affidavit above referred to alleges that Mary Jane Heath is a descendant of a Choctaw Indian named Jellin, which fact is shown by the record in the case.

The Commission requires that applicants for identification as Mississippi Choctaws demonstrate that they are descendants

3 4 5 2

of Choctaw ancestors who resided in the old Choctaw Nation in the
state of Mississippi and Alabama in 1830, and that such ancestors
were beneficiaries under the fourteenth article of the Choctaw
Treaty of 1830.

It is not believed that the evidence sought to be intro-
duced will in any way ^{benefit} ~~benefit~~ the applicants in this case and the
affidavit is herewith returned.

Mary Jane Heath will be notified of such action as may
be taken by the Secretary of the Interior in her case.

Respectfully,

Acting Chairman.

Holt-5

Muskogee, Indian Territory, February 28, 1903.

O. M. Krebbs,
Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant, in which you ask "Is there a party by the name of Jane Heath and N. J. Heath on any roll in the office of the Commission."

In reply to your letter you are informed that it appears from the records of the Commission that Mary Jane Heath, thirty-four years of age, residence Center, Indian Territory, is an applicant to this Commission for the identification of herself and three minor children, Annie S., Barney C. and Margaret Jane Heath, as Mississippi Choctaws.

On December 5, 1902, the Commission rendered its decision refusing the application of Mary Jane Heath for the identification of herself and minor children as Mississippi Choctaws, and on the same date she was notified by registered mail of the action of the Commission and that she was granted fifteen days from the date of said decision within which to file arguments in support of her claim to be forwarded to the Secretary of the Interior.

The fifteen days from December 5, 1902, heretofore granted in this case, expired on December 21, 1902. On December 22, 1902, the record in the case, together with the decision of the

O X X S

Commission was forwarded to the Secretary of the Interior. Up to the present time the Commission has not been advised of any departmental action thereon. As soon as the Commission is informed of the decision of the Secretary the principal applicant will be duly notified thereof.

The records of the Commission have been carefully examined and the name of H. J. Heath is not found thereon.

Respectfully,

Chairman.

(COPY)

Refer in reply to the
following:
Land
46243-1903.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

March 30, 1903.

The Honorable,

the Secretary of the Interior.

Sir:-

I have the honor to transmit herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Mary Jane Heath for herself and her three minor children, Annie Stella, Barney Clifton and Margaret Jane Heath for identification as Mississippi Choctaws, wherein a decision adverse to them was rendered by the Commission December 6, 1902.

The testimony in this case shows that the applicants base their claim to identification on their descent from ~~William~~ ~~James~~ ~~James~~ who it is alleged was a Choctaw Indian and a resident in the Choctaw Nation at the time of the making of the treaty of 1830.

The Commission bases its decision rejecting the applicants on the ground that it does not appear from the evidence offered in support of the application, or from the records in the possession of the Commission that the ancestor, Jellius (or Jellie) complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the appli-

sants had never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office discloses the fact that the name of Jollie (or Jelice) does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, neither does it appear that she applied to the Commission appointed under acts of March 3, 1837 and August 23, 1842, for an adjudication of her rights, if she had any, as a Choctaw Indian.

These being the facts it is the opinion of this office that the applicants are not entitled to identification as Choctaw Indians, and the decision of the Commission rejecting them is respectfully recommended for approval.

Very respectfully,

A. G. Tomner,
Acting Commissioner.

S. F. C.

Muskogee, Indian Territory, April 11, 1903.

Mary Jane Heath,
Ada, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you state "As yet I have not been notified as to the decision of the Department as to the citizenship or right of myself and family, and I want to know if any decision has been made."

In reply to your letter you are informed that the record in your case, together with the decision of the Commission refusing your application for the identification of yourself and minor children as Mississippi Choctaws, was, on December 22, 1902, forwarded to the Secretary of the Interior. Up to the present time the Commission has not been advised of any departmental action taken thereon. As soon as the Commission is advised of the decision of the Secretary you will be duly notified thereof.

Respectfully,

Chairman.

(COPY)

D.C. 10904

DEPARTMENT OF THE INTERIOR. BAP.
WASHINGTON.

IED, 3512-1903.

April 15, 1903.

L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

December 22, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Mary Jane Heath and her minor children, Annie Stella, Barney Clifton and Margaret Jane Heath, including your decision of December 5, 1902, refusing the application.

The principal applicant testifies that she is a half blood Choctaw Indian, and that her father, Jollise (or Jelice), a full blood Choctaw, resided, as she believes, in Mississippi in 1830. The name of a more remote ancestor of the applicants is not given.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Jollise complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 100), and August 23, 1842 (5 Stat., 512). Reporting March 20, 1903, the Acting Commissioner of

Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

M.C.R. 644.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, Mc Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 15th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Jane Heath, et al., of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

SIGNED

James D. Kirby.

90P7

M. C. R. 646.

Muskogee, Indian Territory, April 27, 1903.

Mary Jane Heath,

Ada, Indian Territory.

Dear Madam:

You are hereby notified that on the 16th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Jane Heath, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

SIGNED: *Tame Bixby.*
Chairman.

M C R 646

Muskogee, Indian Territory, April 16, 1907.

Mary Jane Heath,

Henryetta, Indian Territory.

Dear Madam:

Replying to your letter of the 12th instant you are informed that the Secretary of the Interior on April 15, 1903, affirmed the decision of the Commission to the Five Civilized Tribes of December 6, 1902, refusing the application made by you for the identification of yourself and children as Mississippi Choctaws.

You are also informed that the rolls of citizenship of the Five Civilized Tribes of Indians in Indian Territory were closed March 4, 1907, and no further consideration can now be given your application.

Respectfully,

Commissioner.

3553-1909

MOR 646

Muskogee, Oklahoma, February 16, 1909.

Mr. Orlando Swain,
Attorney at Law,
Okmulgee, Oklahoma.

Sir:

Receipt is acknowledged of your letter of February 9, 1909, requesting to be advised as to the final disposition of the Mississippi Choctaw claim of Mary Jane Heath, et al., and whether or not applicants were notified of Departmental action in the case.

In reply you are advised that on April 27, 1903, Mary Jane Heath was notified by the Commission to the Five Civilized Tribes that on April 15, 1903, the Secretary of the Interior affirmed the decision of said Commission refusing the application for identification as ~~Mississippi Choctaw~~ of the several persons included in the case of Mary Jane Heath, et al., notice of such adverse decision having been previously furnished her by registered mail.

April 16, 1907, in reply to a communication from Mrs. Heath, dated at Henrietta, Indian Territory, April 12, 1907, she was again informed of the action of the Commission and the Secretary of the Interior relative to her Mississippi Choctaw application; also that the rolls of citizenship of the Five Civilized Tribes were

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closed March 4, 1907, and that there was no authority of law for
the further consideration of her claim.

Respectfully,

Acting Commissioner.

McK

Sept. 1st, 1900.

1/2.

Mary Jane Heath.

34.

So. Mo. Allester, Ind. Ter.

FATHER:

Jolice - dead.

MOTHER:

Louisa Griffin - dead

Claims through father.

HUSBAND.

Noel G. Heath - 34.

Children:

Annie Stella Heath 6.

Barney C. " " 2.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

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

FILED

SEP 1 1900



ACTING CHAIRMAN.

choe mcr 647 Sarah E. Adams

see mcr 580

mcr 647

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

R. 647

Sarah C. Adams et al
REFUSED

DEPT

NO.

1

NOTICE OF DECISION MAILED APPLICANT.

FEB - 6 1903

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 1903

RECORDS FORWARDED DEPARTMENT.

FEB 24 1903

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 4 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 16 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

APR 18 1903

REFER TO M. O. R. 580

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

In the matter of the application of Sarah E. Adams, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Sarah E. Adams, et al., H.C.R. 647
Henry Adams, H.C.R. 585

List of papers forwarded to the Secretary of the Interior, comprising the record in the consolidated case of Sarah E. Adams, et al.

	Page.
Original application of Sarah E. Adams, et al., for identification as Mississippi Choctaw	1
Certified copy of marriage certificate between Sarah E. Frantz and James F. Adams	3
Original application of Henry Adams for identification as a Mississippi Choctaw	6
Decision of the Commission refusing the application of Henry Adams for identification as a Mississippi Choctaw, signed February 18, 1901.	9
Copy of letter of the Commission to Henry Adams, transmitting above decision	10
Registry return receipt	11
Decision of the Council of refusing the consolidated application of Sarah E. Adams, et al., for identification as Mississippi Choctaw	12

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

MUSKOGEE, I.T., SEPTEMBER 5, 1900.

In the matter of the application for identification as Mississippi Choctaws of Sarah E. Adams and of her five minor children, Mary E. Adams, Rosetta Adams, Julia Jane Adams, Jimmie Adams and General Grant Adams.

Sarah E. Adams, being first duly sworn by Acting Chairman Bixby, testified as follows:

(Examination by the Commission).

- Q What is your name? A Sarah E. Adams.
Q What is your age? A I am 48 last February.
Q What is your post office address? A Ardmore.
Q You live in the Indian Territory? A Yes sir, Chickasaw Nation.
Q How long have you lived in the Indian Territory?
Q Ever since I was eleven years old, in first the Choctaw and the Chickasaw Nation, together.
Q Ever live anywhere else?
A Yes, I was born in Springfield, Missouri, and my mother was a white woman and went back there to see her folks.
Q Have you been outside of the Indian Territory in the past three years? A No sir.
Q How much Choctaw blood do you claim? A I claim 1/8.
Q What is your father's name? A Daniel Henry Prienty.
Q Is your father living? A No sir, my father's dead.
Q What was your mother's name? A Ellen Prienty.
Q Is she living? A No sir, she is dead.
Q Through which one of your parents do you claim your Choctaw blood? A My Father.
Q Your father's name ever on and of the tribal rolls of the Choctaw Nation? A Well, I don't know, he was quite small when he came out here, My grandparents were on the rolls.
Q I am talking about your father. Did your father ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A If he did I never knowed it.
Q Was he ever recognized in any manner by the Choctaw tribe of Indians as a citizen of that tribe? A I cannot tell you. I do not know.
Q When did your father die? A He has been dead I reckon about, I reckon it is now nine years.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Did you ever make application to the Choctaw tribal authorities for enrollment as a citizen of the Choctaw Nation?
A No sir.
Q Have you ever been recognized by the Choctaw tribal authorities in any manner as a citizen of the Choctaw Nation?
A No sir.
Q Did you, or anyone for you in the year 1896 make application to this Commission for citizenship under the act of Congress of June 10, 1896? A No sir.
Q Have you ever made any application to either the authorities of the Choctaw Nation or to the United States Court for either enrollment or citizenship in the Choctaw Nation?
A No sir.
Q This is your first application of any description?
A Yes sir.

Q You have never made application? A I made an affidavit last year but did not get it in.

Q Did you go before this Commission, and did they make any record of your case. A No sir.

Q Then you have never made any application? A No sir.

Q This is your first application of any description? A Yes sir.

Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be recognized and to share in the lands of the Choctaw Nation?

A Because my father came out here in 1830 and the 14th Section. He was with the treaty that they made and he came.

Q And he came out with the 14 section?

A I think so. It was just talk, this was. I do not know anything about it. This is just my recollection. He was an Indian, a half-breed. It has been a long time ago.

Q Did your ancestors ever take advantage of the 14th article of the treaty of 1830? A That is a question I cannot answer you. I don't know.

Q Did you or any of your ancestors receive or claim any land in Mississippi under the 14th article of the treaty of 1830?

A I know they came out and went back, but I do not know anything about the land part.

Q I am talking about back there in Mississippi; did your ancestors ever receive any land back there? A I suppose they did.

Q Have you any evidence of that fact? A Well, I think I can get evidence for they came out.

Q It is required by this Commission in order for anyone to be identified as Mississippi Choctaws, they or their ancestors must have taken advantage of the provisions of the 14th article of the treaty of 1830. A All I know my father lived there.

- Q Have you any evidence of that fact? A I think I can get the evidence.
- Q How much time do you want? A Well I cannot tell you how much time that will be.
- Permission is granted the applicant to file written evidence in support of her claim that her ancestors were beneficiaries under the 14th Article of the treaty of 1830, provided the same is filed within fifteen days from the date hereof.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A James Franklin Adams.
- Q Is he living? A Yes sir.
- Q How old is he? A 51 years old.
- Q Do you make any application for him? A No sir, he is a white man.
- Q He is a white man? A Yes sir.
- Q Where were you married to him? A I was married to him in Christian County, Missouri.
- Q When? A November 20, 1869.
- Q Have you any evidence of that marriage? A I have none here, but I could get it.
- Fifteen days is granted in which the applicant can file evidence of her marriage to James Franklin Adams.
- Q Have you any children under 21 years of age and unmarried for whom you desire to make application? A Yes sir, I have five at home with me.
- Q What are their names and ages? A Mary E. Adams, 16;
- Q The next one? A Next one, Rosetta Adams. She is 14 years old the first day of this last February.
- Q The next one? A Julia Jane Adams, she is eleven years old the 7 of July.
- Q The next one? A A little girl, we call her Jivvie.
- Q She is a girl, is she? A Yes, she is noted. She is 6 years old.
- Q The next one? A He is named after the president, General Grant Adams.
- Q Is he president now? A No sir, I guess not. He is of our own farm.
- Q What is his age? A He is two years old the 18th day of May.
- Q James Franklin Adams is the father of these children, is he? A Yes sir.
- Q You are the mother of these children? A Yes sir I am the mother of these children.
- Q These children live with you at this time at your home? A Yes sir.
- Q Their claim is on the same basis as yours? A Yes sir, on the same basis as mine.
- Q You states that you had lived in the Indian Territory ever since you were eleven years of age? A Yes sir.
- Q Where did you live before that? A In Missouri. My mother was a white woman and went back there.
- Q How long did you live there? A I was born there and lived there until I was eleven years old.
- Q Did you ever live in Mississippi? A No sir, I did not.
- Q Did your father ever live in Mississippi? A Yes sir, he was born there.
- Q Where did he live in Mississippi? A I cannot tell you, I was small when I left my pa. I think my pa lived in the Southern part of Mississippi.
- Q Which one of your ancestors lived in Mississippi at the time the treaty was made between the United States and the Indians, and who was a beneficiary under the 14th article of the treaty of 1830? Q My grandfather.

Sarah H. Adams

- Q What was his name? A Dave Prienty.
Q Have you any evidence of the fact that he was a beneficiary and received any land in Mississippi. A I think so, that was my idea.
Q Is there any additional statement that you want to make?
A That is something I do not understand.
Q Is there anything more you want to say? A Yes sir.
Q What is it? A Well I reckon I gave in all their names?
Q Then there is nothing more you want to say? A My grandmother on my father's side, was a half Choctaw and her name was Coon, but I aint a claiming the right under the Coons, only she was a half Choctaw, and my father's father, grandfather, my grandfather. I have got mixed. My father was a Prienty son of Old Uncle David Prienty, and my grandmother was a Coon before Old David Prienty married her.
Q Is that all? A Yes sir, I got bothered and you got to laughing.

The decision of the Commission as to your application and the application you make on behalf of your five minor children for identification as Mississippi Choctaws, will be mailed to you in writing in the near future at your present post office address

Kate De Bord, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all the proceedings had in the above entitled cause on the 8th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes taken in said case on said date.

Kate De Bord

Subscribed and sworn to before me this 12th day of Sept. 1900.


Acting Chairman.

COPY.

L.G.D.
C.W.

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

In the matter of the application of Sarah E. Adams, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Sarah E. Adams, et al., H.C.R. 447
Henry Adams, H.C.R. 220

DECISION.

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Sarah E. Adams for herself and her three eldest children, Mary Eliza, Rebecca, Julia Jane, Fannie and General Grant Adams, and by Henry Adams for himself, under the following provision of the act of Congress approved June 23, 1898, (30 Stat., 497):

Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw land ceded to the United States in 1830, and the further extent of such rights, and to list and certify the names of such Choctaw Indians, and to make and file a report thereon to the Secretary of the Interior.

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of David Prienty (or Printer), who is alleged to have been a Choctaw Indian, degree of blood not stated, and to have resided in Mississippi in eighteen hundred and thirty. It further appears that the wife of the said David Prienty (or Printer) bore the maiden name of Geen and was an one-half blood Choctaw Indian, but as her given name is not stated it is impossible for the Commission to determine whether or not she was a beneficiary under the provisions of article fourteen of the treaty of "Dancing Rabbit Creek".

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants 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, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said David Prienty

(or Printer), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 313).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah E. Adams, Mary E. Adams, Rosetta Adams, Julia Jane Adams, Jimmie Adams, General Grant Adams and Henry Adams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tams Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory.

FEB 6 1858

REFER TO M. C. R. *Case*

*Sarah E Adams
et al*

Consolidated Case

MOTHER'S TRIBAL ENROLLMENT
No.

MOTHER'S OWNER

REMARKS

DAVIS
Roll No.

David Prouty
marries
— Leon 1/2

choctaw

Samuel Henry Prouty
wife
Ellen Prouty, W.
Diary

Prouty

Choctaw

Prouty

1862

Charles E. Prouty 48 1/8
married
James Franklin Adams 10

1860
Henry Adams 20 1/8
Mary E. Adams 16
" Rosetta Adams 14
" Julia Jane Adams 11
" Jimmie Adams 6 (7)
" General Grant Adams 2

Muskogee, Indian Territory, January 7, 1901.

Sarah Adams,

Arnsora, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of December 4th, 1900, enclosing certified copy of the marriage certificate between James F. Adams and Sarah F. Prunty, and in which you desire to be furnished with a certificate of the enrollment of yourself and family.

The certified copy of the marriage certificate has been duly filed with the papers in the matter of your application for identification as a Mississippi Choctaw.

You are informed that the Commission cannot at this time issue a certificate of the kind desired by you for the reason that the rolls being prepared by this Commission do not become final until approved by the Secretary of the Interior.

The records of the Commission show that on September 6th 1900, you made application for the identification of yourself and five children as Mississippi Choctaws. The Commission has as yet taken no action in regard to the matter but contemplates doing so in the near future, and a copy of the decision of the Commission stating fully therein the reasons for any action that may be taken by the Commission will be mailed to you.

Yours truly,

COPY.

Muskogee, Indian Territory, February 6, 1903.

Sarah E. Adams,
Ardmore, Indian Territory.

Dear Madam:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah E. Adams, et al., embracing the following applications for identification as Mississippi Choctaws:

Sarah E. Adams, et al.,	M.C.R. 647
Henry Adams,	580

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah E. Adams, Mary E. Adams, Rosetta Adams, Julia Jane Adams, Jinda Adams, General Grant Adams and Henry Adams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their

S. E. A. No. 2.

identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

RECEIVED

C. R. Breckinridge

Commissioner in Charge.

Registered.

^ COPY.

M.C.R. 647.

Waukege, Indian Territory, February 6, 1903.

Hesterfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah E. Adams, et al., embracing the following applications for identification as Mississippi Choctaws:

Sarah E. Adams, et al.,
Henry Adams,

M.C.R. 647
" 650

These applications were made under the provision of the act of Congress of June 30, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah E. Adams, Mary E. Adams, Rosetta Adams, Julia Jane Adams, Jimmie Adams, General Grant Adams and Henry Adams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

M. McN. & C. No. 2.

file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

C. R. Breckinridge.
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, February 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Sarah E. Adams, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 6, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Sarah E. Adams, et al.	M.C.R.	647
Henry Adams	M.C.R.	580

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

ES:J:EDD.

Tams Dixby

Chairman.

Through the
Commissioner of Indian Affairs.
3 inclosures: M.C.R. 647

Muskogee, Indian Territory, March 7, 1903.

Sarah E. Adams,
Armore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 23rd ultimo, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You state that if the proof submitted by you is not sufficient you will furnish additional evidence. There is enclosed by you letter of the 23rd ultimo addressed to S. Heard, your attorney.

In reply to your letter you are informed that the fifteen days from February 6, 1903, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on February 21, 1903. On February 24, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence. You will be duly notified of such action as may be taken by the Secretary.

Your letter of the 23rd ultimo addressed to your attorney, Mr. S. Heard, is herewith returned to you as the Commission

S A 2

cannot undertake to deliver letters between applicants and their attorneys.

Respectfully,

Chairman.

MoM 225

COPY.

Land
18862-1903

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Washington, March 16, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Sarah E. Adams, for herself and her five minor children, Mary E., Rosetta, Julia Jane, Jimmie and General Grant Adams, and Henry Adams, for himself, wherein a decision adverse to the applicants was rendered by the Commission on February 6th, 1903.

It is shown by the evidence in this case that the applicants base their claim to identification on their descent from David Prienty and his wife, ~~whose names are given and whose first name is unknown~~, who, it is alleged, were citizens of the Choctaw Nation and residents of Alabama or Mississippi in 1830.

It is stated in the Commission's decision rejecting these applicants that its records do not show that David Prienty (or Printer), or an ancestor less remote, ever complied or attempted to comply with the provisions of the 4th article of the Choctaw treaty of 1830.

The office has caused a search to be made of its records for the name of David Prienty, and also for the name of Coon, and neither of them appears in the list of those persons who supplied or attempted to supply with the provisions of the 14th article of the Gagetow treaty of 1830. It is, therefore, recommended that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

(Signed) A. G. TONNER

Acting Commissioner

H. B. H'r.

2 enclosures.

COPY.

D.C. 9960-1903
ITD. 2962-1903.

DEPARTMENT OF THE INTERIOR.
Washington.

NAJ.

April 4, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

February 24, 1903, the Commission transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Sarah E. Adams and her minor children, Mary E., Rosetta, Julia Jane, Jimmie and General Grant Adams; and of Henry Adams. You denied the applications February 6, 1903.

The applicants claim to be descendants of David Prienty (or Pringer), alleged to have been a Choctaw Indian residing in Mississippi in 1830, and his wife, whose maiden name was Coen, who is said to have been a half blood Choctaw.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that either of their alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (1 Stat., 106), and August 23, 1842 (1 Stat., 515).

Reporting March 14, the Acting Commissioner of Indian

-2-

Affairs recommends approval of your decision; a copy of his letter is enclosed herewith.

The Department has examined the record and finds no reason to dissent your decision; it is accordingly affirmed.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary.

1 inclosure

M.C.R. 647

COPY.

Waukegoe, Indian Territory, April 18, 1903.

Sarah E. Adams,
Arden, Indian Territory.

Dear Madam:

You are hereby notified that on the 4th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Adams, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

Tama Birby.

M.C.R. 647

COPY.

Muskogee, Indian Territory, April 18, 1903.

Mansfield, McMurray and Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 4th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Adams, et al., of which decision you were advised by mail on the 6th day of February, 1903.

Respectfully,

(SIGNED)

John B. Birby

M C R 647

Muskogee, Indian Territory, December 24, 1903.

Mary Elizabeth Brewer,
Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you ask if you have been identified as a Mississippi Choctaw. You state that your maiden name was Mary Elizabeth Adams.

In reply you are informed that on April 4, 1903, the Secretary of the Interior approved the decision of the Commission refusing the several applications included in the consolidated Mississippi Choctaw case of Sarah E. Adams, et al., of which your application is a part, and of which departmental action the several applicants were duly notified on April 18, 1903.

~~The Commission now considers this case closed.~~

Respectfully,

Chairman.

M.C. R 647

C.O. Number 10637-1900
Sarah Adams, Ardmore, I.T.
Dec 6, 1900.

On September 6, 1900, Sarah E. Adams, 12 years old, of Ardmore, I.T. appeared before the Commission at Muskogee, and made application for identification of herself and five children, Mary E., Rosetta, Julia J. Jemie, and General Grant Adams as Mississippi Choctaws. Testimony shows that she will send marriage certificate, which is inclosed with letter 10637. The maiden name of Sarah Adams as given in the copy of marriage certificate is "Drunty" while in the testimony it appears as "Prionty". The Recorder's certificate to the correctness of the copy also shows the name as "Prionty". No judgment has yet been rendered in this case. The copy of marriage certificate is returned herewith for use in answering letter, if desired. Upon its return to the office, it will be filed with the other papers in the case.

Atoka, January 4, 1901.

AB

Sept. 5th, 1900.

18

Sarah E. Adams. 48.

Ardenmore, Ind. Ter.

FATHER: Daniel Henry Prienty - dead.

MOTHER: Ellen Prienty - dead.

Scions through father.

HUSBAND: James F. Adams 51/1

(No claim for husband)

CHILDREN: Mary E. Adams 16.

Robetta " " 14.

Julia J " " 11.

F. Jimmie " " 6.

Gen. Grant " " 2.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

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

FILED

SEP 5 1900



ACTING CHAIRMAN.

Choc MCR 648 Lewis D. Phillips

MCR 648

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., SEPTEMBER 6, 1900.

* * * * *

In the matter of the application for identification as Mississippi Choctaws, of Lewis D. Phillips and his four minor children. Lewis D. Phillips, being first duly sworn, testified as follows:

(By the Commission).

- Q What is your name? A Lewis Davis Phillips.
Q What is your age? A About 47.
Q What is your post office address? A Stigler.
Q Where is that? A That is in the Choctaw Nation.
Q Indian Territory? A Yes sir.
Q Do you live at Stigler? A Right this side a little.
Q How long have you resided in the Indian Territory?
A Close to four years.
Q Have you maintained a residence continuously in the Indian Territory for the past four years? A Yes sir.
Q Have you been outside of the Indian Territory for the past three years? A No sir.
Q How much Choctaw blood do you claim? A About 1/4.
Q What is your father's name? A Jonathan Phillips.
Q Your father living? A No sir.
Q What is your mother's name? A Becky Phillips.
Q Is your mother living? A No sir.
Q Through which one of your parents do you claim your Choctaw blood? A Grandmother.
Q Which one of your parents? A My father.
Q When did your father die? He died, I expect it has been about 15 years.
Q Is your father's name on any of the tribal rolls of the Choctaw Nation? A I do not know sir, I hear they were.
Q Did your father ever make application for citizenship to either the Choctaw tribal authorities or the United States authorities?
A I do not think he did.
Q When did he become enrolled? A When they came from Mississippi I think they left him behind.
Q Was he ever recognized in the Indian Territory as a citizen of the Choctaw Nation? A Well no, I do not think he was.
Q Is your name on any of the Choctaw tribal rolls? A I do not think it is.
Q Have you ever made application for citizenship to the tribal authorities of the Choctaw Nation? A Not before this.
Q Have you ever been recognized in any manner by any of their acts, as a citizen of the Choctaw Nation?
A Well I do not know as I have.
Q You know that you have not? A Well, no I aint.
Q Well, did you ever make application to them for citizenship?
A Not before this.
Q To the Choctaw tribal authorities, this is the Commission of the United States. A Well, I think I have.
Q When did you make this application to the tribal authorities?
A It has been about three years ago.
Q Where? I cannot recollect the place.
Q What did this application consist of? A I do not know, sir.
Q To whom was it made? A Made before?
Q Yes sir.
A Let's see, I might have that wrong. I dont think now I did. I made application before the lawyers was all I done.

- Q When was that? A Been about three years ago.
- Q Well what kind of an application did you make, the was it to?
- A Well, we just put it in before the lawyers. We dint make none other.
- Q Did you or anyone in your behalf make an application to this Commission in 1896 for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896?
- A No sir, I guess not.
- Rolls of the Choctaw Nation now in possession of the Commission and the record of citizenship cases heard under the Act of Congress of June 10, 1896, examined, and the names of Lewis D. Phillips does not appear as being enrolled as a citizen of the Choctaw Nation, or having been admitted to citizenship by this Commission.
- Q You have never been admitted to citizenship by decree of the United States Court, have you? A No sir.
- Q Have you ever prior to this time made any application to this Commission or to the authorities of the United States or the Choctaw Nation for citizenship in the Choctaw Nation? A No.
- Q This is your first application of any description? A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw, entitled to share in the lands of the Choctaw Nation as provided under the 14th Article of the treaty of 1830 between the United States and the Choctaw Nation? A By blood of my ancestors.
- Q That is your basis of claiming the right under the 14th Article of the Treaty of 1830? A Yes sir.
- Q Did any of your ancestors ever take advantage of the treaty of 1830? A I do not know.
- Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the 14th Article of the Treaty of 1830. A I cannot tell you, only this far, I heard they did.
- Q Have you any evidence of the fact that any of your ancestors ever received any land under the 14 article of the Treaty of 1830? A No sir.
- The rules of the Commission provide and require that applicants claiming the right to identification under the 14th Article of the Treaty of 1830, must show compliance with the provisions of the 14th article of that treaty, and will be required in every case to exhibit records and documents, properly verified, showing compliance with that article.
- Q Do you claim under any of the other articles of the Treaty of 1830? A Do I claim?
- Q Yes, Do you claim any rights under any of the other articles of the treaty of 1830? A Well, I dont hardly know.
- Q Do you, or do you not? A Well, I do, I reckon.
- Q What do you claim? A Well I claim I am a Choctaw all right enough.
- Q Are you married? A Been married, I lost my wife.
- Q What was your wife's name? A Martha.
- Q When did she die? A She has been dead four years ago.
- Q Where did you marry her? A In Alabama.
- Q Under the laws of the State of Alabama? A Yes sir.
- Q When did you marry her? A Let's see, I cannot tell you exactly the date, but it has been about 30 years ago.
- Q Were you ever married to your wife in accordance with the laws of the Choctaw Nation? A Well, I guess not.
- Q Have you any evidence of your marriage that you desire to present in the Commission at this time? A No sir.

- Q Are you making application for your minor children? A Yes sir.
Q What are their names and ages? A James Franklin, 18.
Q He married? A No sir.
Q What is the name of the next one? A Emma.
Q How old is Emma? A She is about 13. Albert Dred.
Q How old is that one? A He is 8.
Q The next one? A Robert, 7.
Q You are the father of these four children? A Yes sir.
Q Martha Phillips is the mother of all four of them? A Yes sir.
Q They live with you at your home? A Yes, at my house and have been.
Q How long have you lived in the Indian Territory? A Right close to four years.
Q Where did you live prior to that time? A Alabama.
Q How long in Alabama? A I lived there, well I was partially raised in Alabama.
Q How long in Alabama? A 40 years I reckon.
Q Where did you live prior to the time you lived in Alabama? A Mississippi.
Q How long did you live in Mississippi?
A I may not understand you, I do not know, do you want me to tell where I lived all the time. Well, I have lived about so many places.
Q Where were you born? A In Alabama.
Q Ever live in Mississippi? A Yes sir. Lived there.
Q Where? A Right close to a little place called Saulsbury, right close to the line.
Q Were you ever recognized among the Choctaw tribe of Indians in Mississippi as a citizen? A No sir.
Q Which one of your ancestors were recognized by the Choctaw Indians as a citizen and were enrolled as such, and who lived among the Choctaw Indians in Mississippi?
A My grandmother, grandfather and father.
Q Were they recognized as citizens? A Yes sir.
Q Did they take advantage in any manner of the 14th article of the treaty of 1830? A I heard they did.
Q As I stated to you before, the Commission will require that the compliance with the 14th Article of the Treaty of 1830, by applicants or their ancestors must be shown by records or documentary evidence.
A I cannot tell you anything more about it, only that. I cannot tell you what they did.
Q What was the name of your father? A Dred Phillips, and Charlotte Treim was our grandmother.
Q Is there any additional statement you desire to make in regard to your application and the application you make for your minor children at this time? A Well, I don't think there is.
Q Is there any written evidence that you desire to submit in support of your claim?

J. G. Harley, counsel for the applicant, asks permission to file written evidence and a written petition in this case within fifteen days from this date; also asks for 20 days within which to file marriage certificate.

Commission: Permission is granted the applicant to file additional written evidence in support of this application, and petition in support of same, provided the same is filed within 15 days from this date. And 20 days is granted in which to file evidence of marriage of Lewis D. Phillips and Martha Phillips.

The decision of the Commission as to your application and the application you make on behalf of your five minor children, for identification as Mississippi Choctaws will be mailed to you in the near future at your present post office address.

Lewis D. Phillips-----4-----

Kate De Bord, being first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full the proceedings had in the above case on the 6th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceeding on said date.

Kate De Bord

Subscribed and sworn to before me this 12 day of Sept 1900.



Acting Chairman.

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

In the matter of the application of Louis Davis Phillips,
 et al., for identification as Mississippi Choctaws, consolidating
 the application of -

Louis Davis Phillips, et al.,	M. C. R.	548
Susan Phillips,	"	549
Faith William Phillips, et al.,	"	549
Sarah Ann Hunt, et al.,	"	551
Minerva Clementine Wallis, et al.,	"	552

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J. W. L.
C. W.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lewis Davis Phillips,
et al., for identification as Mississippi Choctaws, consolidating
the applications of -

Lewis Davis Phillips, et al., N.C.R.	648
Susan Phillips,	650
Timothy William Phillips, et al.,	649
Sarah Ann Baird, et al.,	651
Minerva Clementine Walls, et al.,	652

D E C I S I O N

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Lewis Davis Phillips for himself and his four minor children,
James Franklin, Emma, Albert Fred and Robert Phillips; by Timothy
William Phillips for himself and his three minor children, Johnnie,
Eda and Lucy Phillips; by Sarah Ann Baird for herself and her seven
minor children, Epsy, Isaac, John, Nora, Albert, Addie and Richard
Baird; by Minerva Clementine Walls for herself and her four minor
children, Andrew Jackson, Oscar, William and Thurston Walls; by Susan
Phillips for the identification of herself, and by Timothy William
Phillips for the identification of his wife, Rebekah Phillips, as

intermarried Mississippi Choctaws, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants or having married descendants of Elbert Dred Phillips (or Phillips), who is alleged to have been a Choctaw Indian, degree of blood not stated, and Charlotte Phillips (or Phillips), (nee Trum or Iron or Iron or Green), who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants 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, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1898 (30 Stats., 341).

It does not appear from the testimony and affidavits offered in support of said applications, or from the records in the possession of the Commission relating to persons who purplied or attempted to comply with the provisions of said article fourteen of the treaty

of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Elbert Dred Phillips (or Phillips), or Charlotte Phillips (or Phillips), (nee Tross or Tross or Tross or Green), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Cheetaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 199) and August 23, 1842 (5 Stats., 313).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lewis Davis Phillips, James Franklin Phillips, Emma Phillips, Elbert Dred Phillips, Robert Phillips, Timothy William Phillips, Johnnie Phillips, Ida Phillips, Lucy Phillips, Sarah Ann Baird, Mary Baird, Isaac Baird, Jake Baird, Dora Baird, Albert Baird, Addie Baird, Richard Baird, Minerva Clementine Walls, Andrew Jackson Walls, Oscar Walls, William Walls and Thurston Walls, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Cheetaw by marriage, and that the applications made by Susan Phillips for herself and by Timothy William Phillips for the identification of his wife, Tobitha Phillips, as inter-married Mississippi Cheetaws, should be refused and it is so

ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) James Dixby.
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Washington, Indian Territory.

OCT 21 1902

REFER TO M. C. R. *book*
Consolidated case
of
Levin & Phillips
et al

MOTHER'S TRIBAL ENROLLMENT
Year _____
District _____
No. _____

MOTHER'S OWNER

REMARKS

DAVIS
Roll No.

W. Jasper Phillips

Rebecca Phillips

William E Phillips

ms R
652

Minerva E Phillips 56 3/4

married

David Walls, white,

ms R
652

Wm Walls 17

Oscar Walls 15

William Walls 8

Thurston Walls 7

Jonathan Phillips, dead

Rebecca Phillips, dead
wife, white

Joel Phillips

ms R
648

Lewis D Phillips 47 1/2

Martha Phillips wife, dead

ms R
648

Jonathan Phillips 25

Jacob R. Phillip 22

James F. Phillips 18

Emma Phillips 13

Elbert D. Phillips 8

Robert Phillips 7

Applicants for identification
as intermarried Mississippi
Choctaws

ms R
659

Rebecca Phillips,

wife of Timothy Phillips

ms R
660

Susan Phillips,

wife of Franklin Phillips

Charlotte Green or Trimm
married

Elbert D. Phillips

ms R
649

Timothy Phillips, dead

married
Tobitta Clutch

ms R
649

Johnnie Phillip 18

Ida Phillip 17

Lucy Phillip 14

Franklin Phillip, dead

ms R
650

married
Susan Archaya white.
42 yrs

ms R
651

Sarah Ann Phillips
married

Charles Baird white

ms R
651

Epsy Baird 16

Isaac Baird 15

Jacob Baird 11

Dora Baird 8

Albert Baird 7

Eddie Baird 4

Richard Baird 1

Minerva E Phillips

Lewis D Phillips

Sarah Phillips

COPY.

M O B 648

Muskogee, Indian Territory, October 21, 1902.

Manfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis Davis Phillips, et al., embracing the following applications for identification as Mississippi Choctaws:

Lewis Davis Phillips, et al.,	M O B 648
Susan Phillips,	" 650
Timothy William Phillips, et al.,	" 649
Sarah Ann Baird, et al.,	" 651
Minerva Clementine Walls, et al.,	" 652.

These applications were made under the provisions of the act of Congress of June 26, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lewis Davis Phillips, James Franklin Phillips, Emma Phillips, Elbert Dred Phillips, Robert Phillips, Timothy William Phillips, Johnnie Phillips, Ida Phillips, Lucy Phillips, Sarah Ann Baird, Epsy Baird, Isaac Baird, Jake Baird, Dora Baird, Albert Baird, Addie Baird, Richard Baird, Minerva Clementine Walls, Andrew Jackson Walls, Oscar Walls, William Walls and Thurston Walls, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan Phillips for herself and by Timothy William Phillips for the identification of his wife, Tobitha Phillips, as intermarried Mississippi Choctaws, should be refused and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Dixby.
Acting Chairman.

- COPY.

M C R 648

Muskogee, Indian Territory, October 21, 1902.

Chester Howe,

Attorney at Law,

523 F St., N. W., Washington, D. C.

Dear Sir:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis Davis Phillips, et al., embracing the following applications for identification as Mississippi Choctaws:

Lewis Davis Phillips, et al.,	M C R 648
Susan Phillips,	" 650
Timothy William Phillips, et al.,	" 649
Sarah Ann Baird, et al.,	" 651
Minerva Clementine Walls, et al.,	" 652.

These applications were made under the provision of the Act of Congress of June 26, 1895 (30 Stat., 195) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that

the evidence herein is insufficient to determine the identity of Lewis Davis Phillips, James Franklin Phillips, Emma Phillips, Elbert Dred Phillips, Robert Phillips, Timothy William Phillips, Johnnie Phillips, Ida Phillips, Lucy Phillips, Sarah Ann Baird, Emy Baird, Isaac Baird, Jake Baird, Dora Baird, Albert Baird, Addie Baird, Richard Baird, Minerva Clementine Walls, Andrew Jackson Walls, Oscar Walls, William Walls and Thurston Walls, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan Phillips for herself and by Timothy William Phillips for the identification of his wife, Tobitha Phillips, as intermarried Mississippi Choctaws, should be refused and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of ~~that time the papers in the case, together with such arguments,~~ will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dixby
Acting Chairman.

Registered.

COPY.

M C R 648

Muskogee, Indian Territory, October 21, 1902.

Harley & Lindly,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis Davis Phillips, et al., embracing the following applications for identification as Mississippi Choctaws:

Lewis Davis Phillips, et al.,	M C R 648
Busan Phillips,	" 650
Timothy William Phillips, et al.,	" 649
Sarah Ann Baird, et al.,	" 651
Minerva Clementine Walls, et al.,	" 652.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

H & L 2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lewis Davis Phillips, James Franklin Phillips, Emma Phillips, Elbert Dred Phillips, Robert Phillips, Timothy William Phillips, Johnnie Phillips, Ida Phillips, Lucy Phillips, Sarah Ann Baird, Epsy Baird, Isaac Baird, Jake Baird, Dora Baird, Albert Baird, Addie Baird, Richard Baird, Minerva Clementine Walls, Andrew Jackson Walls, Oscar Walls, William Walls and Thurston Walls, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan Phillips for herself and by Timothy William Phillips for the identification of his wife, Tobitha Phillips, as intermarried Mississippi Choctaws, should be refused and it is so ordered."

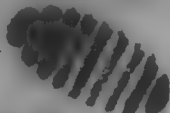
You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamm Dixey.
Acting Chairman.

Registered.



STIGLER
NOV 12
1902
IND. T.

REGISTERED MAIL
OCT 24
1902
MUSKOGEE, IND. TER.



Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

M

3056
1920

Lewis Davis Phillips

Stigler

this copy is Dead

Return to

128
123

648

DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
WASHINGTON, D. C.

NOV 10 1902

[Handwritten signature]
ACTING CHAIRMAN

MUSKOGEE, MISSISSIPPI

Handwritten initials or mark in the top right corner.

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
M C R 648

ALLISON L. AYLESWORTH,
SECRETARY.

Muskogee, Indian Territory, October 21, 1902.

Lewis Davis Phillips,
Stigler, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis Davis Phillips, et al., embracing the following applications for identification as Missis-sippí Cheetaws:

Lewis Davis Phillips, et al.,	M C R 648
Susan Phillips,	" 650
Timothy William Phillips, et al.,	" 649
Sarah Ann Baird, et al.,	" 651
Minerva Clementine Walls, et al.,	" 652.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity

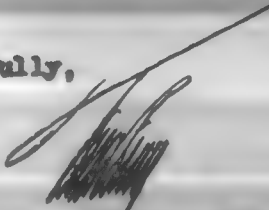
L D P S

of Lewis Davis Phillips, James Franklin Phillips, Emma Phillips, Elbert Dred Phillips, Robert Phillips, Timothy William Phillips, Johnnie Phillips, Ida Phillips, Lucy Phillips, Sarah Ann Baird, Mary Baird, Isaac Baird, Jake Baird, Dora Baird, Albert Baird, Addie Baird, Richard Baird, Minerva Clementine Walls, Andrew Jackson Walls, Oscar Walls, William Walls and Thurston Walls, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan Phillips for herself and by Timothy William Phillips for the identification of his wife, Tebitha Phillips, as intermarried Mississippi Choctaws, should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,



Acting Chairman.

Registered.

COPY.

M C R 648

Muskogee, Indian Territory, November 6, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Lewis Davis Phillips, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 21, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Lewis Davis Phillips, et al.,	M C R 648
Susan Phillips,	" 650
Timothy William Phillips, et al.,	" 649
Sarah Ann Baird, et al.	" 651
Minerva Augustine White, et al.,	652

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

Tarns Dixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.
1 inclosure, M C R 648

-:- C O P Y -:-

Land.

67,851-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington, February 4, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application of the following parties for identification as Mississippi Choctaws: Lewis Davis Phillips for himself and his four minor children, James Franklin, Emma, Elbert Dred and Robert Phillips; Timothy William Phillips for himself and his three minor children, Johnnie, Ida and Lucy Phillips; Sarah Ann Baird for herself and her seven minor children, Epsy, Isaac, Jake, Nora, Albert, Addie and Richard Baird; Minerva Clementine Walls for herself and her four minor children, Andrew Jackson, Oscar, William and Thurston Walls; Susan Phillips for herself; Timothy William Phillips for his wife, Rebatha Phillips, wherein a decision adverse to the applicants was rendered by the Commission on October 21, 1902.

The papers in this case show that the applicants claim descent from Charlotte Train or Train and Elbert Dred Phillips, who,

they claim, were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the names of the ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves did not comply or attempt to comply with the provisions of article 14 of said treaty.

An examination of the records of this office has been made with reference to the names of Charlotte Tren or Tren and Elbert Dred Phillips and it is ^{not} found that they complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being true it is believed that the decision of the Commission rejecting these parties was correct, and it is recommended that it be affirmed.

Very respectfully,

A. C. Turner,

Acting Commissioner

(E.B.H.)

P.

-:- COPY -:-

DC. 7524

I.T.D. 1862-1903.

L.R.S.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

J.W.H.

FHE

March 14, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 6, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Lewis Davis Phillips (M C R 648), James Franklin Phillips, Emma Phillips, Elbert Dred Phillips, Robert Phillips, Timothy William Phillips, Johnnie Phillips, Ida Phillips, Lucy Phillips, Sarah Ann Baird, Epsy Baird, Isaac Baird, Jake Baird, Dora Baird, Albert Baird, Addie Baird, Richard Baird, Minerva Clementina Walls, Andrew Jackson Walls, Oscar Walls, William Walls, and Thureton Walls, Susan Phillips, Tobitha Phillips, including your decision of October 31, 1902, refusing to identify them as such.

These applicants, except those who claim by intermarriage, are the descendants in the second and third degrees of Elbert Dred Phillips and his wife, Charlotte Phillips, nee Trenn (or Tren or Trein or Green), both of whom were Choctaws, and from whom said applicants trace their descent through Johnathan Phillips.

The testimony as furnished by the record fails to show that these applicants, or any of their alleged ancestors, ever

complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1850, or with the subsequent acts relating thereto.

It further appears that the records of the Government in your possession as well as those of the Indian Office, fail to show that any person whatever bearing the name of any of the alleged ancestors, ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter February 4, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

The Department concurring in said recommendation, your decision is accordingly affirmed.

Respectfully,

F. L. Campbell,
Acting Secretary.

1 inclosure.

COPY

Muskogee, Indian Territory, March 24, 1903.

Harley & Lindly,

Attorneys-at-Law,

~~South McAlester, Indian Territory.~~

Gentlemen:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Lewis Davis Phillips, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

(SIGNED)

Tame Dixie
Chairman.

M.C.R. 648

COPY.

Muskegee, Indian Territory, March 24, 1903.

Chester Howe,

Attorney-at-Law,

525 F. St. N. W.

Washington D. C.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Lewis Davis Phillips, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

Jams Pirby.

Chairman.

M.C.R. 648

OPY.

Muskogee, Indian Territory, March 24, 1903.

Lewis Davis Phillips,

Stigler, Indian Territory.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Lewis Davis Phillips, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

Tams Dixty.
Chairman.

COPY.

Muskogee, Indian Territory, March 24, 1903.

Mansfield, McKurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

State of Oklahoma, Indian Territory.

Gentlemen:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lewis Davis Phillips, et al., of which decision you were advised by mail on the 21st day of December, 1902.

Respectfully,

SIGNED:

Tams Dixie.

Chairman:

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

H. 678.

SEP 6 1900

Lewis N. Phillips 47. ^{1/4.}
Stigler, Ind. Ter.

FATHER: Jonathan Phillips - dead.
MOTHER: Becky Phillips - dead.
Claim through father.

WIFE: Martha Phillips - dead.
No claim for wife

Children:

James F. Phillips	18.
Emma	13.
Albert N.	8.
Robert	7.

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

FILED

SEP 6 1900.


ACTING CHIEF

OCT 21 1942

FORWARDED
BY THE APPLICANTS

OCT 21 1942

FORWARDED AT THE
DEPARTMENT OF THE ARMY

OCT 21 1942

FORWARDED DEPARTMENT

NOV 6 1942

BY SECRETARY OF THE ARMY

MAR 11 1943

MAR 24 1943

Choc MCR 649 Timothy W. Phillips

MCR 649

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
SEPTEMBER 6, 1900. MUSKOGEE, I.T.

• • • • •

In the matter of the application for identification as Mississippi Choctaws of Timothy William Phillips and his three minor children, and the application made by him on behalf of his wife, Tobitha Phillips as an intermarried Mississippi Choctaw. Timothy William Phillips, being first duly sworn, testified as follows:

(By the Commission)

- Q What is your name? A My name? Timothy.
Q What is your full given name? A Timothy William.
Q Timothy William Phillips? A Yes sir.
Q What is your age? A 44.
Q What is your post office address? A Stigler.
Q Do you live at Stigler? A About three miles.
Q That is your post office? A Yes sir.
Q How long have you resided in the Indian Territory?
A There a little over three years.
Q Have you maintained a residence continuously for the past three years? A No sir, I have been out, I am out of it now.
Q You out of the Indian Territory now? A Out of the Choctaw Nation
Q How much Choctaw blood do you claim? A $\frac{1}{4}$.
Q What was your father's name? A Jonathan Phillips.
Q Your father living? A No sir.
Q What is your mother's name? A Rebecky.
Q Is your mother living? A No sir.
Q Through which one of your parents do you claim your Choctaw blood? A Grandmother.
Q Your parents. A Oh, my father.
Q When did your father die? A It has been about 15 years, or 20 years ago.
Q Is your father's name on any of the rolls of the Choctaw Nation?
A I do not know, I have been informed that they were.
Q Have you any evidence of that fact? A Only as I have been informed.
Q Have you any evidence of the fact that your father's name is on any of the tribal rolls of the Choctaw Nation?
A No sir, I guess not.
Q Did he ever make application to any of the Choctaw tribal authorities for citizenship?
A Not that I know of.
Q Is your name on any of the tribal rolls of the Choctaw Nation?
A No. None only on what this is going on now.
Q This is not the Choctaw tribal authorities— did you ever make application to the Choctaw tribal authorities for citizenship in that Nation? A No sir.
Q Have you ever been recognized in any manner by any official act of the Choctaw tribal authorities as a citizen of that Nation? A No sir.
Q Did you, or any one in your behalf ever make application to this Commission under act of Congress of June 14, 1896, for either enrollment or citizenship? A My brother did once I think.
Q What is your brother's name? A Frank
Q For whom did he make this application? A I reckon I am mistaken. I don't reckon he ever did.

- Q This is your first application then? A Yes sir.
- Q Have you ever, prior to this time, or any of your minor children applied to either the authorities of the Choctaw Nation, or of the United States for citizenship in the Choctaw Nation?
- A No.
- Q This is your first application of any description to any one?
- A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Why do you believe that you are entitled to share in the lands of the Choctaw Nation as a beneficiary under the 14th article of the Treaty of 1830? A Well it is the blood that I claim.
- Q You claim that you are a descendant of a Choctaw Indian who was a beneficiary under the 14th article of the Treaty of 1830?
- A Yes sir.
- Q Have you any evidence of the fact that any of your ancestors ever took advantage of the provisions of the 14th article of the treaty of 1830? A No sir.
- Q Did you, or any of your ancestors, ever claim or receive any land in Mississippi as beneficiaries under the 14th Article of the Treaty of 1830? A Not that I know of. I have been informed that they did.
- Q The Commission requires that proof showing the compliance with the 14th Article of the Treaty of 1830 will be required of all applicants, have you any evidence of the fact that any of your ancestors ever received or claimed any land under the 14th Article of the Treaty of 1830? A No sir.
- Q Do you make any application by reason of any of the other articles of the Treaty of 1830? A I don't read. I do not know as I have.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A I call her Bitha myself. Tobitha.
- Q Are you making any application for your wife? A Yes sir.
- Q What do you claim her to be? A I claim her to be Choctaw according to marriage.
- Q What is her age? A 48, I think.
- Q What is her father's name? A David Clutch.
- Q Is your wife's father living? A No sir.
- Q What is your wife's mother's name? A I cannot tell you, I never have seen her.
- Q What is your wife's mother's name? A I do not know.
- Q Is she living? A No sir.
- Q Your wife's parents were both white people? A Yes sir, I think they were.
- Q Did they ever make any claim to Indian citizenship?
- A I never saw one of them in my life.
- Q Does your wife make any claim to Indian citizenship? A No sir.
- Q When did you marry Tobitha Phillips? A It has been about ten years ago.
- Q Where? A Alabama.
- Q Under the laws of the State of Alabama? A Yes sir.
- Q Have you any evidence of that marriage that you desire to offer to this Commission? A No sir.
- Q Have you any children? A 3.
- Q Are they under 21 years of age and unmarried? A Yes sir.
- Q What are their names and ages? A Johnnie, the oldest.
- Q How old is he? A 18.
- Q Next one? A Ida.
- Q How old is Ida? A She will soon be 17.
- Q What is the next one? A Lucy, 14.
- Q Is that all the children you have? A Yes sir.

- Q You the father of these three children? A Yes sir.
- Q Tobitha Phillips the mother of these three children? A No sir, her name was Martha, I have been married a second time.
- Q Martha Phillips who is dead, and your prior wife is the mother of these three children? A Yes sir.
- Q These three children, Johnnie, Ida and Lucy, live with you at your home? A Yes sir.
- Q Their residence is the same as yours? A Yes sir.
- Q You stated that you had lived in the Indian Territory for the past three years? A Yes sir.
- Q Where did you live prior to that time? A Alabama.
- Q How long? A I cannot tell you just exactly how long.
- Q Do you know? A I do not know, if I did, I could tell you.
- Q How long did you live in Alabama? A I cannot tell you, for I tell you I do not know.
- Q Where were you born? A Born in Alabama.
- Q Did you ever live in Mississippi? A No sir, I never did.
- Q Which one of your ancestors lived in Mississippi and was recognized by the Choctaw tribal authorities as a citizen of that tribe in 1830 when the treaty was entered into between the United States and the Choctaw Nation? A Which one? My grandmother.
- Q What was your grandmother's name? A Charlotte Green.
- Q Have you any evidence of that fact that she or anyone of your ancestors was ever a beneficiary under the 14th Article of the treaty of 1830, or ever received or claimed any land in Mississippi under that treaty? A No sir, I have been informed that they did, no, I cannot say that they did.
- Q Is there any additional statement that you desire to make at this time in support of your application, and the application made by you on behalf of your wife and minor children? A No sir.
- Q Is there any written evidence that you desire to submit to the Commission for its consideration in connection with the applications made by at this time? A Not now, I believe.
- Q How much time do you want in which to submit further evidence?
- A I cannot get it in 15 days.

Commission: Fifteen days time is hereby granted the applicant in which to file his written petition and affidavits and documentary evidence in support thereof.

- Q Is there any additional statement that you want to make, Mr. Phillips? A No sir.
- Mr. Harley, counsel for applicant, asks 30 days additional time in which to file marriage certificate.
- Q. By Mr. Harley: Mr. Phillips, can you read or write? A No sir, I cannot write my name.

Commission: The decision of the Commission as to your application and the application you make on behalf of your wife and your three minor children for identification as Mississippi Choctaw, and the application you make on behalf of your wife, Tobitha Phillips, as an intermarried Mississippi Choctaw, will be mailed to you in writing in the near future at your present post office address.

Kate De Bora, being first duly sworn, upon oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full the proceedings had in the above entitled cause on the 6th day of Sept. 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceeding on said date.

Subscribed and sworn to before me this 3 day of Oct 1900.

Kate De Bora
Guy L. Emerson
Notary Public.

COPY.

649
M C R 600-

Muskegee, Indian Territory, October 21, 1902.

Timothy William Phillips,
Stigler, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis Davis Phillips, et al., embracing the following applications for identification as Mississippi Choctaws:

Lewis Davis Phillips, et al.,	M C R 648
Susan Phillips,	" 650
Timothy William Phillips, et al.,	" 649 ✓
Sarah Ann Baird, et al.,	" 651
Minerva Clementine Walls, et al.,	" 652.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity

T W P 2

of Lewis Davis Phillips, James Franklin Phillips, Emma Phillips, Elbert Dred Phillips, Robert Phillips, Timothy William Phillips, Johnnie Phillips, Ida Phillips, Lucy Phillips, Sarah Ann Baird, Epsy Baird, Isaac Baird, Jake Baird, Dora Baird, Albert Baird, Addie Baird, Richard Baird, Minerva Clementine Walls, Andrew Jackson Walls, Oscar Walls, William Walls and Thurston Walls, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan Phillips for herself and by Timothy William Phillips for the identification of his wife, Tobitha Phillips, as intermarried Mississippi Choctaws, should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNET)

Tamé Pixby.
Acting Chairman.

Registered.

M.C.R. 649

COPY.

Muskogee, Indian Territory, March 24, 1903.

Timothy Phillips,
 Stigler, Indian Territory.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Lewis Davis Phillips, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

SIGNS

James Bixby
Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCOTAW.

SEP 6 1900.

Quintoy W. Phillips 44: 1/4
Stigler Ind. Ter.

FATHER: Jonathan Phillips - dead

MOTHER: Rebecca Phillips - dead.

Claims through father

WIFE: Dobbie Phillips 42

Claims as an intermarried.

FATHER: David Clutch - dead

MOTHER: ~~name~~ Clutch - dead.

CHILDREN:

Johnnie Phillips 18.

Ida " " 17.

Lucy " " 11.

Martha Phillips - dead - Mother

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

FILED

SEP 6 1900


ACTING CHAIRMAN.

DECISION MAILED

OCT 21 1902

DECISION FORWARDED FOR APPLICANTS.

OCT 21 1902

DECISION MAILED ATTORNEYS LAW AND CHICKASAW NATIONS.

OCT 21 1902

FORWARDED DEPARTMENT.

NOV 6 - 1902

APPROVED BY SECRETARY OF INTERIOR.

MAR 14 1903

DEPARTMENTAL ACTION FOR APPLICANT.

MAR 24 1903

DEPARTMENTAL ACTION FOR ATTORNEY FOR APPLICANT.

MAR 24 1903

DEPARTMENTAL ACTION FOR ATTORNEY FOR APPLICANT.

• choc mcr 650 susan phillips

mcr 650

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., SEPTEMBER 6th,

◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆

In the matter of the application of Susan Phillips, a white woman, the wife of James Franklin Phillips, for identification as an intermarried Mississippi Choctaw.

Susan Phillips, being first duly sworn, testified as follows:

(By the Commission)

- Q What is your name? A Susan Phillips.
- Q What is your age? A 48.
- Q What is your post office address? A Stigler, Indian Territory.
- Q Do you live at Stigler? A Yes sir.
- Q How long have you resided in the Indian Territory?
A Since 1889.
- Q Have you resided here continuously for the past eleven years?
A Yes sir, been here.
- Q Have you been outside of the Indian Territory for the past 3 years? No sir, I was just across the line last summer.
- Q Have you ever moved from the territory for the purpose of making your residence in the past three years? A No sir,
A No sir, I have not moved from the Territory, I came here for the purpose of making it my home.
- Q You make application as an intermarried Mississippi Choctaw?
A Yes sir.
- Q Through whom do you claim this right? A Through the grandmother.
- Q Your grandmother? A My husband's grandmother.
- Q Then you claim through your husband, do you?
A Yes and he through his grandmother.
- Q What was your husband's name? A His name was James Franklin Phillips.
- Q Was your husband ever enrolled as a citizen of the Choctaw Nation? A No sir, I guess not.
- Q Did your husband ever make application to the Choctaw tribal authorities for enrollment as a citizen of that Nation?
A No sir.
- Q Was he ever recognized in any manner by the Choctaw tribal authorities as a citizen of that Nation? A Not by the authorities.
- Q Have you ever been recognized in any manner by the Choctaw tribal authorities as an intermarried citizen of that Nation?
A No sir.
- Q Were you ever enrolled as an intermarried citizen of the Choctaw Nation? A No sir.
- Q Did your husband, or any of his ancestors ever receive any benefits under the 14th Article of the treaty of 1852 between the United States and the Choctaw tribe of Indians?
A Not that I know of. He said he thought that his grandparents owned land out there in Mississippi. He was small when he left there.
- Q Did any of your husband's ancestors ever receive or claim any land in Mississippi as beneficiaries under the 14th Article of the treaty of 1850? A Not that I know of.
- Q You have no evidence of that fact that your husband's ancestors ever received or claimed any land under the 14th article of the treaty of 1850? A No sir.
- Q Are you making any application for anyone besides yourself?
A No sir.

- Q What is your father's name? A John W. Beshara.
Q Is he living? A Yes sir.
Q What is your mother's name? A Her maiden name?
Q Her name? A Her name was Francis Beshara.
Q Is your mother living? A No sir.
Q Your mother's dead? A Yes sir.
Q Your parents are both white people? A Yes sir.
Q Never made any claim to Indian citizenship by blood?
A No sir.
Q Have you ever made any application prior to this time?
A No sir.
Q When did you marry James Franklin Phillips? A I married
him in February, 1888.
Q Where? A Down near Hackett City, Arkansas.
Q You were married to him under the laws of the State of
Arkansas? A Yes sir.
Q Were you ever married to him under the laws of the Choctaw
Nation? A No sir.
Q Have you any evidence of your marriage to James Franklin
Phillips that you desire to submit to the Commission?
A No sir, I do not know that I have.
Q Is there any additional statement that you desire to make
in support of your application? A Not that I know of.
Q Any written evidence that you desire to submit in support
of your application for the consideration of the Commission?
A Not at present.
Q Will there be in the future?
A I don't know about that.

Mr. J. G. Harley, counsel for applicant asks for 15 days time in which to file written petition and additional documentary evidence and marriage license. Commission: Permission is granted the attorney for the applicant to file, within 15 days, from the date hereof, an original petition and application and documentary evidence and the marriage license and certificate of marriage to James Franklin Phillips of the applicant.

(Examination by Mr. Harley)

- Q. Was your husband related to Lewis D. Phillips, one of the parties who has today made application for identification as a Mississippi Choctaw, before this Commission?
A He was a full brother.

The decision of the Commission as to your application for identification by this Commission as an inter-married Mississippi Choctaw, will be mailed to you in writing in the near future at your present post office address.

Kate De Bord, having been first duly sworn upon her oath states, that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 6th day of September, 1900, and that above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceeding on said date.

Subscribed and sworn to before me this _____ day of _____ 1900.

Kate De Bord
Sup. J. Emerson
Notary Public.

COPY

M C R 650

McKehee, Indian Territory, October 21, 1902

Susan Phillips,

Stigler, Indian Territory.

Dear Madam:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis Davis Phillips, et al., embracing the following applications for identification as Mississippi Choctaws:

Lewis Davis Phillips, et al.,	M C R 648
Susan Phillips,	" 650
Timothy William Phillips, et al.,	" 649
Sarah Ann Baird, et al.,	" 651
Minerva Clementine Walls, et al.,	" 652.

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concluded as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity

COPY

8 7 2

of Lewis Davis Phillips, James Franklin Phillips, Emma Phillips, Elbert Dred Phillips, Robert Phillips, Timothy William Phillips, Jehemie Phillips, Ida Phillips, Lucy Phillips, Sarah Ann Baird, Emy Baird, Isaac Baird, Jake Baird, Dora Baird, Albert Baird, Addie Baird, Richard Baird, Minerva Clementine Walls, Andrew Jackson Walls, Oscar Walls, William Walls and Thurston Walls, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan Phillips for herself and by Timothy William Phillips for the identification of his wife, Tobitha Phillips, as intermarried Mississippi Choctaws, should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Dixey.

Acting Chairman.

Registered.

M.C.R. 650

OPY.

Muskogee, Indian Territory, March 24, 1903.

Susan Phillips,

Stigler, Indian Territory.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Lewis Davis Phillips, et al., of which decision you were advised by registered mail on the 31st day of October, 1902.

Respectfully,

SIGNED:

Tams Dixby.

Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

SEP. 6 1900

Susan Phillips 42.
Stigler, Ind. Ter.

Claims as an intermarried
Mississippi Choctaw, by
reason of her marriage to
James Franklin Phillips


FATHER: John W. Westigo - ✓

MOTHER: Frances Westigo - dead.

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

FILED

SEP 6 1900


ACTING CHAIRMAN.

RECEIVED
TENDERED. OCT 21 1902
DECISION MAILED APPLICANT.

OCT 21 1902

COPIES OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

OCT 21 1902

COPIES OF DECISION MAILED ATTORNEYS
CHOCTAW AND CHICKASAW NATIONS.

OCT 21 1902

COPIES FORWARDED DEPARTMENT.

NOV 6 - 1902

DECISION APPROVED BY SECRETARY OF INTERIOR

MAR 14 1903

COPIES OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 24 1903

COPIES OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAR 24 1903

COPIES OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 24 1903

Choc mcr 651 Sarah Ann Baird

mcr 651

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., SEPTEMBER 6, 1900.

• • • • •

In the matter of the application for identification as Mississippi Choctaws of Sarah Ann Baird and her seven minor children.

Sarah Ann Baird, being first duly sworn, testified as follows:

(By the Commission)

- Q What is your name? A Sarah Ann Baird.
Q What is your age? A 41.
Q What is your post office address? A Stigler,
Q Do you live at Stigler? A Yes, I live two miles this side.
Q How long have you resided in the Indian Territory? A 5 years.
Q Resided here continuously for the past three years?
A Yes sir.
Q Been outside of the Territory in the past three years?
A No sir.
Q How much Choctaw blood do you claim? A 1/4.
Q What is your father's name? A Jonathan Phillips.
Q Is your father living? A No sir.
Q What is your mother's name? A Rebecca Phillips.
Q Is your mother living? A No sir.
Q Through which one of your parents do you claim your Choctaw blood? A Grandmother.
Q Your parents? A Father.
Q When did your father die? A Been about 20 years.
Q Was your father's name ever on any of the tribal rolls of the Choctaw Nation? A I learned that it was.
Q Have you any evidence of the fact that his name is on any of the rolls? A Yes sir.
Q Do you wish to present it to the Commission for consideration?
A I do not understand you.
Q The Commission requires where you make a statement that your name is on any of the old rolls that are not in possession of the Commission, that you must show by evidence of an authenticated description that the names are there? A Yes sir.
Q Where is it? A I haven't it.
Q You do not know, do you? A No sir, I do not.
Q Did your father ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Was he ever recognized in any manner by the authorities of the Choctaw Nation as a citizen of that Nation? A No sir.
Q Is your name on any of the rolls of the Choctaw Nation?
A No sir.
Q Have you ever made application to the Choctaw tribal authorities for citizenship in that Nation? A No sir.
Q Have you ever been recognized in any manner by the Choctaw tribal authorities as a citizen? A No sir.
Q Did you, or any one on your behalf ever make application to this Commission under the Act of Congress of June 10, 1896?
A No sir.
Q Have you ever before made application to either the authorities of the Choctaw Nation or the United States for either citizenship or enrollment in the Choctaw Nation? A No sir.
Q You have never prior to this time made application for either citizenship or enrollment as a Choctaw? A No sir.
Q This is your first application of any description? A Yes sir.

- Q You are now making application as a Mississippi Choctaw?
A Yes sir.
- Q Why do you believe that you are entitled to share in the lands of the Choctaw Nation under the 14th article of the treaty concluded September 27, 1830? A Because we are Choctaws.
- Q Now why do you believe that you are entitled to share in the lands of the Choctaw Nation under the 14th article of the treaty of 1830? A I do not understand, my grandmother was a Choctaw.
- Q You believe then, by reason of the fact that you have Choctaw blood in your veins it is sufficient for this Commission to identify you as a Mississippi Choctaw? A Yes sir.
- Q Do you make any application under the 14th Article of the Treaty of 1830? A Yes sir.
- Q What do you claim under the 14th Article of the Treaty of 1830? A I don't understand.
- Q You said that you make a claim under the 14th Article of the treaty of 1830, what do you claim? Why do you think that affects you in any way? A I don't hardly know how to answer it.
- Q Did you ever take advantage of the 14th Article of the Treaty of 1830? A No sir.
- Q Did any of your ancestors? A No sir.
- Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the 14th Article of the Treaty of 1830? A Not that I know of.
- Q Have you any evidence of the fact of any of your ancestors ever having complied with the provisions of the 14th Article of the Treaty of 1830? A No sir.
- Q Do you make any claim under any of the other articles of the treaty of 1830? A Yes sir, we are making the claim.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Charles Baird.
- Q Is he living? A Yes sir.
- Q What is his age? A 48.
- Q Do you make any claim for him? A No sir.
- Q Where did you marry him? A Alabama.
- Q When? A 20 years ago.
- Q Under the laws of the State of Alabama? A Yes sir.
- Q Ever married to him in accordance with the laws of the Choctaw Nation? A No sir.
- Q Have you any evidence that you desire to submit of your marriage to Charles Baird? A Yes sir, I have.
- Q Where is it? A No sir.
- Q Have you any children under 21 years of age and unmarried? A They are all under 21.
- Q What are their names and ages? A Epsy Baird.
- Q How old? A 15.
- Q Next one? Isaac, 15; Jake, 11.
- Q Next one? A Doris.
- Q How old is Doris? A 8.
- Q Next one? A Albert, 7.
- Q Next one? A Addie, 4.
- Q Next one? A Richard, one year old.
- Q These children all live with you at your home? A Yes sir.
- Q You the mother of all 7 of them? A Yes sir.
- Q Charles Baird the father of all 7 of them? A Yes sir.
- Q Their claim is the same as yours?

- Q You stated that you resided in the Indian Territory three years? A Yes sir.
- Q Where did you live prior to that time? A Alabama.
- Q How long in Alabama. A 20 years.
- Q Where did you live before that? A No where, I was born and raised in Alabama.
- Q Lived there all your life before you came to the Indian Territory? A In Texas 3 years and went back to Alabama.
- Q Ever live in Mississippi? A No sir.
- Q Which one of your ancestors ever lived in Mississippi and was recognized as a member of the Choctaw tribe of Indians? A Grandmother and grandfather.
- Q What was your grandmother's name? A Charlotte Green.
- Q Have you any evidence of the fact that any of your ancestors ever received land in Mississippi under the treaty of 1830? A Yes sir, I have.
- Q Where is it? A Well I don't understand the question, I guess.
- Q You stated that you believed your grandparents received land in Mississippi under the 14th article of the treaty of 1830? A Yes sir I have been informed that they did.
- Q Have you any evidence of that fact? A Yes sir.
- Q Where is it? A Well, no sir, I have not.
- Q Is there any additional statement that you desire to make in support of your application, and the application you make on behalf of your seven minor children, for identification as Mississippi Choctaws? A No sir.
- Q Is there any written evidence that you desire to submit to this Commission for its consideration? A No sir.

Counsel for applicant asks 15 days additional time in which to file original petition, documentary evidence and marriage license.

Commission: Permission is granted the attorney for the applicant to file the papers requested provided the same is filed within 15 days from the date hereof.

- Q. (examination by Mr. Harley, attorney for applicant). Mrs. Baird, can you read or write? A No sir.
- Q Are you a full sister of Lewis D. Phillips and Timothy Phillips, who have today filed application before this Commission? A Yes sir, yes sir.

Commission: The decision of the Commission with reference to your application and the application you make on behalf of your seven minor children, for identification as Mississippi Choctaws, will be mailed to you in writing in the near future at your present post office address.

Kate De Bord, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 6th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceeding on said date.

Subscribed and sworn to before me this 3 day of Oct 1900.

Kate De Bord
Guy L. V. Emerson

Notary Public
Notary Public

COPY.

M C R 651

Muskogee, Indian Territory, October 21, 1902.

Sarah Ann Baird,
Stigler, Indian Territory.

Dear Madam:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis Davis Phillips, et al., embracing the following applications for identification as Mississippian Choctaws:

Lewis Davis Phillips, et al.,	M C R 648
Susan Phillips,	" 650
Timothy William Phillips, et al.,	" 649
Sarah Ann Baird, et al.,	" 651
Minerva Clementine Walls, et al.,	" 652.

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity

S A B 2

of Lewis Davis Phillips, James Franklin Phillips, Emma Phillips, Elbert Dred Phillips, Robert Phillips, Timothy William Phillips, Johnnie Phillips, Ida Phillips, Lucy Phillips, Sarah Ann Baird, Epsy Baird, Isaac Baird, Jake Baird, Dora Baird, Albert Baird, Addie Baird, Richard Baird, Minerva Clementine Walls, Andrew Jackson Walls, Oscar Walls, William Walls and Thurston Walls, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan Phillips for herself and by Timothy William Phillips for the identification of his wife, Tobitha Phillips, as intermarried Mississippi Choctaws, should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Dixby.
Acting Chairman.

Registered.

M.C.R. 651

Muskogee, Indian Territory, March 24, 1903.

Sarah Ann Baird,

Stigler, Indian Territory.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Lewis Davis Phillips, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

Tams Bixby.
Chairman.

M.C.R. 651,

Waskogee, Indian Territory, April 15, 1903.

Sarah Ann Baird,

Stigler, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of April 9, 1903, in which you state that you do not understand whether the Secretary of the Interior has made his decision in your case or not, and ask if John London submitted any argument in this case.

In reply to your letter, you are advised that it appears from our records that on March 14, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and seven minor children as Mississippi Choctaws, and on March 24, 1903, you were duly notified of such action.

You are further advised that it does not appear from the records of this Commission that any argument was made in this case by John London.

Respectfully,

Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

SEP 6 1900

Sarah Ann Baird. 41 ^{1/4}
Stigler, Ind. Ter.

FATHER: Jonathan Phillips - dead.

MOTHER: Rebecca Phillips - dead.

Claims through father:

HUSBAND: Charles Baird 42.

No claim for husband.

CHILDREN: Epsy Baird. 16.

Isaac " " 15

Jake " " 11

Dora " " 8

Albert " " 7

Oddie " " 4

Rebecca " " 1

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 6 1900



ACTING CHAIRMAN.

James B. ... et al
REFUSED

DECISION RENDERED OCT 21 1902
NOTICE OF DECISION MAILED APPLICANT.

OCT 21 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

OCT 21 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 21 1902

RECORD FORWARDED DEPARTMENT.

NOV 6 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 14 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 24 1903

REFER TO R. C. R.

choc MCR 652 Minerva O. Walls

MCR 652

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., SEPTEMBER 6, 1900.

In the matter of the application for identification as Mississippi Choctaws of Minerva Clementine Walls and her four minor children.

Minerva Clementine Walls, being first duly sworn, testified as follows:

(Examination by the Commission).

- Q. What is your name? A Minerva Clementine Walls.
Q. What is your age? A 56.
Q. What is your post office address? A Whitefield.
Q. Do you live at Whitefield? A Yes sir.
Q. How long have you resided in the Indian Territory? A 3 years.
A little over three years.
Q. Have you resided in the Indian Territory continuously for the past three years? A Yes sir.
Q. Have you been outside of the Territory during that time?
A No sir.
Q. How much Choctaw blood do you claim? A $3/4$.
Q. $3/4$? A Like the rest of them.
Q. How much Choctaw blood do you claim? A I don't know hardly.
Q. How much Choctaw blood do you claim? A Three quarters, I reckon.
Q. What is your father's name? A Jonathan Phillips.
Q. Your father living? A No sir.
Q. What is your mother's name? A Rebecca Phillips.
Q. Your mother living? A No sir.
Q. Through which one of your parents do you claim your Choctaw blood? A My father.
Q. Is your father's name on any of the tribal rolls of the Choctaw Nation? A No sir.
Q. Did your father ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation.
A Not that I know of.
Q. Was your father ever recognized in any manner by the Choctaw tribal authorities as a citizen of that Nation?
A I heard that he was.
Q. How was he recognized? A I don't know, sir.
Q. Have you any evidence of the fact that he was ever recognized by the Choctaw Nation as a citizen? A No sir.
Q. When did he die? A 20 years ago.
Q. Is your name on any of the tribal rolls of the Choctaw Nation? A Not that I know of.
Q. Have you ever made any application to the Choctaw tribal authorities for citizenship in the Choctaw Nation?
A No sir.
Q. Did you, or any one in your behalf make application under the act of Congress of June 10, 1896, to this Commission for citizenship or enrollment in the Choctaw Nation? A No sir.
Q. Have you ever prior to this time made application to either the Choctaw tribal authorities or this Commission for enrollment as a Choctaw? A No sir.
Q. This is your first application of any description? A Yes sir.
Q. You are now making application for identification as a Mississippi Choctaw? A Yes sir.

- Q Why do you believe that you should be identified by this Commission and entitled to share in the Choctaw lands under the 14th article of the treaty of 1830?
- A Because my father was.
- Q Your father was what? A Was a Choctaw.
- Q You are claiming then by reason of the fact that you believe you have Choctaw blood in your veins? A Yes sir.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A No sir.
- Q Claim under the 14th Article of the Treaty of 1830?
- A No sir.
- Q Did you ever hear of the treaty of 1830? A No sir, I don't believe I ever have.
- Q Did you, or any of your ancestors ever take advantage of the 14th article of the treaty of 1830? A No sir.
- Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A No t that I know of.
- Q Do you make any claim by reason of any of the other articles of the treaty of 1830? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A David Walls.
- Q What is his age? A 43, I believe.
- Q You make no claim for him? A No sir.
- Q When did you marry him? A I do not know how long it has been.
- Q About how long? A About 14 years.
- Q Where did you marry him? A Tennessee.
- Q Under the laws of the State of Tennessee? A Yes sir.
- Q Ever marry him in accordance with the laws of the Choctaw Nation? A No sir.
- Q Have you any evidence of your marriage that you desire to present to the Commission at this time? A Yes sir.
- Q Where is it? A No sir, I haven't got it.
- Q Have you any children under 21 years of age and unmarried?
- A Yes sir, all I have.
- Q Do you desire to make application for them? A Yes sir.
- Q What are their names and ages? A Andrew Jackson is the oldest.
- Q What is his age? A 17. Oscar.
- Q How old is he? A I don't know exactly. He is 15.
- Q How old is the next one? A 8.
- Q What is his name? A William Walls.
- Q Next one? A Thurston Walls.
- Q How old is he? A He is 7.
- Q That all? A Yes sir, that is all.
- Q You are the mother of these four children? A Yes sir.
- Q David Walls is the father of them? A Yes sir.
- Q They living with you at your home? A Yes sir.
- Q How long have you resided in the Indian Territory?
- A A little over three years.
- Q Where did you live before that time? A In Alabama.
- Q How long did you live in Alabama? A Three years.
- Q Where did you live before that? A We lived three years in Arkansas.
- Q Where before that? A 3 years in Tennessee.
- Q Where did you live before that? A That is all I have been.
- Q Where were you born? A In South Alabama.
- Q How long did you live in Alabama? A I do not know exactly.

- Q How old were you when you left there? A About 14 years.
- Q Ever live in Mississippi? A No sir.
- Q Which one of your ancestors lived in Mississippi and was a member of the Choctaw tribe of Indians, when the treaty was made between the United States and the Choctaws in 1830?
- A Grandpa and father.
- Q Was he a recognized member of that tribe of Indians at that time? A Yes sir.
- Q Have you any evidence of that fact? A No sir.
- Q What is your grandfather's name? A Elbert Dred Phillips.
- Q Did he ever receive any land in Mississippi as a beneficiary under the 14th article of the treaty of 1830?
- A I do not know whether he did or not.
- Q Is there any additional statement that you desire to make at this time in support of your claim? A Yes sir.
- Q What do you want to say? A No sir.
- Q Is there any written evidence that you desire to submit to this Commission for consideration? (No answer from applicant)
- Counsel for applicant desires 15 days additional time in which to file original petition, documentary evidence and marriage certificates.
- Commission: permission is granted the attorney for the applicant to file the evidence requested within 15 days from this date.
- Q (Examination by Mr. Harley, counsel for applicant) Mrs. Wallis can you read or write? A No sir.
- Q Are you a full sister of Lewis D. Phillips and Timothy Phillips, who today filed application for identification as Mississippi Choctaws? A Yes sir.
- Commission: The decision of the Commission as to your application and the application you make on behalf of your four minor children for identification as Mississippi Choctaws, will be mailed to you in writing in the near future at your present post office address.

Kate De Bord, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on 6th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceeding on said date.

Kate De Bord

Subscribed and sworn to before me this 3 day of Oct, 1900.

Guy L. Emmons
acting Chairman

Notary Public

COPY.

M C R 632

Muskagee, Indian Territory, October 21, 1902.

Minerva Clementine Walls,
Whitfield, Indian Territory.

Dear Madam:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis Davis Phillips, et al., embracing the following applications for identification as Mississippi Choctaws:

Lewis Davis Phillips, et al.,	M C R 648
Susan Phillips,	" 650
Timothy William Phillips, et al.,	" 649
Sarah Ann Baird, et al.,	" 651
Minerva Clementine Walls, et al.,	" 632.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity

M C W 2

of Lewis Davis Phillips, James Franklin Phillips, Emma Phillips, Elbert Dred Phillips, Robert Phillips, Timothy William Phillips, Johnnie Phillips, Ida Phillips, Lucy Phillips, Sarah Ann Baird, Npsy Baird, Isaac Baird, Jake Baird, Dora Baird, Albert Baird, Addie Baird, Richard Baird, Minerva Clementine Walls, Andrew Jackson Walls, Oscar Walls, William Walls and Thurston Walls, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eight hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan Phillips for herself and by Timothy William Phillips for the identification of his wife, Tobitha Phillips, as intermarried Mississippi Choctaws, should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James Birney.
Acting Chairman.

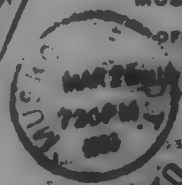
Registered.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

MAR 2 1904 for postage, \$300.



UNDELIVERED



W. L. T.

~~W. L. T.~~

~~W. L. T., Indian Territory.~~

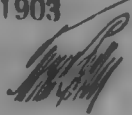
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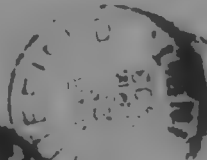
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 30 1903



CHAIRMAN



W. C. B.

COMMISSIONERS
DIXBY,
AS B. NEEDLES,
BRECKINRIDGE,
STANLEY.
MILLISON L. AYLESWORTH,
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 652

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

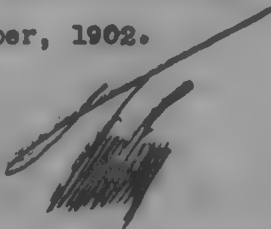
Muskogee, Indian Territory, March 24, 1903.

Minerva C. Walls,
Whitefield, Indian Territory.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Lewis Davis Phillips, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,



Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

SEP 6 1900

Miurwa C. Walls. 3/4 56
Whitefield, Ind. Ter.

FATHER: Jonathan Phillips - dead.

MOTHER: Rebecca Phillips - dead.

Claims through father.

HUSBAND: David Walls. 43.

Children:

Andrew J. Walls 14.

Oscar " " 15.

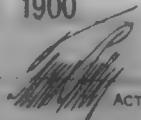
William " " 8.

Thurston " " 7.

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

FILED

SEP 6 1900



ACTING CHAIRMAN.

FOR MAIL DELIVERY.

OCT 21 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

OCT 21 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 21 1902

RECORD FORWARDED DEPARTMENT.

NOV 6- 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 14 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FOR ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 24 1903

U. S. C. R.

Choc MCR 653 Barbara A. TISSINGTON

see MCR 50

MCR 653

Barbara Sasing

REFUSED.

DECISION RENDERED. MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 23 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKSAW NATIONS.

MAY 23 1902

RECORD FORWARDED DEPARTMENT.

MAY 23 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKSAW NATIONS.

JUN 23 1902

**RENDERED BY THE SECRETARY OF
INTERIOR FOR FURTHER HEARING**

JAN 26 1905

REFER TO M. C. R. 50

RECORD FORWARDED DEPARTMENT.

APR 15 1905

See other side

Nov. 4, 1902 O. C. Casey & Co.

FORWARDED AT

NOV 29 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT DENY FOR APPLICANT.

NOV 29 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

NOV 29 1905

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I. T. September 7, 1900.

In the matter of the application for identification as Mississippi Choctaws of Barbara A. Tisington and her five minor children. Barbara A. Tisington being duly sworn by the Commission, testified as follows:

Examination by the Commission.

- Q What is your name? A Barbara A. Tisington.
Q What is your age? A Forty two.
Q What is your post-office address? A Oklahoma City.
Q Oklahoma? A Yes sir.
Q Do you live in Oklahoma? A That is my post-office. That is my home right now.
Q Do you live in Oklahoma? A Yes sir, Oklahoma City.
Q Did you ever live in the Indian Territory? A Yes sir.
Q Where did you live in the Indian Territory? A I lived at Weeklock was the post-office, the neighborhood where I lived.
Q Where is that? A That is down by - just about 23 miles from Clarksville, Texas.
Q How long did you live there? A About 18 months, not over that.
Q Have you any possession in the Indian Territory at this time? A None at all.
Q Is it your intention to move to the Indian Territory? A Yes sir.
Q For what purpose? A To settle there as a citizen. To take my right.
Q How are you going to acquire any right to land in the Indian Territory. When you move here from Oklahoma, where do you intend to settle? A In the Choctaw.
Q Where rents? A I don't know just where.
Q On the public domain? A Yes sir.
Q It isn't your intention to buy any improvements from any one? A I haven't had any plans. I don't know what I would do until I get there.
Q How much Choctaw blood do you claim? A One eighth.
Q What is your father's name? A John Brown.
Q Is he living? A No sir, he's dead.
Q What is your mother's name? A Acenuth Brown.
Q Is she living? A Yes sir, she's living.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q When did your father die? A He died about '74.
Q Was his name on any of the tribal rolls of the Choctaw Nation? A I don't know.
Q Did he ever make application to the Choctaw tribal authorities for citizenship in that Nation? A Not that I know of.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Have you ever been recognized in any manner by the authorities of the Choctaw Nation as a citizen of that Nation? A No sir.
Q Did you or did any one in your behalf in 1896 make application to this Commission under the act of June 10th, 1896, for citizenship in the Choctaw Nation? A No.
Q Have you ever prior to this time made any application to either the authorities of the Choctaw Nation or the United States for either citizenship or enrollment as a Choctaw? A No sir.
Q This is your first application of any description? A This is my first application.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q Why do you believe that you are entitled to share in the lands of the Choctaw Nation as a Choctaw Indian who has taken

Barbara A. Fisington 2--

advantage of the fourteenth article of the treaty entered into between the United States and the Choctaw Nation, concluded September 27th, 1830? A By my proofs.

Q Have you proof to offer that any of your ancestors have ever complied with the provisions of the fourteenth article of the treaty of 1830? A What is that?

Q You don't know what the fourteenth article of the treaty of 1830 is? A I claim under the fourteenth article of the 1830.

Q The treaty of 1830? A Yes sir.

Q Have you any proof that your ancestors ever took advantage of the fourteenth article of the treaty of 1830? A No sir, I have no proof.

Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.

Q This Commission requires that applicants for identification as Mississippi Choctaws to be duly identified as such must exhibit proof showing compliance with the provisions of the fourteenth article of the treaty of 1830 and will be required in every case to produce as exhibits of records and documents properly verified showing compliance with this article of the treaty. Do you make any claim under any other article of the treaty of 1830? A No sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A John E. B. Fisington.

Q How old is he? A He is 34 years old.

Q Are you making any claim for him? A No sir.

Q He is a white man? A Yes sir.

Q Where did you marry him? A In Texas.

Q When? A I married him in 1875, the 18th day of June.

Q Did you marry him in accordance with the laws of the state of Texas? A Yes sir.

Q Have you ever married him in accordance with the laws of the Choctaw Nation? A No sir.

Q Do you desire to offer in evidence at this time your marriage license and certificate? A No sir, I haven't them with me this time.

Q Have you any children under twenty one years of age and unmarried for whom you desire to make application? A I have 5 under 21 and unmarried.

Q What are their names and ages? A Lydia L. Fisington.

Q How old? A She was born August 23rd, 1883.

Q She would be seventeen then, wouldn't she? A Yes sir.

Q All right. A Carrie K. Fisington, born September 15th, 1891.

Q That is nine years ago. A Flowers B. Fisington, born September 23rd, 1893.

Q That is some seven years ago? All right. A Alice A. Fisington born February 4th, 1895.

Q Five years ago. All right. A Albert E. B. Fisington born February 29th, 1898.

Q About six years ago. Is that all? A Yes sir.

Q You are the mother of these five children? A Yes sir.

Q Is John E. B. Fisington the father of all of them? A Yes sir.

Q These children all live with you at your home? A Yes sir.

Q Their residence is the same as yours? A Yes sir.

Q You stated that you live in Oklahoma? A Yes sir.

Q How long have you lived there? A About twelve years.

Q Did you ever live in the Indian Territory? A Yes sir.

Q For how long? A Not very long. It didn't exceed eighteen months.

Q When? A It has been about 23 years ago. It has been longer than that. 23 years ago.

Q Where did you reside in the Indian Territory. A I resided at the post-office was Wheelock on Red River.

Q In the Choctaw Nation? A Yes sir.

Q Were any of your people when you resided in the Indian Territory recognized by the Choctaw Indians as citizens of the Choctaw Nation? A No sir.

Barbara A. Fisington 3---

Q Through which one of your ancestors do you now claim this right to identification as a Mississippi Choctaw? A My father.

Q Was your father a recognized member of the Choctaw tribe of Indians in Mississippi when the treaty of 1830 was made between the United States and the Choctaw Indians? A My grand father was.

Q What was your grand father's name? A John Brown.

Q Was John Brown a recognized member of the Choctaw Tribe of Indians in Mississippi in 1830? A He was a small child at that time. I have proof that he came from there.

Q Have you proof that he was a citizen of the Choctaw Tribe of Indians at that time? Q Wouldn't it be proof if he was a small child at that time and came from there?

Q Not the fact that he lived in Mississippi. It is necessary to prove he was an Indian. A I knew that his father was a recognized citizen.

Q What was his name? A John Brown.

Q Who was he? A My claim is that I am a grand daughter of John Brown. My father's name was John Brown and my grand father John Brown, Sr.

Q What was he? A He was a Choctaw Mississippi Indian.

Q Was he recognized as such by the tribe? A Yes sir.

Q Have you any evidence of that fact? A I have proofs here.

Q Have you any proof of the fact that your grand father, John Brown, ever complied with the fourteenth article of the treaty of 1830? A No sir.

Q When did he leave Mississippi, your grandfather? A He died in Mississippi.

Q He never received any lands there as a beneficiary under the fourteenth article of the treaty of 1830? A Not that I knew of.

Q Is there any additional statement you desire to make in support of your application and the application you make on behalf of your five minor children? A I don't know as there is.

Q Is there any written evidence that you desire to submit to the Commission for its consideration in support of this application? A These proofs. I have the testimony.

Q Do you want to submit it to the Commission? A Yes sir.

(Papers will be filed later today.)

The decision of the Commission as to your application and the application you make on behalf of your five minor children for identification as Mississippi Choctaws, will be mailed to you in writing in the near future to your present post office address.

Myra Young having been first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 7th day of September, 1909 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 12 day of Sept. 1909.

[Signature]
Notary Public.

N O R 003

COPY.

Waukegan, Indian Territory, May 23, 1908.

Barbara A. Tinsington,

Oklahoma City, Oklahoma Territory.

Dear Madam:

You are hereby advised that on the 13th day of May, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah Willard, et al., embracing the following applications for identification as *Miscellaneous* *and Choctaw*:

Sarah Willard, et al., N O R 50
Barbara A. Tinsington, et al., N O R 003

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the fourth first section of the act of Congress of June 24, 1906, (34 Stat., 225) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eight hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Sarah Willard, Sarah A. Willard, Ida Willard, Barbara A. Tinsington,

COPY.

Lydia B. Tinsington, Carrie K. Tinsington, Flora B. Tinsington,
Alice A. Tinsington and Albert E. T. Tinsington, as Shoshone
Indians entitled to rights in the Shoshone lands under the pro-
vision of law above quoted, and that the application for their
identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this
date forwarded the record in this case to the Secretary of the
Interior for review and you will be informed in due time of such
action as may be taken by him.

Yours truly,

(SIGNED)

James D. Dwyer

Acting Chairman.

Registered.

COPY.

M.C.R. 833.

Muskogee, Indian Territory, July 2, 1908.

Barbara A. Tinsington,

Oklahoma City, Oklahoma Territory.

Dear Madam:

You are hereby advised that on the 26th day of June, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah Willard, et al., of which decision you were advised by registered mail on the 23d day of May, 1908.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

H C R 50
H C R 453

Muskogee, Indian Territory, September 9, 1902.

Sarah D. Willard,
4011 West Texas Street,
Denison, Texas.

Dear Madam:

Receipt is hereby acknowledged of your petition to the Secretary of the Interior, and supporting affidavits of Sam Perry and John Lewis; also certified copy of letter signed by Henry Hyington and addressed to you, which were forwarded by you to the Secretary of the Interior and by him referred to this Commission for consideration and appropriate action.

In your petition you pray for a re-opening of the cases of yourself and your sister Barbara Allen Tinsington, applicants to this Commission for identification as Mississippi Choctaws, whose applications have been refused by the Commission and the decision of the Commission approved by the Secretary of the Interior.

The documents are herewith returned to you for the reason that the name of the common ancestor, John Brown, through whom yourself and sister claim your right to identification as Mississippi Choctaws, does not appear upon the records of this office as a person who complied or attempted to comply with the provisions of the fourteenth article of the treaty of eighteen hundred and

S. D. Wash.

thirty, or applied to the Commission appointed under the acts of Congress approved March 3, 1837, and August 22, 1842, for the adjudication of HIS RIGHTS.

The Commission does not see that the evidence sought to be introduced in any manner warrants a re-opening of the case.

Yours truly,

Acting Chairman.

Miss. Choctaw R663

Muskogee, Indian Territory, November 4, 1902.

Barbara A. Tinsington,
Caney, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of November 1, asking for the record in the matter of your application for the identification of yourself and your minor children as Mississippi Choctaws, which has been refused by the Commission in the consolidated Mississippi Choctaw case of Sarah D. Willard.

In reply to your letter you are advised that the record in this case is now with the Department, and it is therefore impossible to send you the record in the case. There is inclosed you, however, a copy of your testimony at the time you made application for the identification of yourself and your minor children as Mississippi Choctaws, together with receipt therefor, which please sign and return to this office.

You are advised that it appears from the record in this case that on May 13, 1902, the Commission rendered its decision refusing your application for the identification of yourself and your minor children as Mississippi Choctaws, and on May 23, 1902, the record therein was forwarded to the Secretary of the Interior for review. On June 23, 1902, the Secretary of the Interior affirmed the

E.A.T. 2

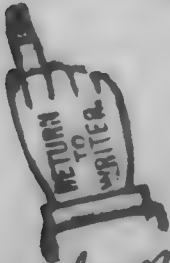
decision of the Commission refusing the said application.

Respectfully,

Acting Chairman.

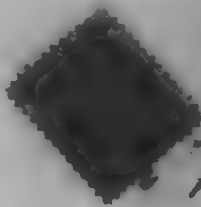
AS 3-4

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



11818
10997

REGISTRY DIVISION.
MAR 27 1905
EL RENO OKLA
639



454



Unclaimed

Barbara A. Tisington,
~~Secretary~~, Indian Territory.

~~FEB 11 1905
MUSKOGEE, IND. TER.~~

Forward to Reno city Okla.

MAR 2 1905

FILED
M-h 29-05
COMMISSION TO FIVE TRIBES.

REGISTRY DIVISION
FEB 28 1905
EL. RENO, OKLA.

REGISTRY DIVISION.
FEB 28 1905
EL RENO, OKLA.

FILED
M-4 29-05
COMMISSION TO FIVE TRIBES

COMMISSIONERS:
TAMM BERRY,
THOMAS S. BENDLER,
C. S. BRACKENRIDGE,
WEL. C. BRALL,
Secretary.

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

203

REPLY TO THE FOLLOWING:
M C R 683

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 10, 1905.

Barbara A. Tisington,
Cancy, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of January 26, 1905, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Sarah D. Willard, et al., with instructions that the applicants be granted an opportunity to introduce additional testimony in support of their claim.

The Commission is directed to advise you that the records of the government relating to the compliance of persons with the provisions of the 14th article of the Choctaw treaty of 1830, contain certain information, as of that year, relative to the persons whose names appear thereon, showing:


- 1st. Their description.
- 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)
- 3rd. Their Choctaw as well as their English names.
- 4th. The names and number of the persons who composed their families.
- 5th. The names of their neighbors and immediate

B A T 2

associates; and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Tuesday, March 14, 1905, at nine o'clock A. M., hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,



Chairman.

Registered.

MCR 653

COPY

Muskege, Indian Territory, November 29, 1905.

Barbara A. Tisington,

In care of Sarah D. Willard,
#31 West Texas Street,

Denison, Texas.

Dear Madam:

You are hereby notified that on November 17, 1905, the Secretary of the Interior re-affirmed the decision of the Commission to the Five Civilized Tribes of May 13, 1902, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Sarah D. Willard, et al.

The application for the identification of yourself and children was consolidated with and made a part of the Sarah D. Willard case.

Respectfully,

(Signed) Geo. D. Rodgers

Acting Commissioner.

MIB-663

Muskogee, Indian Territory, March 7, 1907.

Barbara A. Fisington,
C/o of Sarah D. Willard,
631 West Texas Street,
Denison, Texas.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 16, 1907, denied the petition filed by Charles E. McPherson, attorney at law, Caddo, Indian Territory, for a reopening and reconsideration of the consolidated Mississippi Choctaw case of Sarah D. Willard et al.

Respectfully,

Commissioner.

(1/8)

SEP 7 1900

Barbara A. Tissington. 42
Oklahoma City, O. T.

FATHER: John Brown - dead;
MOTHER: Aecnoth Brown - ✓
Claims through father.

HUSBAND: John C. B. Tissington 54.
(No claim for husband).

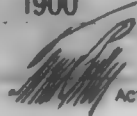
Children:

Lydica L. Tissington	17.
Carrie K. "	" 9.
Powers H. "	" 7.
Alice A. "	" 5.
Albert C. R. "	" 2.

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

FILED

SEP 7 1900


ACTING CHAIRMAN.

Choc MCR 654 Calip Fisher

MCR 654

Calhoun et al

REFUSED

DECISION RENDERED. JUL 18 1902

NOTICE OF DECISION MAILED APPLICANT.
JUL 18 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.
JUL 18 1902

RECORD FORWARDED DEPARTMENT.
JUL 18 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.
SEP 30 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.
OCT 8 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
OCT 8 1902

REFER TO M. C. R. 102, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T. Sept. 8, 1900.

In the matter of the application for identification as
Mississippi Choctaw of Calip Fisher and his minor children. Calip
Fisher being duly sworn by Commissioner Needles, testified as
follows:

Examination by the Commission.

- Q What is your name? A Calip Fisher.
Q What is your age? A I am 62.
Q What is your post-office address? A Teller.
Q Indian Territory? A Yes sir.
Q How long have you resided in the Indian Territory? A I
have been there a great while. I suppose I have been there a month.
Q You have only resided in the Indian Territory one month?
A I have been in the Indian Territory pretty near all the
time for 15 years.
Q You have only maintained a residence in the Indian Terri-
tory for the past month? A Yes sir.
Q Where did you live prior to that time? A In the Cherokee
Nation.
Q Isn't that in the Indian Territory? A Yes sir in the
Indian Territory. I lived in the Cherokee Nation twelve years.
Q My first question to you was how long have you resided
in the Indian Territory. A In all my life or the last time I
lived there?
Q How long have you resided in the Indian Territory? A About
fifteen years in all.
Q Have you been outside of the Indian Territory in the past
three years? A Nothing only in Oklahoma. I have been in Oklahoma
Q What was your purpose in going to Oklahoma? A Backwards
and forwards trading and so on.
Q Did you ever maintain a residence in Oklahoma. A No sir,
never owned a farm in Oklahoma.
Q Have you maintained a residence any where besides the Indian
Territory for the past fifteen years? A No sir.
Q How much Choctaw blood do you claim? A One eighth.
Q What was your father's name? A William Fisher.
Q Is he living? A No sir.
Q What is your mother's name? A Eliza Fisher.
Q Is your mother living? A No sir.
Q Through which one of your parents do you claim your Choctaw
blood? A My father.
Q How long had your father been dead? A He died in '61.
Q Is your father's name on any of the tribal rolls of the
Choctaw Nation? A Yes sir.
Q On what roll? A I don't know what the roll is called, but
it is the Mississippi Choctaw roll.
Q Have you any evidence of the fact that your father's name
was on any of the tribal rolls of the Choctaw Nation? A Yes sir,
I have evidence here on paper.
Q What does it amount to? A I do not know.
Q What kind of evidence is it? A Indian evidence.
Q You have evidence of the fact that your father's name was on
any of the tribal rolls of the Choctaw Nation? A As far as I
know he was.
Q On what roll was his name? A On the Mississippi Choctaw.
Q Have you any evidence of that fact? A I have evidence
here on these papers, here.
Q What does that evidence tend to show. We want the fact that
his name was on one of these tribal rolls. A I can't say that I
knew that. I wasn't there. He left there when he was a young man
and went to Missouri and married.
Q You don't know of your own knowledge whether your father's
name was on the tribal rolls or not? A No sir.

Calip Fisher 2--

Q Do you know whether your father made application to the tribal authorities of the Choctaw Nation for citizenship in that Nation? A No, it was done by my grand father.

Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.

Q Did you ever make application to the Choctaw tribal authorities for citizenship in that Nation? A No sir.

Q Have you ever been recognized in any manner by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No.

Q Did you or did any one in your behalf in 1896 under the act of Congress of June 10th, 1896, make application to this Commission for citizenship in the Choctaw Nation? A I don't know only what I have been told. I don't know what they did.

Q What have you been told? A I have been told we were enrolled there.

Q Enrolled where? A On the Mississippi Choctaw rolls in Mississippi.

Q I am not talking about Mississippi. I am talking about this Commission. Did you or did any one in your behalf in 1896, four years ago, under the act of Congress of June 10th, 1896, make application to this Commission for citizenship in the Choctaw Nation? A I don't know of any.

Q Have you ever prior to this time made any application to either the tribal authorities of the Choctaw Nation or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No.

Q This is your first application of any description? A Yes sir.

Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to share in the land of the Choctaw Nation as a beneficiary under the fourteenth article of the treaty of 1830? A Because I have learned that I was of that tribe.

Q Have you any evidence of the fact that any of your ancestors ever took advantage of the provisions of the fourteenth article of the treaty of 1830? A No.

Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I think not.

Q Do you make any claim by reason of any of the other provisions of the treaty of 1830? A Yes sir.

Q What do you claim? A We claim a right to all treaties made from that time down.

Q What right to these treaties give you? A Full right.

Q Were you a party to any of these treaties? A No sir.

Q Were you a recognized citizen of the Choctaw Nation when the treaties were made? A No sir.

Q How can you benefit under any treaties made between the Choctaw Indians and the United States if you were not a citizen of the Choctaw Nation? A Only by claim you know.

Q Are you married? A Yes sir.

Q What is your wife's name? A Rebecca.

Q Rebecca what? A She was Banks before I married her.

Q Her name now is Rebecca Fisher? A Yes sir.

Q How old is she? A She is fifty.

Q Are you making any claim for your wife? A No sir.

Q She is a white woman? A Yes sir.

Q Never made any claim to Indian citizenship? A No sir.

Q Where did you marry her? A In Arkansas.

Q When? A In '64 I believe.

Q Under the laws of the state of Arkansas? A Yes sir.

Q Were you ever married to her in accordance with the laws of the Choctaw Nation? A No sir.

Q Do you desire at this time to offer in evidence your marriage license and certificate? A I don't think we've got it. I think it blowed away in a storm.

Q Have you any evidence of your marriage? A I can send proof to you, I haven't it with me.

Calip Fisher 3---

- Q Have you any children under twenty one years of age and unmarried for whom you wish to make application? A Yes sir, one.
- Q What is her name and age? A Clara, thirteen years old.
- Q Is that all the child you have under 21 years of age and unmarried? A Yes sir, that is all.
- Q You are the father of this child? A Yes sir.
- Q Rebecca Fisher is the mother? A Yes sir.
- Q This child lives with you at your home? A Yes sir.
- Q You stated that you had maintained a residence in the Indian Territory for the past fifteen years? A As I said, haven't continued all the time but have lived fifteen years in the last years. I have been in and out doing business.
- Q My question was whether you have maintained a residence there all the time? A A home?
- Q Yes, have you maintained a residence there right along? A No sir, I haint.
- Q Where have you maintained your home? A Part of the time in Oklahoma and part of the time in the Cherokee Nation. I lived in the Cherokee Nation five years.
- Q Where did you live ~~before~~ before that? A I lived in Arkansas before I lived in the Cherokee Nation.
- Q Where were you born? A In Missouri.
- Q Did you ever live in Mississippi? A No sir.
- Q Which one of your ancestors lived in Mississippi and was recognized by the Choctaw tribe of Indians in 1830 when the treaty was made between the Choctaw Indians and the United States? A That was my grand father.
- Q What was his name? A Calip Fisher.
- Q Have you any evidence of the fact that he was a citizen of the Choctaw Nation at that time? A I think so. I have proof that was sent up here. Has a certificate been sent up here?
- Q It would not be accepted by the Commission if the applicant had not appeared in person. Did Calip Fisher ever receive or claim any land in Mississippi as a beneficiary under the fourteenth article of the treaty of 1830? A No, he never had no land there.
- Q Is there any additional statement you wish to make in support of your application and the application you make for your minor child? A I could make a statement but my evidence would not be facts I suppose. But my father was at Fort Smith when the Fort was established and he was a dispatch bearer for the government I think he and an Indian.
- Q Is that all, sir? A That is all I know.
- Q Is there any evidence that you desire to submit to the ~~Commission~~ Commission in support of your application of yourself and minor child? A Yes sir.

The original application and petition of Calip Fisher and the affidavits of John Albertson and Tobias Edwards, offered in evidence, marked exhibit A, identified as such, filed and made a part of the records in this case.

- Q Anything else, sir? A That is all I know.

The decision of the Commission as to your application and the application you make on behalf of your minor child for identification as Mississippi Choctaws, will be mailed to you in writing in the near future to your present post-office address.

Kyra Young having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 8th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 12 day of Sept 1900.

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

In the matter of the application of Calip Fisher, et al.,
 for identification as Mississippi Choctaws, consolidating the appli-
 cations of -

Calip Fisher, et al.,	M C R 654
Eliza Higginbotham, et al.,	M C R 1023
Jesse Fisher,	M C R 656
Sarah Wilson, et al.,	M C R 658
Thomas Fisher, et al.,	M C R 659
Calvin Fisher, et al.,	M C R 1034
William Fisher,	M C R 665
Ella Hamilton,	M C R 659
Martha Tice, et al.,	M C R 655
Laura Jewell, et al.,	M C R 869
Ellen Gertrude Jathan, et al.,	M C R 870
George Tice, et al.,	M C R 666
William Tice, et al.,	M C R 667
Samuel Fisher, et al.,	M C R 1055
Effie Wingo, et al.,	M C R 1066
Della Foster,	M C R 1067

List of papers forwarded to the Secretary of the Interior,
 comprising the record in the consolidated case of Calip Fisher,
 et al.

	Page.
Original application of Calip Fisher, et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Petition of Calip Fisher addressed to the Dawes Commission	2
Affidavit of John Albertson	3
Affidavit of Tobias Edwards	4

	Page.
Affidavit of A. B. Henderson	7
Affidavit of Jane G. Banks,	8
Original application of Eliza Higginbotham, et al., to the Dawes Commission for identification as Mississippi Choctaws . . .	9
Petition of Eliza Higginbotham addressed to the Dawes Commission,	12
Affidavit of Tobias Edwards	13
Affidavit of John Albertson	14
Marriage certificate of J.B.Higginbotham and Eliza Higginbotham	15
Original application of Jesse Fisher to the Dawes Commission for identification as a Mississippi Choctaw	16
Petition of Jesse Fisher addressed to the Dawes Commission	18
Affidavit of John Albertson	19
Affidavit of Tobias Edwards	20
Original application of Sarah Wilson, et al., to the Dawes Com- mission for identification as Mississippi Choctaws	21
Petition of Sarah Wilson addressed to the Dawes Commission)	24
Affidavit of John Albertson	25
Affidavit of Tobias Edwards	26
Marriage certificate of James T. Wilson and Sarah T. Fisher	27
Original application of Thomas Fisher, et al., to the Dawes Commission for identification as Mississippi Choctaws	28
Petition of Thomas Fisher to the Dawes Commission	31
AFFIDAVIT OF TOBIAS EDWARDS	32
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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

J.W.L.
C.V.W

In the matter of the application of Calip Fisher, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Calip Fisher, et al.,	M C R 654
Elisa Higginbotham, et al.,	M C R 1023
Jesse Fisher,	M C R 656
Sarah Wilson, et al.,	M C R 686
Thomas Fisher, et al.,	M C R 657
Calvin Fisher, et al.,	M C R 1034
William Fisher,	M C R 666
Ella Hamilton,	M C R 659
Martha Tice, et al.,	M C R 655
Laura Jewell, et al.,	M C R 869
Ellen Gertrude Latham, et al.,	M C R 870
George Tice, et al.,	M C R 666
William Tice, et al.,	M C R 667
Samuel Fisher, et al.,	M C R 1035
Effie Wings, et al.,	M C R 1066
Della Foster,	M C R 1067

DECISION.

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Calip Fisher for himself and his minor child, Clara Fisher, by Elisa Higginbotham for herself and her two minor children, Johnnie and Willie Higginbotham; by Jesse Fisher for himself; by Sarah

Wilson for herself and her four minor children, Ethel, Lillian, Dee and Fay Wilson; by Thomas Fisher for himself and his three minor children, Emma, Bertha, and Galip Fisher; by Calvin Fisher for himself and his minor child, Eunice Alta Fisher; by William Fisher for himself; by Ella Hamilton for herself; by Martha Tice for herself and her four minor children, Charles, Walter, Jesse, and Martin Tice; by Laura Jewell for herself and her four minor children, William, Billie, Lottie, and Millard V. Jewell; by Ellen Gertrude Lathan for herself and her three minor children, William, Janie, and David Lathan; by George Tice for himself and his minor child, David Tice; by William Tice for himself and his minor child, Oscar Tice; by Samuel Fisher for himself and his six minor children, Willie, Arthur, Grace, Ola, Jesse, and Mary Fisher; by Effie Wingo for herself and her four minor children, Mary, Oscar, Dow, and Birdie Wingo; and by Della Foster for herself, under the following provision of the act of Congress approved June 25, 1898, (30 Stats., 498):

Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one William Fisher or Abraham Fisher, brothers, who are alleged to have been quarter-blood Choctaw Indians and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of

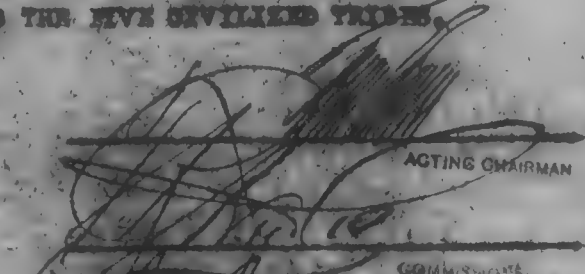
the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provision of the act of Congress approved June 10, 1896, (29 Stats., 321).

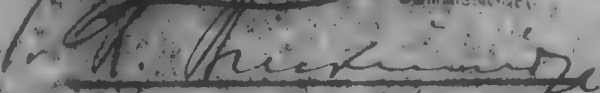
It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and of persons who heretofore were claimants thereunder, that the said William Fisher or the said Abraham Fisher, or any of the applicants herein, signified, (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1848, (5 Stats., 613).

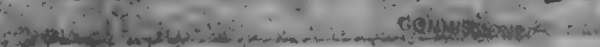
It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Galip Fisher, Clara Fisher, Eliza Higginbotham, Jennie Higginbotham, Willis Higginbotham, Jesse Fisher, Sarah Fisher, Ethel Wilson, Lillian Wilson, Dee Wilson, Fay Wilson, Thomas Fisher, Emma Fisher, Bertha Fisher, Galip Fisher, Calvin Fisher, Eunice Alice Fisher, William Fisher, Ella Hamilton, Martha Tice, Charice Tice, Walter Tice, Jesse Tice, Martin Tice, Laura Jewell, William Jewell, Lillian Jewell, Lottie Jewell, Ellard F. Jewell, Ellen Gertrude Lathan, William Lathan, Jennie Lathan, David Lathan, George Tice, David Tice, William Tice, Susan Tice, Samuel Fisher, Willis Fisher,

Arthur Fisher, Grace Fisher, Ola Fisher, Jesse Fisher, Mary Fisher,
Effie Wingo, Mary Wingo, Oscar Wingo, Dew Wingo, Birdie Wingo, and
Della Foster, as Chectaw Indians entitled to rights in the Chectaw
lands under the provisions of said article fourteen of the Treaty
of eighteen hundred and thirty, and that the applications for
their identification as such should be refused, and it is so or-
dered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



ACTING CHAIRMAN


COMMISSIONER


COMMISSIONER

Muskogee, Indian Territory,

JUL 18 1902

REFER TO M. C. R.

657

Calip Fisher et al

Consolidated Case

MOTHERS TRIBAL ENROLLMENT
COURT No. MOTHERS OWNER REMARKS
DAVE Roll No.

Calip Fisher 1/2
mar.
Heath Fisher

William Fisher 1/4
mar
Eliza Fisher

Calip Fisher 62 1/8
mar
Rebecca Banks, w

Mar 10 79 Eliza Higginbotham mar. 35 1/2	Mar 10 79 Johnnie Higginbotham 15 Nellie Higginbotham 10
Mar 6 56 Jesse Fisher 32 1/8 mar Nora Fisher, w.	
Mar 6 50 Sarah Wilson 19 1/6 mar. James Wilson, w	Mar 6 50 Ethel Wilson 8 Lillian Wilson 7 Dell Wilson 5 Fay Wilson 2
Mar 6 57 Thomas Fisher 27 1/6 mar Mary Mary Fisher, w	Mar 6 57 Emma Fisher 6 Bertha Fisher 4 Calip Fisher 2
Mar 10 24 Calvin Fisher 14 1/6 mar Nannie Fisher, w. nee White	Mar 10 24 Lunice Alto Fisher, mo.
Mar 6 55 William Fisher 20 1/6 mar Belle Fisher, w nee Macken	
Mar 6 54 Ella Hamilton 16 1/6 mar William Hamilton	
Mar 6 54 Clara Fisher, 15	

Calip Fisher 1/2
mar
Heath Fisher

William Fisher 1/4
mar
Eliza Fisher
cont'd

Abraham Fisher 1/4

Furnace Fisher
mar
Elizabeth Fisher
wid.

Martha Luce 52 1/2
mar
David Luce, w.

Laura Jewell 30 1/6
mar
George Jewell, w.

Ellen Gertrude Kotham
mar. 26 1/6
John Kotham, w.

George Luce 24 1/6
mar
Lula Luce, w.
nee Prince

William Luce 22 1/6
mar
Lora Luce, w.
nee Morgan

Charles Luce 18
Walter Luce 14
Jesse Luce 10
Martin Luce 9

Samuel Fisher 46 1/6
mar
Mary Fisher, w.
nee Bushy

William Jewell 13
Lillie Jewell 10
Kattie Jewell 9
Willard Jewell 2

William Kotham 9
Janie Kotham 7
David Kotham 5

David Luce 2 mo.

Oscar Luce 2

Effie Wings 26 1/2
mar
William Wings, w.

Della Foster 19 1/2
mar
John Foster, w.
Mary Prince
nee Fisher

Hillie Fisher 17
Arthur Fisher 15
Grace Fisher 12
Ola Fisher 10
Jesse Fisher 8
Mary Fisher 2

Mary Wings 10
Esch Wings 7
Daw Wings 6
Birdie Wings 2

Edgar Prince
Melvin Prince

Muskogee, Indian Territory, September 17, 1900.

Calip Fisher,

Teller, Indian Territory.

Dear Sir:

The Commission is in receipt of the affidavits of A. B. Henderson and Jane D. Banks offered by you for filing in the matter of your application and the application made on behalf of your daughter for identification as Mississippi Choctaws.

The same have been duly filed with the records of the Commission.

Yours truly,

Acting Chairman.

In reply please
refer to M. C. R-654

Muskogee, Indian Territory, January 9, 1901.

Joe Mule,

Fishouinge, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 24th of December in which you desire to be informed if Galup B. Fisher is listed for enrollment as a citizen of the Choctaw or Chickasaw Nation.

You are informed that a careful search of the records of this Commission does not show that any party by this name has been listed for enrollment by this Commission as a citizen of either the Choctaw or Chickasaw nation.

The records do show however, that Galip Fisher, 62 years of age, of Teller, Indian Territory, on September 28th, 1900, appeared before the Commission and made application for identification of himself and his daughter Clara Fisher, 13 years of age, as Mississippi Choctaws. The Commission has not up to this time rendered a decision in the matter of his application but contemplates doing so in the near future, when a copy of such decision stating fully therein the reason for any action that may be taken by the Commission will be mailed to Mr. Fisher.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, May 8, 1901.

Mr. Caleb Fisher,

Teller, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 26, 1901, in which you state that you can secure a place, but not having ^{received} secured any decision in your case you are afraid to take action, and you desire to be advised what disposition will be ~~made~~ your case by the Commission.

You are informed that the records of the Commission show that on September 8, 1900, Caleb Fisher, of Teller, Indian Territory, appeared before the Commission at its office in Muskogee, Indian Territory, and made application for the identification of himself and minor child, Clara Fisher, as Mississippi Choctaw Indians.

No decision has yet been rendered by the Commission in your case. When such decision has been made by the Commission a copy of the same, stating in full the reason for any action which may be taken by the Commission, will be forwarded to you at your present post office address. Pending such decision, the Commission cannot advise you whether or not it would be safe for you to make investments of any kind in Indian Territory.

Yours truly,

Acting Chairman.

M.G.R.-254.

Muskogee, Indian Territory, March 11, 1902.

Caleb Fisher,
Teller, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the sixth instant, asking what decision has been rendered in your application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that no decision has yet been reached for opinion rendered relative to your rights as such Mississippi Choctaw. As soon as a decision is reached you will be notified of the action of the Commission.

Yours truly,

Commissioner in Charge.

COPY,

M.C.R. 654.

Moakee, Indian Territory, July 16, 1902.

Mansfield, McHurray & Gornish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 15th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Calip Fisher, et al., embracing the following applications for identification as Mississippi Choctaws:

Calip Fisher, et al.,	M.C.R. 654
Elisa Higginbotham, et al.,	M.C.R. 1023
Jesse Fisher,	M.C.R. 656
Sarah Wilson, et al.,	M.C.R. 658
Thomas Fisher, et al.,	M.C.R. 657
Calvin Fisher, et al.,	M.C.R. 1034
William Fisher,	M.C.R. 666
Kila Hamilton,	M.C.R. 659
Martin Tice, et al.,	M.C.R. 653
Laura Howell, et al.,	M.C.R. 660
Eaton Gertrude Lathan, et al.,	M.C.R. 670
George Tice, et al.,	M.C.R. 666
William Tice, et al.,	M.C.R. 667
Samuel Fisher, et al.,	M.C.R. 1035
Effie Wingo, et al.,	M.C.R. 1066
Della Foster,	M.C.R. 1067

These applications were made under the provision of the Act of Congress of June 23, 1900 (31 Stat., 266) which is as follows:

Identify the Choctaw Indian land designated in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior.

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Calip Fisher, Clara Fisher, Eliza Higginbotham, Jennie Higgins, Botham, Willie Higginbotham, James Fisher, Sarah Wilson, Ethel Wilson, Lillian Wilson, Doc Wilson, Fay Wilson, Thomas Fisher, Emma Fisher, Bertha Fisher, Calip Fisher, Calvin Fisher, Eunice Alce Fisher, William Fisher, Ella Hamilton, Martha Tice, CHARLES Tice, Walter Tice, Jesse Tice, Martin Tice, Laura Jewell, William Jewell, Lillie Jewell, Lottie Jewell, Willard E. Jewell, Ellen Gertrude Latham, William Latham, Janie Latham, David Latham, George Tice, David Tice, William Tice, Oscar Tice, Samuel Fisher, Willie Fisher, Arthur Fisher, Grace Fisher, Ola Fisher, Jesse Fisher, Mary Fisher, Effie Wingo, Mary Wingo, Oscar Wingo, Dew Wingo, Birdie Wingo, and Della Foster, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

F. B. Veseles

Commissioner in Charge

COPY.

M.C.R. 454.

Washkoo, Indian Territory, July 18, 1902.

Calip Fisher,

Teller, Indian Territory.

Dear Sir:

You are hereby advised that on the 18th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Calip Fisher, et al., embracing the following applications for identification as Mississippi Choctaws:

Calip Fisher, et al.,	M.C.R. 654
Ellen Higginbotham, et al.,	M.C.R. 1023
Jesse Fisher,	M.C.R. 656
Sarah Wilson, et al.,	M.C.R. 658
Thomas Fisher, et al.,	M.C.R. 657
Calvin Fisher, et al.,	M.C.R. 1034
William Fisher,	M.C.R. 665
Ella Hamilton,	M.C.R. 659
Martha Tice, et al.,	M.C.R. 655
Laura Jewell, et al.,	M.C.R. 869
Ellen Gertrude Latham, et al.,	M.C.R. 870
George Tice, et al.,	M.C.R. 666
William Tice, et al.,	M.C.R. 667
Samuel Fisher, et al.,	M.C.R. 1033
Eric Wingo, et al.,	M.C.R. 1046
Della Foster,	M.C.R. 1067

These applications were made under the provision of the act of Congress of June 22, 1900 (31 Stat., 456) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourth of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may take minister oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this commission that the evidence herein is insufficient to determine the identity of Calip Fisher, Clara Fisher, Eliza Higginbotham, Johnnie Higginbotham, Willie Higginbotham, Jesse Fisher, Sarah Wilson, Ethel Wilson, Millian Wilson, Dee Wilson, Fay Wilson, Thomas Fisher, Emma Fisher, Bertha Fisher, Calip Fisher, Calvin Fisher, Eunice Alto Fisher, William Fisher, Ella Hamilton, Martha Fice, Charles Fice, Walter Fice, Jesse Fice, Martin Fice, Laura Jewell, William Jewell, Lillie Jewell, Lettie Jewell, Willard F. Jewell, Ellen Gertrude Latham, William Latham, Janie Latham, David Latham, George Fice, David Fice, William Fice, Oscar Fice, Samuel Fisher, Willie Fisher, Arthur Fisher, Grace Fisher, Ola Fisher, Jesse Fisher, Mary Fisher, Effie Wingo, Mary Wingo, Oscar Wingo, Dow Wingo, Birdie Wingo, and Della Foster, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles,

Commissioner in Charge

Registered.

COPY.

M.C.R. 654.

Muskogee, Indian Territory, July 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Calip Fisher, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 18th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Calip Fisher, et al.,	M.C.R. 654
Eliza Higginbotham, et al.,	M.C.R. 1023
Jesse Fisher,	M.C.R. 656
Sarah Wilson, et al.,	M.C.R. 658
Thomas Fisher, et al.,	M.C.R. 657
Calvin Fisher, et al.,	M.C.R. 1034
William Fisher,	M.C.R. 665
Ella Hamilton,	M.C.R. 669
Martha Tice, et al.,	M.C.R. 655
Laura Jewell, et al.,	M.C.R. 869
Ellen Gertrude Lathan, et al.,	M.C.R. 870
George Tice, et al.,	M.C.R. 666
William Tice, et al.,	M.C.R. 667
Samuel Fisher, et al.,	M.C.R. 1036
Effie Wingo, et al.,	M.C.R. 1066
Della Foster,	M.C.R. 1067

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter

of the action of the Commission, copies of said letters being
attached to the report.

Respectfully,

SIGNED

T. B. Needles,
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

2 Inclosures.

COPY.

DEPARTMENT OF THE INTERIOR,

Land 43278-1902.

Office of Indian Affairs,

Washington, Sept. 26, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated July 18, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding for the Department's consideration the record relative to the consolidated case of Calip Fisher, et al., applicants for identification as Mississippi Choctaws claiming rights in the Choctaw lands under article fourteen of the treaty of 1830.

Calip Fisher applies for himself and his minor child, Clara Fisher; Eliza Higginbotham for herself and her two minor children, Johnnie and Willis Higginbotham; Jesse Fisher for himself; Sarah Wilson for herself and her four minor children, Ethel, Lillian, Dee and Ray Wilson; Thomas Fisher for himself and his three minor children, Emma, Bertha, and Calip Fisher; Calvin Fisher for himself and his minor child, Eunice Alto Fisher; William Fisher for himself; Ella Hamilton for herself; Martha Tice for herself and her four minor children, Charles, Walter, Jesse and Maggie Tice;

Laura Jewell for herself and her four minor children, William, Lillie, Lottie and Millard F. Jewell; Ellen Gertrude Latham for herself and her three minor children, William, Janie and David Latham; George Tice for himself and his minor child, David Tice; William Tice for himself and his minor child Oscar Tice; Samuel Fisher for himself and his six minor children, Willie, Arthur, Grace, Ola, Jesse and Mary Fisher; Effie Winge for herself and her four minor children, Mary, Oscar, Dow and Birdie Wingo; and Della Foster for herself.

On July 18, 1902, the Commission held that the parties above named were not entitled to identification as Mississippi Choctaws.

The applicants to this case attempt to trace descent from William Fisher, father of principal applicant, Galip Fisher, and also from Abraham Fisher. The evidence also has a tendency to show that these applicants attempt to trace their descent from Galip or Galib Fisher through his sons William and Abraham Fisher above mentioned.

The records of the office relating to Mississippi Choctaws do not show that any one by the name of Fisher complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they or either of them applied to the commissions appointed under the acts of March 3, 1837, and August 23, 1842, for an adjudication of their rights if any they had.

This being true, the decision of the Commission refusing to identify the applicants should be affirmed, and the office so recommends.

Very respectfully,
~~Your obedient servant,~~

W. A. Jones,

Commissioner.

G.A.W. (S)

COPY.

D.C. 17052-1902

58299

RAF.

DEPARTMENT OF THE INTERIOR,

Washington.

ITD. 5938-1902.
L. R. S.

September 30, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With your letter of July 18, 1902, was transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Calip Fisher and his minor child, Clara Fisher; of Eliza Higginbotham and her minor children, Johnnie and Willie Higginbotham; of Jesse Fisher; of Sarah Wilson and her minor children, Ethel, Lillian, Dee and Ray Wilson; of Thomas Fisher and his minor children, Emma, Bertha and Calip Fisher; of Calvin Fisher and his minor child, Eunice Alte Fisher; of William Fisher; of Ella Hamilton; of Martha Tice and her minor children, Charles, Walter, Jesse and Martin Tice; of Laura Jewell and her minor children, William, Lillie, Lattie and Millard F. Jewell; of Helen Gertrude Latham and her minor children, William, Janie and David Latham; of George Tice and his minor child, David Tice; of William Tice and his minor child, Oscar Tice; of Samuel Fisher and his minor children, Willie, Arthur, Grace, Ola, Jesse and Mary Fisher; of

Effie Winge and her minor children, Mary, Oscar, Dew and Birdie Winge; and of Della Foster.

The applicants claim descent from William Fisher or Abraham Fisher, brothers, who are alleged to have been quarter blood Choctaw Indians residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said William Fisher or said Abraham Fisher complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the applications July 18, 1902.

The Commissioner of Indian Affairs concurs in decision and recommends that it be approved. A copy of his letter of September 26 is inclosed.

Having carefully considered the entire case, the Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

De Lt.

1 inclosure.

COPY.

M.C.R. 654.

Muskogee, Indian Territory, October 8, 1902.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Galip Fisher, et al., of which decision you were advised by mail on the 18th day of July, 1902.

Respectfully,

(SIGNED)

Tamm Dwyer

Acting Chairman.

COPY

H.C.R. 654.

Muskogee, Indian Territory, October 8, 1902.

Calip Fisher,

Teller, Indian Territory.

Dear Sir:

You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Calip Fisher, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

(SIGNED)

James L. Day

Acting Chairman.

Muskegee, Indian Territory, September 30, 1904.

W. H. Walker,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th instant, asking what further steps are necessary to take in order to enroll the applicants in Mississippi Choctaw case of Calip Fisher, et al..

In reply to your letter you are informed that on September 30, 1902, the Secretary of the Interior approved the decision of the Commission, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Calip Fisher, et al., of which departmental action the several applicants were duly notified on October 8, 1902.

The Commission now considers this case closed and it is not believed that any of the applicants therein are, in any manner, entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

JD

Chairman.

MUR 634

Muskogee, Indian Territory, November 9, 1905.

Jno. J. Stobaugh,
Attorney at Law,
Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 30, 1905, requesting to be advised the present status of the Mississippi Choctaw case of Caleb Fisher, et al., and as to what steps are necessary to secure the identification of such persons.

In reply to your letter you are informed that on September 20, 1902, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes of July 18, 1902, refusing to identify the applicants in the Mississippi Choctaw case of Caleb Fisher, et al., of which Departmental action the applicants were notified on October 8, 1902.

This office considers the case in question closed and has no authority to receive or consider any further evidence in support thereof.

If you desire to make application to have the case reopened, you are advised that your petition for rehearing should be addressed to the Secretary of the Interior, through the Commissioner to the Five Civilized Tribes, and should be in the form of, or

Jno. J. Stebaugh 2

accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

Petitions for rehearings in Mississippi Choctaw cases are only granted where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the old Choctaw Nation in the States of Mississippi and Alabama in 1830 and heads of families, and, as such, complied or attempted to comply in person or by proxy, with the provisions of the 14th article of the Choctaw treaty of September 27, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the

Geo. F. Stebbins 3

applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Obituary as well as their English names.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 16, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Calib Fisher, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of July 18, 1902, adverse to the applicants, was, on the same date, forwarded the Department.

September 30, 1902 (I T D 5935-1902), the Department affirmed the decision of said Commission refusing to identify as Mississippi Choctaws the several persons in the above consolidated case.

June 21, 1906, this office received from Calib Fisher, Tishomingo, Indian Territory, a letter prepared in the form of a petition requesting that his Mississippi Choctaw case be reopened.

July 3, 1906, there was received by reference from the Secretary of the Interior, a letter or petition of Calib Fisher almost identical with the one above mentioned. Both are herewith transmitted for the Department's consideration.

Respectfully,

Through the Commissioner
of Indian Affairs.
M. L. S.

Commissioner.

N C R 654

Muskogee, Indian Territory, July 16, 1906.

Calib Fisher,
Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 20, 1906, submitting petition for rehearing in the matter of your Mississippi Choctaw case. Said petition has this day been forwarded to the Secretary of the Interior.

Respectfully,

Commissioner.

M C R 654

Muskogee, Indian Territory, December 3, 1906.

Calib Fisher,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 14th, requesting to be advised as to what disposition has been made of your application for the reopening of your case.

The records of this office show that on June 21, 1906, the Commissioner received from you a letter prepared in the form of a petition requesting that your Mississippi Choctaw case be reopened. There was also received on July 3, 1906, by reference from the Secretary of the Interior, a letter or petition almost identical with the one above mentioned. Both were transmitted to the Department for its consideration July 16, 1906, and up to the present time this office has not been advised of any departmental action thereon.

When the petitions are passed upon you will be notified of the action taken.

Respectfully,

Acting Commissioner.

CRW
LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 23132-1906.

December 5, 1906.

LRS

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

Sir :--

November 17, 1906, (Land 62151), the Indian Office transmitted petition of Calip Fisher, praying that the Mississippi Chootaw case of Calip Fisher, et al., be reopened and reconsidered.

Said petition discloses no reason for changing Departmental action of September 30, 1902, adverse to the applicants. It is accordingly denied.

Copy of Indian Office letter is inclosed.

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

Respectfully,

(Signed) Ehes. Ryan,

Through the Commissioner
of Indian Affairs.

First Assistant Secretary.

1 inc. and 3 to Ind. Of.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land
58229-1902.
62151-1906.

WASHINGTON.

November 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir :--

Referring to Departmental letter of September 30, 1902, (I.T.D. 5936-1902), rejecting the application of Galip Fisher, et al., for identification as Mississippi Choctaws, I now have the honor to transmit herewith petition filed by Fisher, praying that the case may be reopened and reconsidered.

The original record in the case is enclosed herewith.

Very respectfully,

Acting Commissioner.

WAL-24

MGR 654

COPY

Muskogee, Indian Territory, December 14, 1906.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on December 5, 1906, denied the petition filed under the Act of Congress approved April 26, 1906, by Calip Fisher of Tishomingo, Indian Territory, for the reopening of the consolidated Mississippi Choctaw case of Calip Fisher, et al.

This case includes the following persons:

Calip Fisher
Eliza Higginbotham
Willie Higginbotham
Sarah Wilson
Lillian Wilson,
Fay Wilson
Emma Fisher
Calip Fisher
Eunice Alto Fisher
Ella Hamilton
Charles Tice
Jesse Tice
Laura Jewell
Lillian Jewell
Millard F. Jewell
William Latham
David Latham
David Tice
Oscar Tice
Willie Fisher
Grace Fisher
Jesse Fisher
Effie Wingo
Oscar Wingo
Birdie Wingo

Clafa Fisher
Johnnie Higginbotham
Jesse Fisher
Ethel Wilson
Dee Wilson
Thomas Fisher
Bertha Fisher
Calvin Fisher
William Fisher
Martha Tice
Walter Tice
Martin Tice
William Jewell
Lottie Jewell
Ellen Gertrude Latham
Janie Latham
George Tice
William Tice
Samuel Fisher
Arthur Fisher
Ola Fisher
Mary Fisher
Mary Wingo
Dow Wingo
Della Foster

Respectfully,
SIGNED

Wams Bixby.

Commissioner.

MOR 684

COPY

Muskogee, Indian Territory, December 14, 1906.

Kansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen :--

There is enclosed herewith copy of Departmental letter of December 5, 1906, denying the petition filed by Calip Fisher under the Act of Congress approved April 26, 1906, praying for the reopening of the Consolidated Mississippi Choctaw case of Calip Fisher, et al.

Respectfully,

SIGNED *Wams Bixby*
Commissioner.

JWH 14-2

MCR 654

COPY

Muskogee, Indian Territory, December 14, 1906.

Calip Fisher,

Tishomingo, Indian Territory.

Dear Sir :-

There is enclosed herewith copy of Departmental letter of December 5, 1906, denying the petition filed by you under the Act of Congress approved April 26, 1906, praying for the reopening of the consolidated Mississippi Choctaw case of Calip Fisher, et al.

Respectfully,

SIGNED *Wams Bixby.*
Commissioner.

JWH 14-1

MCR-654

Muskogee, Indian Territory, February 2, 1907.

Calib Fisher,

Fishemingo, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of January 28, 1907, stating that you are in a position to furnish additional testimony in support of your claim to citizenship in the Choctaw Nation.

In reply your attention is invited to a letter from this office to you under date of December 14, 1906, enclosing, for your information, copy of Departmental letter of December 5, 1906, denying the petition filed by you under the Act of Congress approved April 26, 1906, praying for the reopening of the consolidated Mississippi Choctaw case of Calib Fisher et al.

You are further informed that this office now has no authority to receive any additional testimony in support of your claim.

Respectfully,

Commissioner.

MUR-654

Muskogee, Indian Territory, February 13, 1907.

Calib Fisher,
Tishomingo, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of January 28, 1907, by reference from the Secretary of the Interior. Therein you state that within the proper time you filed a petition for rehearing in your case with this office and also with the Secretary of the Interior, and that if the evidence heretofore filed in support of said petition is not sufficient you desire to be given an opportunity to submit additional proof.

The records of this office show that the Secretary of the Interior on December 8, 1906, denied the petition filed by you under the Act of Congress approved April 26, 1906, praying for the reopening of the consolidated Mississippi Choctaw case of Calib Fisher et al. This petition having been disposed of by the Department it is not believed that you have a right to file any further evidence in support thereof.

Respectfully,

Commissioner.

654
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

SEP 8 1900

Calip Fisher 1/8. 62.
Weller, Ind. Ter.

FATHER: William Fisher. - dead.

MOTHER: Eliza Fisher. - dead.

Claims through father.

WIFE: Rebecca Fisher. 50.

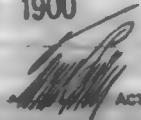
No claim for wife.

CHILD: Clara Fisher 13.

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

FILED

SEP 8 1900


ACTING CHAIRMAN.

6526-1901 Caleb Fisher,
Teller, I.T.

MCR 654 Calip Fisher, et al

On September 8, 1900, Calip
Fisher, of Teller, I.T.
appeared before the Commis-
sion at Muskogee, I.T. and
applied for identification
of himself and one child,
Clara Fisher. Up to this
time no decision has been
rendered in this case.

Atoka, May 7, 1901.

AB

G.O. Number 39-1901

M.C. R 654 Galip Fisher, et al

On September 8, 1900, Galip Fisher of Teller, I.T., sixty two years old, whose father was William and mother Eliza Fisher appeared before the Commission and made application for identification of himself and child Clara Fisher, thirteen years old. He made no claim for his wife, Rebecca Fisher. No judgment has yet been rendered in this case. Our records do not show any Galup C. Fisher as ever having appeared before the Commission for identification as a Mississippi Choctaw.

January 8, 1901.

AB

choc mcr 655 marina rice

see mcr 654

mcr 655

Application for...
REFUSED

DECISION RENDERED. **JUL 18 1902**

NOTICE OF DECISION MAILED APPLICANT.
JUL 18 1902

NOTICE OF DECISION MAILED ATTORNEYS,
FOR CHOCTAW AND CHICKASAW NATIONS.
JUL 17 1902

RECORD FORWARDED DEPARTMENT.
JUL 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.
SEP 30 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. **OCT 8 1902**

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. **OCT 8 1902**

REFER TO M. C. R. 654

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T. September 8, 1900.

In the matter of the application for identification as Mississippi Choctaws of Martha Tice and her four minor children, Martha Tice being duly sworn by Commissioner Needles testified as follows.

Examination by the Commission.

- Q What is your name? A Martha Tice.
Q What is your age? A Fifty two.
Q What is your post-office address? A Cliff.
Q Where is that? A Chickasaw.
Q Indian Territory? A Yes sir.
Q How long have you resided in the Indian Territory?
A Ten years this fall.
Q Have you maintained a continuous residence in the Indian Territory for the past ten years? A Yes sir.
Q Have you been outside of the Indian Territory in the past three years? A Nothing only on a visit.
Q How long were you away from the Territory? A Two weeks.
Q How much Choctaw blood do you claim? A One eighth.
Q What is your father's name? A William Fisher.
Q Is your father living? A No sir, he's dead. He died in 1861.
Q What is your mother's name? A Eliza Fisher.
Q Is she living? A No sir, she's dead.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q Was your father's name on any of the tribal rolls of the Choctaw Nation? A I don't know.
Q Was your father ever recognized in any manner by the Choctaw tribal authorities as a citizen of that tribe? A Yes sir, I guess he were. I don't know.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Did you ever make application to the Choctaw tribal authorities for citizenship in that Nation? A No sir, not until now.
Q Were you ever recognized in any manner by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.
Q Did you or did any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No sir.
Q Have you ever prior to this time made any application to either the authorities of the United States or of the Choctaw Nation for either citizenship or enrollment as a Choctaw? A No sir.
Q This is your first application of any description? A Yes sir.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian claiming rights in the Choctaw lands under the fourteenth article of the treaty of 1830 between the United States and the Choctaw Indians? A Because my father and my grand father claim it.
Q Were any of your ancestors ever recognized as citizens of the Choctaw Nation? A No sir.
Q Did any of your ancestors ever take advantage of the 14th article of the treaty of 1830? A No sir.
Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A No sir.

Martha Tice 2--

Q Do you make any claim by reason of any of the other provisions of the treaty of 1830? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A David Tice.
Q Is your husband living? A Yes sir.
Q What is his age? A He's going on 52.
Q Is he a white man? A Yes sir.
Q Did he ever make any claim to Indian citizenship? A No

sir.
Q Where did you marry him? A Texas County, Missouri.
Q When? A In 1870, June the 27th.
Q Under the laws of the state of Missouri? A Yes sir.
Q Have you ever married him in accordance with the laws of the Choctaw Nation? A No sir.
Q Have you any evidence of your marriage to David Tice that you desire to offer the Commission at this time? A No sir.
Q Are you making any claim for any one besides yourself?
A Me and my children.
Q How many children have you under 21 years of age and unmarried? A Four.

Q What are their names and ages? A My oldest one is Charles.
Q What is his age? A Eighteen.
Q The next one? A Walter.
Q How old is Walter? A Fourteen.
Q The next one? A He is ten.
Q What is the name? A Jesse.
Q A boy or a girl? A Boy.
Q How old is Jesse? A Ten.
Q The next one? A He is nine.
Q What is his name? A Martin.
Q They are all four boys? A Yes sir.
Q How old is Martin? A Nine.
Q These are all the children you have living with you? A

Yes sir.
Q You are the mother of these four children? A Yes sir.
Q David Tice is the father of all of them? A Yes sir.
Q These children all live with you at your home? A Yes sir.
Q You stated that you had lived in the Indian Territory ten years? A Yes sir.
Q Where did you live prior to that time? A Missouri.
Q How long did you live in Missouri? A I was raised there.
Q You were born in Missouri? A Yes sir.
Q Never lived in Mississippi? A No sir.
Q Which one of your ancestors lived in Mississippi and was recognized by the Choctaw tribe of Indians as a member of that tribe and was a party to the treaty made between the Choctaw Indians and the United States in 1830? A My grand father.

Q What was his name? A Calip.
Q Calip what? A Calip Fisher.
Q Have you any evidence of the fact that he was a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.
Q Where are they? A They are in here I reckon.
Q Is there any additional statement you desire to make at this time in support of your application and the application you make on behalf of your four minor children for identification as Mississippi Choctaws? A That is all.
Q Is there any documentary evidence you desire to submit to the Commission for its consideration? A Yes sir, here they are.
Q Do you want to submit those? A Yes sir.

The original application and petition of Martha Tice and the affidavits of John Albertson and Tobias Edwards, offered in evidence, marked exhibit A, identified as such, filed and made a part of the records in this case.

Q Is there any additional statement that you want to make?
A No sir.

Martha Tice 3

The decision of the Commission as to your application and the application you make on behalf of your four minor children for identification as Mississippian Cheetaws will be mailed to you in writing in the near future to your present post-office address.

Kyra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 8th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Marya Young

Subscribed and sworn to before me this 12 day of Sept. 1900.

[Signature]
Acting Chairman.

Wastogee, Indian Territory, July 18, 1902.

Martha Tice,

Cliff, Indian Territory,

Dear Madam:

You are hereby advised that on the 18th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Calip Fisher, et al., embracing the following applications for identification as Mississippi Choctaws:

Calip Fisher, et al.,	H.C.R.	654
Eliza Higginbotham, et al.,	H.C.R.	1023
Josee Fisher,	H.C.R.	656
Sarah Wilson, et al.,	H.C.R.	658
Thomas Fisher, et al.,	H.C.R.	657
Calvin Fisher, et al.,	H.C.R.	1034
William Fisher,	H.C.R.	665
Ella Hamilton,	H.C.R.	659
Martha Tice, et al.,	H.C.R.	655
Laura Jewell, et al.,	H.C.R.	809
Ellen Gertrude Lathan, et al.,	H.C.R.	870
George Tice, et al.,	H.C.R.	868
William Tice, et al.,	H.C.R.	807
Samuel Fisher, et al.,	H.C.R.	1038
Effie Wings, et al.,	H.C.R.	1066
Halla Foster,	H.C.R.	1067

These applications were made under the provision of the act of Congress of July 24, 1900 (36 Stat., 483) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may call witnesses before, examine witnesses, and perform all other acts necessary thereto, and make reports to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Calip Fisher, Clara Fisher, Eliza Higginbotham, Jennie Higgins Botham, Willie Higginbotham, Jesse Fisher, Sarah Wilson, Ethel Wilson, Lillian Wilson, Dee Wilson, May Wilson, Thomas Fisher, Emma Fisher, Bertha Fisher, Calip Fisher, Calvin Fisher, Daniel Alto Fisher, William Fisher, Ella Hamilton, Martha Tice, Charles Tice, Walter Tice, Jesse Tice, Martin Tice, Laura Jewell, William Jewell, Lillie Jewell, Lottie Jewell, Millard F. Jewell, Ellen Gertrude Lathan, William Lathan, Janie Lathan, David Lathan, George Tice, David Tice, William Tice, Oscar Tice, Samuel Fisher, Willie Fisher, Arthur Fisher, Grace Fisher, Ola Fisher, Jesse Fisher, Mary Fisher, Effie Wingo, Mary Wingo, Oscar Wingo, Dew Wingo, Birdie Wingo, and Della Foster, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

I. B. Needles.

Commissioner in Charge

Registered.

X.C.R. 655.

COPY.

Huskogee, Indian Territory, October 8, 1902.

Martha Tice,

Cliff, Indian Territory.

Dear Madam:

You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Galip Fisher, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

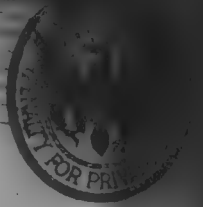
Acting Chairman

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

*Claimed
turned to Secretary
655*



Martha Tice,
~~Cliff, Indian Territory.~~



mm

REFER IN REPLY TO THE FOLLOWING:

MCR 655

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

Muskogee, Indian Territory, December 14, 1906.

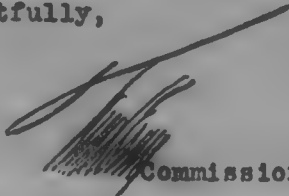
Martha Tice,

Cliff, Indian Territory.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on December 5, 1906, denied the petition filed under the Act of Congress approved April 26, 1906, by Calip Fisher, of Tishomingo, Indian Territory, for the reopening of the consolidated Mississippi Choctaw case of Calip Fisher, et al.

Respectfully,


Commissioner.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

SEP 8 1900

Martha Dice 18. 5d.
Cliff, Ind. Terr.

FATHER: William Fisher - dead

MOTHER: Martha Fisher - dead

Claims through father.

HUSBAND: David Dice 5d.

No claim for husband.

Children:

Charles Dice 18.

Walter " 14.

Jesse " 10.

Martin " 9.

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

FILED

SEP 8 1900

ACTING CHAIRMAN

Choc mcr 656

Jesse Fisher

see mcr 654

mcr 656

Jesse Fisher

REFUSED

DECISION RENDERED. JUL 18 1902

NOTICE OF DECISION MAILED APPLICANT.
JUL 18 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.
JUL 18 1902

RECORD FORWARDED DEPARTMENT.

1902

ACTION APPROVED BY SECRETARY OF INTERIOR.
SEP 30 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. OCT 8 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. OCT 8 1902

REFER TO M. C. R. 654

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T. September 8, 1900.

In the matter of the application of Jesse Fisher for identification as a Mississippi Choctaw. Jesse Fisher being duly sworn by Commissioner Needles, testified as follows.

Examination by the Commission.

- Q What is your name? A Jesse Fisher.
Q What is your age? A Thirty two.
Q What is your post-office address? A Tishomingo.
Q Indian Territory? A Yes sir.
Q Do you live at Tishomingo? A Not at the present time.
Q Where do you live? A At Oklahoma.
Q Have you a residence in the Indian Territory?
A Yes sir, at Bristow.
Q How long have you resided in the Indian Territory? A I want to tell you I haven't resided any length of time at any one place in the last fifteen years.
Q How long a time and when did you reside in the Indian Territory? A About twelve years ago I lived in the Indian Territory about four years and then was always back and forwards since then. I haven't been away more than a year any one time. I am a blacksmith by profession and a journeyman and have just been in and out of the last fifteen years.
Q How much Choctaw blood do you claim? A One eighth.
Q What is your father's name? A Calip Fisher.
Q Is he living? A Yes sir.
Q What is your mother's name? A Rebecca Fisher.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q Is your father's name on any of the tribal rolls of the Choctaw Nation? A Not that I know of.
Q Did your father ever make application to the Choctaw tribal authorities for citizenship in that Nation? A No sir. Not to my knowledge he didn't.
Q Has your father ever been recognized in any manner as a citizen of the Choctaw Nation? A No sir, I have no knowledge of it.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Did you ever make application to the Choctaw tribal authorities for citizenship in that Nation? A No sir.
Q Have you ever been recognized in any manner by the Choctaw tribal authorities as a citizen of that Nation? A No sir.
Q Did you or did any one in your behalf in 1896, under the act of Congress of June 10th, 1896, make application to this Commission for citizenship in the Choctaw Nation? A No sir.
Q Have you ever prior to this time made application to either the authorities of the Choctaw Nation or the United States for either citizenship or enrollment as a Choctaw? A No sir.
Q This is your first application of any description? A Yes sir.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the fourteenth article of the treaty between the United States and the Choctaw Indians concluded September 27th, 1830? A Because I have always been told that I was part Choctaw Indian. That is the reason. And always believed that I was Choctaw.

Jesse Fisher 2---

Q The benefits under the fourteenth article of the treaty of 1830 are not extended to Choctaw Indians by blood. Parties making application for identification under the fourteenth article of the treaty of 1830, will have to show compliance by themselves or their ancestors with the provisions of the fourteenth article and exhibits of records and documents properly verified showing these facts will be received. The act of Congress of June 28th, 1898 is the only authority granting the Commission to identify applicants claiming under the fourteenth article of the treaty of 1830. Do you claim under that article? A I have nothing to show that I do.

Q Did any of your ancestors ever take advantage of the fourteenth article of the treaty of 1830? A Not that I know of.

Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A Not that I know of.

Q Do you claim by reason of any of the other provisions of the treaty of 1830? A I can't answer that intelligently simply because I am like the rest of them, I have not been pested on this.

Q Are you married? A Yes sir.

Q What is your wife's name? A Nora Fisher.

Q Is she living? A Yes sir.

Q How old is she? A She is 25.

Q Are you making a claim for her? A No sir.

Q She is a white woman? A Yes sir.

Q Are you making any claim for any one besides yourself?

A No sir.

Q Where were you born? A In Missouri.

Q Lived in Missouri up to the time you removed to the Indian Territory? A Well, no sir. We moved out when I was four or five years old. My father came to the Cherokee Nation and Arkansas, lived on the line and there is where I was raised.

Q Did you ever live in Mississippi? A No sir.

Q Which one of your ancestors lived in Mississippi as a member of the Choctaw tribe of Indians and was recognized as such in 1830 when the treaty was made between the United States and the Choctaws? A My grand father and his father.

Q What was your grand father's name? A William Fisher.

Q What was your great grand father's name? A Calip Fisher.

Q Have you any evidence of the fact that either of these parties were beneficiaries in any manner under the fourteenth article of the treaty of 1830? A No sir.

Q Is there any additional statement that you desire to make in support of your application? A Written statements.

Q You desire to offer in evidence certain written statements?

A Yes sir.

The original application and petition of Jesse Fisher and the affidavits of John Albertson and Tobias Edwards offered in evidence, marked exhibit A, identified as such, filed and made a part of the record in this case.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future to your present post office address.

Myra Young having been duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 8th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 12 day of Sept 1900.

Myra Young
Acting Chairman.

Muskogee, Indian Territory, July 18, 1902.

Jesse Fisher,
Tishamengo, Indian Territory.

Dear Sir:-

You are hereby advised that on the 18th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Galip Fisher, et al., embracing the following applications for identification as Mississippi Choctaws:

Galip Fisher, et al.,	M.C.R. 654
Eliza Higginbotham, et al.,	M.C.R. 1023
Jesse Fisher,	M.C.R. 656
Sarah Wilson, et al.,	M.C.R. 658
Thomas Fisher, et al.,	M.C.R. 657
Calvin Fisher, et al.,	M.C.R. 1034
William Fisher,	M.C.R. 665
Ella Hamilton,	M.C.R. 659
Martha Tice, et al.,	M.C.R. 653
Laura Jovell, et al.,	M.C.R. 869
Ellen Gertrude Latham, et al.,	M.C.R. 870
George Tice, et al.,	M.C.R. 666
William Tice, et al.,	M.C.R. 667
Samuel Fisher, et al.,	M.C.R. 1055
Effie Wingo, et al.,	M.C.R. 1066
Bella Foster,	M.C.R. 1067

These applications were made under the provision of the act of Congress of June 29, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Calip Fisher, Clara Fisher, Eliza Higginbotham, Johnnie Higginbotham, Willie Higginbotham, Jesse Fisher, Sarah Wilson, Ethel Wilson, Lillian Wilson, Dee Wilson, May Wilson, Thomas Fisher, Mary Fisher, Bertha Fisher, Calip Fisher, Calvin Fisher, Eunice Alto Fisher, William Fisher, Ella Hamilton, Martha Tice, Charles Tice, Walter Tice, Jesse Tice, Martin Tice, Laura Jewell, William Jewell, Lizzie Jewell, Lottie Jewell, Willard F. Jewell, Ellen Gertrude Lathan, William Lathan, Janie Lathan, David Lathan, George Tice, David Tice, William Tice, Oscar Tice, Samuel Fisher, Willie Fisher, Arthur Fisher, Grace Fisher, Ola Fisher, Jesse Fisher, Mary Fisher, Effie Wingo, Mary Wingo, Oscar Wingo, Dow Wingo, Birdie Wingo, and Della Foster, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED.

T. B. Needles.

Commissioner in Charge.

Registered.

M.C.R. 656.

COPY

Muskogee, Indian Territory, October 8, 1902.

Jesse Fisher,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Galip Fisher, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

Acting Chairman.

MGR 656

COPY

Muskogee, Indian Territory, December 14, 1906.

Jesse Fisher,

Tishomingo, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on December 5, 1906, denied the petition filed under the Act of Congress approved April 26, 1906, by Calip Fisher, of Tishomingo, Indian Territory, for the reopening of the consolidated Mississippi Choctaw case of Calip Fisher, et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

SEP 8 1900

Jesse Fisher. 1/8. 32.
Tishomingo, I. O.

FATHER: Calip Fisher. ✓

MOTHER: Rebecca Fisher. ✓

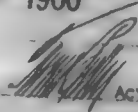
Claims through father

WIFE: Nora Fisher. 25.

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

FILED

SEP 8 1900



ACTING CHAIRMAN.

Choc MCR 657 Thomas Fisher

see MCR 654

MCR 657

Thomas, Ober et al

REFUSED

DECISION RENDERED. JUL 18 1902

NOTICE OF DECISION MAILED APPLICANT;
JUL 18 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.
JUL 18 1902

RECORD FORWARDED DEPARTMENT;
JUL 18 1902

ACTION APPROVED BY SECRETARY OF INTERIOR;
SEP 30 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. OCT 8 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. OCT 8: 1902

REFER TO M. C. R. 654

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T. September 8, 1900.

In the matter of the application for identification as Mississippi Chectaws of Thomas Fisher and his three minor children. Thomas Fisher being duly sworn by Commissioner Needles, testified as follows.

Examination by the Commission.

- Q What is your name? A Thomas Fisher.
Q What is your age? A Twenty seven.
Q What is your post-office address? A Tishomingo.
Q Do you live at Tishomingo? A No sir.
Q Where do you live? A Oklahoma.
Q Why do you say your post-office address is Tishomingo if you live in Oklahoma? A Well, as quick as I get home I am moving there.
Q What is your purpose in going to Tishomingo? A I am going there to live. To make that my home.
Q Where are you going to make your home? A At tishomingo in the Chickasaw Nation.
Q What is your occupation? A I am a blacksmith.
Q Is it your intention to take up land there? A I propose to take up land and make that my home.
Q Do you intend to settle on the public domain of the Chickasaw Nation? A I expect to get my allotment there if I get this right through.
Q How much Chectaw blood do you claim? A One sixteenth.
Q What is your father's name? A Calip Fisher.
Q Is he living? A Yes sir.
Q What is your mother's name? A Rebecca Fisher.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim your Chectaw blood, A My father.
Q Is your father's name on any of the tribal rolls of the Chectaw Nation? A I guess not, sir.
Q Did your father ever make application to the Chectaw tribal authorities for citizenship in that Nation? A Not that I know of.
Q Was he ever recognized in any manner by the tribal authorities of the Chectaw Nation as a citizen of that Nation? A I could not tell you.
Q Is your name on any of the tribal rolls of the Chectaw Nation? A I reckon not.
Q Did you ever make application to the Chectaw tribal authorities for citizenship in the Chectaw Nation, A No sir.
Q Have you ever been recognized in any manner by the authorities of the Chectaw Nation as a citizen of that Nation? A No sir.
Q Did you or did any one in your behalf in 1896, under the act of Congress of June 10th, 1896, make application to this Commission for citizenship in the Chectaw Nation? A No sir.
Q This is your first application of any description? A Yes sir.
Q You are now making application for identification as a Mississippi Chectaw? A Yes sir.
Q Why do you believe that you are entitled to be identified by this Commission at this time as a Chectaw Indian entitled to rights in the Chectaw lands under the fourteenth article of the treaty of 1830 made between the United States and the Chectaw Nation? A Because I think that I have Chectaw blood and have a right to.
Q Did any of your ancestors ever take advantage of the fourteenth article of the treaty of 1830? A No sir.

Thomas Fisher 2 ---

Q Did any of your ancestors receive or claim any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A Not that I know of.

Q Do you make any claim by reason of any of the other provisions of the treaty of 1830? A No sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Mary May Fisher.

Q Is she living? A Yes sir.

Q What is her age? A Twenty-three.

Q Are you making any claim for her? A No sir.

Q She is a white woman? A Yes sir.

Q Never has made any claim to Indian citizenship by blood?

A Never has.

Q Where did you marry her? A In Oklahoma.

Q When? A May the 28th, 1892.

Q Under the laws of the United States? A Yes sir.

Q Were you ever married to her in accordance with the laws of the Choctaw Nation? A No sir.

Q Have you any evidence of your marriage to Mary May Fisher that you desire to present at this time? A I haven't it with me. I could send it as far as that is concerned. My father and brothers were there and seen me married.

Q Are you making a claim for any one besides yourself? A Yes sir, I have three children.

Q All these children are under twenty one years of age?

A Yes sir.

Q Do you desire to make application for them for identification as Mississippi Choctaws? A Yes sir.

Q What are the names and ages of your children? A Emma Fisher, six years old.

Q What is the next one? A Bertha Fisher.

Q How old? A Four.

Q The next one? A Calip Fisher.

Q How old is Calip? A Two years old.

Q You are the father of these three children? A Yes sir.

Q Is Mary May Fisher the mother of all of them? A Yes sir.

Q These children all live with you? A Yes sir.

Q Where were you born? A Arkansas.

Q You never lived in Mississippi? A No sir.

Q Which one of your ancestors lived in Mississippi, was recognized as a member of the Choctaw tribe of Indians there, and who was a party to the treaty of 1830 between the Choctaw tribe of Indians and the United States? A My grand father and great grand father.

Q What was your grand father's name? A William Fisher.

Q What was your great grand father's name? A Calip Fisher.

Q Have you any evidence of the fact that either of these parties ever complied with the provisions of the fourteenth article of the treaty of 1830? A No sir.

Q Is there any additional statement that you desire to make at this time in support of your application and the application you make on behalf of your children? A Yes sir.

Q What is it? A That is it.

Q You desire to offer in evidence these documents, do you?

A Yes sir.

The original application and petition of Thomas Fisher and the affidavits of John Albertson and Tobias Edwards offered in evidence, marked exhibit A, identified as such, filed and made a part of the records in this case.

The decision of the Commission as to your application and the application you make on behalf of your three minor children for identification as Mississippi Choctaws, will be mailed to you

Thomas Fisher 2--

in writing in the near future to your present post-office address.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled case on the 8th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 12 day of Sept. 1900.

[Signature]
Acting Chairman.

Muskogee, Indian Territory, July 13, 1902.

Thomas Fisher,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that on the 12th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Galip Fisher, et al., embracing the following applications for identification as Mississippi Choctaws:

Galip Fisher, et al.,	M.C.R. 654
Fliza Higginbotham, et al.,	M.C.R. 1023
Jesse Fisher,	M.C.R. 656
Sarah Wilson, et al.,	M.C.R. 658
Thomas Fisher, et al.,	M.C.R. 667
Calvin Fisher, et al.,	M.C.R. 1034
William Fisher,	M.C.R. 665
Elia Hamilton,	M.C.R. 660
Wartha Tice, et al.,	M.C.R. 655
Laura Jewell, et al.,	M.C.R. 669
Ellen Gertrude Latham, et al.	M.C.R. 670
George Tice, et al.,	M.C.R. 666
William Tice, et al.,	M.C.R. 667
Samuel Fisher, et al.,	M.C.R. 1030
Effie Wingo, et al.,	M.C.R. 1066
Della Foster,	M.C.R. 1067

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Calip Fisher, Clara Fisher, Eliza Higginbotham, Johnnie Higginbotham, Willie Higginbotham, Jesse Fisher, Sarah Wilson, Ethel Wilson, Lillian Wilson, Dee Wilson, Fay Wilson, Thomas Fisher, Anna Fisher, Bertha Fisher, Calip Fisher, Calvin Fisher, Eunice Alto Fisher, William Fisher, Ella Hamilton, Martha Tice, Charles Tice, Walter Tice, Jesse Tice, Martin Tice, Laura Jewell, William Jewell, Millie Jewell, Lottie Jewell, Willard F. Jewell, Ellen Gertrude Lathan, William Lathan, Janie Lathan, David Lathan, George Tice, David Tice, William Tice, Oscar Tice, Samuel Fisher, Willie Fisher, Arthur Fisher, Grace Fisher, Ola Fisher, Jonas Fisher, Mary Fisher, Effie Wingo, Gary Wingo, Oscar Wingo, Dew Wingo, Birdie Wingo, and Della Foster as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

T. B. Needles.

Commissioner in Charge

Registered.

M.C.R. 657.

COPY.

Muskogee, Indian Territory, October 8, 1902.

Thomas Fisher,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Ghosts of the several persons included in the consolidated case of Galip Fisher, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

James Dixby,
Acting Chairman.

MUR 687

COPY

Maakegee, Indian Territory, December 14, 1906.

Thomas Fisher,

Tishomingo, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on December 5, 1906, denied the petition filed under the Act of Congress approved April 26, 1906, by Calip Fisher, of Tishomingo, Indian Territory, for the reopening of the consolidated Mississippi Choctaw case of Calip Fisher, et al.

Respectfully,

SIGNED *Tams Dickey.*
Commissioner.

2657.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

SEP 8 1900

Thomas Fisher. 1/16 27.
Tishomingo, I. T.

FATHER: Calip Fisher - ✓
MOTHER: Rebecca Fisher - ✓
Claims through father.

WIFE: Mary May Fisher. 29.
No claim for wife.

CHILDREN:
Emma Fisher 6.
Bertha " " 4.
Calip " " 2.

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

FILED
SEP 8 1900


ACTING CHAIRMAN.

Choc. mcr 658 Sarah Wilson

see mcr 654

mcr 658

Carroll Washburn

REFUSED

DECISION RENDERED JUL 18 1902

NOTICE OF DECISION MAILED APPLICANT:
JUL 18 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS
JUL 18 1902

RECORDS FORWARDED DEPARTMENT:

ACTION APPROVED BY SECRETARY OF INTERIOR
SEP 30 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.
OCT 8 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
OCT 8 1902

REFER TO M.C.R. 654

Department of the Interior,
Commission to the five Civilized Tribes,
Muskogee, I. T. September 8, 1900.

In the matter of the application for identification as Mississippi Choctaws of Sarah Wilson and her four minor children. Sarah Wilson being duly sworn by Commissioner Needles, testified as follows:

Examination by the Commission

- Q What is your name? A Sarah Wilson.
Q What is your age? A twenty nine.
Q What is your post-office address? A Tecumseh.
Q Where is that? A In Oklahoma.
Q Oklahoma Territory? A Yes sir.
Q Do you live in Oklahoma? A Yes sir.
Q Have you ever lived in the Indian Territory? A Yes sir.
Q When did you live in the Indian Territory? A Lived there
off and on ever since I was about twelve years old.
Q Have you ever maintained a residence in the Indian Terri-
tory? A Never took up any land but lived there and made that my
home.
Q Where did you live? A In the Cherokee Nation.
Q How long at any one time? A The longest time was about
five years I guess.
Q How much Choctaw blood do you claim? A One sixteenth.
Q What is your father's name? A Salip Fisher.
Q Is he living? A Yes sir.
Q What is your mother's name? A Rebecca Fisher.
Q Is your mother living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw
blood? A My father.
Q Is your father's name on any of the tribal rolls of the
Choctaw Nation? A Not that I am positive of.
Q Did your father ever make application to the Choctaw tribal
authorities for citizenship in that Nation? A He did not that I
know anything at all about.
Q Was your father ever recognized in any manner as a citizen
of the Choctaw Nation by the Choctaw tribal authorities? A Not
that I know of.
Q Is your name on any of the tribal rolls of the Choctaw
Nation? A No sir.
Q Did you ever make application to the Choctaw tribal authori-
ties for citizenship in the Choctaw Nation? A No sir.
Q Have you ever been recognized in any manner by the tribal
authorities of the Choctaw Nation as a citizen of that Nation?
A No sir, nothing more than this.
Q Did you or any one in your behalf in 1896, make application
to this Commission for citizenship in the Choctaw Nation under the
act of Congress of June 24 1896? A I don't know anything
about that.
Q That was four years ago. A No sir.
Q Have you ever prior to this time made any application to
either the authorities of the United States or the Choctaw Nation
for either citizenship or enrollment as a Choctaw? A No sir.
Q This is your first application of any description? A Yes
sir.
Q You are now making application for identification as a
Mississippi Choctaw? A Yes sir.
Q Why do you believe that you are entitled to be identified
by this Commission as a Choctaw Indian entitled to rights in the
Choctaw lands under the fourteenth article of the treaty between

Sarah Wilson 2---

the United States and the Choctaw Indians concluded September 27th, 1830? A Because I have always been taught that I was and father- all of his grand fathers and fathers names have been found. I have been taught that.

Q Did any of your ancestors ever take advantage of the 14th article of the treaty of 1830? A None that I know of.

Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I think my grand father claimed to be a Choctaw there. Claimed the blood.

Q Did he receive or claim any land as a beneficiary under the fourteenth article of the treaty of 1830? A Not that I know of.

Q Do you make any claim by reason of any other provision of the treaty of 1830? A Only what I have always been taught. I have Choctaw blood and claim the right.

Q Are you married? A Yes sir.

Q What is your husband's name? A Jim Wilson.

Q James Wilson, isn't it? A Yes sir.

Q Is he living? A Yes sir.

Q What is his age? A Thirty four.

Q Is he a white man? A Yes sir.

Q Are you making any claim for him? A No sir.

Q Where did you marry him? A In Oklahoma.

Q Under the laws of the United States? A Yes sir.

Q Were you ever married to him in accordance with the laws of the Choctaw Nation? A No sir.

Q Do you desire to offer in evidence at this time your marriage license and certificate? A I didn't bring them. I have them at home and can send them.

Q Are you making application for any one besides yourself?

A My four children.

Q Are they under twenty one years of age and unmarried?

A Yes sir.

Q What are their names and ages? A Ethel Wilson, eight. Lillian, she is seven.

Q The next one? A Bee, five.

Q The next one? A Fay, two.

Q Is that all? A Yes sir.

Q You are the mother of these four children? A Yes sir.

Q James Wilson is the father of all of them? A Yes sir.

Q These children live with you at your home? A Yes sir.

Q Where were you born? A Missouri.

Q How long did you live in Missouri? A I lived in Missouri, I don't know just how long; we went from Missouri to Arkansas and then went back to Missouri and lived there until I was fourteen and from there I lived different places in the Territories.

Q Did you ever live in Mississippi? A No sir.

Q Which one of your ancestors lived in Mississippi and was recognized as a Choctaw Indian in 1830 at the time the treaty was made between the Choctaw Indians and the United States? A My great grand father.

Q What was his name? A Galip Fisher.

Q Have you any evidence of the fact that Galip Fisher ever complied with the provisions of the fourteenth article of the treaty of 1830? A I have no evidence of any kind only these papers.

Q Have you any evidence of the fact that Galip Fisher ever complied with the provisions of the fourteenth article of the treaty of 1830? A I don't understand that enough to know.

Q Do you know what the fourteenth article of the treaty of 1830 is? A No sir.

Q Do you know what law empowers this Commission to identify Mississippi Choctaws? A No sir.

Q Did you ever hear of the treaty of Hanging Rabbit Creek?

A No sir.

Sarah Wilson 3----

Q Do you know what the term identification means? A To identify is to prove I suppose, that you are one.

Q Is there any additional statement that you desire to make?

A All the statement I have to make is that I have always been taught that I was a Choctaw, been taught that I am of that blood and claim the right.

Q Is there any written evidence that you want to file in support of your application and the application that you make on behalf of your four minor children? A No sir.

The decision of the Commission as to your application and the application you make on behalf of your four minor children for identification as Mississippi Choctaws, will be mailed to you in writing in the near future to your present post-office address.

Myra Young, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled case on the 5th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 12 day of Sept. 1900.

[Signature]
Acting Chairman.

Maskogee, Indian Territory, February 7, 1901.

Sarah Wilson,

Marvin Post Office, Oklahoma,

Dear Madam:

The Commission is in receipt of the marriage certificate between James F. Wilson and Sarah C. Fisher, and the same has been duly filed with the records in your application for identification of yourself and children as Mississippi Choctaws.

Yours truly,

Acting Chairman.

MC 658

Muskogee, Indian Territory, July 13, 1902.

Sarah Wilson,
Tecumseh, Oklahoma Territory.

Dear Madam:

You are hereby advised that on the 15th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Calip Fisher, et al., embracing the following applications for identification as Mississippi Choctaws:

Calip Fisher, et al.,	M.C.R. 654
Eliza Higginbotham, et al.,	M.C.R. 1023
Jesse Fisher,	M.C.R. 656
Sarah Wilson, et al.,	M.C.R. 658
Thomas Fisher, et al.,	M.C.R. 657
Galvin Fisher, et al.,	M.C.R. 1034
William Fisher,	M.C.R. 666
Ella Hamilton,	M.C.R. 659
Martha Rice, et al.,	M.C.R. 655
Laura Jewell, et al.,	M.C.R. 869
Ellen Gertrude Latham, et al.	M.C.R. 870
George Rice, et al.,	M.C.R. 666
William Rice, et al.,	M.C.R. 667
Samuel Fisher, et al.,	M.C.R. 1035
Effie Vingo, et al.,	M.C.R. 1066
Della Foster,	M.C.R. 1067

These applications were made under the provisions of the act of Congress of June 26, 1898 (30 Stat., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw land under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Della Fisher, Clara Fisher, Eliza Higginbotham, Johnnie Higginbotham, Lillie Higginbotham, Jesse Fisher, Sarah Wilson, Daniel Wilson, Lillian Wilson, Geo Wilson, Fay Wilson, Thomas Wilson, Lisa Fisher, Martha Fisher, Elly Fisher, Calvin Fisher, Charles Alva Fisher, William Fisher, John Wilson, George Lee, Charles Rice, Charles Rice, Walter Rice, Jesse Lee, Martin Rice, Laura Jewell, William Jewell, Willie Jewell, William Jewell, William Jewell, Ellen Gertrude Jackson, William Jackson, David Jackson, David Jackson, George Rice, David Rice, George Rice, Oscar Rice, Samuel Fisher, Willie Fisher, Arthur Fisher, Trace Fisher, Ola Fisher, Jesse Fisher, Mary Fisher, Ella King, Ed King, Oscar King, Tom King, Jordan King, and Della Foster, an Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of a hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him,

Yours truly,

SIGNED,

T. D. Neelies.

Commissioner in Charge.

Registered.

COPY. K.C.R. 658.

Muskogee, Indian Territory, October 8, 1902.

Sarah Wilson,
Tecumseh, Oklahoma Territory.

Dear Madam:

You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Calip Fisher, et al., of which decision you were advised by registered mail on the 16th day of July, 1902.

Respectfully,

Acting Chairman.

MOR 658

COPY

Muskogee, Indian Territory, December 14, 1906.

Sarah Wilson,

Tecumseh, Indian Territory.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on December 5, 1906, denied the petition filed under the Act of Congress approved April 26, 1906, by Calip Fisher, of Tishomingo, Indian Territory, for the reopening of the consolidated Mississippi Choctaw case of Calip Fisher, et al.

Respectfully,

SIGNED *Wams Bixby.*

Commissioner.

#658.
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

SEP 8 1900
Sarah Wilson. 1/4 29.
Decumseh, O. T.

FATHER: Calip Fisher. ✓
MOTHER: Rebecca Fisher. ✓
Claims through father.

HUSBAND: James Wilson 94.
No claim for husband.

Children:
Ethel Wilson 8.
Lillian " " 7.
Nee " " 5.
Day " " 2.

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

FILED

SEP 8 1900

ACTING CHAIRMAN.

Choc mcr 659 Ella Hamilton

see mcr 654

mcr 659

L. Hamilton

REFUSED

DECISION RENDERED. JUL 18 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 18 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 18 1902

RECORD FORWARDED DEPARTMENT.

JUL 18 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

SEP 30 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

OCT 8 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

OCT 8 1902

REFER TO M. C. R. 654

42301 Address Teller I.T.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T. September 8, 1900.

In the matter of the application for identification as a Mississippi Chectaw of Ella Hamilton. Ella Hamilton being duly sworn by Commissioner Needles testified as follows:

Examination by the Commission.

- Q What is your name? A Ella Hamilton.
- Q What is your age? A Sixteen.
- Q What is your post-office address? A Tecumseh at the present time.
- Q Where is Tecumseh? A Oklahoma.
- Q Do you live in Oklahoma? A Yes sir, I do at the present time.
- Q Have you ever lived in the Indian Territory? A Yes sir.
- Q When did you live in the Indian Territory and for what length of time did you ever maintain a continuous residence here? A I first lived in the Indian Territory- I lived there about five years.
- Q When and where? A Cherokee.
- Q When, between what years? A I will have to count. I was seven years old and I am sixteen now.
- Q How much Chectaw blood do you claim? A One sixteenth.
- Q What is your father's name? A Calip Fisher.
- Q Is he living? A Yes sir.
- Q What is your mother's name? A Rebecca Fisher.
- Q Is she living? A Yes sir.
- Q Through which one of your parents do you claim your Chectaw blood? A My father.
- Q Is your father's name on any of the tribal rolls of the Chectaw Nation? A No sir.
- Q Was your father ever recognized in any manner by the Chectaw tribal authorities as a citizen of that Nation? A No sir.
- Q Did he ever make application to the Chectaw tribal authorities for citizenship? A Down at Colbert. He found his father's and his grand father's names on the roll and he was sent here to the Dawes Commission.
- Q Is your name on any of the tribal rolls of the Chectaw Nation? A No sir.
- Q Did you ever make application to the Chectaw tribal authorities for citizenship? A No sir.
- Q Have you ever been recognized in any manner by the tribal authorities of the Chectaw Nation as a citizen of that Nation? A No sir.
- Q Did you or did any one in your behalf in 1896 make application to this Commission for citizenship in the Chectaw Nation under the act of Congress of June 10th, 1896? A No sir.
- Q Have you ever prior to this time made any application to either the authorities of the United States or the Chectaw Nation for either citizenship or enrollment as a Chectaw? A No sir.
- Q This is your first application of any description? A Yes sir.
- Q You are now making application for identification as a Mississippi Chectaw? A Yes sir.
- Q Why do you believe that you are entitled to be identified by this Commission as a Chectaw Indian entitled to rights in the Chectaw Nation under the fourteenth article of the treaty between the United States and the Chectaw Indians concluded September 27th, 1830? A Well, I don't know hardly why. All that I know is because that my grand father and great grand father lived in Mississippi. My great grand father died there and his name is on the Chectaw enrollment down here at Colbert.

Elia Hamilton 3--

Q Did any of your ancestors ever take advantage of the fourteenth article of the treaty of 1830? A No sir, not that I know of.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A Not that I know of.

Q Do you make any claim by reason of any of the other provisions of the treaty of 1830? A No sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A William Hamilton.

Q How old is he? A Twenty two.

Q Do you make any claim for him? A No sir.

Q Where did you marry him? A Pitt County, Oklahoma.

Q Under the laws of the United States? A Yes sir.

Q Were you ever married to him in accordance with the laws of the Choctaw Nation? A No sir.

Q Have you your marriage license and certificate that you desire to present in evidence? A I haven't them here. I did not know I would need them.

Q Are you making application for any one besides yourself? A No sir.

Q Is there any additional statement that you desire to make at this time in support of your application? A No sir.

Q Is there any written evidence that you desire to submit for the consideration of the Commission? A No sir. I have them but they haven't been before the Notary Public.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future to your present post-office address.

Myra Young, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings in the above entitled cause on the 8th day of September, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 12 day of Sept 1900.

Myra Young

[Signature]
Acting Chairman.

Muskogee, Indian Territory, April 24, 1901.

Ella Hamilton,

Teller, Indian Territory,

Dear Madam:

The Commission is in receipt of marriage certificate between J. W. Hamilton and Ella Fisher, and the same has been duly filed and made a part of the record in your application for the identification of yourself and children as Mississippi Choctaws.

Yours truly,

Miss. Choctaw 689

Muskogee, Indian Territory, May 1, 1902.

Ella Hamilton,

Teller, Indian Territory,

Dear madam:

Receipt is hereby acknowledged of your letter of April 26, in which you ask for a blank for enrollment of your baby, born January 28, 1901, after your application for identification as a Mississippi Choctaw. In compliance with your request there is inclosed herewith a blank application for the enrollment of infant children. In having the same executed be careful to see that all blanks are filled out, all names written in full, and that the Notary Public before whom the affidavits are acknowledged attaches his name and seal to each affidavit. Signatures by mark must be attested by two witnesses. Upon receipt of the inclosed blank in proper form, the matter will receive further consideration.

Yours truly,

Commissioner in Charge.

B.C.

Miss. Chootaw 689

Muskogee, Indian Territory, May 13, 1902.

Miss Hamilton,

Teller, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of May 6, in which you ask what to do with the birth affidavit sent you as the same states that the child is now living, and your baby is dead.

In reply to your letter you are advised that if the child for whom you desired to make application is dead it will not be necessary for you to fill out the blank for the reason that the commission does not accept evidence of the birth of children who are dead at the time application is sought to be made for them.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, July 18, 1902.

Ella Hamilton,

Tecumseh, Oklahoma Territory.

Dear Madam:

You are hereby advised that on the 18th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Calip Fisher, et al., embracing the following applications for identification as Mississippi Choctaws:

Calip Fisher, et al.,	M.C.R.,	654
Eliza Higginbotham, et al.,	M.C.R.,	1023
Jesse Fisher,	M.C.R.,	656
Sarah Wilson, et al.,	M.C.R.,	658
Thomas Fisher, et al.,	M.C.R.,	657
Calvin Fisher, et al.,	M.C.R.,	1034
William Fisher,	M.C.R.,	668
Ella Hamilton,	M.C.R.,	659
Martha Tice, et al.,	M.C.R.,	658
Laura Jewell, et al.,	M.C.R.,	660
Ellen Gertrude Lathan, et al.,	M.C.R.,	870
George Tice, et al.,	M.C.R.,	666
William Tice, et al.,	M.C.R.,	667
Samuel Fisher, et al.,	M.C.R.,	1038
Hattie Vingo, et al.,	M.C.R.,	1066
Hella Foster,	M.C.R.,	1067

These applications were made under the provision of the act of Congress of June 30, 1898 (30 Stat., 408) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Calip Fisher, Clara Fisher, Eliza Higginbotham, Johnnie Higginbotham, Willie Higginbotham, Jesse Fisher, Sarah Wilson, Ethel Wilson, Lillian Wilson, Dee Wilson, Fay Wilson, Thomas Fisher, Emma Fisher, Bertha Fisher, Calip Fisher, Calvin Fisher, Eunice Alto Fisher, William Fisher, Ella Hamilton, Martha Tice, Charles Tice, Walter Tice, Jesse Tice, Martin Tice, Laura Jewell, William Jewell, Lillie Jewell, Lottie Jewell, Millard F. Jewell, Ellen Gertrude Lathan, William Lathan, Janie Lathan, David Lathan, George Tice, David Tice, William Tice, Oscar Tice, Samuel Fisher, Willie Fisher, Arthur Fisher, Grace Fisher, Ola Fisher, Jesse Fisher, Mary Fisher, Effie Wingo, Mary Wingo, Oscar Wingo, Dew Wingo, Birdie Wingo, and Della Foster, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles,

Commissioner in Charge.

Registered,

COPY.

K.C.R. 659.

Muskogee, Indian Territory, October 8, 1902.

Ella Hamilton,

Remailed Filler. J. T. Nov. 24, 1902
Tasimast, Oklahoma Territory.

Dear Madam:

You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Galip Fisher, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

SIGNED

Acting Chairman.

MOR 659

COPY

Muskogee, Indian Territory, December 14, 1906.

Ella Hwilton,

Teller, Indian Territory.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on December 5, 1906, denied the petition filed under the Act of Congress approved April 26, 1906, by Calip Fisher, of Tishomingo, Indian Territory, for the reopening of the consolidated Mississippi Choctaw case of Calip Fisher, et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

FOR IDENTIFICATION AS ⁷⁰⁰⁷
A MISSISSIPPI CHOCTAW.

SEP 8 1900

Ella Hamilton. 1/16. 1/16.
Decumseh. O. T.

FATHER: Galip Fisher - ✓

MOTHER: Rebecca Fisher - ✓

Claims through father.

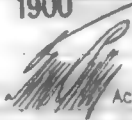
HUSBAND: William Hamilton LL.

No claim for husband.

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

FILED

SEP 8 1900



ACTING CHAIRMAN.

Choc MCR 660 James m. Collinsworth

see MCR 662-663-664-1025-1026-1027

1028-1029-1030-1031-1032-1033-2151

MCR 660

James M. Collinworth
REFUSED

DECISION RENDERED: JUL 19 1902
RECORD FORWARDED DEPARTMENT.

JUL 19 1902

NOTICE OF DECISION MADE APPLICANT.

JUL 19 1902

NOTICE OF DECISION BY DEPT. OF THE INTERIOR
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 19 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

OCT 7 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

OCT 11 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

OCT 11 1902

REFER TO M. C. R. 662-663-664-1925

1026-1027-1028-1029-1030-1031-1032-1033

2154.

REFUSED

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. September 8, 1900

In the matter of the application for identification as
Mississippi Choctaws of James M. Collinsworth. James M. Collins-
worth being duly sworn by Commissioner Needles, testified as
follows.

Examination by the Commission.

- Q What is your name? A James M. Collinsworth.
Q What is your age? A Sixty six my next birthday.
Q What is your post-office address? A Lockhart, Caldwell
County, Texas.
Q Do you live in Texas? A Yes sir.
Q Have you ever resided in the Indian Territory? A No sir.
Q Is it your intention to remove to the Indian Territory? A
Yes sir.
Q For what purpose? A To live.
Q As what? A As a Choctaw.
Q To take the land of the public domain of the Choctaw Nation?
A If it is allowed me, yes sir.
Q How much Choctaw blood do you claim? A One fourth.
Q What is your father's name? A William Collinsworth.
Q Is he living? A No sir.
Q What is your mother's name? A Mary Collinsworth.
Q Is she living? A No sir.
Q Through which one of your parents do you claim your Choctaw
blood? A Through my mother.
Q Is your mother's name on any of the tribal rolls of the
Choctaw Nation? A I don't know, sir.
Q Did she ever make application to the Choctaw tribal authori-
ties for citizenship in that Nation? A No sir.
Q Was your father ever recognized in any manner by the tribal
authorities of the Choctaw Nation as a citizen of that Nation?
A Not that I know of.
Q Is your name on any of the tribal rolls of the Choctaw Na-
tion? A No sir.
Q Have you ever made application to the tribal authorities of
the Choctaw Nation for citizenship in that Nation? A No sir.
Q Have you ever been recognized in any manner by the Choctaw
tribal authorities as a citizen of that Nation? A No sir.
Q Did you or any one in your behalf in 1896, make application
to this Commission under the act of Congress of June 10th, 1896
relating to the Choctaw Nation? A Not that I know of.
Q Have you ever prior to this time made any application to
either the tribal authorities of the Choctaw Nation or the authori-
ties of the United States for either citizenship or enrollment as
a Choctaw? A No sir.
Q This is your first application of any description? A Yes
sir.
Q You are now making application for identification as a
Mississippi Choctaw? A Yes sir.
Q Why do you believe that you are entitled to be identified
by this Commission as a Choctaw Indian entitled to share in the
lands of the Choctaw Nation under the fourteenth article of the
treaty between the United States and the Choctaw Nation concluded
September 27th, 1830? A By blood.
Q Is that your only claim? A And the treaty.
Q Do you claim under the fourteenth article of the treaty
of 1830? A Yes sir.

James H. Collinsworth 2---

Q Did any of your ancestors ever take advantage of the 14th article of the treaty of 1830? A Not that I knew of.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A Not that I knew of.

Q Do you make any claim by reason of any of the other provisions of the treaty of 1830? A No sir.

Q Are you married? A Yes sir.

Q You are making no claim for your wife? A No sir.

Q You are only making this claim in your own behalf? A Yes sir.

Q How long have you lived in Texas? A Ever since '36. I was born in Mississippi.

Q You never lived in the Indian Territory? A No sir.

Q You moved from Mississippi to Texas in 1836? A My father did, yes sir. I was born in 1834 in Mississippi.

Q What was your father's name? A William Collinsworth.

Q Was your father a recognized member of the Choctaw tribe of Indians in Mississippi? A I claim this under my mother. I don't know whether he was or not.

Q Was your mother a recognized Choctaw? A I don't know. I cannot recollect.

Q Did they remove from Mississippi to the Indian Territory? A No sir, they moved to Texas, direct.

Q Is there any additional statement you desire to make in support of your application? A Yes sir, I want more time on it to produce more evidence.

Q Evidence as to what? A As to my blood and right.

Q The evidence of your blood does not enter into the consideration of the Commission in these cases. The Commission in identifying Mississippi Choctaws is only empowered to do so under the provisions of the fourteenth article of the treaty of 1830, and the Commission requires that in each and every case proof showing compliance with the provisions of the fourteenth article of the treaty of 1830 must be exhibited and records and documents, properly verified showing that the ancestors of the applicants have complied with that article of that treaty must be necessary in every case. Can you produce any evidence to the fact that any of your ancestors ever complied or took advantage of the provisions of the fourteenth article of the treaty of 1830? A I don't know, sir, whether they did or not. That is what I want time on.

Q How much time do you want? A Sixty days.

Q We can only grant you fifteen days.

Permission is granted applicant to file within fifteen days from this date, documentary evidence in support of his application.

Q Is there any documentary evidence that you desire to offer at this time? A No sir.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future to your present post office address.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported all the proceedings had in the above entitled cause on the 8th day of September, 1899, and that the sum above and

James M. Collinsworth 3

Verifying is a true, full and correct transcript of her stenographic notes of said proceedings on said date.

Myrtle Young

Subscribed and sworn to before me this 12 day of Sept, 1906.

Notary Public

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

-----|-----

In the matter of the application of James M. Collinsworth for identification as a Mississippi Choctaw, consolidating the applications of

James M. Collinsworth.....	M.C.R.	660
George W. Collinsworth, et al.....	M.C.R.	662
Willis D. Collinsworth, et al.....	M.C.R.	663
Mary A. Foster, et al.....	M.C.R.	664
Mary C. Braden.....	M.C.R.	1026
Mary Reed, et al.....	M.C.R.	1028
Itasca Ross, et al.....	M.C.R.	1027
Tommie Hill.....	M.C.R.	1028
Donnie Baugh.....	M.C.R.	1029
James Scott Bralcy, et al.....	M.C.R.	1030
William Thomas Collinsworth, et al.....	M.C.R.	1031
John Monroe Collinsworth, et al.....	M.C.R.	1032
Jimmie Dunning, et al.....	M.C.R.	1033
Merilda B. DeWitt, et al.....	M.C.R.	2151.

List of papers forwarded to the Secretary of the Interior
comprising the records in the consolidated case of
James M. Collinsworth.

Original application of James M. Collinsworth for identification as a Mississippi Choctaw.....	1
Written petition of J. M. Collinsworth.....	4
Interrogatory affidavit of Jean Shoultz.....	5
Interrogatory affidavit of Elizabeth Hallmark.....	6

Joint affidavit of J. R. Davis and B. F. Davis.....	7
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Original application of George W. Collins- worth, et al., to the Dawes Commission for identification as Mississippi Choctaws.....	9
Original application of Willis D. Collins- worth et al., to the Dawes Commission for identification as Mississippi Choctaws.....	12
Letter of Willis B. Collinsworth correct- ing initials of his name in application.....	14
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Interrogatory affidavit of Elizabeth Hallmark.....	20
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Original application of Mary A. Foster, et al., to the Dawes Commission for identifi- cation as Mississippi Choctaws.....	22
Original application of Mary C. Braden to the Dawes Commission for identification as a Mississippi Choctaw.....	25
Original application of Mary Reed, et al., to the Dawes Commission for identifica- tion as Mississippi Choctaws.....	29
Original application of Itasea Ross, et al., to the Dawes Commission for identi- fication as Mississippi Choctaws.....	32
Original application of Tommie Hill to the Dawes Commission for identification as a Mississippi Choctaw.....	35
Original application of Bennie Baugh to the Dawes Commission for identification as a Mississippi Choctaw.....	38

(3).

Testimony of James M. Collinsworth in the matter of the application of Bonnie Baugh for identification as a Mississippi Choctaw.....	40
Certified copy of the marriage record of Thomas Baugh and Joan Collinsworth.....	42
Affidavit of Joan Shoults.....	43
Affidavit of Elizabeth Hallmark.....	44
Affidavit of J. M. Collinsworth.....	45
Original application of James Scott Braley et al., to the Dawes Commission for identification as Mississippi Choctaws and testimony of Warren Larence Braley.....	46
Testimony of James B. Collinsworth in the matter of the application of James Scott Braley, et al., for identification as Mississippi Choctaws.....	49
Certified copy of the marriage record of W. L. Braley and A. O. Collinsworth.....	51
Affidavit of Joan Shoults.....	52
Affidavit of Elizabeth R. Hallmark.....	53
Affidavit of James M. Collinsworth.....	54
Original application of William Thomas Collinsworth, et al., to the Dawes Commission for identification as Mississippi Choctaws.....	55
Certified copy of the marriage record of William Collinsworth and S. H. Taylor.....	58
Affidavit of Elizabeth P. Hallmark.....	59
Affidavit of Joan Shoults.....	60
Affidavit of J. M. Collinsworth.....	61
Original application of John Monroe Collinsworth to the Dawes Commission for identification as a Mississippi Choctaw.....	62
Certified copy of the marriage record of John Collinsworth and Ida Harris.....	65
Affidavit of Joan Shoults.....	66
Affidavit of Elizabeth R. Hallmark.....	67

Affidavit of J. M. Collinsworth.....68

Original application of Jimmie Dunning, th
et al., to the Dawes Commission for iden-
tification as Mississippi Choctaws.....69

Affidavit of Joan Sⁿoults.....72

Affidavit of Elizabeth E. Hallmark.....73

Affidavit of J. M. Collinsworth.....74

Original application of Merilda B. DeWitt
et al., to the Dawes Commission for iden-
tification as Mississippi Choctaws.....75

Decision of the Commission denying the
applications of James M. Collinsworth,
George W. Collinsworth, et al., Willis
D. Collinsworth, et al., Mary A. Foster
et al., Mary C. Braden, Mary Reed, et al.,
Itasca Ross, et al., Tommie Hill, Bonnie
Baugh, James Scott Braley, et al., William
Thomas Collinsworth, et al., John Monroe
Collinsworth, et al., Jennie Dunning, et
al., and Merilda B. DeWitt, et al., for
identification as Mississippi Choctaws.....79

C. M. W.
C. S. W.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of James M. Collinsworth, et al., for Identification as Mississippi Choctaws, consolidating the applications of

James M. Collinsworth.....	M. C. R.	660
George W. Collinsworth, et al.....	M. C. R.	662
Willis D. Collinsworth, et al.....	M. C. R.	663
Mary A. Foster, et al.....	M. C. R.	664
Mary C. Braden.....	M. C. R.	1025
Mary Reed, et al.....	M. C. R.	1026
Itasee Ross, et al.....	M. C. R.	1027
Tomnie Hill.....	M. C. R.	1028
Bennie Baugh.....	M. C. R.	1029
James Scott Braley, et al.....	M. C. R.	1030
William Thomas Collinsworth, et al.....	M. C. R.	1031
John Neares Collinsworth, et al.....	M. C. R.	1032
Jimmie Dunning, et al.....	M. C. R.	1033
Merilda B. DeWitt, et al.....	M. C. R.	2151.

--: DECISION :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by James M. Collinsworth, for himself; by George W. Collinsworth for himself and his four minor children, Willis B., Hubert S.,

(2).

Persia and Garry Collinsworth; by Willis D. Collinsworth for himself and his three minor children, William C., Edna E., and George W. Collinsworth; by Mary A. Foster for herself and her seven minor children, Willis T., Aaron Oscar, Beulah A., Lessie O., Ethel E., James M. and Lena Bath Foster; by Mary C. Braden for herself; by Mary Reed for herself and her two minor children, Blanche and Leckie Reed; by Itasca Ross for herself and her two minor children, Eva and Meselle Ross; by Tommie Hill for herself; by Thomas Baugh for his minor child, Bonnie Baugh; by Warren Lorenzo Braley for his six minor children, James Scott, Ella Clifford, Laura O., Maston R., Wilson Warren and Bonnie Braley; by William Thomas Collinsworth for himself and his four minor children, Lexia, Stella Agnes, Willie Gertrude and Bessie Collinsworth; by John Monroe Collinsworth for himself and his minor child, James Wilson Collinsworth; by Jimmie Dunning for herself and her four minor children, Harris, Roy, Douglas and Tommy (or Tommie) Dunning; and by Merilda B. DeWitt for herself and her three minor children, Thomas A., Elizabeth and John Riley Percival; and, by Merilda B. DeWitt for the identification of her husband, John B. DeWitt, as an intermarried Mississippi Cheetaw, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Cheetaw lands under article fourteen of the treaty be-

(3).

tween the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Mary Catherine Bonner, who is alleged to have been a three-quarter blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants 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, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary Catherine Bonner, or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842 (5 Stats., 813).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James M. Collinsworth, George W. Collinsworth, Willis B. Collinsworth, Robert S. Collinsworth, Parsia Collinsworth, Sarry Collinsworth,

(4).


Willis D. Collinsworth, William C. Collinsworth, Edna E. Collinsworth, George W. Collinsworth, Mary A. Foster, Willis T. Foster, Areen Oscar Foster, Beulah A. Foster, Lennie O. Foster, Ethel E. Foster, James M. Foster, Lena Ruth Foster, Mary C. Braden, Mary Reed, Blanche Reed, Lookie Reed, Itasca Ross, Eva Ross, Moselle Ross, Tommie Hill, Bonnie Baugh, James Scott Braley, Ella Clifford Braley, Laura O. Braley, Maston H. Braley, Wilson Warren Braley, Bonnie Braley, William Thomas Collinsworth, Lexia Collinsworth, Stella Agnes Collinsworth, Willie Gertrude Collinsworth, Bessie Collinsworth, John Monroe Collinsworth, James Wilson Collinsworth, Jimmie Dunning, Harris Dunning, Roy Dunning, Douglas Dunning, Tormy (or Tommie) Dunning, Merilda B. DeWitt, Thomas A. Percival, Elizabeth Percival and John Riley Percival, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

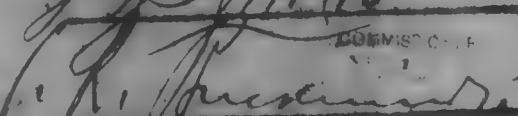
It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Merilda B. DeWitt for the identification of her husband, John B. DeWitt, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

JUL 19 1902



ACTING CHAIRMAN


COMMISSIONER

Muskogee, Indian Territory, November 20, 1900.

James M. Collinsworth,
Lockart, Texas,

Dear Sir:

The Commission is in receipt of your letter of the 17th instant in which you state that your correct age is 66 years and enclosing papers offered for filing in the cases of Jimmie Dunning, John M. Collinsworth, William T. Collinsworth, James S. Hraley and Bennie Haugh, applicants for identification as Mississippi Choctaws.

You are informed that the records of this Commission show that when you appeared as an applicant for identification as Mississippi Choctaw, you stated your age to be 66 years.

The papers offered for filing have been duly filed with the records of the Commission in these respective cases,

Yours truly,

Acting Chairman.

M. O. R-660

COPY.

X O R 600

Mustang, Indian Territory, July 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of James H. Collinsworth, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 19, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

James H. Collinsworth	X O R	660
George W. Collinsworth, et al.	X O R	662
Willie H. Collinsworth, et al.	X O R	663
Mary A. Bartley, et al.	X O R	664
Mary C. Bruden	X O R	1021
Mary Reed, et al.	X O R	1022
Thomas Reed, et al.	X O R	1023
Tommie Hill	X O R	1024
Bonnie Duggan	X O R	1025
James Scott Bailey, et al.	X O R	1026
William Evans Collinsworth, et al.	X O R	1027
John Marcus Collinsworth, et al.	X O R	1028
Finnie Dunning, et al.	X O R	1029
Martha M. Duggan, et al.	X O R	1030

The Commission has the honor to report that the principal

February 28,

As indicated in the several separate applications and the attorney
for the Comtee and Quaker Nations have been duly advised by
letter of the nature of the Commission, copies of said letters
being attached to the record.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge,

Through the Commissioner of
Indian Affairs.

I believe,

COPY.

M.O.R. 660.

Muskogee, Indian Territory, July 19, 1902.

Hanfield, Murray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 19th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James K. Collinsworth, et al., embracing the following applications for identification as Mississippi Choctaws:

James K. Collinsworth,	M.O.R.	660
George W. Collinsworth, et al.,	"	662
Willis D. Collinsworth, et al.,	"	663
Mary A. Foster, et al.,	"	664
Mary C. Braden,	"	1025
Mary Reed, et al.,	"	1026
Itasca Ross, et al.,	"	1027
Tommie Hill,	"	1028
Bonnie Laugh,	"	1029
James Scott Bralcy, et al.,	"	1030
William Thomas Collinsworth, et al.,	"	1031
John Monroe Collinsworth, et al.,	"	1032
Fannie Dunning, et al.,	"	1033
Marilda B. Switt, et al.,	"	2151

These applications were made under the provision of the act of Congress of June 25, 1900 (30 Stats, 476) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James M. Collinsworth, George W. Collinsworth, Willis B. Collinsworth, Hubert S. Collinsworth, Persia Collinsworth, Garry Collinsworth, Willis B. Collinsworth, William C. Collinsworth, Rena E. Collinsworth, George W. Collinsworth, Mary A. Foster, Willis T. Foster, Aron Oscar Foster, Beulah A. Foster, Lessie O. Foster, Ethel A. Foster, James K. Foster, Lena Ruth Foster, Mary C. Braden, Mary Reed, Blanche Reed, Lockie Reed, Itasca Reed, Eva Ross, Moselle Ross, Tammie Hill, Bonnie Raugh, James Scott Bralcy, Wila Clifford Bralcy, Laura O. Bralcy, Maston R. Bralcy, Wilson Warren Bralcy, Bonnie Bralcy, William Thomas Collinsworth, Lexia Collinsworth, Stella Agnes Collinsworth, Willie Gertrude Collinsworth, Bessie Collinsworth, John Monroe Collinsworth, James Wilson Collinsworth, Finsie Dunning, Harris Dunning, Roy Dunning, Douglas Dunning, Tommy (or Tammie) Dunning, Merilda R. DeWitt, Thomas A. Percival, Elizabeth Percival and John Riley Percival, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Merilda R. DeWitt for the identification of her husband, John R. DeWitt, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. E. Medico.

Commissioner in Charge.

Department of the Interior.

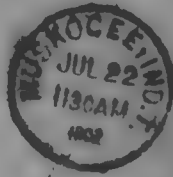
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

*Last known
address of decedent's
wife, was Waelder,
OH, Texas*

James H. Collingsworth,



Deed

REGISTERED

#29
Deed



660

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

FILED

AUG 1 1902

[Handwritten Signature]
ACTING CHAIRMAN

REGISTERED, IND. TEN. 1902
JUL 28
MUSKOGEE

41101113

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

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILE IN RELY TO THE FOLLOWING:

H.C.R. 600.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Mustagee, Indian Territory, July 19, 1902.

James M. Collinsworth,
Leckhart, Texas.

Dear Sir:

You are hereby advised that on the 19th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James M. Collinsworth, et al., embracing the following applications for identification as Mississippi Choctaws:

James M. Collinsworth,	H.C.R.	600
George W. Collinsworth, et al.,	"	612
Willis B. Collinsworth, et al.,	"	623
Mary A. Foster, et al.,	"	634
Mary G. Braden,	"	1085
Mary Reed, et al.,	"	1086
Itasen Ross, et al.,	"	1087
Tommie Hill,	"	1088
Bennie Beach,	"	1089
James Scott Bralcy, et al.,	"	1090
William Thomas Collinsworth, et al.,	"	1091
John Monroe Collinsworth, et al.,	"	1092
Jimmie Manning, et al.,	"	1093
Marilda B. Switt, et al.,	"	2151

These applications were made under the provision of the act of Congress of June 22, 1890 (52 Stat. 695) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteenth of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

J N C 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James H. Collinsworth, George W. Collinsworth, Willis B. Collinsworth, Hubert S. Collinsworth, Percia Collinsworth, Carry Collinsworth, Willis D. Collinsworth, William C. Collinsworth, Edna H. Collinsworth, George W. Collinsworth, Mary A. Foster, Willis T. Foster, Aaron Oscar Foster, Beulah A. Foster, Lessie O. Foster, Ethel E. Foster, James H. Foster, Lena Ruth Foster, Mary C. Braden, Mary Reed, Blanche Reed, Leckie Reed, Itasca Ross, Eva Ross, Mabelle Ross, Tammie Hill, Bonnie Daugh, James Scott Draley, Ella Clifford Draley, Laura O. Draley, Masten B. Draley, Wilson Warren Draley, Bonnie Draley, William Thomas Collinsworth, Lonia Collinsworth, Stella Agnes Collinsworth, Willie Gertrude Collinsworth, Beacie Collinsworth, John Monroe Collinsworth, James Wilson Collinsworth, Jimmie Dunning, Harris Dunning, Roy Dunning, Douglas Dunning, Tommy (or Tammie) Dunning, Marilda B. DeWitt, Thomas A. Percival, Elizabeth Percival and John Riley Percival, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Cheetaw by marriage, and that the application made by Marilda B. DeWitt for the identification of her husband, John B. DeWitt, as an intermarried Mississippi Cheetaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,



Registered.

Commissioner in Charge.

COPY.

Land
42879- - 1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, Sept. 22, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report dated July 19, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding for the Department's consideration the record relative to the consolidated Mississippi Choctaw case of James M. Collinsworth, et al., who apply for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of the fourteenth article of the Treaty of September 23, 1830.

James M. Collinsworth applies for the identification of himself; George W. Collinsworth for himself and his four minor children, Willis E., Hubert S., Persia and Harry; Willis D. Collinsworth for himself and his three minor children, William C., Edna H., and George V.; Mary A. Foster for herself and her seven minor children, Willis Y., Aaron Oscar, Beulah A., Leasia C., Ethel E., James H. and Lena Ruth; Mary C. Braden for herself;

Mary Reed for herself and her two minor children, Maudie and Leekie; Isaac Reed for herself and her two minor children, Eva and Maudie; Tommie Hill for herself; Thomas Dough for his minor child Bessie; Warren Lorenzo Dralcy for his six minor children, James Scott, Ella Clifford, Laura G., Maston B., Wilson Warren, and Bessie; William Thomas Collinsworth for himself and his four minor children, Zaida, Stella Agnes, Willie Gertrude and Bessie; John Monroe Collinsworth for himself and his minor child, James Wilson; Jimmie Dunning for her self and her four minor children, Harris, Ray, Douglas and Tommy (or Tommie); Merilda B. DeWitt for herself and her three minor children, Thomas A., Elizabeth and John Riley Percival; and Merilda B. DeWitt for the identification of her husband, John B. DeWitt, as an inter-married Mississippi Choctaw.

July 19, 1902, the Commission found that the parties above named were not entitled to identification as Mississippi Choctaws.

The applicants in this consolidated case attempt to trace their ancestry to Mary Catherine Collinsworth, nee Bonner, whom they claim was a Choctaw Indian residing in Mississippi in 1800.

A careful search of the records of this office fails to show that Mary Catherine Collinsworth (nee Bonner) complied

or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that she applied to the Commission appointed under the Acts of March 3, 1857 and August 22, 1862 for an adjudication of her rights.

It is therefore respectfully recommended that the decision of the Commission rejecting the applications, be affirmed.

Very respectfully,

Your obedient servant,

Acting Commissioner.

27

COPY.

D.C. 17119-1902.

68468

DAY.

DEPARTMENT OF THE INTERIOR.

Washington.

ITD. 5868-1902.
L.R.S.

October 1, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

July 19, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of James M. Collinsworth; of George W. Collinsworth and his minor children, Willis B., Hubert E., Percia and Garry Collinsworth; of Willis D. Collinsworth and his minor children, Willie G., Mina M. and George W. Collinsworth; of Mary A. Foster and her minor children, Willis T., Aaron Owear, Beulah A., Lennie G., Ethel E., James M. and Lena Ruth Foster; of Mary C. Braden; of Mary Reed and her minor children, Blanche and Leslie Reed; of Itason Reed and her minor children, Eva and Beulah Reed; of Tommie Hill; of Thomas Daugh for his minor child, Beulah Daugh; of Warren Lawrence Bruley for his minor children, James Scott, Ella Clifford, Laura G., Master E., Wilson Warren and Beulah Bruley; of William Thomas Collinsworth and his minor children, Lennie, Stella Agnes, Willie Gertrude

and Beanie Collinsworth; of John Monroe Collinsworth and his minor child, James Wilson Collinsworth; of Jimmie Dunning and her minor children, Harris, Ray, Douglas and Tommy (or Tammie) Dunning; and of Merilda B. DeWitt and her minor children, Thomas A., Elizabeth and John Riley Percival; and of Merilda B. DeWitt for the identification of her husband, John B. DeWitt, as an intermarried Mississippi Choctaw.

The applicants endeavor to trace their descent from one Mary Catherine Bonner, alleged to have been a three-fourths blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Mary Catherine Bonner or any of the applicants complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1807 (5 Stat., 180), and August 23, 1842 (5 Stat., 315). You refused the applications July 19, 1908.

Having thoroughly reviewed the case, the Department affirms your decision, in accordance with the recommendation of the Acting Commissioner of Indian Affairs, a copy of whose letter of September 22, 1908, is inclosed herewith.

Respectfully,

THOS. RYAN,
Acting Secretary.
D.C.

2 inclosures

M.C.R. 000

COPY.

Muskogee, Indian Territory, October 11, 1902.

James M. Collinsworth,
Lockhart, Texas.

Dear Sir:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James M. Collinsworth, et al., of which decision you were advised by registered mail on the 19th day of July, 1902.

Respectfully,

(SIGNED)

Commissioner in Charge

COPY.

Muskogee, Indian Territory, October 11, 1902.

Mansfield, McFurway & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James M. Collinsworth, et al., of which decision you were advised by mail on the 19th day of July, 1902.

Respectfully,

(SIGNED)

T. B. Medley.

Commissioner in Charge.

M C R 660

Muskogee, Indian Territory, December 7, 1903.

Duke Stone,
Attorney at Law,

~~115, Muskogee Territory.~~

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th ultimo, in which you state that the Secretary of the Interior has written you that the record in the consolidated Mississippi Choctaw case of James M. Collinsworth, et al. has not been received at his office, and you ask that the Commission trace up said record and advise you why the same has not reached the Secretary.

In reply you are informed that on July 19, 1902, the record in the consolidated Mississippi Choctaw case of James M. Collinsworth, et al., together with the decision of the Commission refusing the several applications included therein, was forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs. It is probable that said record is now in the Commissioner's office.

Respectfully,

Chairman.

MCR
660-663

COPY

Muskogee, Indian Territory, December 20, 1906.

W. B. Collinsworth,
Phillips, Indian Territory.

Dear Sir :--

Receipt is hereby acknowledged of your letter of December 11, 1906, addressed to the Secretary of the Interior and by him referred to this office for reply. Therein you state that it appears that the record in your case has never been before the Secretary of the Interior and that you secured the services of one Chinault who promised to properly file your papers by June 1, 1906, and you now request to be advised if Mr. Chinault has taken any action in your case.

It appears from the records of this office that you are one of the applicants in the consolidated Mississippi Choctaw case of James M. Collinsworth, et al, in which case the decision adverse to the applicants was rendered by the Commission to the Five Civilized Tribes July 19, 1902. On said date, the record in this case, together with said decision, was forwarded to the Secretary of the Interior and the commission's action affirmed by him October 1, 1902, due notice of such action being furnished all the principal applicants in the case.

It does not appear that your attorney, Mr. Chinault, has taken any action in this case or filed any papers therein.

You are further advised that it does not appear that there is any motion for review or reconsideration of this case.

W. B. Collinsworth, 2.

now pending and as the time within which such motions could be received expired June 25, 1906, the Department's action of October 1, 1902, is considered final and the case closed.

Respectfully,

SIGNED *Wm. O. Beall.*
Acting Commissioner.

A MISSISSIPPI CHOCTAW.

1/4

SEP 8 1900

James M. Collisworth 66
Lockhart,
Caldwell county,
Texas.

FATHER: William Collisworth ^{Dead}

MOTHER: Mary Collisworth, ^{Dead}

Claims through mother.

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

FILED

SEP 8 1900



ACTING CHAIRMAN.

Choc mCR 661 Stephen M. Hallmark

mCR

661

name mark
REFUSED

DECISION RENDERED. **JUL 26 1902**

NOTICE OF DECISION MAILED APPLICANT.

JUL 26 1902

RECORD FORWARDED DEPARTMENT,

JUL 26 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 26 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

AUG 20 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

SEP 5 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

SEP 5 1902

W. B. Chickasha, J. F.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T. September 8, 1900.

In the matter of the application of Stephen M. Hallmark
for identification as a Mississippi Choctaw. Stephen M. Hallmark
being duly sworn by Commissioner Needles testified as follows:

Examination by the Commission.

- Q What is your name? A Stephen M. Hallmark.
- Q What is your age? A Forty-five.
- Q What is your post-office address? A McGee, Indian Territory.
- Q How long have you lived in the Indian Territory? A Five or six years off and on.
- Q Have you maintained a residence in the Indian Territory continuously for the past five years? A Not continuously there for five years but about four years I have.
- Q Have you been outside of the Indian Territory in the past three years? A Yes sir I went out of the Territory into Texas and came straight back. I went there to attend to some land business that my father gave me.
- Q How much Choctaw blood do you claim? A I claim an eighth I believe is what she claims.
- Q What is your father's name? A John C. Hallmark.
- Q Is he living? A No sir, he's dead.
- Q What is your mother's name? A Eliza Elisabeth Hallmark.
- Q Eliza Elisabeth Love was her name before she was married. A Yes sir.
- Q Is your mother living? A Yes sir.
- Q Has she ever made application to this Commission? A No sir she hasn't?
- Q She hasn't? A No sir, she is going to come here. She aimed to come with me but was taken sick.
- Q Through which one of your parents do you claim your Choctaw blood? A Through my mother's side. My grand father. That is all the way I claim it.
- Q Is your mother's name on any of the tribal rolls of the Choctaw Nation? A No sir, not that I know of.
- Q Has your mother ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Has your mother ever been recognized in any manner by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A Not as I know of.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir, I never have.
- Q Have you ever been recognized in any manner by the tribal authorities of the Choctaw Nation as a citizen of that Nation? A No sir, I haven't.
- Q Did you or any one in your behalf in 1896, make application to this commission for citizenship in the Choctaw Nation under the act of Congress of June 19th, 1896? A Not that I know of.
- Q Have you ever prior to this time made application to either the authorities of the Choctaw Nation or the United States for either citizenship or enrollment as a Choctaw? A No sir.
- Q This is your first application of any description? A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Why do you believe that you are entitled to be identified as a Choctaw Indian entitled to share in the Choctaw lands under the fourteenth article of the treaty of 1830? A Just my blood is all I do.

Stephen H. Hallmark E--

Q Did any of your ancestors ever take advantage of the 14th article of the Treaty of 1830? A Not as I know of.

Q Do you claim under the fourteenth article of the treaty of 1830? A Yes sir.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Rhoda H. Hallmark.

Q Has your wife ever made application to this Commission for enrollment? A Yes sir.

Q When? A She went to the Commission at Colbert.

The records of the Commission examined and it appears that on June 20th, 1900, at Colbert, Indian Territory Rhoda H. Hallmark appeared before the Commission and there made application for the identification of herself and Eliza, Jeff and Lavada Hallmark for identification as Mississippi Choctaw Indians and in her testimony at that time given before the Commission she stated that her husband, Mat Hallmark, was a white man and never made any claim to Indian blood.

Q You are the identical Mat Hallmark referred to above? A Yes sir.

Q When did you first learn that you had Indian blood? A Just here lately.

Q What do you mean by here lately? A My mother told me.

Q How long ago? A About a month ago.

Q About a month ago was the first time you ever heard you had any Indian blood? A Yes sir.

Q The first time? A Yes sir, she never knew it herself.

Q How did she find out she was an Indian? A By some of her people, I suppose.

Q Are you making any application for any one besides yourself at this time? A No sir.

Q Is there any additional statement you desire to make? A I don't got none, only hers and these. They show what she claims.

Q Your mother? A Yes sir.

Q You want to file them for her? A Yes sir.

Q She will have to file them herself. Do you want to offer those papers in support of your mother's claim? A Yes sir, they are for her.

Q She will have to file them herself. A All right.

Q Is there any documentary evidence you want to submit in support of your application? A I will just take time and bring more evidence in. You say you give fifteen days?

Q Yes sir, fifteen days.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing to your present post-office address.

Myra Young, having been first duly sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported all proceedings had in the above entitled cause on the eighth day of September, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 4 day of Sept 1900.

Myra Young
Acting Chairman.

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

In the matter of the application of Stephen M. Hallmark
for identification as a Mississippi Choctaw. M.C.R. 661.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of Stephen
M. Hallmark. M. C. R. 661.

Original application of Stephen M. Hallmark
to the Deas Commission for identification
as a Mississippi Choctaw.....

Decision of the Commission denying the ap-
plication of Stephen M. Hallmark for iden-
tification as a Mississippi Choctaw.....

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

C.M.W.
C.W.W.

In the matter of the application of Stephen M. Hallmark
for identification as a Mississippi Choctaw. H.C.R. 661.

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

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
by Stephen M. Hallmark for himself, under the following provision of
the act of Congress approved June 25, 1895, (28 Stat., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September
twenty-seventh, eighteen hundred and thirty, and to that
end may administer oaths, examine witnesses and perform
all other acts necessary thereto and make report to the
Secretary of the Interior."

It also appears that said applicant claims rights in
the Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being a descendant
of one Miss Elizabeth Hallmark (nee Lovv), who is alleged to have

(2).

been a Choctaw Indian (degree of blood not given), and to have resided in Mississippi in 1830.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never 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, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of this application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Eliza Elizabeth Hallmark (nee Love), or the applicant herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Stephen H. Hallmark as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the

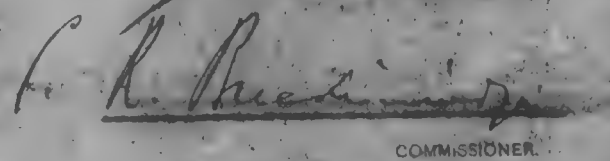
(3)

treaty of 1830, and that the application for his identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


ACTING CHAIRMAN


COMMISSIONER


COMMISSIONER

Muskogee, Indian Territory,

JUL 26 1902

N.O.R. 631.

COPY.

Muskogee, Indian Territory, July 26, 1902.

Stephen M. Hallmark,

Muskogee, Indian Territory.

Remailed Chickasha, D. T. July 27, 1902

Dear Sir:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Stephen M. Hallmark, an applicant for identification as a Mississippi Choctaw.

The application was made under the provision of the act of Congress of June 22, 1900 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

SNK 3.

It is, therefore, the wish of this Commission that the evidence herein is insufficient to determine the identity of Stephen H. Hallmark as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for his identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered

COPY.

Muskogee, Indian Territory, July 26, 1908.

Mansfield, McArthur & Connish,

Attorneys for the Choctaw and Chickasaw Nations,
 South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 25th day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of Stephen M. Hallmark, an applicant for identification as a Mississippi Choctaw.

The application was made under the provision of the act of Congress of June 20, 1906 (34 Stat., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

X 1111 2 3

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of **James W. Hallmark** as a **Choctaw** Indian entitled to rights in the **Choctaw** lands under the provisions of said article fourteen of the **Treaty of 1830**, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

M.C.R. 661.

Muskogee, Indian Territory. July 26, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Stephen M. Hallmark, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of July 26, 1902.

The Commission has the honor to report that the applicant and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

T. B. Needles

Commissioner in Charge.

Through the Commissioner of
Indian Affairs.

2 enclosures.

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land 45088-1902.

Washington, August 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 26, 1902, by the Commission to the five civilized Tribes, forwarding the record of proceedings in the matter of the application of Stephen M. Hallmark for identification as a Mississippi Chectaw.

The applicant claims descent from his mother, Eliza Elizabeth Hallmark, nee Love, alleged to have been a Chectaw Indian residing in Mississippi in 1830.

A careful examination of the records of this office fails to show that Eliza Elizabeth Hallmark (nee Love) ever received or attempted to secure the benefits of the fourteenth article of the Treaty of Dancing Rabbit Creek.

It is therefore respectfully recommended that the decision of the Commission refusing to identify the applicant, be affirmed.

Very respectfully,
Your obedient servant,

A. C. Tenner,

Acting Commissioner.

D. C. 14069-1902.

51087

WHR.

DEPARTMENT OF THE INTERIOR.

Washington.

IT.T.D. 4798-1902.
L. R. S.

August 26, 1902.

The Commission to the Five Civilized Tribes,

Muskegee, Indian Territory.

Gentlemen:

July 26, 1902, you transmitted the record in the matter of the application of Stephen M. Hallmark, for identification as a Mississippi Choctaw under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

Your decision dated July 26, 1902, refused said application.

Said applicant claims rights in the Choctaw lands under Article 14 of the Treaty of 1830, through descent from one Kliza Elizabeth Hallmark (nee Love), his mother, who he alleges is a Choctaw Indian and to have resided in Mississippi in 1830.

You state from the records in your possession and the evidence submitted, it appears that the applicant has never been enrolled by the Choctaw tribal authorities as a member of that tribe; that he has never been admitted to Choctaw citizenship by a duly constituted court or committee of said Nation, by your Commission or by decree of the United States Court in Indian Territory under the provisions of the Act of Congress approved June 16, 1894 (29 Stats., 321).

You further report that it does not appear from the testimony offered or from the records in your possession relating to persons who complied with the provisions of said Article and Treaty, and to persons who heretofore were claimants thereunder, that said Eliza Elizabeth Hallmark (nee Love), or said applicant, ever signified, in person or by proxy, to Col. William Ward, Indian Agent, Choctaw Agency, any intention of complying with the provisions of said Article, or ever presented any claim to rights thereunder to either of the commissions authorized by acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 stats., 513.)

It is your opinion, therefore, that the evidence is insufficient to determine the identity of the applicant as a Choctaw Indian entitled to rights as such, and accordingly reject the application.

The Acting Commissioner of Indian Affairs transmitted your said report under date of August 5, 1902, and concurred in your action.

The Department sees no reason to disturb your action and your decision rejecting the application is hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

E.M.D.

1 inclosure.

M.O.R.661

COPY.

Muskogee, Indian Territory, September 5, 1902.

Stephen M. Hallmark,

McBee, Indian Territory.

Remailed Chickasha, I.T. Jan. 27, 1904.

Dear Sir:-

You are hereby advised that on the 26th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Stephen M. Hallmark, of which decision you were duly advised by registered mail on the 26th day of July, 1902.

Yours truly,

(SIGNED)

James D. Dwyer
Acting Chairman.

COPY.

Muskogee, Indian Territory, September 5, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 26th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Stephen M. Hallmark, of which decision you were duly advised by mail on the 26th day of July, 1902.

Yours truly,

(SIGN)

James Dixby.

Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

Stephen M. Hallmark

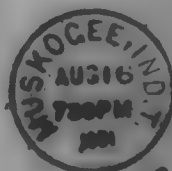
MCR 661

Department of the Interior.

Commissioner to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Mr. S. H. Hallmark

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]



COMMISSIONERS
HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES.
C. R. BRACKETT

ALLISON L. AVLESWORTH,
SECRETARY

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

Muskegee, Indian Territory, August 15, 1901.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Mr. G. M: Hallmark,
Sulphur, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of August 7, in which you ask if your application for identification as a Mississippi Choctaw has been filed.

You are advised that it does not appear upon our records that any person by the name of G.M.Hallmark has applied for identification as a Mississippi Choctaw. If you have appeared before the Commission personally and made application to be identified as a Mississippi Choctaw please advise where and under what name you made such application and the matter will receive proper consideration.

Yours truly,



M C R 661

Muskogee, Indian Territory, January 28, 1904.

J. W. Wellborn,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you ask if S. M. Hallmark "is on the roll and entitled to an allotment."

In reply to your inquiry you are informed that on August 26, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application of Stephen M. Hallmark for identification as a Mississippi Choctaw, and it is not believed that he is ~~in any~~ manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

M C R 661

Muskegee, Indian Territory, January 28, 1904.

Stephen M. Hallmark,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter, without date, by reference from the Secretary of the Interior. Therein you state that you wish to take an allotment and ask how to proceed in the premises.

Replying to your letter you are advised that on August 26, 1902, the Secretary of the Interior approved the decision of the Commission refusing your application for identification as a Mississippi Choctaw, of which departmental action you were notified at McGee, Indian Territory, your last known post office address.

The Commission now considers your case closed and it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

667
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

SEP 8 1900

Stephen M. Hallmark. 45.
1/8 Mc. Gen. S. D.

FATHER: John C. Hallmark - dead

MOTHER: Eliza Hallmark - ✓

Claims through mother


WIFE: Rhoda C. Hallmark.

No claim for wife

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

FILED

SEP 8 1900



ACTING CHAIRMAN.

Make reference to P. # 963.

Choc mcr 662 George W. Collinsworth

see mcr 660

mcr 662

George W. Collinsworth et al
REFUSED

DECISION RENDERED. JUL 19 1902
RECORD FORWARDED DEPARTMENT.

JUL 19 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 19 1902

**NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKALAW NATIONS.**

JUL 19 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

OCT 1 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.**

OCT 11 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.**

OCT 11 1902

4/7/1901 Latent, address Midland I. T.

REFER TO M. C. R. 660

REFUSED

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T. September, 8, 1900.

In the matter of the application for identification as Mississippi Choctaws of George W. Collinsworth and his four minor children. George W. Collinsworth being first duly sworn by Commissioner Needles testified as follows:

Examination by the Commission.

- Q What is your name? A George W. Collinsworth.
Q What is your age? A Forty one years old.
Q What is your post-office address? A McGee.
Q Do you live at McGee? A Yes sir.
Q How long have you lived in the Indian Territory? A Three years.
Q Have you maintained a residence there continuously for the past three years? A Yes sir.
Q Have you been out of the Indian Territory within that time? A No sir.
Q What proportion Choctaw blood do you claim? A One eighth.
Q What is your father's name? A Andrew J. Collinsworth.
Q Is he living? A No sir.
Q What is your father's name? A Mary Ann Collinsworth.
Q Is your mother living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q When did your father die? A In 59.
Q Is your father's name on any of the tribal rolls of the Choctaw Nation? A Not that I know of.
Q Do you know whether your father ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A I do not.
Q Was your father ever recognized by the tribal authorities of the Choctaw Nation as a citizen of that Nation? A Not that I know of.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Did you ever make application to the tribal authorities of the Choctaw Nation for citizenship in that Nation? A Never have.
Q Have you ever been recognized in any manner by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir/
Q Did you or any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of June 10th, 1896? A Not that I know of.
Q Have you ever prior to this time made any application to either the authorities of the United States or the Choctaw Nation for either citizenship or enrollment as a Choctaw? A Not that I know of.
Q This is your first application of any description? A Yes sir.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the fourteenth article of the treaty of 1830? A Just from what I have ~~heard~~ heard.
Q What have you heard? A I have heard that we were Choctaws by blood.
Q Did you ever take advantage of the fourteenth article of the treaty of 1830? A Never did.

George W. Collinsworth 2--

Q Did any of your ancestors ever take advantage of the fourteenth article of the treaty of 1830? A I could not tell you whether they did or not.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A Not that I know of.

Q This Commission requires that applicants claiming under the provisions of the fourteenth article of the treaty of 1830 must exhibit proofs showing a compliance with the provisions thereof either by themselves or by their ancestors and in each case exhibits and records properly verified showing these facts will be required. Have you any evidence of such facts? A I don't know as I have.

Q Do you make any claim by reason of any of the other provisions of the treaty of 1830? A No sir.

Q Are you married? A I am a widower.

Q What was your wife's name? A Ada A Collinsworth.

Q She is dead? A Yes sir.

Q Where did you marry her? A Collin County, Texas.

Q When? A In 1889.

Q Did you marry her under the laws of the state of Texas?

A Yes sir.

Q Were you ever married to her in accordance with the laws of the Choctaw Nation? A No sir.

Q Have you any evidence of your marriage to Ada A. Collingsworth that you desire to present in evidence at this time? A No not at present I believe.

Q Are you making any claim for any one besides yourself?

A My children.

Q How many children have you under twenty one years of age and unmarried? A Four.

Q What are their names and ages? A Willis B. Collingsworth.

Q How old? A Ten years old.

Q The next one? A Hubert S. Collingsworth.

Q How old is Hubert? A He is eight.

Q The next one? A Persia.

Q How old is Persia? A She is six.

Q The next one? A Garry. He is four.

Q These children all live with you at your home? A Yes sir.

Q You are the father of these children? A Yes sir.

Q Ada A. Collingsworth is the mother? A Yes sir.

Q Where were you born? A Texas.

Q And lived there all your life? A Until the last three years.

Q Until you removed to the Indian Territory? A Yes sir.

Q You never lived in Mississippi? A Never did.

Q Which one of your ancestors lived in Mississippi and was recognized by the Choctaw tribe of Indians in the year 1830 when the treaty was made between the United States and the Choctaw Indians? A My grand mother lived in Mississippi.

Q What was your grand mother's name? A Mary Collingsworth.

Q Was Mary Collingsworth a recognized member of the Choctaw tribe of Indians? A I don't know whether she was or not.

Q Have you any evidence of that fact? A No sir.

Q Have you any evidence of the fact that she received or claimed any land in Mississippi as a beneficiary under the fourteenth article of the treaty of 1830? A No sir.

Q Is there any additional statement you desire to make in behalf of your application and the application you make for your four minor children. A I would like to have a little time to grave up on this.

Q What do you want to prove? A My blood and my right.

Q Do you understand that the question of blood does not enter into the rights of Mississippi Choctaws at all. If you were a full blood and could not prove that you or your ancestors had taken advantage of the treaty of 1830 it wouldn't do you any good. That is what I want to prove it.

George W. Collinsworth 3--

Q We would not identify you unless you brought proof showing that you had complied with the fourteenth article of the treaty of 1830. You are not on any of the Cherokee rolls and have never been admitted to citizenship, never been recognized as a citizen and the only way you can be identified is to show that you or your ancestors have complied with the provisions of the fourteenth article of the treaty of 1830. Is there any ~~written~~ written evidence you desire to submit at this time? A No sir, I haven't got anything with me.

Q Is there anything else you want to say, sir? A No sir.

Q Do you want time to file evidence? A Yes sir.

Q How much time do you want? A Just as much as you can give me.

Fifteen days granted applicant in which to file documentary evidence.

The decision of the Commission as to your application and the application you make on behalf of your four minor children, will be mailed to you in writing in the near future to your present post-office address.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 8th day of September, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 14 day of Sept. 1900.

Myra Young
[Signature]
Acting Chairman.

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.

COPY

Muskogee, Indian Territory, June 20, 1901.

Mr. George W. Collinsworth,
Midland, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, requesting to be advised as to the status of your case.

You are informed that the records of the Commission show that on September 8, 1900, George W. Collinsworth, 41 years old, of McGee, Indian Territory, appeared before the Commission and applied for the identification of herself and four minor children as Mississippi Choctaws.

No decision has yet been rendered in this case.

Yours truly,

C. R. BRECKINRIDGE.
Commissioner in Charge.

(D)

COPY.

N.C.R. 603.

Muskogee, Indian Territory, July 19, 1902.

George W. Collinsworth,
Midland, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James M. Collinsworth, et al., embracing the following applications for identification as Mississippi Choctaws:

James M. Collinsworth,	N.C.R.	600
George W. Collinsworth, et al.,	"	603
Willis D. Collinsworth, et al.,	"	608
Mary A. Foster, et al.,	"	664
Mary C. Braden,	"	1035
Mary Reed, et al.,	"	1036
Itasca Ross, et al.,	"	1037
Tommie Hill,	"	1038
Bonnie Raugh,	"	1039
James Scott Draloy, et al.,	"	1030
William Thomas Collinsworth, et al.,	"	1031
John Monroe Collinsworth, et al.,	"	1033
Jimmie Dunning, et al.,	"	1035
Marilda B. Devitt, et al.,	"	2161

These applications were made under the provision of the act of Congress of June 26, 1896 [30 Stat. 495] which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James M. Collinsworth, George W. Collinsworth, Willis B. Collinsworth, Hubert S. Collinsworth, Fersia Collinsworth, Garry Collinsworth, Willis D. Collinsworth, William C. Collinsworth, Edna E. Collinsworth, George W. Collinsworth, Mary A. Foster, Willis T. Foster, Aroen Oscar Foster, Beulah A. Foster, Jessie O. Foster, Ethel E. Foster, James M. Foster, Lena Ruth Foster, Mary C. Braden, Mary Reed, Blanche Reed, Lookie Reed, Itasca Ross, Eva Ross, Monelle Ross, Tommie Hill, Bonnie Baugh, James Scott Braley, Ella Clifford Braley, Laura O. Braley, Maston R. Braley, Wilson Warren Braley, Bonnie Braley, William Thomas Collinsworth, Lenia Collinsworth, Stella Agnes Collinsworth, Willie Gertrude Collinsworth, Bessie Collinsworth, John Monroe Collinsworth, James Wilson Collinsworth, Jimmie Dunning, Harris Dunning, Roy Dunning, Douglas Dunning, Tommy (or Tommie) Dunning, Merilda B. DeWitt, Thomas A. Percival, Elizabeth Percival and John Riley Percival, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Merilda B. DeWitt for the identification of her husband, John B. DeWitt, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

W. H. G. G. G.

Registered.

Commissioner in Charge.

COPY.

Washago, Indian Territory, October 11, 1902.

George W. Collinsworth,
Midland, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James M. Collinsworth, et al., of which decision you were advised by registered mail on the 19th day of July, 1902.

Respectfully,

(SIGNED)

I. B. Woodruff

Commissioner in Charge

662.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

^{1/8}
George W. Collinsworth #1
Mo. Gee, Ind. Ter.

SEP 8 1900

FATHER: Andrew J. Collinsworth *decd.*
MOTHER: Mary A. Collinsworth ✓
 Clarius Strong *father*

WIFE: Ada Astbury - *decd.*

Children:

Willis W. Collinsworth	10.
Herbert S. " "	8
Persica " "	6
Gerry " "	4

COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS

SEP 8 1900

COMMISSIONERS

HENRY L. DAWES.

TAMM DIXBY,

ARCHIBALD S. MCKENNA

THOMAS B. NEEDLES.

ALLISON L. AYLESWORTH, Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

1912-13

... .. North
et al.

... .. G. Blund
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... .. H. Hart
... ..

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At

AB

Choc MCR 663 Willis D. Collinsworth

MCR 663

REFUSED

DECISION RENDERED. JUL 19 1902

RECORD FORWARDED DEPARTMENT.

JUL 19 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 21 1902
NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

ACTION APPROVED BY SECRETARY OF INTERIOR

OCT 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

OCT 11 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

OCT 11 1902

Latest address: Sulphur I. T. 7/23/1900
Lehigh I. T. 7/25/1900

REFER TO M. C. R. 660

REFUSED

211 C-R663

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T. September 8, 1900.

In the matter of the application of Willis D. Collinsworth for the identification of himself and three minor children as Mississippi Choctaws. Willis D. Collinsworth being duly sworn by Commissioner Needles, testified as follows:

Examination by the Commission.

- Q What is your name? A Willis D. Collinsworth.
Q What is your age? A Fifty eight.
Q What is your post-office address? A Smithville, Bastrop County, Texas.
Q Have you ever resided in the Indian Territory? A No sir.
Q How much Choctaw blood do you claim? A One fourth.
Q What is your father's name? A William Collinsworth.
Q Is he living? A No sir.
Q What is your mother's name? A Mary Collinsworth.
Q Is she living? A No sir.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q Was your mother's name ever on any of the tribal rolls of the Choctaw Nation? A I have been told it was but don't know it is so.
Q Have you any evidence of the fact? A No sir.
Q Do you know whether your mother ever made application to the tribal authorities of the Choctaw Nation for citizenship in that Nation? A No sir, I don't think she did.
Q When did she die? A In 1867.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Did you ever make any application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Have you ever been recognized in any manner by the tribal authorities of the Choctaw Nation as a citizen of that Nation? A Not that I know of.
Q Did you or any one in your behalf in 1896, make application to this Commission under the act of June 10th, 1896, for citizenship in the Choctaw Nation? A No body.
Q Have you ever prior to this time made any application to either the authorities of the United States or the Choctaw Nation for either citizenship or enrollment as a Choctaw? A No sir.
Q This is your first application of any description? A Yes sir.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to share in the lands of the Choctaw Nation under the fourteenth article of the treaty of 1830? A Well, because I think it is a right that is due me. My mother has taught me since my birth and under the act of 1830 I think I am entitled to it.
Q Did you ever take advantage of the fourteenth article of the treaty of 1830? A No sir.
Q You make your claim under that article? A Yes sir.
Q Did any of your ancestors ever take advantage of the 14th article of the treaty of 1830? A Not that I heard of.
Q Did any of your ancestors ever comply with the provisions of the 14th article of the treaty of 1830? A Not that I know of.

Willis D. Collinsworth 2--

- Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I never heard of it.
- Q Do you make any claim by reason of any of the other provisions of the treaty of 1830? A No sir.
- Q What is your wife's name? A Laura M. Collinsworth.
- Q Is she living? A Yes sir.
- Q How old is she? A 53.
- Q Does she live with you? A Yes sir.
- Q Where did you marry her? A In Galney County.
- Q Under the laws of the state of Texas? A Yes sir.
- Q Have you any evidence of that marriage? A Yes sir.
- Q Do you wish to file it with the Commission at this time? A I will file it with the other papers.
- Q Are you making any claim on behalf of your wife? A No sir.
- Q She is a white woman having no rights to Indian blood? A Yes sir.
- Q How many children have you under twenty one years of age and unmarried? A Three.
- Q What are the names and ages of these children? A William C. Collinsworth, sixteen. Edna E. thirteen. George W. Nine.
- Q Is that all? A That's all.
- Q These children all live with you at your home? A Yes sir.
- Q You are their father? A I am.
- Q Laura Collinsworth is their mother? A She is.
- Q Where were you born? A Texas.
- Q Did you ever live in Mississippi? A No sir.
- Q Which one of your ancestors lived in Mississippi, was recognized by the Choctaw Indians as a member of the tribe in 1830 when the treaty was made between the United States and the Choctaw Indians? A My mother.
- Q Have you any evidence of the fact that she was a recognized member of the tribe of Choctaw Indians at that time? A Not at present.
- Q Have you any evidence of the fact that she ever took advantage of the 14th article of the treaty of 1830 as to receiving land in Mississippi? A No sir, I don't think she ever did.
- Q Is there any additional statement you wish to make? A No sir.
- Q Is there any documentary evidence you desire to submit for the consideration of the Commission? A Not only these papers, these affidavits. They will be filed as soon as they can get them back fixed up.

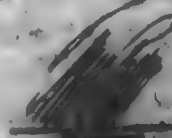
Permission is granted the applicant for fifteen days in which to file documentary evidence.

The decision of the Commission as to your application and the application you make in behalf of your three minor children for identification as Mississippi Choctaws, will be mailed to you in writing to your present post-office address.

Myra Young having been duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings in above entitled cause on the 8th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 14 day of Sept 1900.

Myra Young



Notary Public

C. W. C. W.

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

In the matter of the application of James M. Collinsworth, et al., for identification as Mississippi Choctaws, consolidating the applications of

James M. Collinsworth.....	M. C. R.	660
George W. Collinsworth, et al.....	M. C. R.	662
Willis D. Collinsworth, et al.....	M. C. R.	663
Mary A. Foster, et al.....	H. S. R.	664
Mary C. Braden.....	M. C. R.	1026
Mary Reed, et al.....	M. C. R.	1026
Itasca Ross, et al.....	M. C. R.	1027
Tommie Hill.....	M. C. R.	1028
Bennie Baugh.....	M. C. R.	1029
James Scott Braley, et al.....	M. C. R.	1030
William Thomas Collinsworth, et al.....	M. C. R.	1031
John Mamree Collinsworth, et al.....	M. C. R.	1032
Jimmie Dunning, et al.....	M. C. R.	1033
Mervila B. Bewitt, et al.....	M. C. R.	2161.

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

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by James M. Collinsworth, for himself; by George W. Collinsworth for himself and his four minor children, Willis D., Hubert S.,

(2).

Bernia and Garry Collinsworth; by Willis D. Collinsworth for himself and his three minor children, William C., Edna E., and George W. Collinsworth; by Mary A. Foster for herself and her seven minor children, Willis T., Aaron Oscar, Beulah A., Lessie O., Ethel E., James N. and Lena Ruth Foster; by Mary C. Braden for herself; by Mary Reed for herself and her two minor children, Blanche and Lockie Reed; by Itasca Ross for herself and her two minor children, Eva and Mabelle Ross; by Tennie Hill for herself; by Thomas Baugh for his minor child, Bonnie Baugh; by Warren Lorenzo Braley for his six minor children, James Scott, Ella Clifford, Laura O., Kaston R., Wilson Warren and Bonnie Braley; by William Thomas Collinsworth for himself and his four minor children, Lexia, Stella Agnes, Willie Gertrude and Bessie Collinsworth; by John Monroe Collinsworth for himself and his minor child, James Wilson Collinsworth; by Jimmie Dunning for herself and her four minor children, Harris, Roy, Douglas and Tommy (or Tennie) Dunning; and by Merilda B. DeWitt for herself and her three minor children, Thomas A., Elizabeth and John Riley Percival; and, by Merilda B. DeWitt for the identification of her husband, John B. DeWitt, as an intermarried Mississippi Choctaw, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty be-

(3).

tween the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Mary Catherine Benner, who is alleged to have been a three-quarter blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants 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, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian territory under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary Catherine Benner, or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James M. Collinsworth, George W. Collinsworth, Willie B. Collinsworth, Robert S. Collinsworth, Fannie Collinsworth, Garry Collinsworth,

(4).

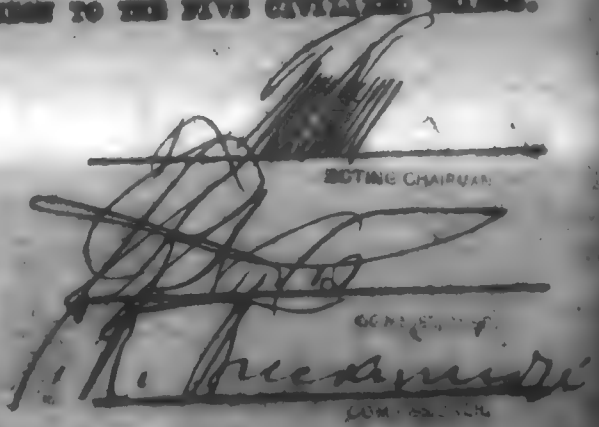
Willie D. Collinsworth, William C. Collinsworth, Meta E. Collinsworth, George W. Collinsworth, Mary A. Foster, Willis T. Foster, Aaron Oscar Foster, Beulah A. Foster, Lessie O. Foster, Ethel E. Foster, James M. Foster, Lena Ruth Foster, Mary C. Braden, Mary Reed, Blanche Reed, Leckie Reed, Itasca Ross, Eva Ross, Moselle Ross, Tommie Hill, Bonnie Baugh, James Scott Braley, Ella Clifford Braley, Laura O. Braley, Manton R. Braley, Wilson Warren Braley, Bonnie Braley, William Thomas Collinsworth, Lexia Collinsworth, Stella Agnes Collinsworth, Willie Gertrude Collinsworth, Bessie Collinsworth, John Monroe Collinsworth, James Wilson Collinsworth, Fannie Dunning, Harris Dunning, Roy Dunning, Douglas Dunning, Tommy (or Tommie) Dunning, Merilda B. DeWitt, Thomas A. Percival, Elizabeth Percival and John Riley Percival, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Merilda B. DeWitt for the identification of her husband, John B. DeWitt, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

JUL 19 1902


ACTING CHAIRMAN
COMMISSIONER

REFER TO M. C. R. 660

James M. Collierworth
et al

Consolidated Co

YEAR

COURT

No.

MOTHERS TRIBAL ENROLLMENT

MOTHERS OWNER

REMARKS

DAVIS
Roll No.

Mary Bonner ^{3/4 or more}
 married ₁₈₂₂
 William Collinsworth
 Dead

^{mlb R}
 660
 James M. Collinsworth 66 1/2
 wife
 Sarah E. Collinsworth

^{mlb R}
 1031
 William J. Collinsworth 41 1/2
 wife
 Mary Emma Collinsworth

Agnie O. Collinsworth
 married _{Dead}
 Warren L. Braley W

Juan E. Collinsworth
 married _{Dead}
 Thomas Baugh W

^{mlb R}
 1032
 John M. Collinsworth 30 1/2
 wife
 Ida Collinsworth

^{mlb R}
 1033
 Jimmie Collinsworth 27 1/2
 married
 William Bunning

^{mlb R}
 1031
 Lexia Collinsworth 15
 " Stella Ann Collinsworth 12
 " Willie Gertrude Collinsworth 9
 " Berie Collinsworth 3

^{mlb R}
 1030
 James O. Braley 16 1/16
 " Ella C. Braley 13 1/16
 " Laura O. Braley 12 1/16
 " Manton R. Braley 10 1/16
 " Wilson W. Braley 8 1/16
 " Bonnie Braley 6 1/16

^{mlb R}
 1029
 Bonnie Baugh 15 1/16

^{mlb R}
 1032
 James Wilson Collinsworth 2

^{mlb R}
 1033
 Harris Bunning 7
 " Roy Bunning 5
 " Douglas Bunning 3
 " Tommy Bunning 3 m

REFER TO M. C. R. 660

James M. Colburn with
et al

Consolidated Case

TRIAL

MOTHER'S TRIBAL ENROLLMENT
COURTY No.

MOTHER'S OWNER

REMARKS

DAVIS
ROLL No.

Mary Bonner ^{her mother}
 married
 William Collinworth ^{dead}

mlb R
 663

Wm B Collinworth 58 1/4
 wife
 Laura M Collinworth

mlb R
 664

Mary A. Collinworth 36 1/2
 married
 Riley R Foster

Vera O Collinworth
 married
 1st Bram Stewart
 2^d Geo Jones

Nancy A Collinworth
 married
 J. A. Sawyer

mlb R
 2151

Merilda Collinworth 31
 married
 1st J. W Percival
 2^d John Nimit
 claim for husband

James A. Collinworth
 Aaron A. Collinworth
 Annie J. Collinworth
 married
 D. S. Stafford

mlb R
 663

John E. Collinworth
 married
 John Tilton
 William B. Collinworth 16
 Edna E. Collinworth 13
 George W. Collinworth 9

mlb R
 664

Willie J. Foster 18
 Aaron O. Foster 13
 Benlah A. Foster 11
 Lizzie O. Foster 9
 Ethel E. Foster 5
 James M. Foster 3
 Anna R. Foster 1/2
 Raymond A. Foster
 Infant born June
 21/5 1891
 died Oct Feb
 4/6/10

mlb R
 2151

Thomas A Percival 15
 Elizabeth Percival 11
 John Riley Percival 8

Mary Bonner 4/4 m^{or}
 married Dead
 William Colburnworth
 Dec 5
 cont. 5

Andrew Collinworth
 wife
 Mary Ann Collinworth
Dead

Mary C Collinworth 6/2/8
 married
 William J. Braden

Mary M. Collinworth 4/1/6
 wife
 John A. Collinworth

Mary Braden 29/8
 married
 James A. Reed

Anna Braden 28/8
 married
 Lieutenant S. Ross

Tommie Braden 26/8
 married
 John W. Hill

Walter B. Collinworth 10
 " Hubert T. Collinworth 8
 " Coria Collinworth 6
 " Gary Collinworth 4

Alonzo Reed 16
 " Lockie Reed 11

Eva Ross 16
 " Marilla Ross 2

Muskogee, Indian Territory, September 24, 1900.

W. B. Collinsworth,
Smithville, Texas.

Dear Sir:

The Commission is in receipt of your letter of the 18th instant, enclosing the original application of Willis B. Collinsworth and a certified copy of the marriage license and certificate between W. B. Collinsworth and Laura N. Darline and also the depositions of Ed House, Jean Shultz, Elizabeth Hallmark and James W. Collinsworth offered for filing in the matter of the application for identification as Mississippi Choctaw of Willis B. Collinsworth and his three minor children, William C., Edna K. and Orel W. Collinsworth.

At the time you appeared before this Commission and made application for identification as a Mississippi Choctaw on September 8th, 1900, you stated that your name was Willis D. Collinsworth. Is this correct or should the initial be B?

The papers forwarded by you have been duly filed by the Commission and will receive consideration in the disposition of your application.

Yours truly,

Acting Chairman.

In reply please
refer to M. O. 2-613

Muskogee, Indian Territory, October 1, 1900.

Willis B. Collinsworth,
 Smithville, Texas.

Dear Sir:

The Commission is in receipt of your letter of the 19th
 ultimo in which you state that your name is Willis B. instead of
 Willis B. Collinsworth. The same has been filed and will be made a
 matter of record in your application for identification as a Miss-
 sissippi Choctaw.

Yours truly,

M. O. B-543

Acting Chairman.

Muskogee, Indian Territory, November 22, 1900.

W. B. Collinsworth,

Sulphur, Indian Territory.

Dear Sir:

The Commission is in receipt of your communication of the 19th instant in which you state that your post-office address is now Sulphur, Indian Territory.

The same has been made a matter of record with this Commission and any further communications the Commission has with you will be mailed to you at this address.

Yours truly,

Acting Chairman.

H. C. R-663

Muskogee, Indian Territory, December 26, 1901.

W. B. Collinsworth,
Sulphur, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty fifth instant, in which you ask to be advised if your children are entitled to the privileges of the national schools in the Choctaw Nation.

In reply to your letter you are informed that you should inquire of Honorable John D. Benedict, Superintendent of Schools, Muskogee, Indian Territory, for information on this subject.

Yours truly,

Commissioner in Charge.

MC 663

Muskogee, Indian Territory, January 22, 1904.

Hon. John B. Benedict,

Superintendent of Schools in Indian Territory,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you desire to be informed if certain children named therein have been enrolled by this Commission as citizens of the Choctaw Nation and, if so, whether by order of United States Court or otherwise.

Replying to your inquiry you are informed that it does not appear from our records that any persons by the name of George W., Dana E., and William J. Collinsworth have ever been listed for enrollment by this Commission as citizens of either the Choctaw or Chickasaw Nations or that any application has ever been made for their enrollment.

It does however appear from our records that at Muskogee, Indian Territory, on September 4, 1900, Willis D. Collinsworth, of Smithville, Texas, made personal application to this Commission for the identification of himself and his three minor children, William J., Dana E., and George W. Collinsworth as Mississippi Choctaws.

The names of these children are not found upon any of the tribal

Mr. J. B. B. B.

rolls of the Choctaw Nation in the possession of the Commission nor have they ever been admitted to citizenship in the Choctaw Nation by the tribal authorities thereof the Commission to the Five Civilized Tribes of the United States Court in Indian Territory, their status being that of applicants for identification as Mississippi Choctaws whose rights have in no manner been determined by the Commission.

Yours truly,

Acting Chairman.

M O B 663

Miss, Choctaw 868

Huskogee, Indian Territory, May 16, 1902.

Willie B. Collingworth,

Sulphur, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 10, in which you ask if you would be justified in taking up a piece of land in the Choctaw Nation.

In reply to your letter you are advised that it appears from our records that you are an applicant for the identification of yourself and your three minor children as Mississippi Choctaws. No decision has yet been reached nor opinion rendered relative to your rights as such Mississippi Choctaws. As soon as a decision is reached you will be notified of the action of the Commission.

Replying to that part of your letter in which you ask whether you would be justified in taking up land in the Choctaw Nation, your attention is invited to the following provision of the act of Congress of May 31, 1900:

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes, shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

V.B.C. 2

It is not believed that the benefits of the above legislation would accrue to applicants until they had been identified by this Commission as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of 1830.

Yours truly,

Acting Chairman.

COPY.

M.O.R. 663.

Mustagee, Indian Territory, July 19, 1902.

Willis D. Collinsworth,

Sulphur, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James M. Collinsworth, et al., embracing the following applications for identification as Mississippi Choctaw:

James M. Collinsworth,	M.O.R.	660
George W. Collinsworth, et al.,	"	663
Willis D. Collinsworth, et al.,	"	665
Mary A. Foster, et al.,	"	664
Mary C. Braden,	"	1028
Mary Bond, et al.,	"	1029
Itasca Ross, et al.,	"	1027
Tomie Hill,	"	1026
Bennis Bough,	"	1025
James Scott Bralcy, et al.,	"	1030
William Thomas Collinsworth, et al.,	"	1031
John Monroe Collinsworth, et al.,	"	1032
Jimmie Dunning, et al.,	"	1033
Merilda B. DeWitt, et al.,	"	6153

These applications were made under the provision of the act of Congress of June 25, 1896 (29 Stat. 460) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths; examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concluded as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James M. Collinsworth, George W. Collinsworth, Willis B. Collinsworth, Robert S. Collinsworth, Persia Collinsworth, Garry Collinsworth, Willis D. Collinsworth, William C. Collinsworth, Edna B. Collinsworth, George W. Collinsworth, Mary A. Foster, Willis T. Foster, Aaron Oscar Foster, Reulah A. Foster, Lessie O. Foster, Ethel B. Foster, James M. Foster, Lena Ruth Foster, Mary C. Braden, Mary Reed, Blanche Reed, Leckie Reed, Itasca Ross, Eva Ross, Magelle Ross, Tommie Hill, Nonnie Raugh, James Bruce Braley, Miss Wilford Braley, Emma C. Braley, Maston R. Braley, Wilson Warren Braley, Nonnie Braley, William Thomas Collinsworth, Lexia Collinsworth, Stella Agnes Collinsworth, Willie Gertrude Collinsworth, Bessie Collinsworth, John Monroe Collinsworth, James Wilson Collinsworth, Jimmie Dunning, Harris Dunning, Roy Dunning, Douglas Dunning, Tommy (or Tommie) Dunning, Merilda B. DeWitt, Thomas A. Percival, Elizabeth Percival and John Riley Percival, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Merilda B. DeWitt for the identification of her husband, John B. DeWitt, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

T. B. McMillen

Registered.

Commissioner in Charge.

M.C.R. 693

Muskogee, Indian Territory, August 1, 1902.

W. B. Collinsworth,
Lehigh, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th inst., relative to the decision of the Commission in the matter of your application for identification as a Mississippi Choctaw, and advising the change in your post-office address to Lehigh, Indian Territory.

We can render you no further information in regard to this matter, than to advise you that the Commission has refused your application for identification as a Mississippi Choctaw, and that the record in your case is now before the Secretary of the Interior for his review. As soon as we are advised of the action of the Secretary of the Interior thereon, you will be duly notified.

The change in your post-office address has been made a matter of record.

Yours truly,

Acting Chairman.

COPY.

Muskogee, Indian Territory, October 11, 1902.

Willie D. Collinsworth,
Lehigh, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James M. Collinsworth, et al., of which decision you were advised by registered mail on the 19th day of July, 1902.

Respectfully,

(SIGNATURE)

F. D. Wallace

Commissioner in Charge.

Muskogee, Indian Territory, June 23, 1904.

W. B. Collinsworth,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 4, 1904, by reference from the Secretary of the Interior. Therein you enclose a letter addressed to you from this office under date of May 16, 1902, and state that you think you are entitled to a share of the land of the Choctaw-Chickasaw country, Indian Territory, under the treaty of 1830.

In reply to your letter you are informed that on October 1, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which Departmental action you were duly notified on October 11, 1902.

The Commission now considers your case closed, and it is not believed that you and your children are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

The letter enclosed by you is herewith returned,
respectfully,

Commissioner in Charge.

MOR
660-663

COPY

Muskogee, Indian Territory, December 20, 1906.

W. B. Collinsworth,

Phillips, Indian Territory.

Dear Sir :--

Receipt is hereby acknowledged of your letter of December 11, 1906, addressed to the Secretary of the Interior and by him referred to this office for reply. Therein you state that it appears that the record in your case has never been before the Secretary of the Interior and that you secured the services of one Chinault who promised to properly file your papers by June 1, 1906, and you now request to be advised if Mr. Chinault has taken any action in your case.

It appears from the records of this office that you are one of the applicants in the consolidated Mississippi Choctaw case of James M. Collinsworth, et al, in which case the decision adverse to the applicants was rendered by the Commission to the Five Civilized Tribes July 19, 1902. On said date, the record in this case, together with said decision, was forwarded to the Secretary of the Interior and the commission's action affirmed by him October 1, 1902, due notice of such action being furnished all the principal applicants in the case.

It does not appear that your attorney, Mr. Chinault, has taken any action in this case or filed any papers therein.

You are further advised that it does not appear that there is any motion for review or reconsideration of this case.

W. B. Collinsworth, 2.

now pending and as the time within which such motions could be received expired June 28, 1906, the Department's action of October 1, 1902, is considered final and the case closed.

Respectfully,

SIGNED *Wm. O. Beall,*
Acting Commissioner.

IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

$\frac{1}{4}$ SEP 8 1900
Willis N. Collisworth. 58.
Smithville, Texas.

FATHER: William Collisworth dead.
MOTHER: Mary Collisworth dead.
Claim through mother.

WIFE: Laura N. Collisworth 59.
No claim for wife.

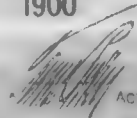
CHILDREN:

William C. Collisworth 16
Oduca C. " " 13.
George W. " " 9.

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

FILED

SEP 8 1900


ACTING CHAIRMAN.

Choc mcr 664 Mary A. Foster

mcr 664

Department of the Interior,
Commission to the five Civilized Tribes,
Muskogee, I T. September 8, 1900.

In the matter of the application for identification as Mississippi Choctaws of Mary A. Foster and her seven minor children. Mary A. Foster being duly sworn by Commissioner Needles, testified as follows.

Examination by the Commission.

- Q What is your name? A Mary A. Foster.
Q What is your age? A Thirty-six.
Q What is your post-office address? A Smithville, Bastrop County, Texas.
Q Do you live at Smithville? A Yes sir.
Q How long have you lived there? A Born and raised there.
Q Never lived in the Indian Territory? A No sir.
Q How much Choctaw blood do you claim? A One eighth.
Q What is your father's name? A Willis B. Collinsworth.
Q Is he living? A Yes sir, he is here today.
Q What is your mother's name? A Laura M. Collinsworth.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q Is your father's name on any of the tribal rolls of the Choctaw Nation? A Not that I know of.
Q Was your father ever recognized in any manner by the authorities of the Choctaw Nation as a citizen of that Nation? A Not that I know of.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Have you ever been recognized in any manner by the authorities of the Choctaw Nation as a citizen of that Nation? A No sir.
Q Did you ever make application to the Choctaw tribal authorities for citizenship in that Nation? A No sir.
Q Did you or any one in your behalf in 1896 under the act of Congress of June 10th, 1896, make application to this Commission for citizenship in the Choctaw Nation? A No sir.
Q Have you ever prior to this time made any application to either the authorities of the Choctaw Nation or the United States for either citizenship or enrollment as a Choctaw Indian? A No sir.
Q This is your first application of any description? A Yes sir.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to share in the lands of the Choctaw Nation under the fourteenth article of the treaty concluded September 27th, 1830? A By blood.
Q By blood? A Yes sir.
Q Do you claim under the fourteenth article of the treaty of 1830? A I don't know.
Q What is your claim then? A I don't understand it.
Q If you do not claim under the fourteenth article of the treaty of 1830, what is your claim? A I guess that is it.
Q Did you ever take advantage of the fourteenth article of the treaty of 1830? A No sir.
Q Did any of your ancestors ever take advantage of the fourteenth article of the treaty of 1830? A No sir, not that I know of.

Mary A. Foster 2--

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir, not that I knew of.

Q The Commission in identifying Mississippi Choctaws who claims rights in the Choctaw lands under the fourteenth article of the treaty of 1830 will require in every case proof showing compliance with the provisions of the fourteenth article of the treaty of 1830 and exhibits of records and documents properly verified, showing these facts, will be required in each and every case. Have you any such evidence? A No sir.

Q Do you make any claim by reason of any of the other provisions of the treaty of 1830? A No sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A Riley R. Foster.

Q How old is he? A Forty five.

Q Are you making any claim for him? A No sir.

Q He is a white man? A Yes sir.

Q Where did you marry him? A In Texas.

Q When? A I have been married twenty one years.

Q Did you marry him in accordance with the laws of the state of Texas? A Yes sir.

Q Never been married in accordance with the laws of the Choctaw Nation? A No sir.

Q Are you making application for any one besides yourself.

A My seven children.

Q Are these children under twenty one years of age and unmarried? A Yes sir.

Q What are their names and ages? A Willis T. Foster, eighteen. Aaron Oscar Foster, thirteen. Beulah A. Foster eleven. Lessie O. Foster, nine. Ethel E. Foster, five. James M. Foster three. Lena Rush Foster seventeen months.

Q These are all the children you have? A I believe I have them all.

Q You are the mother of these seven children? A Yes sir.

Q Riley R. Foster is their father? A Yes sir.

Q These children all live with you at your home? A Yes sir.

Q Their residence is the same as yours? A Yes sir.

Q Their claim is the same as yours? A Yes sir.

Q You have resided in Texas all your life? A Yes sir.

Q You never lived in Mississippi? A No sir.

Q Which one of your ancestors lived in Mississippi and was recognized by the Choctaw tribe of Indians when the treaty was made in 1830 between the United States and the Choctaw Indians? A My grand mother.

Q What was your grand mother's name? A Mary Caroline Collinsworth.

Q Was Mary Caroline Collinsworth a citizen of the Choctaw tribe of Indians? A I reckon she was. I could not say positive.

Q Did she ever take advantage of the provisions of the 14th article of the treaty of 1830? A I could not say.

Q Is there any additional statement you desire to make?

A No sir, I reckon not.

Q Is there any documentary evidence that you desire to offer the Commission for its consideration in support of your application and the application you make on behalf of your minor children? A No sir, I don't know whether there is or not.

The decision of the Commission as to your application and the application you make on behalf of your seven minor children for identification as Mississippi Choctaws, will be mailed to you in the near future to your present post-office address.


Myra Young having been first duly sworn, on her oath.

Mary A. Foster J--

states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 8th day of September, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes of said proceedings on said date.

Mary A. Foster

Subscribed and sworn to before me this 14 day of Sept., 1900.



Acting Chairman

Muskogee, Indian Territory, May 13, 1901.

Mrs. M. A. Foster,

Sulphur, Indian Territory,

Dear Madam:

The Commission is in receipt of your letter of May 6, in which you state that your home is now in Sulphur, Indian Territory. The change in your address has been made a matter of record.

You are advised that the records of the Commission show that on September 8, 1900, Mary A. Foster, of Smithville, Texas, appeared before the Commission at Muskogee, Indian Territory, and made application for the identification of herself and seven minor children as Mississippi Choctaws, but that no decision has yet been rendered in this case. As soon as such decision is rendered, a copy of the same will be mailed to you at your present post office address.

Yours truly,

Acting Chairman.

Miss Choctaw 664

Muskogee, Indian Territory, April 8, 1902.

Mary A. Foster,

Care W. B. Collinsworth,

Sulphur, Indian Territory,

Dear madam:

Receipt is hereby acknowledged of your letter of March 28, inclosing evidence of the birth of Raymond Nichols Foster, infant son of Benjamin Riley Foster and Mary A. Foster, born June 26, 1901. The affidavits of the mother and the nurse at the birth of this child have been accepted as evidence of his birth and will be filed with and made a part of the application of Mary A. Foster, et al. for identification as Mississippi Choctaws.

Yours truly,

COPY.

K.C.R. 664.

Muskogee, Indian Territory, July 19, 1902.

Mary A. Foster,

Care W.B. Collinsworth, Sulphur, Indian Territory,

Dear Madam:

You are hereby advised that on the 19th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James M. Collinsworth, et al., embracing the following applications for identification as Mississippi Choctaws:

James M. Collinsworth,	K.C.R.	660
George W. Collinsworth, et al.,	"	662
Willie D. Collinsworth, et al.,	"	663
Mary A. Foster, et al.,	"	664
Mary C. Braden,	"	1025
Mary Reed, et al.,	"	1026
Itasca Ross, et al.,	"	1027
Tommie Hill,	"	1028
Bonnie Raugh,	"	1029
James Scott Braley, et al.,	"	1030
William Thomas Collinsworth, et al.,	"	1031
John Monroe Collinsworth, et al.,	"	1032
Jimmie Dunning, et al.,	"	1033
Merilee B. DeWitt, et al.,	"	2151

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

M A F 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James M. Collinsworth, George W. Collinsworth, Willis B. Collinsworth, Hubert B. Collinsworth, Fercia Collinsworth, Garry Collinsworth, Willis D. Collinsworth, William C. Collinsworth, Edna B. Collinsworth, George W. Collinsworth, Mary A. Foster, Willis T. Foster, Aaron Oscar Foster, Reulah A. Foster, Lessie O. Foster, Ethel R. Foster, James M. Foster, Lena Ruth Foster, Mary C. Braden, Mary Reed, Wlanche Reed, Lockie Reed, Itasca Ross, Eva Ross, Meselle Ross, Tommie Hill, Bonnie Raugh, James Scott Braley, Ella Clifford Braley, Laura G. Braley, Maston R. Braley, Wilson Warren Braley, Bonnie Braley, William Thomas Collinsworth, Lexia Collinsworth, Stella Agnes Collinsworth, Willie Gertrude Collinsworth, Bessie Collinsworth, John Monroe Collinsworth, James Wilson Collinsworth, Jimmie Dunning, Harris Dunning, Roy Dunning, Douglas Dunning, Tommy (or Tommie) Dunning, Merilda B. DeWitt, Thomas A. Percival, Elizabeth Percival and John Riley Percival, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Merilda B. DeWitt for the identification of her husband, John B. DeWitt, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, October 11, 1902.

Mary A. Foster,
c/o W. B. Collinsworth,
Sulphur, Indian Territory.

Dear Madam:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James M. Collinsworth, et al., of which decision you were advised by registered mail on the 19th day of July, 1902.

Respectfully,

(SIGNED).

T. D. Woodlee.

Commissioner in Charge.

Muskogee, Indian Territory, October 18, 1902.

Mary A. Foster,
Care of W. E. Collinsworth,
Sulphur, Indian Territory.

Dear Madam:

In your letter of March 28, 1902, you transmitted the affidavits of the mother and nurse relative to the birth of your child, Raymond Nichols Foster, June 26, 1901.

You are advised in regard to the application of Mary A. Foster et al., that on July 19, 1902, the Commission after a consideration of the evidence submitted in support of the said application, refused the same for the reason that there was no evidence offered in any manner tending to show that the applicants were entitled to identification as Mississippi Choctaws as the descendants of Choctaw Indians who resided in Mississippi in 1830 and whose rights under the fourteenth article of the treaty of 1830 were favorably adjudicated.

The only authority vested in the Commission to identify so-called Mississippi Choctaws is contained in a paragraph of the twenty-first section of the act of Congress of June 20, 1898, and is as follows:

"Said Commission shall have authority to determine the

on the 26 day of June, 1901; that there was born to her on said date a male child; that said child is now living and is said to have been named Raymond Nichols Foster

WITNESSED TO SIGN:

Lillie Rust

(Must be Two Witnesses.)

Subscribed and sworn to before me this 28 day of March, 1902

S. S. Staples
NOTARY PUBLIC

M A 7 2

identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The Commission requires of applicants for identification as Mississippi Choctaws a reasonable demonstration of the fact that they are descendants of Choctaw Indians whose rights under the provisions of the fourteenth article of the treaty of 1830 were favorably adjudicated, and this you have failed entirely to do.

On July 19, 1902, the record in this case was forwarded to the Secretary of the Interior for his review and on October 1, 1902, the Secretary of the Interior affirmed the decision of the Commission in this case, of which action you were duly advised on October 11, 1902.

As the rights of your child are entirely dependent upon your recognition and identification as a Mississippi Choctaw and as the Commission and the Secretary of the Interior have decided that you are not entitled to such identification, the Commission cannot further consider the application for the identification of your child, Raymond Nichols Foster, as a Mississippi Choctaw Indian entitled to rights in the Choctaw lands under the provisions

on the 29 day of June, 1901; that there was born to her on said date a male child; that said child is now living and is said to have been named Raymond Nichols Foster

WITNESSES TO SIGN:

(Must be Two Witnesses)

Lillie Rust

Subscribed and sworn to before me this 28 day of March, 1902

S. S. Staples
Notary Public

NOTARY PUBLIC

H A Y 3

of the fourteenth article of the Charter treaty of 1820.

Respectfully,

Acting Chairman.

on the 20 day of June, 1901; that there was born to her on
said date a male child; that said child is now living and is said to have been
named *Raymond Nichols Foster*

Lillie Rust

WITNESSED TO NAME:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 28 day of March, 1901

A. S. Staples
NOTARY PUBLIC
Antelope Valley, Texas

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

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Raymond Nichols Foster, born on the 26 day of June, 1901
(Here insert name of child)
Name of Father: Benjamin Niley Foster, a citizen of the Choctaw Nation.
Name of Mother: Mary Anna Foster, a citizen of the Choctaw Nation.
Post-office, Sulphur, Cho. Nation

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District. }

I, Mary Anna Foster, on oath state that I am 37
years of age and a citizen, by adoption, of the Choctaw Nation;
that I am the lawful wife of Benjamin Niley Foster, who is a citizen, by
adoption, of the Choctaw Nation, that a male child was
(male or female)
born to me on the 26th day of June, 1901; that said child has been
named Raymond Nichols Foster, and is now living.

WITNESSES TO MARK

Mary Anna Foster

(Must be Two
Witnesses) }

Subscribed and sworn to before me this 28 day of March, 1902

A. S. Staples
Notary Public

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District. }

I, Lillie Burt, a Nurse, on oath state that I
attended on Mrs. Mary Anna Foster, wife of Benjamin Niley Foster,
on the 26 day of June, 1901; that there was born to her on
said date a male child; that said child is now living and is said to have been
(male or female)
named Raymond Nichols Foster.

WITNESSES TO MARK:

Lillie Burt

(Must be Two
Witnesses) }

Subscribed and sworn to before me this 28 day of March, 1902

A. S. Staples
Notary Public

NOTARY PUBLIC.

FOR IDENTIFICATION AS
~~A MISSISSIPPI CHOCTAW~~

70 115 50 IN RE

Application for Enrollment of

INFANT CHILD

Raymond Mahole Foster
as a citizen of

MISSISSIPPI CHOCTAW, Nation.

Approved,

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW, 190
Commissioner.

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

FILED
APR 5 1902

[Signature]
ACTING CHAIRMAN.

The application on behalf of the within named child has been accepted by the Commission as evidence of its birth and will be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

[Signature]
Commissioner.

MISSISSIPPI CHOCTAW. R-1684

MEX 664

When the decision of
the Commission is ap-
proved by the Secy
of the Interior has
a letter written the
applicant in regard
to the Chief Payment
Nichols - he being on
a birth affidavit and
not included in
the judgment.

JUL 19 1902

#6647

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

^{1/8}
Mary A. Foster 96.
Smithville, Texas.

FATHER: Willis B. Collinsworth ✓

MOTHER: Laura M. Collinsworth ✓

Claims through father.

HUSBAND: Riley R. Foster. 45.

No claim for husband.

Children:

Willis O. Foster 18

Caron O. " " 13

Bulah A. " " 11

Jessie O. " " 9

Ethel E. " " 5

James M. " " 3.

Alena R. " " 1 1/2

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

FILED

SEP 8 1900

ACTING CHIEF

JUL 15 1902

RECORD FORWARDED BY MAIL - APPROVED

JUL 16 1902

OFFICE OF THE ASSISTANT SECRETARY
FOR INDIAN AFFAIRS

JUL 18 1902

RECORD FORWARDED DEPARTMENT

JUL 19 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

OCT 1 1902

RECEIVED BY THE ASSISTANT SECRETARY
FOR INDIAN AFFAIRS

OCT 11 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDING RECORDS FOR INDIAN
AND ALASKA AFFAIRS

OCT 11 1902

Choc mCR 665 William Fisher

see mCR 654

mCR 665

William Fisher

REFUSED

DECISION RENDERED. JUL 18 1902

**NOTICE OF DECISION MAILED APPLICANT.
JUL 18 1902**

**NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.
JUL 18 1902**

**RECORD FORWARDED DEPARTMENT.
JUL 18 1902**

**ACTION APPROVED BY SECRETARY OF INTERIOR.
SEP 30 1902**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. OCT 8 1902**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. OCT 8 1902**

REFER TO M. C. R. 654

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T. September 8, 1900.

In the matter of the application for identification as
a Mississippi Choctaw of William Fisher. William Fisher being
duly sworn by Commissioner Needles testified as follows:

Examination by the Commission.

- Q What is your name? A William Fisher.
Q What is your age? A Twenty years.
Q What is your post-office address? A Teller, Indian
Territory.
Q Do you live in the Indian Territory? A No, not at the
present time.
Q Where do you live? A In Pottawottamie County, near
Tucumsah?
A In Oklahoma? A Yes sir.
Q Why do you say that your post-office address is Teller,
Indian Territory? A I am making preparations to go there now,
will be there inside of a week.
Q What is your purpose in going there? A Going there to
run an engine and make a crop and live there.
Q Where are you going to make a crop? A At Teller.
Q How are you going to get the land? A I guess a man is
allowed to rent land there.
Q Are you going to rent land there? A Lease it.
Q You are going to lease land? A I have already leased it.
Q It is not your intention to take up land of the public
domain of the Choctaw Nation? A It is if I am allowed to.
Q How much Choctaw blood do you claim? A I claim to be one
sixteenth.
Q What is your father's name? A Galip Fisher.
Q Is your father living? A Yes sir.
Q What is your mother's name? A Rebecca Fisher.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw
blood? A My father.
Q Is your father's name on any of the tribal rolls of the
Choctaw Nation? A No sir.
Q Did your father ever make application to the Choctaw tribal
authorities for citizenship in the Choctaw Nation? A No sir.
Q Has your father ever been recognized in any manner by the
tribal authorities of the Choctaw Nation as a citizen of that
Nation? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw
Nation? A No sir.
Q Have you ever made application to the tribal authorities
of the Choctaw Nation for citizenship in that Nation? A No sir.
Q Have you ever been recognized in any manner by the tribal
authorities as a citizen of the Choctaw Nation? A No sir.
Q Did you or any one in your behalf in 1896, under the act
of Congress of June 18th, 1896, make application to this Commission
for citizenship in the Choctaw Nation? A None that I know of.
Q Have you ever prior to this time made application to either
the authorities of the Choctaw Nation or of the United States for
either natural citizenship or enrollment as a Choctaw? A No sir.
Q This is your first application of any description? A Yes
sir.
Q You are now making application for identification as a
Mississippi Choctaw? A Yes sir.

William Fisher 2--

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to land under the fourteenth article of the treaty between the United States and the Choctaw Indians concluded September 27th, 1830? A My reason is that my great grand father was a half Mississippi Choctaw Indian.

Q Have you any evidences of the fact that he was ever recognized as such by the Choctaw tribe of Indians? A No sir.

Q What was your great grand father's name? A Calip Fisher.

Q Was he a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A I don't know.

Q Did any of your ancestors ever take advantage of the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I think not.

Q Do you make any claim by reason of any of the other provisions of the fourteenth article of the treaty of 1830? A No sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Belle Fisher.

Q Are you making any claim for her? A No sir.

Q She is a white woman? A As far as I know she is.

Q Have you any children? A No sir.

Q You are making this claim solely on your own behalf? A Yes sir.

Q Did you ever live in the Indian Territory? A Yes sir.

Q How long? A I have lived there with the exception of being out at times going along fifteen years. I haven't been in one certain place all the time.

Q Were you ever recognized as a citizen of any of the Five Tribes in the Indian territory at any time? A No sir.

Q Did you ever live in Mississippi? A No sir.

Q You claim your right by reason of your great grand father having been a Choctaw Indian? A Yes sir.

Q Is there any additional statement you desire to make? A No sir.

Q Is there any documentary evidence that you desire to file in support of your application? A No sir.

The decision of the Commission as to your application for identification as a Mississippi Choctaw, will be mailed to you in writing in the near future to your present post-office address.

Myra Young having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all the proceedings had in the above entitled cause on the 8th day of September, 1900, and that the above is a true, full and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 14 day of Sept. 1900.

Myra Young

Acting Chairman.

Muskogee, Indian Territory, July 18, 1902.

William Fisher,

Teller, Indian Territory.

Dear Sir:

You are hereby advised that on the 18th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Calip Fisher, et al., embracing the following applications for identification as Mississippi Cherokees:

Calip Fisher, et al.,	M.C.R.	664
Eliza Higginbotham, et al.,	M.C.R.	1023
James Fisher,	M.C.R.	656
Sarah Wilson, et al.,	M.C.R.	658
Thomas Fisher, et al.,	M.C.R.	657
Calvin Fisher, et al.,	M.C.R.	1030
William Fisher,	M.C.R.	665
Eliza Hamilton,	M.C.R.	659
Martha Tice, et al.,	M.C.R.	655
Laura Jewell, et al.,	M.C.R.	869
Ellen Gertrude Lathan, et al.,	M.C.R.	870
George Tice, et al.,	M.C.R.	666
William Tice, et al.,	M.C.R.	667
Samuel Fisher, et al.,	M.C.R.	1036
Hattie Wingo, et al.,	M.C.R.	1066
Belle Foster,	M.C.R.	1067

These applications were made under the provisions of the act of Congress of June 20, 1900 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Cherokee Indians claiming rights in the Cherokee lands under article fourteen of the treaty between the United States and the Cherokee Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

-2-

Said decision concurred as follows:

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Calip Fisher, Clara Fisher, Eliza Higginbotham, Johnnie Higginbotham, Willie Higginbotham, Jesse Fisher, Sarah Wilson, Ethel Wilson, Lillian Wilson, Doc Wilson, Fay Wilson, Thomas Fisher, Emma Fisher, Bertha Fisher, Calip Fisher, Calvin Fisher, Eunice Alice Fisher, William Fisher, Ella Hamilton, Martha Tice, Charles Tice, Walter Tice, Jesse Tice, Martin Tice, Laura Jewell, William Jewell, Lillie Jewell, Lottie Jewell, Millard F. Jewell, Ellen Gertrude Latham, William Latham, Janie Latham, David Latham, George Tice, David Tice, William Tice, Oscar Tice, Samuel Fisher, Willie Fisher, Arthur Fisher, Grace Fisher, Ola Fisher, Jesse Fisher, Mary Fisher, Effie Wingo, Mary Wingo, Oscar Wingo, Dew Wingo, Birdie Wingo, and Della Foster, as Cheateau Indians entitled to rights in the Cheateau lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.⁶

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

C. H. ...

I. ...

Commissioner in Charge

Registered.

COPY

H.C.R. 665.

Muskogee, Indian Territory, October 8, 1902.

William Fisher,

Teller, Indian Territory.

Dear Sir:

You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Calip Fisher, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

[Signature]
Acting Chairman.

Miss. Choctaw R665

Muskogee, Indian Territory, November 6, 1902.

William Fisher,

Teller, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Belle Fisher and Kura Fisherto the birth of Edwin Fisher, infant son of William and Belle Fisher, born March 31, 1902. The same are herewith returned to you for the reason that on July 18, 1902, the Commission rendered its decision refusing your application for identification as a Mississippi Choctaw and on September 30, 1902, the Secretary of the Interior approved the decision of the Commission and on October 8, 1902, you were duly notified of such Departmental action.

Respectfully,

Acting Chairman.

AB 2-6

MOR 665

COPY

Muskogee, Indian Territory, December 14, 1906.

William Fisher,

Teller, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on December 5, 1906, denied the petition filed under the Act of Congress approved April 26, 1906, by Calip Fisher, of Tishomingo, Indian Territory, for the reopening of the consolidated Mississippi Choctaw case of Calip Fisher, et al.

Respectfully,

SIGNED

Tams Bixby.
Commissioner.

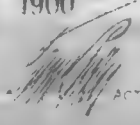
#665.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

^{1/16.} William Fisher. SEP 8 1900
Deller, Ind. Per. 20.

FATHER: Galip Fisher. ✓
MOTHER: Rebecca Fisher. ✓
Claim through father.
WIFE: Belle Fisher.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 8 1900


ACTING CHAIRMAN.

Choc MCR 666 George Rice

see MCR 654

MCR

666

ION AS
A MISSISSIPPI CHOCTAW

George Tice et al.

REFUSED

DECISION RENDERED. JUL 18 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 18 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHICKASAW AND CHICKSAW NATIONS.

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR:

SEP 30 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

OCT 8 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R. 654

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskeges, I. T. September 8, 1900.

In the matter of the application of George Tice for the identification of himself and minor child as Mississippi Choctaws. George Tice being duly sworn by Commissioner Needles, testified as follows:

Examination by the Commission.

- Q What is your name? A George Tice.
Q What is your age? A 24 years.
Q What is your post-office address? A Cliff.
Q Do you reside at Cliff? A Yes sir.
Q How long have you resided in the Indian Territory?
A Ten years.
Q Have you maintained a residence in the Indian Territory continuously for the past ten years? A Yes sir.
Q Have you been out side of the Indian Territory in the past three years? A Yes sir.
Q What was your purpose in going out? A Just out on a visit.
Q How long did you remain away? A About two weeks.
Q You never removed from the Indian Territory for the purpose of making your residence elsewhere? A No sir.
Q How much Choctaw blood do you claim? A One sixteenth.
Q What is your father's name? David Tice.
Q Is he living? A Yes sir.
Q What is your mother's name? A Martha Tice.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood? A Mother.
Q Was your mother's name ever on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Did your mother ever make application to the Choctaw tribal authorities for citizenship in that Nation? A No sir.
Q Has your mother ever been recognized in any manner as a citizen of the Choctaw Nation? A No sir.
Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Have you ever been recognized in any manner by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.
Q Did you or any one in your behalf under the act of Congress of June 10th, 1896, make application to this Commission for citizenship in the Choctaw Nation? A No sir.
Q Have you ever prior to this time made any application to the authorities of either the Choctaw Nation or the authorities of the United States for either citizenship or enrollment as a Choctaw?
A No sir.
Q This is your first application of any description? A Yes sir.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to share in the Choctaw lands under the fourteenth article of the treaty of 1830?
A Because my grand dadie was a Choctaw, a half breed.
Q What was your grand father's name? A Calip Fisher.
Q Was Calip Fisher ever a recognized citizen of the Choctaw tribe of Indians? A No sir.

George Tice 2--

Q Do you make any claim under the fourteenth article of the treaty of 1830? A No sir.

Q Did you ever take advantage of the fourteenth article of the treaty of 1830? A No sir.

Q Did any of your ancestors ever take advantage of the fourteenth article of the treaty of 1830? A Not as I knew of.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.

Q Do you make any claim by reason of any of the other provisions of the treaty of 1830? A No sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Lula Tice.

Q What is her age? A Twenty.

Q Is she a white woman? A Yes sir.

Q Are you making any claim for her? A No sir.

Q Where did you marry her? A Chickasaw Nation.

Q When did you marry her? A 1897.

Q Were you married to her in accordance with the laws of the Choctaw Nation? A No sir, at Ardmore.

Q United States law? A Yes sir.

Q Have you any evidence of that marriage? A Not with me.

Q Are you making a claim for any one besides yourself? A Yes sir, one child.

Q What is the child's name? A David Tice.

Q How old is David Tice? A Two months old.

Q You are the father of this child? A Yes sir.

Q Lula Tice is the mother? A Yes sir.

Q This child lives with you at your home? A Yes sir.

Q How long have you lived in the Indian Territory? A Ten years.

Q Where did you live before that? A Texas.

Q Did you ever live in Mississippi? A No sir.

Q Where were you born? A Texas.

Q Lived in Texas until you moved to the Indian Territory?

A Yes sir.

Q Which one of your ancestors lived in Mississippi and was recognized by the Choctaw tribe of Indians in 1830 at the time the treaty was made between the United States and the Choctaw Indians? A I don't know.

Q Is there any additional statement you desire to make in behalf of your application and the application you make on behalf of your minor child? A No sir.

Q Is there any documentary evidence that you desire to submit for the consideration of the Commission? A No sir.

The decision of the Commission as to your application and the application you make on behalf of your minor child for identification as Mississippi Choctaws will be mailed to you in writing in the near future to your present post office address.

Kyra Young having been first duly sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings in the above entitled cause on the 8th day of September, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 14th day of September, 1900.

M. J. Young
Notary Public

COPY.

M.C.R. 606.

Muskogee, Indian Territory, July 18, 1902.

George Tice,

Cliff, Indian Territory.

Dear Sir:

You are hereby advised that on the 18th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Calip Fisher, et al., embracing the following applications for identification as Mississippi Choctaws:

Calip Fisher, et al.,	M.C.R., 654
Eliza Higginbotham, et al.,	M.C.R., 1023
Jesse Fisher,	M.C.R., 656
Sarah Wilson, et al.,	M.C.R., 658
Thomas Fisher, et al.,	M.C.R., 657
Calvin Fisher, et al.,	M.C.R., 1034
William Fisher,	M.C.R., 668
Ella Hamilton,	M.C.R., 659
Martha Tice, et al.,	M.C.R., 655
Laura Jewell, et al.,	M.C.R., 869
Ellen Gertrude Latham, et al.,	M.C.R., 870
George Tice, et al.,	M.C.R., 666
William Tice, et al.,	M.C.R., 667
Sammel Fisher, et al.,	M.C.R., 1035
Effie Wingo, et al.,	M.C.R., 1066
Della Foster,	M.C.R., 1067

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stat.,) 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Calip Fisher, Clara Fisher, Eliza Higginbotham, Johnnie Higginbotham, Willie Higginbotham, Jesse Fisher, Sarah Wilson, Ethel Wilson, Lillian Wilson, Dec Wilson, Fay Wilson, Thomas Fisher, Emma Fisher, Bertha Fisher, Calip Fisher, Calvin Fisher, Eunice Alto Fisher, William Fisher, Ella Hamilton, Martha Tice, Charles Tice, Walter Tice, Jesse Tice, Martin Tice, Laura Jewell, William Jewell, Lillie Jewell, Lettie Jewell, Millard F. Jewell, Ellen Gertrude Latham, William Latham, Junie Latham, David Latham, George Tice, David Tice, William Tice, Oscar Tice, Samuel Fisher, Willie Fisher, Arthur Fisher, Grace Fisher, Ola Fisher, Jesse Fisher, Mary Fisher, Effie Wingo, Mary Wingo, Oscar Wingo, Dow Wingo, Birdie Wingo, and Della Foster, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

Commissioner in Charge.

K. P. 607.

Kuskogee, Indian Territory, October 6, 1902.

George Tice,

Cliff, Indian Territory.

Dear Sir:

You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Choctaws of the several persons included in the consolidated case of Calip Fisher, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

Acting Chairman.

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Muskogee, IND. TER.



not stamped

666

A large, stylized handwritten signature or scribble, possibly reading "Tice".

George Tice,

~~01422, Indian Territory.~~

msm

REFER IN REPLY TO THE FOLLOWING:

MCR 666

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

Muskogee, Indian Territory, December 14, 1906.

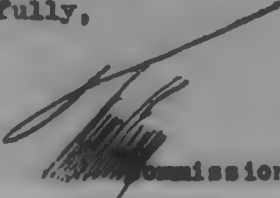
George Tice,

Cliff, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on December 5, 1906, denied the petition filed under the Act of Congress approved April 26, 1906, by Calip Fisher, of Tishomingo, Indian Territory, for the reopening of the consolidated Mississippi Choctaw case of Calip Fisher, et al.

Respectfully,


Commissioner.

FOR IDENTIFICATION AS #6666.
A MISSISSIPPI CHOCTAW.

1/16 George Dice SEP 8 1900
Cliff. Ind. Ter. 24

FATHER: David Dice ✓
MOTHER: Martha Dice ✓
Claims through mother

WIFE: Lulu Dice 20.
No claim for wife

Child:
David Dice 2 mo.

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

FILED

SEP 8 1900

ACT. CHIEF

Choc mcr 667 William Tice

see mcr 654

mcr 667

William Tice et al

REFUSED

DECISION RENDERED. JUL 18 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 18 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT

JUL 18 1902

ACTION APPROVED BY SECRETARY OF INTERIOR:

SEP 30 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

OCT 5 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R. 654

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. September 8, 1900.

In the matter of the application for identification as
Mississippi Choctaws of William Tice and his minor child, William
Tice being duly sworn by Commissioner Needles testified as
follows:

Examination by the Commission.

- Q What is your name? A William Tice.
Q What is your age? A Twenty-two.
Q What is your post-office address? A Cliff.
Q Do you live at Cliff? A Yes sir.
Q How long have you resided in the Indian Territory? A Ten years.
Q Have you maintained a residence in the Indian Territory continuously for the past ten years? A Yes sir, all but just out on a visit.
Q Have you been outside of the Indian Territory in the past three years? A Yes sir.
Q How long did you remain away and where did you go? A To Oklahoma, staid about two weeks.
Q Did you go to Oklahoma for the purpose of making your residence there? A Just on a visit.
Q How much Choctaw blood do you claim? A One sixteenth.
Q What is your father's name? A David Tice.
Q Is your father living? A Yes sir.
Q What is your mother's name? A Martha Tice.
Q Is your mother living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood? A My mother's side.
Q Is your mother's name on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Did your mother ever make application to the Choctaw tribal authorities for citizenship in that Nation? A No sir.
Q Has she ever been recognized in any manner as a citizen of the Choctaw Nation by the tribal authorities of that Nation? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Did you ever make application to the tribal authorities of the Choctaw Nation for citizenship in the Choctaw Nation? A No sir.
Q Have you ever been recognized in any manner by the tribal authorities of the Choctaw Nation as a citizen of that Nation? A No sir.
Q Did you or did any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of June 10th, 1896? A No sir.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to ~~land~~ in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A My grand father was.
Q Was what? A Half Indian.
Q What was the name of your grand father? A Galip Fisher.
Q Was Galip Fisher ever recognized and enrolled citizen of the Choctaw Nation? A No sir.
Q Do you claim under the fourteenth article of the treaty of 1830? A No sir.

William Tice 2--

- Q Did you ever take advantage of the fourteenth article of the treaty of 1830? A No sir.
- Q Did any of your ancestors ever take advantage of the fourteenth article of the treaty of 1830? A No sir.
- Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.
- Q Do you make any claim by reason of any of the other provisions of the treaty of 1830? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Nora Tice.
- Q What is her age? A Twenty.
- Q Are you making any claim for her? A No sir.
- Q She is a white woman? A Yes sir.
- Q Where did you marry her? A Ardmore.
- Q When? A In 1897.
- Q Were you married to her in accordance with the laws of the Choctaw Nation? A No sir.
- Q Married her in accordance with the laws of the United States? A Yes sir.
- Q Have you any evidence of that marriage that you desire to present to the Commission at this time? A No sir.
- Q Are you making any claim for any one besides yourself? A Yes sir, for my child.
- Q How many children have you? A Just one.
- Q What is the name of your child? A Oscar Tice.
- Q How old is Oscar Tice? A Two years old.
- Q You are the father of this child? A Yes sir.
- Q Nora Tice is the mother? A Yes sir.
- Q This child lives with you at your home? A Yes sir.
- Q How long have you lived in the Indian Territory? A Ten years.
- Q Where did you live prior to that time? A Texas.
- Q Where were you born? A Hamilton County, Texas.
- Q You resided in Texas until you moved to the Indian Territory? A Yes sir.
- Q Did you ever live in Mississippi? A No sir.
- Q Which one of your ancestors lived in Mississippi and was a recognized citizen of the Choctaw tribe of Indians in 1830 when the treaty was made between the United States and the Choctaw Indians? A My grand father.
- Q What was your grand father's name? A Galip Fisher.
- Q You stated that he had never taken advantage of the 14th article of the treaty of 1830 or never had received land under that article? A Yes sir.
- Q Is there any additional statement you desire to make? A No sir.
- Q Is there any documentary evidence that you desire to submit to the Commission for its consideration? A No sir.

The decision of the Commission as to your application and the application you make on behalf of your child for identification as Mississippi Choctaw, will be mailed to you in writing in the near future to your present post-office address.

Myra Young, being first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 8th day of September, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 14th day of September, 1900

Myra Young

Notary Public.

COPY.

M.C.R. 667.

Muskogee, Indian Territory, July 18, 1902.

William Tice,

CLIFF, Indian Territory.

Dear Sir:

You are hereby advised that on the 18th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Calip Fisher, et al., embracing the following applications for identification as Mississippi Choctaws:

Calip Fisher, et al.,	M.C.R. 654
Eliza Higginbotham, et al.,	M.C.R. 1023
Jesse Fisher,	M.C.R. 686
Sarah Wilson, et al.,	M.C.R. 658
Thomas Fisher, et al.,	M.C.R. 657
Calvin Fisher, et al.,	M.C.R. 1034
William Fisher,	M.C.R. 665
Ellis Hamilton,	M.C.R. 659
Martha Tice, et al.,	M.C.R. 655
Laura Jewell, et al.,	M.C.R. 869
Ellen Gertrude Latham, et al.,	M.C.R. 870
George Tice, et al.,	M.C.R. 666
William Tice, et al.,	M.C.R. 667
Samuel Fisher, et al.,	M.C.R. 1035
Effie Wingo, et al.,	M.C.R. 1066
Della Foster,	M.C.R. 1067

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 488) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Calip Fisher, Clara Fisher, Alice Higginbotham, Johnnie Higginbotham, Willie Higginbotham, Jesse Fisher, Sarah Wilson, Ethel Wilson, Lillian Wilson, Doc Wilson, Ray Wilson, Thomas Fisher, Emma Fisher, Bertha Fisher, Calip Fisher, Calvin Fisher, Eunice Alto Fisher, William Fisher, Ella Hamilton, Martha Tice, Charles Tice, Walter Tice, Jesse Tice, Martin Tice, Laura Jewell, William Jewell, Lillie Jewell, Lottie Jewell, Millard F. Jewell, Ellen Gertrude Latham, William Latham, Janie Latham, David Latham, George Tice, David Tice, William Tice, Oscar Tice, Samuel Fisher, Willie Fisher, Arthur Fisher, Grace Fisher, Ola Fisher, Jesse Fisher, Mary Fisher, Effie Wingo, Mary Wingo, Oscar Wingo, Dew Wingo, Birdie Wingo, and Della Foster, as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

Commissioner in Charge.

N.C.P. 667.

COPY.

Muskogee, Indian Territory, October 8, 1902.

William Fied,

Cliff, Indian Territory.

Dear Sir:

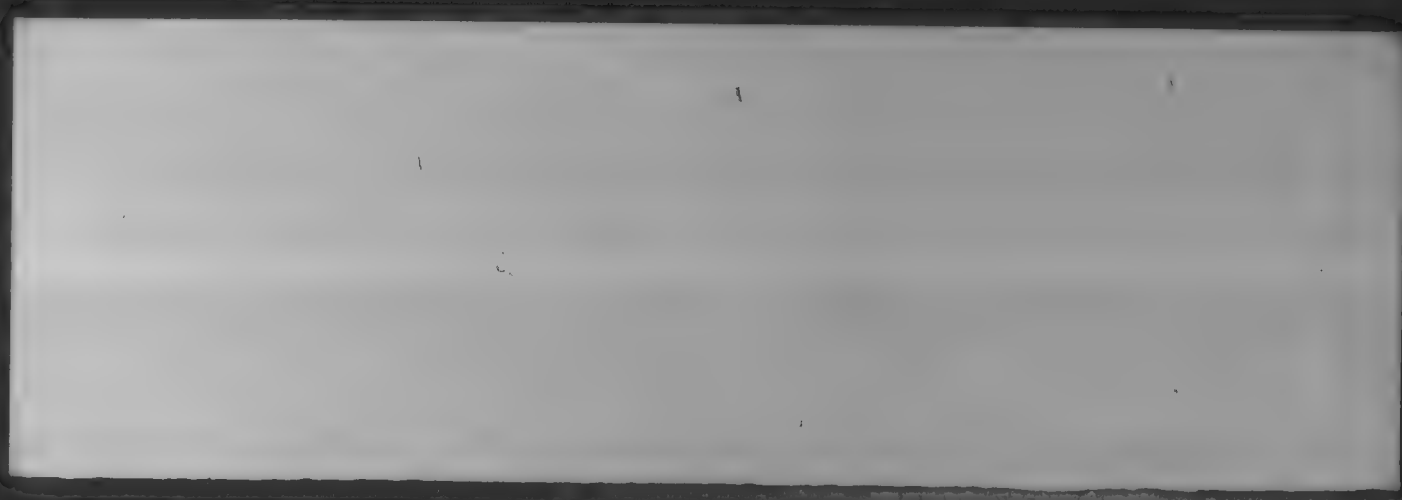
You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Calip Fisher, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

(BIGNELL)

James B. Bignell

Acting Chairman.



Five Cent
MUSKOGEE, IND. TER.



*Return to sender
667*



William Tice,
~~Cliff, Indian Territory.~~



mm

REFER TO COPY TO THE SECRETARY: <hr/> REF. 647 <hr/>
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DEPARTMENT OF THE INTERIOR,
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

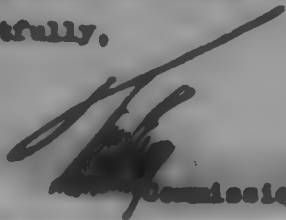
Muskogee,, Indian Territory, December 14, 1906.

William Tice,
 Cliff, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on December 8, 1906, denied the petition filed under the Act of Congress approved April 26, 1906, by Galip Fisher, of Tishomingo, Indian Territory, for the reopening of the consolidated Mississippi Choctaw case of Galip Fisher, et al.

Respectfully,


 Commissioner.

667.
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

1/6
William Dice SEP 8 1900
Cliff, Ind. 22.

FATHER. David Dice ✓
MOTHER. Martha Dice ✓
Claims through mother.

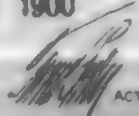
WIFE: Nora Dice 20.
No claim for wife.

Child:
Oscar Dice 2.

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

FILED

SEP 8 1900


ACTING CHAIRMAN.

Choc MCR 668 Ellen Waller

see MCR 200

MCR 668

MISSISSIPPI CHOCTAW

B. 6

Ellen Waller et al
REFUSED.

DECISION RENDERED **MAY 13 1902**

NOTICE OF DECISION MAILED APPLICANT.

MAY 17 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

MAY 17 1902.

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 17 1902

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 18 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 27 1902

REFER TO M. C. R.

200

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., SEPTEMBER 11, 1900.

In the matter of the application for identification as a Mississippi Choctaw of Ellen Waller and her minor child, Mary Waller.

Mary Waller, being first duly sworn by Acting Chairman, Kirby, testified as follows:

(By the Commission)

- Q What is your name? A Ellen Waller.
Q What is your age? A 26.
Q What is your post office address? A Wetumka.
Q Where is that? A In the Creek Nation,
Indian Territory? A Yes sir.
Q How long have you lived in the Indian Territory? A Nearly
all my life, I came here when about one year old.
Q How long have you resided in the Creek Nation?
A Came there last year.
Q How long did you reside in the Choctaw Nation? A Not
very long, we live in the Chickasaw Nation.
Q When did you first come to the Territory? A When I was
just a year old.
Q From where? A Texas.
Q Were you born in Texas? A Yes sir.
Q How much Choctaw blood do you claim? A 1/8.
Q What is your father's name? A A. B. Nail.
Q Is he living? A Yes sir.
Q What is your mother's name? A My mother's name was Schull,
she is now Martha Nail.
Q She living? A No sir.
Q Through which one of your parents do you claim your Choctaw
blood? A From my father.
Q Your father's name on any of the tribal rolls of the Choctaw
Nation? A I cannot tell you.
Q Your father ever make application to the Choctaw tribal
authorities for citizenship in the Choctaw Nation?
A No sir, I don't think he did.
Q Was he ever recognized in any manner by the Choctaw tribal
authorities as a citizen of the Choctaw Nation?
A Yes sir we always was.
Q The authorities we do not care about the neighbors.
A Well I don't know about the authorities.
Q Well, you do not know, do you, whether he was ever recognis-
ed as a citizen by any of the officials of the Choctaw Nation?
A No sir.
Q Did your father ever make application in 1888 for citizenship
in the Choctaw Nation? A No sir.
Q Is your name on any of the Choctaw tribal rolls? A No sir.
Q Have you ever made application to the Choctaw tribal au-
thorities for citizenship in the Choctaw Nation? A No sir.
Q Have you ever been recognized in any manner by the authori-
ties of the Choctaw Nation as a citizen of that Nation?
A No sir.
Q Did you, or any one in your behalf in 1888, make application
to this Commission for citizenship in the Choctaw Nation?
A I cannot tell you.
Q Well you know whether you did or not? A No sir, I don't.
Q Don't you know what you did four years ago? A Oh, yes sir.
Q Did you make application to this Commission?
A No sir, we never did.
Q I am talking about you. A I never did.

- Q Have you prior to this time made any application to either the authorities of the United States or the Choctaw Nation for either enrollment or citizenship in the Choctaw Nation?
- A No sir.
- Q Is this the first time that you have made application for citizenship in the Choctaw Nation, or come before this Commission? A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Why do you believe that you are entitled to be identified by this Commission as a Mississippi Choctaw entitled to rights in the Choctaw lands as beneficiaries under the 14th Article of the Treaty of 1830?
- A Because my grandmother always taught us that we was.
- Q Taught you what? A That we had Choctaw blood in us.
- Q That is the reason you make application now, because you have Choctaw blood? A Why, we have no other right to apply on.
- Q That is your claim at this time, is it? A Yes sir, because he was an Indian, had Indian blood, that would give us a right.
- Q Do you claim under the 14th article of the treaty of 1830?
- A Yes sir.
- Q You do? A Yes sir.
- Q Did you ever take advantage of the 14th article of the treaty of 1830? A No sir.
- Q Did any of your ancestors ever take advantage of the 14th article of the treaty of 1830? A Not that I know of.
- Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A My great grandfather did.
- Q Have you any evidence of the fact that he ever received any land in Mississippi? A I don't know.
- Q This Commission will require in each and every case, all parties making application as Mississippi Choctaws, to show the compliance, of either themselves or their ancestors, with the 14th of the treaty of 1830, and in each and every case, documentary evidence will be required showing compliance therewith.
- A I do not know whether I have or not, I got about all the evidence that I have got there from my grandmother and father. I aint very well posted and never was educated and posted on treaties.
- Q Do you make any claim by reason of any of the other provisions of the treaty of 1830? A No sir, I never.
- Q Are you married? A Am I married? A Yes sir.
- Q What is your husband's name? A Ben Waller.
- Q What is his age? A 38 years old.
- Q You make no claim for him? A No sir.
- Q He a white man? A Yes sir.
- Q Never made any claim to Indian citizenship? A No sir.
- Q Where did you marry him? A Tishomingo.
- Q Indian Territory? A Yes sir.
- Q When? A 8 years ago the 6th day of last April.
- Q Did you marry him in accordance with the laws of the Choctaw Nation? A No sir, I didn't.
- Q According to the United States laws? A Yes sir.
- Q Have you any evidence of that marriage? A Yes sir.
- Q Where is it? A I cannot offer it in evidence, I haven't got it with me, but I have it at home.

Ellen Waller

- Q You have a marriage license, have you? A Yes sir.
Q Do you desire to offer it in evidence? A I, Yes sir.
Q Making any claim for anyone besides yourself? A My little girl, there.
Q What is her name? A Mary Waller.
Q How old is she? A 7 years.
Q You the mother of this child? A Yes sir.
Q Ben Waller the father? A Yes sir.
Q She living with you at your home? A Yes, sir.
Q You never lived in Mississippi? A No sir.
Q Which one of your ancestors lived in Mississippi at the time the treaty was made between the United States and the Choctaws, and was a member of the Choctaw tribe at that time?
A I cannot tell you, I was too young to know anything about it.
Q Is there any additional statement that you desire to make in support of your application and the application you make on behalf of your minor child? A No sir.
Q Any written evidence that you desire to submit for the consideration of the Commission in connection with your application? A Yes sir.

Commission: Original petition and application of Ellen Waller and the affidavit of A. B. Nail and Mary Nail, offered in evidence, marked "Exhibit A" identified as such, filed and made a part of the records in this case.

- Q Have you anything further you want to say? A No sir, not that I know of, only just that.

The decision of the Commission as to your application and the application you make on behalf of your minor child, for identification as Mississippi Choctaws, will be mailed to you, in writing in the near future at your present post office address.

Kate De Bord, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full the proceedings had in the above entitled cause on the 11th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceeding on said date.

Kate De Bord

Subscribed and sworn to before me this 3 day of Oct 1900.

Guy L. Emerson
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.

Muskogee, Indian Territory, March 25th, 1901.

Ellen Waller,

Wetumka, I.T.

Dear Madam:

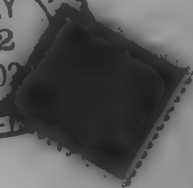
There is enclosed you herewith a copy of the Commission's decision refusing your application and the application made by you on behalf of your minor child for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

encl.
H.S.M.

H.C.R. 668



Department of the Interior.

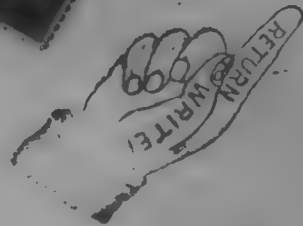
Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Ellen Waller,



7733

366v

Reynolds

Wetumka,

Indian Territory.



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

FILED

JUL 23 1902

ACTING CHAIRMAN



899

Wm. O. B.

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
M C R 868

ALLISON L. AYLESWORTH.
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 17, 1902.

Ellen Waller,

Wetumka, Indian Territory.

Dear Madam:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tilda C. Wright, et al., embracing the following applications for identification as Mississippi Choctaws:

Tilda C. Wright, et al.,	M C R 200
Harden W. Wright, et al.,	M C R 174
Andrew Jackson Wright,	M C R 199
Mary Brown, et al.,	M C R 201
Mary E. Scott, et al.,	M C R 218
John T. Wright, et al.,	M C R 479
Charles C. Nail, et al.,	M C R 168
Willie Ann Akins, et al.,	M C R 178
George W. Nail,	M C R 176
Ellen Waller, et al.,	M C R 868
Susie Elizabeth Standifer, et al.,	M C R 4878

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 24, 1900, (30 Stat., 496,) is as follows:


'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform, all other acts necessary thereto and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Tilda C. Wright, William Wright, Harden W. Wright, Mary L. Wright, Mary Rowena Wright, William Thomas Wright, Lillie Devie Wright, Richard Harden Wright, Andrew Jackson Wright, Mary Brown, Tilda C. Brown, Jessie Harden Brown, Mary E. Scott, Robert Elihu Love, Claudie W. Love, Dudley Morris Love, James Washington Love, Horace Jeanie Love, John Wesley Scott, Mala Jane Scott, Ettie Arcena Scott, Leola Elizabeth Scott, Ida Lucretia Scott, John T. Wright, Dora Etta Wright, Willie May Wright, Nettie Bell Wright, Charles C. Nail, Mamie Emma Nail, George Grover Nail, Clyde Nail, Willie Ann Akins, Emmett Eugene Akins, Samuel Edw. Akins, Jesse Clifford Akins, Wesley Akins, George W. Nail, Ellen Waller, Mary Waller, Susie Elizabeth Standifer, Hardin Standifer, Elizabeth Standifer, Hiley Standifer, George Standifer, Willie Standifer and Becky Jane Standifer, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Mary E. Scott for the identification of her husband, A. J. Scott, as an intermarried Mississippi Choctaw, should be refused, and it is so ordered."

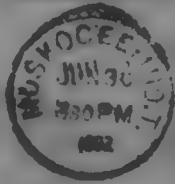
You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,



Acting Chairman.

Registered.



Department of the Interior.

Commissioner to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Ellen Waller

Witumka

J. J.

668



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

FILED

JUL 26 1902

A handwritten signature in dark ink, appearing to be "W. H. H. H.", written over the typed name of the Acting Chairman.

ACTING CHAIRMAN.



W. C. B.

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
M.C.R. 668

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

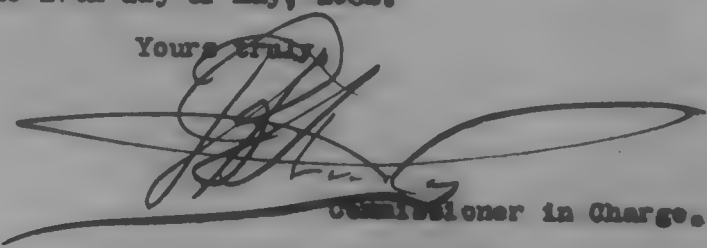
Muskogee, Indian Territory, June 27, 1902.

Ellen Waller,
Wetumka, Indian Territory.

Dear Madam:

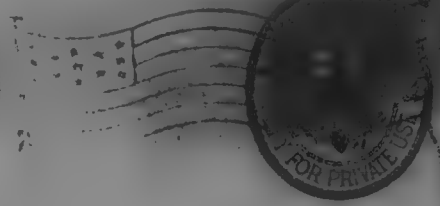
You are hereby advised that on the 18th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tilda C. Wright, et al., of which decision you were advised by registered mail on the 17th day of May, 1902.

Yours truly,



Commissioner in Charge.

MUSKOGEE
JAN 23
7-PM
1907
IND. T.



UNCLASIFIED

Ellen Waller,

Wetumka, Indian Territory.



DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes

FILED

FEB 27



Commissioner.

REFER IN REPLY TO THE FOLLOWING:

MCR-668

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

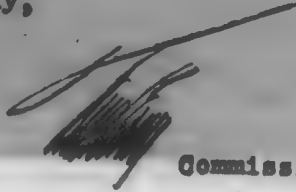
Muskogee, Indian Territory, January 23, 1907.

Ellen Waller,
Wetumka, Indian Territory.

Dear Madam:-

You are hereby notified that on January 16, 1907, the Secretary of the Interior denied the request made by John T. Wright, June 26, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Tilda C. Wright et al., of which the application for the identification of yourself and child is a part.

Respectfully,



Commissioner.

MISSOURI OCTAW.

41

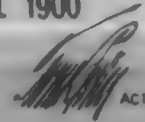
$\frac{1}{8}$ SEP 11 1900
Ellen Waller. 26.
Wetumpka, I. T.

FATHER: A. B. Nail ✓
MOTHER: Martha Nail - dead
Claims through father.

HUSBAND: Ben Waller. 28.
No claim for husband.

Child:
Mary Waller 7.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 11 1900


ACTING CHAIRMAN.

Choc mcr 669 claud R. Beard

see mcr 4001

mcr 669

SAW. B. ...
Land R. Beard

REFUSED.

DECISION RENDERED. MAR 3- 1902

NOTICE OF DECISION MAILED APPLICANT.

MAR 3 1902

**NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS.**

MAR 3 1902

**NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.**

MAR 3 1902

RECORD FORWARDED DEPARTMENT.

MAR 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 24 1902

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.**

MAY 7 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.**

MAY 7 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.**

MAY 7 1902

REFER TO M. C. R. 4001

K

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 16, 1900.

In the matter of the application of Claud R. Beard for identification as a Mississippi Choctaw; being sworn and examined by Acting Chairman Sixby he testifies as follows:

- Q What is your name? A Claud R. Beard.
Q What is your age? A Twenty-one.
Q What is your post-office address? A Ada, I. T.
Q How long have you lived in the Indian Territory? A About four months.
Q Where did you live before coming to the Indian Territory? A Oklahoma.
Q How long had you lived in Oklahoma? A About ten years.
Q Where did you live before that? A Wilson County, Kansas.
Q How long had you lived in Kansas? A I was born there.
Q Have you ever lived in Mississippi? A No sir.
Q What is the name of your father? A Alfred B. Beard.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian or a white man? A Choctaw Indian.
Q What proportion of Choctaw blood does he claim to have? A One quarter.
Q Has his name ever been on the Choctaw rolls? A Not that I know of.
Q Has he ever been recognized by the Tribal authorities as a Choctaw Indian? A Not that I know of.
Q What is the name of your mother? A Catherine Beard.
Q Is she living? A Yes sir.
Q Is she a white woman or a Choctaw Indian? A White woman.
Q What proportion of Choctaw blood do you claim to have? A One-eighth.
Q Has your name ever been on the Tribal rolls? A Not that I know of.
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A Not that I know of.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No sir.
Q Did you apply to the Dawes Commission in 1896? A No sir. My father did though.
Q Was your father admitted or rejected by the Dawes Commission? A I don't know.
Q Did you ever hear? A No sir.

Note: Record examined and found to read as follows: 1896 Citizenship Docket "C", page 346, Choctaw case #673, Alfred B. Beard versus the Choctaw Nation. Original application filed September 9th 1896; answer of the Choctaw Nation filed; application denied by the Commission December 4th 1896; appealed to the United States Court in the Indian Territory, and the judgment of the Commission sustained as to Alfred B. Beard, Henry G. Beard, Lola G. Beard, Lyman F. Beard, Laura M. Beard, Ollie and Claude Beard; and reversed as to John W. Beard; John W. Beard is the only party admitted to citizenship.

- Q Did your father, in making application to the commission in 1896, claim to be a Mississippi Choctaw? A I guess he did.
Q You are claiming now to be a Mississippi Choctaw? A Yes sir.
Q Under which treaty do you claim? A Under all the treaties that pertain to Mississippi Choctaws.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No sir.
Q Did your ancestors? A No sir.
Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the Treaty of 1830? A No sir.

Claud R. Beard #2

any of

Q Did your ancestors? A No sir, not that I know of.

Q Are you married? A No sir.

Q Is there any additional statement you would like to make at this time? A No sir.

Q Any papers you desire to file? A I will have some papers to file.

(Note, Certified copy of affidavits and judgment of the Court case to be filed to-day.)

Examined by Attorney Hudson:

Q Are you a brother of John W. Beard who was admitted by a judgment of the United States Court? A Yes sir.

Q Same father and same mother? A Yes sir.

The Commission is unable from the evidence in this case to identify you as a Mississippi Choctaw claiming under the Act of Congress of June 23rd 1898. Your application for identification is denied, and your enrollment is refused for the additional reason that it appears from the record and your own statements that you made application to the commission to the Five Civilized Tribes under the law of June 10th, 1896, as a Mississippi Choctaw, and your application for admission was denied by said Commission; thereupon, an appeal was taken to the United States Court in the Indian Territory, and the decision of the Commission as respects your application was sustained by said Court.

N.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

Subscribed and sworn to before me this 30 day of June 1900.


Notary Public.

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

In the matter of the application of Claude R. Beard for the identification of himself as a Mississippi Choctaw.

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The applicant, Claude R. Beard, appeared before the Commission at Colbert, Indian Territory, June 16, 1900, and there made application for the identification of himself as a Mississippi Choctaw.

It appears from the record in this case, that on September 9, 1896, applicant's father, Alfred B. Beard, made application to the Commission to the Five Civilized Tribes, under the law of June 10, 1896, for citizenship of himself, and children, Henry G., John W., Lola G., Lyman F., Laura B., Claude and Ollie Beard, as citizens by blood of the Choctaw Nation; that the above application of Alfred B. Beard for the citizenship of himself and children as citizens by blood of the Choctaw Nation, was, by the Commission, denied on December 4th, 1896; that thereupon an appeal was taken from the decision of the Commission to the United States Court in the Indian Territory, and the decision and judgment of the Commission was reversed as to John W. Beard, but affirmed and sustained as to Alfred B. Beard, and his children, Henry G., Lyman F., Laura B., Lola G., Claude and Ollie Beard, said John W. Beard being the only member of applicant's family that was admitted to citizenship.

That the applicant's claim to recognition as a citizen of the Choctaw Nation, is by reason of his right to be identified by this Commission as a Mississippi Choctaw.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, is found in section Twenty one of the act of Congress approved June 22, 1898, (Curtis Bill), and is as follows, to-wit:

"Said Commission shall have authority to determine the identification of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

After carefully considering the testimony on behalf of the applicant given at the time of his personal appearance before the Commission for examination, and the written evidence submitted by him in support of this application for identification as a Mississippi Choctaw, this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.

The application of Claud R. Beard for identification as a Mississippi Choctaw is hereby refused.

BY THE COMMISSION.



Acting Chairman.

Muskogee, Indian Territory, Oct 1, 1900.

Muskogee, Indian Territory, January 12, 1901.

Claude R. Beard,

Reff, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 2nd instant in which you request that your case be referred to the Secretary of the Interior, and the same is returned to you herewith for the reason that the records of this Commission show that on December 3rd, 1900, all the original papers in the matter of your application for identification as a Mississippi Choctaw, were forwarded to the Secretary of the Interior, and therefore the records of the Commission so far as this case is concerned, are closed.

Yours truly,

Acting Chairman.

Enc 1

M. C. R-669

Muskegee, Indian Territory, November 21, 1901.

Claude R. Beard,

Ada, Indian Territory.

Dear Sir:

In the matter of your application for identification as a Mississippi Choctaw you are informed that under date of August 9, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded to the Department for approval, with instructions that opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskegee, Indian Territory, on Monday, January 6, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as may present themselves in person in support of your application.

Yours truly,

Acting Chairman.

M.C.-669

COPY.

M. C. R. 669.

Muskogee, Indian Territory, March 3, 1902.

Claud E. Beard,
Ada, Indian Territory.

Dear Sir:-

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alfred B. Beard, et al., embracing the following applications for identification as Mississippi Cheetaws:

Alfred B. Beard,	M C R 4001
Lyman F. Beard,	M C R 186
Claud E. Beard,	M C R 669
Henry G. Beard,	M C R 4000
Ollie L. Beard,	M C R 250
Lola G. Wilson, et al.,	M C R 4261
Laura B. Spears, et al.,	M C R 4262

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1896, is as follows:

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior. (20 Stats., 494.)"

C. R. B. 2.

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Alfred B. Beard, Lyman F. Beard, Glauk R. Beard, Henry G. Beard, Ollie L. Beard, Lola G. Wilson, Myrtle L. Wilson, Naomi Wilson, Ruth Wilson, Laura B. Spears and Howard Spears, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED *Tams Bixby*
ACTING CHAIRMAN
Commissioner in charge

Registered.

M.C.R. 669

Muskogee, Indian Territory, May 7, 1902.

Claud R. Beard,
Ada, Indian Territory.

Dear Sir:-

You are hereby advised that on the 26th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alfred H. Beard, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge

RECEIVED

Claude P. Beard.

Judgment written Sept 14 1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

OCT 1 1900

[Signature]
ACTING CHAIRMAN

42

61036	Indian Office. Incl. No. 311	1900
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REFER TO N.C. 1

E. B.

Claude R Beard
vs.
Choctaw Nation

MISSISSIPPI CHOCTAW. Case No. R669.

*Original testimony and all papers filed in
this case forwarded Secretary of Interior,*

DEC 3 1900

*Remanded by Department
Aug. 9. 1901*

G.O. 264-1901.

Claude R. Beard

Reff, I.T.

January 2, 1901.

H.C. R 669

Claude R. Beard.

On December 3, 1900, all the original papers in this case were forwarded to the Secretary of the Interior. A letter advising Mr. Beard of this fact is inclosed herewith for copying and mailing if it meets with your approval.

AP

Atoka, January 11, 1901.

Ought not the necessary references be made on the General Index, and this letter from Beard returned to this office for filing with the record?

REFUSED

MEMORANDA.

JUN 16 1900

JUN 16 1900

Name Claude R. Beard, (Date) (21) Ada, T. T.

Choctaw? Miss. County Year No.

Chickasaw? County Year Page

Citizen by blood? yes, (1/8) Mother's citizenship (N.S.)

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

FOR IDENTIFICATION AS MISSISSIPPI CHOCTAW.

Table with 5 columns: County, Year, Page, No. for listing children.

Alfred B. Beard (father) (1/4) Catharine Beard (mother)

choc mcr 670 Nancy A. Garvin

see mcr 671

mcr 670

Nancy A. Garvin et al.

REFUSED

DECISION RENDERED:

JUL 16 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 16 1902

**NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.**

JUL 16 1902

RECORDED EXAMINED DEPARTMENT.

JUL 16 1902

ACTION APPROVED BY SECRETARY OF INTERIOR:

AUG 16 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.**

AUG 30 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.**

AUG 30 1902

REFER TO M. C. R. 671

M. C. R. 670.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. September 15, 1900.

In the matter of the application for identification as Mississippi Choctaws of Nancy A. Garvin and of her five minor children. Nancy A. Garvin being duly sworn by the Commission, testified as follows:

Examination by the Commission.

- Q What is your name? A Nancy Ann Garvin.
- Q What is your age? A Forty four.
- Q What is your post-office address? A Emmett, I. T.
- Q Do you live at Emmett? A Yes sir, I live at Emmett.
- Q How long have you resided in the Indian Territory? A I have been here - this is my third year.
- Q Have you resided here continuously for the past three years? A You mean, have I been living here?
- Q Yes. A Yes sir.
- Q Have you been outside of the Indian Territory in the past three years? A Yes sir, I went visiting once.
- Q Where did you go? A I went to Arkansas.
- Q How long did you stay? A I went down there on a visit and we were gone two weeks and three days.
- Q You didn't go to Arkansas for the purpose of making your residence there? A No indeed and I never intend to as long as I live.
- Q How much Choctaw blood do you claim? A Well sir, I cant hardly say exactly. I can tell you how I have been taught.
- Q We don't want to know what you have been taught. We want to know what you claim? A I reckon I claim about one third. I reckon that would be as near as I could come at it.
- Q What is your father's name? A Jacob Toliver.
- Q Is your father living? A No sir.
- Q What is your mother's name? A Polly Toliver.
- Q Is your mother living? A If she is I don't know it. I haven't heard from my mother for four or five years.
- Q Through which one of your parents do you claim your Choctaw blood? A I claim it on my father's side.
- Q How long has your father been dead? A About 22 years.
- Q Was your father's name on any of the tribal rolls of the Choctaw Nation? A I could not say to save my life. My father was partly raised- his family in Tennessee and he came on - he died after he left Tennessee.
- Q Was your father ever recognized in any manner by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A I could not tell you.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir, my name is not on.
- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A Not before, I never have.
- Q This is not the Choctaw authorities you are making application to now? A Not the Choctaw?
- Q No this is the United States authorities. A Well.
- Q I am talking about the Choctaw tribal authorities. Did you ever apply to them? A No sir, I never did.
- Q Have you ever been recognized in any manner by the authorities of the Choctaw Nation as a citizen? A I don't know what you mean by that.

Nancy A. Garvin 2--

Q Did the Choctaw Council by any official act of theirs ever give you any rights to citizenship in the Choctaw Nation? A Not that I knew of.

Q Did you or any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10th, 1896? A I don't know where my people is.

Q I am talking about you. A I never come to the Nation in my life until three years ago.

Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir, I never had nothing to do with that.

Q Have you ever prior to this time made any application to either the authorities of the Choctaw Nation or the authorities of the United States for either citizenship or enrollment as a Choctaw?

A No sir.

Q This is your first application of any description? A Yes sir.

Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands as a beneficiary under the fourteenth article of the treaty of 1830? A The reason I made it is just because I have been taught that I was and my father was coming. My father died before he got here. His intention was to come to the Nation. I have got people in the Nation. The McCools and the Tolivers. They are all in the Nation but I don't know where they are at.

Q This Commission will require of applicants for identification as Mississippi Choctaws under the fourteenth article of the treaty of 1830 to exhibit proof showing compliance with the provisions of that article of that treaty either by themselves or their ancestors and in each and every case such proof must be exhibited. Have you any evidence of the fact that either you or any of your ancestors ever became beneficiaries under the fourteenth article of the treaty of 1830? A They are all some where but I don't know where they are at. The Tolivers and McCools, come to the Nation somewhere.

Q You don't understand my question. Have you any proof that any of your ancestors ever received or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A Not that I knew of.

Q You make your claim under the fourteenth article of the treaty of 1830? A Yes sir.

Q Do you claim by reason of any of the other provisions of the treaty of 1830? A I can't answer for I don't know.

Q Are you making application for any one besides yourself?

Q Me and my children.

Q Are you married? A Certainly I am.

Q What is your husband's name? A Bob Garvin.

Q Robert Garvin? A Yes sir.

Q How old is he? A Forty four.

Q Are you making any claim for him? A No sir.

Q He is a white man? A Yes sir.

Q Never made any claim to Indian citizenship by blood? A No sir.

Q How many children have you under twenty one years of age and unmarried for whom you wish to make application? A I have got five.

Q What are their names and ages? A Charley, born March 1st, 1885. Leocler December 23rd, 1886. Alvin, born February 20th, 1892. Malvin born May 29th, 1895. Augusta Born December 29, 1897.

Q Are you the mother of these five children? A Yes sir.

Q Robert Garvin is the father of them? A Yes sir.

Q When did you marry Robert Garvin? A I married him in Alabama about - I could not tell you what year we were married in.

Q Have you any evidence of your marriage to Robert Garvin that you desire to offer to the Commission at this time? A I have

Nancy A. Garvin 3--

n't get them here.

Q You have no evidence of your marriage here at this time? A No sir, we wrote for them at least he did, the lawyer, and we thought they would come on.

Q Is there any additional statement that you desire to make?

A No sir.

Q Which one of your ancestors lived in Mississippi and was a recognized member of the Choctaw tribe of Indians when the treaty was made between the Choctaw Indians and the United States in 1830? A My pa's father and mother.

Q What were their names? A His name was Charles Teliver and my grand mother was named Nancy Teliver.

Q Have you any evidence of the fact that they were recognized member of the Choctaw tribe of Indians in Mississippi? A No sir.

Q Is there anything more you want to say? A No sir.

Q Is there any written evidence that you desire to submit to the Commission for its consideration in support of this application? A Yes sir.

The original application and petition of Nancy Garvin and the affidavits of Tobias Edwards and Johnson Holden offered in evidence, marked exhibit A, identified as such, filed and made a part of the record in this case.

Q Do you want to submit for the consideration of the Commission additional written evidence? A Not only that one paper that is behind.

Permission granted the applicant to file additional written evidence in support of her application providing same is filed within fifteen days from this date.

The decision of the Commission as to your application and the application you make on behalf of your five minor children will be mailed to you in writing in the near future to your present post-office address.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 15th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 26 day of Sept. 1900.

Guy L. Emerson
Notary Public.

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

---0---

In the matter of the application of Nancy A. Garvin, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of,

Nancy A. Garvin, et al M.C.R.670

Ohro Belk " 671

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case
of Nancy A. Garvin, et al.

Original application of Nancy A. Garvin, et al., before the Daves Commission for identification as Mississippi Choctaws.....	1
Petition of Nancy A. Garvin	4
Original application of Ohro Belk before the Daves Commission for identification as a Missis- sippi Choctaw	7
Petition of Ohro Belk	10
Affidavit of John Albertson	11
Affidavit of Tobias Edwards	12
Affidavit of John Holden	13
Decision of the Commission denying the applica- tion of Nancy A. Garvin, et al., for identifica- tion as Mississippi Choctaws	14

-----0-----

J. F. M.
C. v. W.

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

In the matter of the application of Nancy A. Garvin, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of

Nancy A. Garvin, et al H.C.R. 670
Chro Belk " 671

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

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Nancy A. Garvin for herself and her five minor children, Charley,
Lester, Alvin, Malvin and Augusta Garvin; and by Chro Belk for
herself, under the following provisions of the act of Congress
approved June 28, 1898 (30 Stat., 475):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may admin-
ister oaths, examine witnesses and perform all other acts nec-
essary thereto and make report to the Secretary of the Inter-
ior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between

the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Charles Toliver, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that no one of said applicants 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, or by the Commission to the Five Civilized Tribes, or by a decree of the United States court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Charles Toliver, or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 512).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy A. Garvin, Charley Garvin, Isaceler Garvin, Alvin Garvin, Malvin

(3)

Garvin, Augusta Garvin and Ohro Belk, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


ACTING CHAIRMAN.


Commissioners.

Washkgee, Indian Territory.

JUL 16 1907

Land,
42,737-1902.

(C O P Y)

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

Washington, July 31, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated July 16, 1902, transmitting the record relative to the consolidated case of Nancy A. Garvin, et al., for identification as Mississippi Choctaws claiming rights in the Choctaw lands under and in accordance with the provisions of the 14th article of the treaty of 1830.

Nancy A. Garvin applies for the identification of herself and her minor children, Charley Garvin, Leeler, Alvin, Malvin, and Augusta Garvin and Ohre Belk.

The commission on July 26, 1902, held that the applicants above named were not entitled to identification.

The record in this case shows that the applicants named descend from Charley Toliver and Nancy Toliver nee McColl or McCool.

The affidavit of Nancy A. Garvin shows that Charley Toliver and Nancy Toliver were her grandparents.

A careful search of the records of this office relative to the Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and of the records relating to the Choctaw Indians who applied to the commissions appointed under the Acts of March 3, 1837 and August 23, 1842, has been made and no record has been found relative to Charley Toliver or Nancy Toliver nee McColl or McCool.

It is therefore respectfully recommended that the decision of the commission rejecting the applications be approved.

Very respectfully,

Your obedient servant,

(Signed) A. C. Tonner,
Acting Commissioner.

(G.A.W.)

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D.C. 13611-1902.

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DEPARTMENT OF THE INTERIOR.

Washington, August 16, 1902.

I.T.D. 4671-1902.
File 896-98.

L.R.S.

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

Gentlemen:

July 16, 1902, you transmitted the record in the consolidated case (M.C.R. 670), embracing the applications for identification as Mississippi Choctaws of Nancy A. Garvin for herself and her five minor children, Charley, Leoler, Alvin, Malvin and Augusta Garvin, and Ohro Belk, together with your decision of July 16, 1902, refusing to enroll the applicants.

The applicant, Nancy Ann Garvin, attempts to trace her descent through her father, Jacob Tolliver, to her grandparents, Charley Tolliver and Nancy Tolliver, nee McColl or McCool, both of whom it is alleged, were Choctaw Indians. The other applicants are children of the said Nancy Ann Garvin.

The whole record fails to show that anyone of the applicants were ever duly admitted to citizenship in the Choctaw Nation

or that the alleged ancestors above named, ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1836, or with the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs forwarded your decision July 31, 1902, recommending that the same be approved.

The Department upon review of the whole case, approved your action, and your decision is affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

DeL

1 inclosure.

MISSISSIPPI

Nancy A. Gorwin Esq
MCR 670

REFER TO M. C. R. 670

Nancy Ann Garwin
et al

Consolidated Case

Charles Toliver
wife
Nancy McColl

Jacob Toliver Jr
wife
Pecay Toliver

Nancy Ann Toliver
mar
Bob Garvin, w.

Ohio Garvin 22 1/3
mar
Henry Bell

Charley Garvin 15
Reoder Garvin 14
Alvin Garvin 8
Malvin Garvin 5
Augusta Garvin 3

COPY.

M C R 670

Muskogee, Indian Territory, July 16, 1902.

Manfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 16th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy A. Garvin, et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy A. Garvin, et al., M C R 670

Ohro Belk, " 671

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy A. Garvin, Charley Garvin, Leocler Garvin, Alvin Garvin, Malvin Garvin, Augusta Garvin and Ohro Belk as Choctaw Indians

H. H. H. & C. Co.

entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.*

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

James Bixby.

Acting Chairman.

COPY.

M C R 670

Muskegee, Indian Territory, July 16, 1902.

Nancy A. Garvin,
Munit, Indian Territory.

Dear Madam:

You are hereby advised that on the 16th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy A. Garvin, et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy A. Garvin, et al., M C R 670

Chris Belk, * 671

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy A. Garvin, Charley Garvin, Leavelle Garvin, Alvin Garvin, Malvin Garvin, Augusta Garvin and Chris Belk as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

W A O 42

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,
(SIGNED).

Tams Bixby.

Acting Chairman.

Registered.

COPY

M C R 670

Mustagee, Indian Territory, July, 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Nancy A. Garvin, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 16, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Nancy A. Garvin, et al.,	M C R 670
Chas Belk,	" 671

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

Tams Bixby.

Acting Chairman.

Through the Commissioner
of Indian Affairs.
1 enclosure.

COPY.

Muskegee, Indian Territory, August 30, 1902.

Nancy A. Garvin,
Emsatt, Indian Territory,

Dear Madam:

You are hereby advised that on the 16th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Nancy A. Garvin, et al., of which decision you were duly advised by registered mail on the 16th day of July, 1902.

Yours truly,

(SIGNED)

Tams Dixby.
Acting Chairman.

COPY

Wnakegee, Indian Territory, August 30, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 18th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Nancy A. Garvin, et al., of which decision you were duly advised by mail on the 16th day of July, 1902.

Yours truly,

(SIGNED)

Tam's Dixby,
Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

N. 690.

^{1/3}
Nancy A. Garvin. ^{HH}
Cannet, Ind. Ter.

FATHER: Jacob ^{Doliver} ~~Gallus~~ - dead.
MOTHER: Polly ^{Doliver} ~~Gallus~~ - dead.
Claim through father.

HUSBAND: Robert Garvin ^{HH}.
(No claim for husband).

Children:

Charley	Garvin	15
Leroy	" "	14
Alvin	" "	8
Malvin	" "	5
Augusta	" "	3

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

FILED
SEP 15 1900

Choc mcr 671 Ohro Belk

see mcr 670

mcr 671

Ohro Belk

REFUSED

DECISION RENDERED. JUL 16 1902

NOTICE OF DECISION MAILED APPLICANT.

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 16 1902

RECORD FORWARDED DEPARTMENT.

JUL 16 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 16 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

AUG 30 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

AUG 30 1902

REFER TO M. C. R. 670

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. September 15, 1900

In the matter of the application for identification as a Mississippi Choctaw of Ohro Belk. Being duly sworn by the Commission testified as follows:

Examination by the Commission/

- Q What is your name? A Ohro Belk.
Q What is your age? A Twenty two.
Q What is your post-office address? A Emmett.
Q Where is that? A In the Chickasaw Nation.
Q Indian Territory? A Yes sir.
Q Do you live at Emmett? A Yes sir.
Q How long have you resided in the Indian Territory? A Since last summer.
Q Where did you come from? A From Texas.
Q Have only resided in the Indian Territory since what date?
A I believe I have forgotten what day it was.
Q About when. Do you mean a year or just this past summer?
A Just this past summer. Two or three months ago I reckon.
Q Did you ever live in the Indian Territory before that?
A No sir.
Q The only time during your whole life that you have lived in the Indian Territory has been during the last three months? A Yes sir.
Q How much Choctaw blood do you claim? A I don't know exactly. My mother is a quarter and I don't know hardly what that would make me.
Q How much do you claim? A Makes me about one third I reckon.
Q What is your father's name? A Bob Garvin.
Q Robert Garvin? A Yes sir.
Q Is your father living? A Yes sir.
Q What is your mother's name? A Nancy A. Garvin.
Q Is your mother living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood? A My mother's side.
Q Is your mother's name on any of the tribal rolls of the Choctaw Nation? A I don't know, sir, whether it is or not.
Q You have heard your mother testify a few minutes ago that her name was not, didn't you? A Yes sir I guess she did.
Q Have you any more knowledge of your mother's enrollment than she has? A No sir.
Q Then why are you in doubt about it? A I don't know.
Q Was your mother ever recognized in any manner by the Choctaw tribal authorities as a citizen of the Choctaw Nation?
A Not that I knew of.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Have you ever been recognized in any manner by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.
Q Did you or did any one in your behalf in 1896, make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts on appeal from the decision of the tribal authorities of the Choctaw Nation or the

Ohro Belk 2---

decision of this Commission? A No sir.

Q Have you ever prior to this time made any application to either the authorities of the Choctaw Nation or of the United States for either citizenship or enrollment as a Choctaw? A No sir.

Q This is your first application of any description? A Yes sir.

Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands as a beneficiary under the fourteenth article of the treaty of 1830? A My mother always taught me that I was.

Q That you were what? A A Choctaw.

Q Did she ever teach you that you were a beneficiary under the fourteenth article of the treaty of 1830? A She always taught me that I was a Choctaw.

Q Your claim then is by the reason that you have Choctaw blood in your veins that you should be identified as a Mississippi Choctaw? A Yes sir.

Q Do you make any claim by reason of the treaties? A No sir.

Q Did you ever hear of the treaty of 1830? A Yes sir, I think I have.

Q Do you make any claim under that treaty? A No sir.

Q Do you make any claim under the fourteenth article of the treaty of 1830? A No sir.

Q Did you or your ancestors ever take advantage of the fourteenth article of the treaty of 1830? A No sir, not that I know of.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir, not that I know of.

Q Do you make any claim by reason of any of the other treaties between the United States and the Choctaw Indians? A No sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A Henry Belk.

Q Do you make any claim for him? A No sir, none at all.

Q Have you any children? A I have one but it is dead.

Q You are not making any claim for the dead one? A No sir.

Q Which one of your ancestors lived in Mississippi as a recognized member of the Choctaw tribe of Indians in 1830 when the treaty was made between the United States and the Choctaws? A Well, I don't know, sir, which one.

Q Is there any additional statement that you want to make? A No sir.

Q Is there any written evidence that you want to file with the Commission in support of your application? A Yes sir.

Original application and petition of Ohro Belk and the affidavits of John Albertson, Tobias Edwards and Johnson Holden offered in evidence, marked exhibit A, identified as such, filed and made a part of the records in this case.

Q Anything further that you want to say? A No sir.

Q Will there be any additional evidence that you desire to submit to the Commission? A No sir.

The decision of the commission as to your application for identification as a Mississippi Choctaw will be mailed to you in the near future at your present post-office address.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized

Chro Belk 3--

Tribes, she reported in full all the proceedings had in the above entitled cause on the 18th day of September, 1900 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Mary Young.

Subscribed and sworn to before me this 26th day of September, 1900.

Geo. L. Emerson
Notary Public.

COPY.

M C R 671

Muskogee, Indian Territory, July 16, 1902.

Ohro Belk,

Hamet, Indian Territory,

Dear Madam:

You are hereby advised that on the 15th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy A. Garvin, et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy A. Garvin, et al., M C R 670

Ohro Belk, " 671

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy A. Garvin, Charley Garvin, Lecler Garvin, Alvin Garvin, Malvin Garvin, Augusta Garvin and Ohro Belk as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is

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is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

James Dixie.

Acting Chairman.

Registered.

COPY.

H.C.R. 671

Muskogee, Indian Territory, August 30, 1902.

Chas Belk,

Emmet, Indian Territory.

Dear Madam:

You are hereby advised that on the 16th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy A. Garvin, et al., of which decision you were advised by registered mail on the 16th day of July, 1902.

Yours truly,

SIGNED:

Jame Dixby.

Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

^{1/3}
Oro Belk. SEP 15 1900
Emmet, Ind. Ter.

FATHER: Robert Jarvin - ✓
MOTHER: Nancy A. Jarvin - ✓
Claims through mother.

HUSBAND: Henry Belk.

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

SEP 15 1900


ACTING CHAIRMAN

Choc mCR 672 James F. Pledger

See mCR 673

mCR 672

ON APPL. BY *James F. Pledger et al*
A MISSISSIPPI CHOCTAW

James F. Pledger et al

REFUSED.

DECISION RENDERED, **JUN 11 1902**

NOTICE OF DECISION MAILED APPLICANT.

JUN 21 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 21 1902

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 4 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

AUG 13 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

AUG 13 1902

REFUSED TO W. O. R. *673.*

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

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In the matter of the application of James F. Pledger, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of-

James F. Pledger, et al M.C.R. 672
Ninnie Risinger, et al " 673

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case
of James F. Pledger, et al.

	(Page)
Original application of James F. Pledger, et al., before the Dawes Commission for identification as Mississippi Choctaws	1
Copy of letter signed "A. S. McKenna"	5
Copy of letter signed "Tans Bixby"	6
Petition of James F. Pledger	7
Affidavit of E. E. Howard	11
Affidavit of Dan George	12
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J. F. W.
C. v. W.

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

---o---

In the matter of the application of James F. Pledger, et al., for identification as Mississippi Choctaws, consolidating the applications of-

James F. Pledger, et al M. C. R. 672
Minnie Risinger, et al " 673

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

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by James F. Pledger for himself and his four minor children, Earl, Lindy, Ola and Minnie Pledger; by Minnie Risinger for herself and her two minor children, Jewel and Bradford H. Risinger, and by James F. Pledger for the identification of his wife, Mollie Pledger, as an intermarried Mississippi Choctaw, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

(2)

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one William Jones, who is alleged to have been a half blood Choctaw Indian and to have resided in Mississippi in 1830.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants 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, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said William Jones, or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).


It is, therefore, the opinion of this Commission that the

(3)

evidence herein is insufficient to determine the identity of James F. Pledger, Earl Pledger, Lindy Pledger, Ole Pledger, Minnie Pledger, Minnie Risinger, Jewel Risinger and Bradford W. Risinger, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by James F. Pledger for the identification of his wife, Nellie Pledger, as an intermarried Mississippi Choctaw, should therefore be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



ACTING CHAIRMAN.



Commissioners.

Muskogee, Indian Territory,

JUN 10 1902

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Land.
37,023-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, July 31, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the consolidated Mississippi Choctaw case of James F. Pledger, et al.

The cases consolidated therein consist of two, as follows:

James F. Pledger, et al.

Minnie Risinger, et al.

The record evidence shows that one of the principal applicants, James F. Pledger, made application to the Dawes Commission for the enrollment of himself, wife and children as citizens of the Choctaw Nation, which application was heard on June 14, 1900, and his said application was refused.

Said principal applicant afterwards filed his petition before the Commission, which was sworn to on September 15, 1900, in which he alleges that he is a lineal descendant of William Jones, deceased, who was a Mississippi Choctaw Indian; that the same William Jones married Annie Kimbrough and that there was born as issue of said union one child, Elizabeth Phillips Jones; that said Elizabeth Phil-

lips Jones married one Asa Pledger in the State of Georgia on October 19, 1847, and that applicant is a son of the said Asa Pledger and his said wife.

On September 17, 1900, said petition was heard by the commission and the evidence submitted in support thereof fails to show that any of the ancestors of the principal applicant ever complied with the provisions of the 14th article of the treaty of 1830, or ever went before the commissions authorized by the Acts of Congress of March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 813), to secure such rights to which they may have been entitled under said section of said treaty.

Addison Howard, one of the witnesses for the applicant avers in his ex parte affidavit that he "was personally and well acquainted with one William Jones whom he knew to be of Indian blood, and who was without question recognized by all his tribe, as was generally known and frequently mentioned by the people throughout the community where the said William Jones lived, as a bona fide Choctaw Indian and a half blood. The said William Jones at that time lived in the State of Mississippi among the Choctaws and was counted one of them; this affiant was well acquainted with one Annie Kinbrough to whom the said William Jones was lawfully married, she being a white woman, and this affiant then lived with the said William Jones and his said wife for a number of years and knows that afterwards there was born to said family a daughter, Elizabeth Phillips

"Jones. This affiant remembers that in 1831, 1832 and 1833, when a portion of the Choctaw Indians removed west that the said William Jones and his said family did not remove but remained in Mississippi, and afterwards in about the year 1835 the said William Jones and his said family removed from the State of Mississippi to the State of Georgia and the county of Gordon, and afterwards in 1840 this affiant removed from the State of Mississippi to the State of Georgia and lived a near neighbor to the said William Jones and family for a number of years during which time he visited them frequently."

It appears from the above that this affiant should have known at least something about whether or not the said William Jones ever acquired any land under the treaty of Dancing Rabbit Creek, yet he fails to mention said treaty or anything in connection therewith. As he claims to have lived with Jones and his family and also for many years as their neighbor it is presumed that he would have known whether or not the said Jones was ever registered as one of those Choctaws who elected to remain in Mississippi. As this is very important information in this case, the absence of any reference to it by a witness, whose opportunity to know was so good, leads to the conclusion that the said William Jones never complied with any of the provisions of the treaty of 1830.

In support of this conclusion the office records fail to show that any one named William Jones ever signified his intention to

remain in Mississippi and comply with the provisions of article 14 of the treaty.

The office concludes that the decision of the commission rejecting the petition of the said James P. Pledger is correct and should stand approved.

As the claim of the other principal applicant herein, Minnie Risinger, is based upon the same state of facts as above noted, the adverse decision to her application by the Commission is also approved with the recommendation that it be affirmed by the Department.

Very respectfully,

Your obedient servant,

A. C. Tenner,
Acting Commissioner.

(W.C.B.)
P.

D.C.No. 12786-1902.

(COPY)
46359

J.W.H.
CMR

DEPARTMENT OF THE INTERIOR.

I.T.E. 4683-1902.

WASHINGTON.

August 4, 1902.

L.R.E.

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

Gentlemen:

The Department has considered the consolidated case embracing the applications for identification as Mississippi Choctaws, of James F. Pledger for himself, his wife, Mollie Pledger, by intermarriage, and his four minor children, Earl, Lindy, Ola, and Minnie Pledger; and of Minnie Risinger for herself and her two minor children, Jewel and Bradford M. Risinger. You transmitted the case June 21, 1902, together with your decision of June 10, same year, refusing to enroll the applicants.

Applicant James F. Pledger attempts to trace his Choctaw descent through his mother, Elizabeth Phillips Pledger, nee Jones, to his grandmother, Annie Jones, nee Kimbrough. Applicant Minnie Risinger is a daughter of one Elizabeth Morse, nee Pledger, who was a daughter of the said Elizabeth Phillips Pledger, nee Jones.

The whole record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation, or that the alleged ancestors, above named, ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the Acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 525).

The Acting Commissioner of Indian Affairs reporting in the matter, July 31, 1902, recommends that your decision be approved.

The Department, upon a careful review of the whole case, approves your action, and your decision is affirmed.

Copy of report of the Acting Commissioner is inclosed.

Respectfully,

Thos Ryan,

Acting Secretary.
EMD

1 inclosure.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

James F. Pledger, Etal.

Ms. R. 672

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, JUNE 13th, 1900.

In the matter of the application of James F. Pledger for the enrollment of himself, his wife, Mollie Pledger, and his children, Earl, Linda, Ola and Minnie, as citizens of the Choctaw Nation.
.....

JAMES F. PLEDGER? being sworn and examined by Commissioner A.S. McKennon, testified as follows:

- Q What is your name? A James F. Pledger.
Q What is your age? A 46.
Q Where do you live? A At Norman Oklahoma.
Q How long have you lived there?
A I moved there in October at Norman, but I have lived in Oklahoma ever since the first year after Oklahoma was opened up.
Q Nine or ten years? A Yes sir.
Q Where did you come from? A Yell County, Arkansas.
Q How long had you lived in Yell County Ark.?
A I lived there about 35 years I guess.
Q Were you born and raised there? A No sir, I was born in Georgia father moved there when I was about one year old.
Q Did you ever reside in the Choctaw or Chickasaw Nation? A No sir.
Q Were you ever enrolled as a Choctaw citizen? A No sir.
Q Were your father or mother ever enrolled as a Choctaw citizen?
A No sir, not that I know of.
Q You were not admitted by the Dawes Commission in 1896, or by the United States Court on appeal from the Dawes Commission?
A No sir.
Q Did you ever make any application for enrollment?
A No sir.
Q Neither the Dawes Commission or elsewhere. A No sir.
Q What degree of blood do you claim? A Of course I couldn't say.
Q State any facts that you want to state in regard to your application. A That is about all I know about my Indian blood, is just what I have been told by my father, and people with whom I was raised ever since I was a child from Georgia. That I had Indian blood in me; Choctaw, I couldn't say as to how much or nothing about it. My mother died when I was a year old; I don't recollect ever seeing one of my mother's people.
Q Through which of your parents do you claim blood? A My mother.
Q You don't know what degree of blood she had? A No sir, I don't.
Q You have a wife now? A Yes sir.
Q Is she a white woman? A Yes sir.
Q Where were you married to her? A At Danville, Ark.
Q Under the laws of the state of Ark? A Yes sir.
Q What is her name? A Mollie.
Q How old is she? A She is about 35 I believe, as well as I can recollect.
Q You have children, have you? A Yes sir.
Q What is the oldest? A Earl.
Q How old? A 18; she is a girl.
Q She is not married? A No sir.
Q The next one? A Lindy.
Q How old is she? A 16.
Q The next? A Ola.
Q How old is Ola? A 12.

7a.

Q The next? A Minnie.
Q How old is she? A Eight.

(Captain McKennon)

Your enrollment, and that of your family will be refused, be cause it does not appear that you ~~were~~ were ever enrolled as Chestar citizens, or recognized as such; or that you were admitted by the Daves commission, under act of June 10th, 1896, or by the United States Court on appeal therefrom.

(Note:--Copy of judgment addressed to James F. Pledger in a letter this day, and delivered to him. Copy of letter in letter b book.)

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.

E. H. Eastain

ms R 372

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE I. T., September 17, 1900.

In the Matter of the Application for Identification as a Mississippi Choctaw of James F. Pledger and his four minor children, and the application he makes on behalf of his wife, Mollie Pledger as an inter-married Mississippi Choctaw.

James F. Pledger, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A James F. Pledger.
- Q What is your age? A 46 years.
- Q What is your postoffice address? A Norman, Oklahoma.
- Q Do you live in Oklahoma? A I live in the Chickasaw now.
- Q Why do you say that Norman, Oklahoma is your postoffice address then? A It is only about ten miles from there and it is the only trading point near us--the closest one.
- Q The residence of yourself and wife and children is in the Indian Territory, is it? A Yes sir.
- Q How long have you resided in the Indian Territory? A I moved there the 16th of June.
- Q What year? A This last year.
- Q Where did you reside prior to that time? A Norman.
- Q You never made your residence in the Indian Territory until June, 1900? A No sir.
- Q What is your father's name? A Asa Pledger.
- Q Is he living? A Yes sir.
- Q What is your mother's name? A Elisabeth.
- Q Is she living? A No sir.
- Q Through which one of your parents do you claim your Choctaw blood? A My mother.
- Q Your father was a white man? A Yes, I suppose he was.
- Q How much Choctaw blood do you claim? A I claim 1/8.
- Q Is the name of your mother on any of the tribal rolls of the Choctaw Nation? A Not that I know of.
- Q Did she ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Has she ever been recognized in any manner, by the tribal authorities of the Choctaw Nation as a citizen? A Not that I know of.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No, I reckon not.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever been recognized in any manner by the authorities of the Choctaw Nation as a citizen thereof? A No sir.
- Q Did you, or anyone on your behalf, in 1896, make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress on June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States court on appeal from the decision of this Commission, or the tribal authorities? A No sir.
- Q Have you ever, prior to this time, made application to the authorities of the Choctaw Nation, or of the United States, for either citizenship or enrollment as a Choctaw? A Not before this, only the time I was before Mr. McKennon in June.
- Q When was that? A I think it was about the 13th or 14th, 1900
- Q How did you apply at that time? A Well, I just applied as a Choctaw; just claimed Choctaw blood.
- Q What action did the Commission take on your application at that time? A Well, I was rejected.

2- Pledger.

- Q What is your purpose in now coming before this Commission?
A Well, I had new proof--new affidavits, at this time.
- Q Affidavits of what? A Proof of my blood.
- Q Is it your purpose in now appearing before the Commission to prove the fact of your Choctaw Indian blood? A Yes sir.
- Q You are again making application as a Choctaw Indian by blood?
A Yes, as a Mississippi Choctaw.
- Q Why didn't you make your application as a Mississippi Choctaw on June 14, when you appeared before the Commission? A I didn't know at that time that my parents ever lived in Mississippi.
- Q Do you think the fact that your parents lived in Mississippi is sufficient for this Commission to be able to identify you as a Mississippi Choctaw? A I have proof showing that my mother was a Choctaw and lived in Mississippi.
- Q Have you ever read the 14th article of the treaty of 1830? A No, I never read it.
- Q Do you know what its provisions are? A No, I cannot state them.
- Q You have heard it read? A Yes sir.
- Q You know what is required of applicants by this Commission, to be identified as Mississippi Choctaws? A Yes sir.
- Q Can you comply with the provisions of the 14th article of the treaty of 1830 A I don't know whether I can.
- Q Have you any proof of the fact that any of your ancestors were recognized and enrolled citizens of the Choctaw tribe of Indians of Mississippi at the time the treaty was made between the United States and the Choctaw Indians in 1830, and that any of your ancestors received any land in Mississippi as beneficiaries under the provisions of that treaty? A I have no proof they ever received any land. I can prove they were recognized as Choctaws.
- Q This Commission will require of applicants claiming a right in the Choctaw lands under the 14th article of the treaty of 1830, that they exhibit proofs showing compliance with the provisions of that article, either by themselves or their ancestors, and in each and every case exhibits of records and documents showing the facts in these cases will be required. Have you any such documents?
A I have some showing they were recognized as Choctaws.
- Q We are talking about the compliance with the provisions of the 14th article of the treaty of 1830. A I have no proof of that to give.
- Q Isn't it a fact that the basis of your claim at this time is the same as when you appeared before the Commission on June 14, 1900?
A No sir.
- Q Are you any more an Indian now than you were then? A No sir.
- Q Isn't it a fact that your claim is by reason of blood? A Yes.
- Q In reality your application now is for enrollment as a Choctaw by blood? A Yes sir.
- Q You admit that you cannot show compliance with the provisions of the 14th article of the treaty of 1830, do you not? A No, I can show it.
- Q You can? A No, not at this time.
- Q How much time will you want? A I don't know whether I can ever show it or not; but the proof don't show that they ever took any land.
- Q That is the absolute requirement this Commission will require in taking your evidence under the treaty of 1830--they must have remained in Mississippi and signified their intention to the United States Indian Agent or the Choctaw Indians there, after the conclusion of the treaty of Feb. 24, 1831, and must have received land as beneficiaries under that article of that treaty. Do you make any claim by reason of any of the other provisions of the treaty of 1830? A I can't say that I do.
- Q Are you married? A Yes sir.

3-Pledger.

- Q What is your wife's name? A Mollie Pledger.
- Q How old is she? A 39 I believe she is.
- Q Do you make any claim for her? A Yes sir.
- Q What do you claim her to be? A Intermarried Mississippi Choctaw.
- Q When did you marry her? A '77 I think.
- Q Where? A In Arkansas.
- Q Under the laws of the state of Arkansas? A Yes sir.
- Q Did you ever marry her in accordance with the laws of the Choctaw Nation? A No sir.
- Q Have you any evidence of that marriage that you desire to present to the Commission? A No, I havn't any here.
- Q What is your wife's father's name? A Robert Runyan.
- Q Is he living? A No sir.
- Q What is your wife's mother's name? A Klizabeth.
- Q Is she living? A Yes sir.
- Q Are your wife's parents both white people? A Yes, I suupose so.
- Q Did they ever make any claim to Indian citizenship by blood? A No.
- Q Did your wife ever make any claim to Indian citizenship by blood? A No sir.
- Q Have you any children under 21 years of age and unmarried, for whom you desire to make application? A Yes sir.
- Q What are their names and ages? A Earl.
- Q How old? A 18.
- Q The next one? A Lindy.
- Q How old is Lindy? A 16
- Q The next one? A Ola.
- Q How old is Ola? A 12.
- Q The next one? A Minnie, 10, I believe is her age.
- Q You testified that she was 8 years old two months ago? A I guess that they misunderstood me.
- Q She is ten is she? A Yes sir.
- Q You are the father of these four children? A Yes sir.
- Q And Mollie Pledger is the mother of them? A Yes sir.
- Q These children are all living with you at your home? A Yes sir.
- Q The basis of their claim is identical with yours? A Yes sir.
- Q What is the name of your ancestor who was living in Mississippi in 1830, who was a recognized member of the Choctaw tribe of Indians at the time the treaty was made between the United States and the Choctaw Indians, and who was a beneficiary under the 14th Art. of the treaty of 1830? A William Jones.
- Q Have you any evidence of the fact that he was a beneficiary under the provisions of the 14th article of the treaty of 1830, and received land in Mississippi? A No sir.
- Q Is there any additional statement that you desire to make at this time in support of your application? A No sir.

There is introduced in evidence by the Commission, copy of the testimony given by James F. Pledger before the Commission at Muskogee, I. T., June 14, 1900 at which time he was an applicant for the enrollment of himself and children as citizens by blood of the Choctaw Nation, and of his wife, Mollie Pledger as an intermarried citizen of the Choctaw nation, marked Exhibit A. Also, a copy of the Commission's letter of June 14th, addressed to Mr. Pledger refusing enrollment of himself and family, marked exhibit B. Also, a copy of the Commission's letter of August 8, 1900, to Mr. Pledger, stating the Commission's refusal to make any further record of his case as a citizen by blood of the Choctaw Nation, marked Exhibit C., identified as such, filed, and made a part of the record in this case.

4-Pledger.

Q Is there any written that you desire to submit to the Commission at this time in support of the application of your wife, yourself and children? A Yes sir.

Original application and petition of James F. Pledger Affidavits of Addison Howard, R. E. Howard, Dan George, O. E. Rice, Elizabeth Elms, C. B. Denton, C. P. Woodward, L. L. Briggs, M. C. Runyan, M. J. Cepshaw and S. O. Cheaney, offered in evidence, filed and made a part of this record. (marked Exhibit D.)

Q Is there any additional statement that you desire to make? A No.
Q The decision of the Commission as to your application, and the application you make on behalf of your self and your four minor children for identification as Mississippi Choctaws, and on behalf of your wife as an intermarried Mississippi Choctaw, will be mailed to you in writing in the near future at your present postoffice address.

-----o-----

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above mentioned witness, and that the foregoing is a true and complete translation of her shorthand notes in said case

Frances R. Brown

Subscribed in my presence and sworn to before me this
27 day of September, A. D., 1900.


Acting Chairman.

REFER TO M. C. R. 672

James F. Pledger
et al

Consolidated Case

George Pledger

Mary Ann Pledger

Elizabeth P. Pledger ^{dead}
mar.

Miles C. Morse

Minnie Morse 23 1/6
mar.

Robert H. Risinger w.

Sau Morse

James F. Pledger 46 1/8
wife

*Minnie Runyan w.
*Claims for wife.

Carl Pledger 18

Lindy Pledger 16

Ola Pledger 12

Minnie Pledger 10

William Jones 1/2
wife

Aime Kimbrough w.

Elizabeth Phillips Jones 1/4
mar.

Asa Pledger w.

Jewell Risinger &
Bradford Risinger 16

COPY.

Muskogee, Indian Territory, June 21, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of James F. Pledger, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of June 10, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

James F. Pledger, et al.,
Minnie Risinger, et al.,

M C R 672
" 673

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

T. B. Neesides.

Through the

Commissioner of Indian Affairs.

Commissioner in Charge.

1 enclosure.

COPY.

M C R 672

Muskogee, Indian Territory, June 21, 1902.

Mansfield, McFarrey & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
 South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 10th day of June 1902,
 the Commission to the Five Civilized Tribes rendered a decision
 in the consolidated case of James F. Pledger, et al., embracing the
 following applications for identification as Mississippi Choctaws:

James F. Pledger, et al., M C R 672
 Minnie Risinger, et al., " 673

These applications were made under the provision of the
 act of Congress of June 25, 1898 (30 Stats., 495), which is as
 follows:

"Said Commission shall have authority to determine the
 identity of Choctaw Indians claiming rights in the Choctaw
 lands under article fourteen of the treaty between the United
 States and the Choctaw Nation, concluded September twenty-
 seventh, eighteen hundred and thirty, and to that end may ad-
 minister oaths, examine witnesses, and perform all other acts
 necessary thereto, and make report to the Secretary of the
 Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that
 the evidence herein is insufficient to determine the identity of
 James F. Pledger, Earl Pledger, Lindy Pledger, Ole Pledger, Min-
 nie Pledger, Minnie Risinger, Jewel Risinger, and Bradford H. Ris-
 inger as Choctaw Indians entitled to rights in the Choctaw lands

H M & C 92

under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by James F. Pledger, for the identification of his wife, Mollie Pledger, as an intermarried Mississippi Choctaw, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

M C R 672

Muskogee, Indian Territory, June 21, 1902.

James F. Fledger,
Morman, Oklahoma.

Dear Sir:

You are hereby advised that on the 10th day of June 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James F. Fledger, et al., embracing the following applications for identification as Mississippi Choctaws:

James F. Fledger, et al., M C R 672
Minnie Risinger, et al., " 673

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James F. Fledger, Earl Fledger, Lindy Fledger, Ola Fledger, Minnie Fledger, Minnie Risinger, Jewel Risinger and Bradford M. Risinger, as Choctaw Indians entitled to rights in the Choctaw lands

COPY.

42 K R

under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by James F. Pledger for the identification of his wife, Nellie Pledger, as an intermarried Mississippi Choctaw, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *T. B. Noddies.*

Commissioner in Charge.

Registered.

COPY.

M.C.R. 672

Muskogee, Indian Territory, August 13, 1902

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
 South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James F. Fledger, et al., of which decision you were advised by mail on the 31st day of June, 1902.

Yours truly,

(SIGN D)

Acting Chairman.

CC

M.S.R. 672

Muskogee, Indian Territory, August 13, 1902.

James F. Wadley.

Norman, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 4th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as *Hicci-cippi* Chactaws of the several persons included in the consolidated case of James F. Wadley, et al., of which decision you were advised by registered mail on the 31st day of June, 1902.

Yours truly,

ECM

Acting Chairman.

H O R 499
H O R 672

Washago, Indian Territory, September 13, 1902.

James A. Overstreet,
Attorney at Law,
Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, enclosing motion praying for the re-opening of the Mississippi Choctaw case of James F. Pledger et al., with supporting affidavit of the principal applicant, James F. Pledger, and a certified copy of "Register monthly return of locations consummated at the land office at Augusta, Mississippi, for the month ending 30 November, 1880, in virtue of Choctaw Indian certificates issued under the act of 23rd August, 1842 (U. S. Statutes at Large, Vol. 5, page 512, Chap. 107."

In your letter you state that Tempie Hallister will appear before the Commission in person and testify in the matter of the consolidation of the Mississippi Choctaw cases of Tempie Hallister et al. and James Overstreet et al. You ask whether or not the Commission will require the evidence of more than one witness on this point.

In reply you are informed that the Commission will, in accordance with its order re-opening the Mississippi Choctaw case

J. A. O.--2.

of James Overstreet et al., and granting up to and inclusive of September 27, 1902, within which time to introduce additional testimony in support of the claims of the several applicants in this case, hear the testimony of such witnesses as may present themselves in person, but cannot render any opinion as to the sufficiency of such additional testimony until the personal appearance of the witnesses.

Your motion, with supporting affidavit and certified copy of Augusta land office records in the matter of the case of James F. Pledger et al., is herewith returned for the reason that the decision of the Commission refusing the application of the several persons in this consolidated case was approved by the Secretary of the Interior on August 4, 1902, and the several applicants therein duly notified of such Departmental action; and for the further reason that the evidence sought to be introduced in no manner shows any act of compliance by William Jones, the common ancestor in this case, with any of the provisions of article fourteen of the Cherokee treaty of 1830, or that said William Jones had any claim of his, arising thereunder, adjudicated by either of the Commissions appointed under the acts of Congress approved March 3, 1837 and August 23, 1842, but does show that William Jones is the name of the person to whom the location was made in satisfaction of the Cherokee

J. A. O.--3.

certificate No. 214 B., issued to one Manahutabee as a beneficiary.

The Commission considers the case of James P. Pledger as finally closed.

Yours truly,

Enc. mem.--9

Acting Chairman.

#672.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

1/8. SEP 1 1900 #6.
James D. Pledger.
Norman, O. T.

FATHER: Asa Pledger ✓
MOTHER: Elizabeth Pledger - dead.
Claims through mother.

WIFE: Mollie Pledger 39.
As an intermarried Miss. Choctaw.

FATHER: Robert Runyon - dead.
MOTHER: Elizabeth Runyon - ✓

CHILDREN: Carl Pledger 18
Lindy " " 16
Ota " " 12
Minnie " " 10.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CHOCTAW TRIBES
FILED
SEP 17 1900

[Handwritten signature]

Choc mCR 673 minnie Risinger

see mCR 672

mCR 673

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

R. 67

Minnie Risinger et al

REFUSED.

DECISION RENDERED. JUN 10 1902

NOTICE OF DECISION MAILED APPLICANT.

JUN 21 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 21 1902

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 4 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

AUG 13 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

AUG 13 1902

REFER TO M. C. R. 672.

m c 16 613

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. September 17, 1900.

In the matter of the application for identification as Mississ-
ippi Choctaws of Minnie Risinger and her two minor children.

Minnie Risinger, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Minnie Risinger.
- Q What is your age? A 23 years.
- Q What is your postoffice address? A Oklahoma--Norman, Oklahoma.
- Q Do you live in Oklahoma? A I am living there at the present; I have a residence in the Chickasaw Nation though I live at Norman because my husband is a barber there and it becomes necessary for me to live there.
- Q Your residence is in Oklahoma then? A I have a residence there of course.
- Q That is where you are living now? A Yes sir.
- Q How long have you lived there? A I have lived there since I have been married.
- Q How long is that? A A It is--it will be three years--not quite three years yet.
- Q Did you live in the Chickasaw Nation prior to that time? A Yes, part of the time.
- Q How long did you ever live in the Indian Territory? A I went in there the 16th of June.
- Q Did you ever have a residence prior to the 16th of June, this year, there? A No sir.
- Q Where have you been living since the 16th of June? A I have been visiting part of the time in Cheyenne.
- Q Have you ever maintained a residence in the Indian Territory?
A Since the 16th of June.
- Q You stated that you lived in Norman, Oklahoma, at this time.
A I have a residence in the Chickasaw.
- Q What do you mean by a residence. A A place to live.
- Q Do you live there? I am not talking about a house; where do you stay? A Of course, I am living in Norman too, but I claim a home in the Chickasaw Nation.
- Q As an actual fact, your bona fide residence is in Oklahoma? Is that a fact? A Yes, that is where---
- Q You never made any claim to residence in the Chickasaw Nation prior to June 16, 1900, did you? A No sir.
- Q How much Choctaw blood do you claim? A 1/16.
- Q What is your father's name? A Miles E. Morse.
- Q Is your father living? A Yes sir.
- Q What is your mother's name? A Elizabeth Palistine.
- Q Was Palistine her maiden name? A That is her middle name.
- Q Her name is Elizabeth P. Morse? A Yes sir.
- Q Is your mother living? A No sir.
- Q When did she die? A She died when I was 16 months old, and I am 23 years old now.
- Q Through which one of your parents do you claim your Choctaw blood?
A My mother.
- Q Was your mother's name ever on any of the Choctaw tribal rolls?
A No sir.
- Q Did she ever make application to the tribal authorities of the Choctaw Nation for citizenship? A No sir.

2-Risinger.

- Q Was she ever recognized in any manner by the tribal authorities of the Choctaw Nation as a citizen? A Do you mean in law?
- Q Did the Choctaw national council, by any official act, ever recognize her as a citizen? A I suppose not.
- Q Is your name on any of the tribal rolls of the Choctaw nation?
- A No sir.
- Q Did you ever make application to the Choctaw tribal authorities for enrollment as a citizen of the Choctaw Nation? A No sir.
- Q Have you ever been recognized by the national council of the Choctaw Nation, in any official act of theirs as a citizen of the Choctaw Nation? A No sir.
- Q Did you, or anyone on your behalf, in 1896, under the act of Congress of June 10, 1896, make application to this Commission, for citizenship in the Choctaw Nation? A No sir.
- Q You have never been admitted to citizenship in the Choctaw Nation by the United States court in the Indian Territory, have you?
- A No sir.
- Q Have you ever, prior to this time, made application for citizenship to either the Choctaw tribal authorities or the United States?
- A No sir.
- Q Is this your first application of any description? A My first.
- Q You are now making application for identification as a Mississippi Choctaw. How do you believe that you are entitled to be identified by this Commission as a Choctaw, claiming rights in the Choctaw lands under the ~~14th~~ 14th article of the treaty between the United States and the Choctaw Indians, September 27, 1830?
- A Because our records show that our forefathers were Mississippi Choctaws I suppose.
- Q You make your claim under the 14th article of the treaty of 1830?
- A Yes sir.
- Q Did you or any of your ancestors ever take advantage of the provisions of the 14th article of the treaty of 1830? A No sir.
- Q Did you or any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A No sir.
- Q The commission will require that applicants for identification as Mississippi Choctaws must exhibit proof showing compliance with the provisions of the 14th article of the treaty of 1830, either by themselves or their ancestors, and in each and every case exhibits of records and documents verifying these facts will be required. Have you any evidence that your ancestors ever became beneficiaries under the provisions of the 14th article of that treaty? A I don't exactly understand all the question. Do you mean, did they ever take----
- Q Did they ever receive any land in Mississippi as beneficiaries?
- A No, I think not.
- Q Do you make any claim by reason of any of the other provisions of the treaty of 1830? A No sir.
- Q You base your claim alone upon the provisions of the 14th article of the treaty of 1830? A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Robert L. Risinger.
- Q Are you making any application for him? A No sir.
- Q How old is he? A 34 years.
- Q He is a white man? A Yes sir.
- Q Has he ever made any claim to Indian citizenship? A No sir.
- Q Have you any children? A Yes sir.
- Q What are their names and ages? A Jewel, four years and Bradford M., six months.
- Q Robert L. Risinger is the father of these children? A Yes sir.
- Q And you are the mother? A Yes sir.
- Q These children live with you at your home? A Yes sir.
- Q The basis of their claim is identical with yours? A Yes sir.

3-Risinger.

- Q What is the name of your ancestor who was a resident of Mississippi and a recognized member of the Choctaw tribe of Indians when the treaty was made between the United States and the Choctaw Indians in 1830? A I will have to ask my uncle the name. I know what it is, but I can't think of it---William Jones.
- Q Have you any evidence of the fact that William Jones was ever a beneficiary under the provisions of the 14th article of the treaty of 1830? A I don't think he was. The reason why, I am not very well acquainted---Of course, you understand a woman naturally would not understand and keep up with a man
- Q Is there any additional statement you would like to make? A No
- Q Is there any written evidence you desire to file with the Commission for its consideration in support of your application? A Yes. Original application and petition of Winnie Risinger, Certified copy of the affidavits of Addison Howard and R. E. Howard, Affidavits of James F. Pledger, W. E. Madden, Dan George and O. E. Rice. Certified copy of the marriage licence and certificate under the laws of the Territory of Oklahoma of R. L. Risinger and Minnie Morse, offered in evidence marked Exhibit A. and identified as such, filed and made a part of the record in this case.
- Q The decision of the Commission as to your application you make in your own behalf and in the behalf of your two minor children for identification as Mississippi Choctaws, will be mailed to you in writing in the near future, at your present postoffice address.

-----o-----

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above named witness, and that the foregoing is a true and complete translation of her stenographic notes in said case.

Frances R. Brown

Subscribed in my presence and sworn to before me this
27 day of September A. D., 1900.

Guy L. Emerson
Notary Public
Acting Chairman.

COPY.

M O R 673

Muskogee, Indian Territory, June 20, 1902.

Minnie Risinger,

Norman, Oklahoma.

Dear Madam:

You are hereby advised that on the 10th day of June 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James F. Pledger, et al., embracing the following applications for identification as Mississippi Choctaws:

James F. Pledger, et al.,
Minnie Risinger, et al.,

M O R 673
673

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James F. Pledger, Earl Pledger, Lindy Pledger, Ola Pledger, Minnie Pledger, Minnie Risinger, Jewel Risinger, and Bradford W. Risinger as Choctaw Indians entitled to rights in the Choctaw lands

COPY.

J P P 42

under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

and it is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by James F. Fledger for the identification of his wife, Mollie Fledger, as an intermarried Mississippi Choctaw, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. B. Needles.

Registered.

Commissioner in Charge.

H.C.H. 078

Muskogee, Indian Territory, August 13, 1902.

Minnie Eisinger,

Norman, Oklahoma Territory.

Dear Madam:

You are hereby advised that on the 4th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of theseveral persons included in the consolidated case of James F. Fledger, et al., of which decision you were advised by registered mail on the 21st day of June, 1902.

Yours truly,

Acting Chairman.

679

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

1/16.
Minnie Risinger. 23.
Norman, Ok. County.

SEP 17 1900

FATHER: Miles C. Morse - ✓

MOTHER: Elizabeth P. Morse - dead.
Claims through mother.

HUSBAND: Robert L. Risinger 34.

Children:

Jewel Risinger 2.
Radford M. " 1/2.

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

F I L E D

SEP 17 1900

[Faint signature]

choc MCR 674 Emma SIMPSON

MCR 674

DEPARTMENT OF THE INTERIOR,
 COMMISSION FOR FIVE CIVILIZED TRIBES.
 Muskogee, I. T. September 17, 1900.

In the Matter of the application for identification of Emma Simpson and her three minor children, as Mississippi Choctaws.

Emma Simpson, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Emma Simpson.
 Q What is your age? A 24 years.
 Q What is your postoffice address? A Norman, Oklahoma.
 Q Do you live at Norman? A I am staying there at the present time, yes sir.
 Q Where is your place of residence? A In the Indian Territory.
 Q Where? A Southwest of Purcell, Indian Territory.
 Q How long have you maintained a residence in the Indian Territory?
 Q I went there the last of June.
 Q This year? A Yes sir.
 Q Have you remained in the Indian Territory continuously since the time you took up your residence there in June? A No sir.
 Q Where have you lived? A I went to Norman to be under the care of a doctor when the last child was born.
 Q You never had a residence in the Indian Territory prior to your removal there in June, 1900? A Yes, from 1894 to 1893.
 Q You maintained a continuous residence in the Indian Territory from 1894 to 1893? A Yes sir.
 Q In what nation? A In the Chickasaw Nation.
 Q But you were not in the Indian Territory from '93 until June, 1900?
 A No sir.
 Q How much Choctaw blood do you claim? A 1/16.
 Q What is your father's name? A Thomas J. Overstreet.
 Q Is your father living? A Yes sir.
 Q What is your mother's name? A Penelope Overstreet.
 Q Is your mother living? A Yes sir.
 Q Through which one of your parents do you claim your Choctaw blood?
 A My father.
 Q Was your father's name ever on any of the Choctaw tribal rolls?
 A Not that I know of, no.
 Q Did your father ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
 Q Was your father ever recognized by the Choctaw authorities, by any official act of theirs, as a citizen of the Choctaw Nation? A No.
 Q Is your name on any of the tribal rolls of the Choctaw nation?
 A No sir.
 Q Have you ever made application to the Choctaw tribal authorities for citizenship? A No sir.
 Q Have you ever been recognized in any manner by the Choctaw tribal authorities as a citizen of that nation? A No, I have not.
 Q Did you, or anyone in your behalf, in 1896, make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States court in the Indian Territory?
 A No sir.
 Q Have you ever, prior to this time, made application to either the authorities of the Choctaw Nation or to the United States for either enrollment or citizenship as a Choctaw? A No sir.
 Q This is your first application of any description? A Yes sir.
 Q You are now making application for identification as a Mississippi Choctaw, are you? A Yes sir.
 Q Why do you believe that you are entitled to be identified by this

2-Simpson.

Commission as a Choctaw Indian, entitled to rights in the Choctaw lands under the 14th article of the treaty of 1830, between the United States and the Choctaw tribe of Indians, concluded Sept. 27, 1830? A My father, and ancestors.

Q Because your ancestors were Mississippi Choctaws? A Yes sir.

Q You are making a claim then, by reason of the fact that you have Choctaw blood in your veins? A Yes sir.

Q Do you make any claim under the 14th article of the treaty of 1830? A Yes sir.

Q Did either you or any of your ancestors ever take advantage of the provisions of the 14th article of the treaty of 1830? A No sir.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A They had land there.

Q Did they acquire the lands they owned in Mississippi as Choctaw Indians who took advantage of the provisions of the 14th article of the treaty of 1830? A They had land there but I don't know anything about it.

Q You don't know whether they acquired that land under the provisions of the 14th article of the treaty of 1830? A I don't know and I understand the question.

Q Did they acquire the land they owned in Mississippi by reason of the provisions of the 14th article of the treaty of 1830? A I just know they owned land there; I don't know anything how they came by it.

Q This Commission will require of applicants who desired to be identified as Mississippi Choctaws, that they show proof showing compliance with the provisions of the 14th article of the treaty of 1830, and in each and every case exhibits of records and documents properly verified showing compliance with the provisions of that article will be required. Have you any evidence of that fact, that any of your ancestors ever did receive and own land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A I don't understand. Do you mean they received their land as Indians?

Q Yes.

A I don't know.

Q Do you make any claim by reason of any of the other provisions of the treaty of 1830? A All that pertains to the ratifying of the Mississippi Choctaws.

Q Are you married? A Yes sir.

Q What is your husband's name? A Charles W. Simpson.

Q How old is he? A 28 years.

Q Is he a white man? A Yes sir.

Q Are you making any claim or title? A No sir.

Q Did he ever make any claim to Indian citizenship by blood? A No.

Q Where did you marry him? A Fort Sn.

Q Under the laws of Oklahoma? A Yes sir.

Q Have you any evidence of your marriage that you desire to offer in evidence at this time? A Yes sir.

Certificate of the marriage of Charles W. Simpson and Wema Overstreet, Oct. 28, 1896, offered in evidence, marked Exhibit A., identified as such and made a part of this record.

Q Have you any children? A Yes, three.

Q What are their names and ages? A Roy W. Simpson, 2-1/2 years, and Okla and Wema, (twins) two months.

Q Charles W. Simpson is the father of these children? A Yes sir.

Q And you are the mother? A Yes sir.

Q These children are living with you at your home? A Yes, two of them.

Q Where does the other one live? A We have separated and he has

3-Simpson.

stolen it and taken it away.

- Q You have not the custody of but two of them? A I have the custody of all three of them.
- Q Where is the third one? A He has taken it away.
- Q Are you and your husband living together? A No sir.
- Q How long have you been separated from him? A Ever since the 24th of March, 1900.
- Q Are you divorced? A Yes sir.
- Q Did the decree of divorce give you the custody of all three of these children? A Yes sir.

Certified copy of the decree of divorce of Emma Simpson and Charles W. Simpson offered in evidence, marked Exhibit F, and identified as such, filed and made a part of the record in this case.

- Q You stated that this child Roy, was not living with you at this time? A No sir.
- Q Where is the child? A I don't know.
- Q Your divorced husband is in possession of that child? A Yes, he has it.
- Q You don't know where he is? A No sir.
- Q Which one of our ancestors lived in Mississippi and was there recognized as a member of the Choctaw tribe of Indians in 1830 when the treaty was made between the United States and the Choctaw Indians? A My grandfather.
- Q What was your grandmother's name? A Fanny Blakely.
- Q Have you any evidence of the fact that she was at that time a recognized member of the tribe of Choctaw Indians? A All I know she lived there and was a Choctaw Indian.
- Q Do you know whether she ever received any land in Mississippi as beneficiary under the 14th article of the treaty of 1830? A I don't know.
- Q Is there any additional statement you want to make? A No sir.
- Q Is there any written evidence you desire to submit to the Commission in support of this application? A Yes sir.

Original application and petition of Emma Simpson, Certified copy of the application of James Overstreet Affidavits of Griff Denton and Emma Coffee, offered in evidence, marked Exhibit G., identified as such, filed and made a part of this record.

- Q The decision of the Commission as to your application and the application you make on behalf of your three children for identification as Mississippi Choctaws, will be mailed to you in writing in the near future, to your present postoffice address.

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Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above named witness, and that the foregoing is a true and complete translation of her shorthand notes in said case.

Frances R. Brown

Subscribed in my presence and sworn to before me this
27 day of Sept, A. D., 1900.

Guy L. Emerson
Notary Public

COPY.

M.C.R. 674.

Muskogee, Indian Territory, July 10, 1902.

Sam Simpson,

Norman, Oklahoma Territory.

Dear Madam:

You are hereby advised that on the 8th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Overstreet, et al., embracing the following applications for identification as Mississippi Choctaws:

James Overstreet, et al.,	M.C.R.	499
Thomas J. Overstreet, et al.,	"	500
William H. Overstreet,	"	503
Belle Rane, et al.,	"	504
Cornelius L. Overstreet,	"	505
Riley Overstreet, et al.,	"	506
Rebecca Overstreet, et al.,	"	507
John A. Overstreet, et al.,	"	508
John F. Overstreet, et al.,	"	534
Sam Simpson, et al.,	"	674

These applications were made under the provision of the act of Congress of June 20, 1896 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clara Overstreet, Mattie Overstreet, Mattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaanita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Olivia Estelle Overstreet, James Earnest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtle Overstreet, Mary G. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson, and Homa Simpson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tamc Kirby.

Acting Chairman.

Registered.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIRDY,
THOMAS B. NEEDLER,
C. R. BRACKENRIDGE.

ALLISON L. AVLESWORTH,
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

M.C.R., 674.

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Emma Simpson,

Norman, Oklahoma.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R	2857
Robert E. Lee, et al.,	M C R	1468
Melissa Boyd,	M C R	1485
Ethel Sherrer,	M C R	1486
Fred Lee,	M C R	1491
Vernile Lee,	M C R	1492
Jacob C. Lee, et al.,	M C R	1515
Nannie Wood, et al.,	M C R	1516
Claudia Murray, et al.,	M C R	1517
George W. Lee, et al.,	M C R	1518
Shade Gore,	M C R	1519
Nancy A. Williams, et al.,	M C R	1743
Hiram Blakeley, et al.,	M C R	2541
William Lee, et al.,	M C R	2559
Jacob H. Lee,	M C R	2694
Nancy A. Schmidt, et al.,	M C R	2695
Fred B. Lee,	M C R	2696
Lillian Thomas, et al.,	M C R	2853
Margie Adams, et al.,	M C R	2854
Oral Boyd, et al.,	M C R	2855
William D. Williamson, et al.,	M C R	2856
Arcade DuBose, et al.,	M C R	2858
Albert Edward Boyd,	M C R	2859
Olive Smith, et al.,	M C R	2888
William Cary DuBose,	M C R	2889
J. Dale Adams,	M C R	2896
William L. Binkley,	M C R	2890
Sarah M. Adams, et al.,	M C R	2901
Merlin C. Adams, et al.,	M C R	2902
Thomas B. Ross, et al.,	M C R	2903
Arthur A. Ross, et al.,	M C R	2904
Mattie Forsythe, et al.,	M C R	2997
Maria Gipson, et al.,	M C R	3139
Lawrence L. Boyd, et al.,	M C R	3154
Joseph K. Boyd, et al.,	M C R	3155
Nora B. Hilley,	M C R	3156
William F. Walker,	M C R	3157
John Owens,	M C R	3158

William J. Adams,	M C R	3854
Cynthia Adams Hill, et al.,	M C R	3863
William M. Blakeley, et al.,	M C R	4148
Ida Calame, et al.,	M C R	1487
Mollie Blacklidge,	M C R	1489
Aleck Blacklidge, et al.,	M C R	1490
Lula Haskins, et al.,	M C R	1488
John Jordan, et al.,	M C R	1469
Frances O. Vollentine, et al.,	M C R	5063
John T. Vollentine,	M C R	5064
Callie V. Bryant, et al.,	M C R	5065
William S. Blakeley, et al.,	M C R	5066
James E. Blakeley, et al.,	M C R	5067
Ralph Tyler,	M C R	5068
Walter S. Blakeley, et al.,	M C R	5069
Mary M. Bird, et al.,	M C R	5321
Cora Langston, et al.,	M C R	5322
Annie C. Lawhon, et al.,	M C R	5323
Laura E. Bird, et al.,	M C R	5324
Oscar Thomas Boyd, et al.,	M C R	5448
John Blakeley, et al.,	M C R	5873
Albany Kennedy, et al.,	M C R	5874
Mary Frances Knowles, et al.,	M C R	5875
Sarah A. Harris, et al.,	M C R	5876
Thomas L. Kennedy,	M C R	5877
Robert E. Kennedy, et al.,	M C R	5878
James Overstreet, et al.,	M C R	499
Thomas J. Overstreet, et al.,	M C R	500
William H. Overstreet,	M C R	503
Belle Rape, et al.,	M C R	504
Cornelius L. Overstreet,	M C R	505
Riley Overstreet, et al.,	M C R	506
Rebecca Overstreet, et al.,	M C R	507
John A. Overstreet, et al.,	M C R	508
John F. Overstreet, et al.,	M C R	554
Emma Simpson, et al.,	M C R	674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Royd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mullia Ross, Ollie Mildred Ross, Mattie Foraythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada B. Blakeley, Walter E. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blackledge, Aleck Blackledge, Ellen Blackledge, Lee Blackledge, Leonard Blackledge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert E. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope E. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

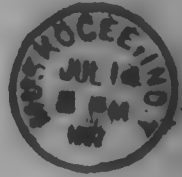
Respectfully,

Registered.

Acting Chairman.

*General Office MCA
Notice that Sec of Ind has affixed
at decision of Commission*

RETURN TO SENDER



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Emma Simpson,

~~Witness Indian Reservation.~~

RETURN TO SENDER

674

File

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE EXTINGUISHED TRIBES

FILED

AUG 12 1903

[Handwritten signature]

CHAPMAN

RECEIVED

MINN
AUG 12 1903

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

ALLISON L. AYLESWORTH,
SECRETARY

REFER IN REPLY TO THE FOLLOWING

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

M.C.R. 674.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 13, 1903.

Madam Simpson,

Mingo, Indian Territory.

Dear Madam:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tempie McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,



Commissioner in Charge.

Department of the Interior.
Commissioner of the Five Civilized Tribes.
MUSKOGEE, IND. TER.

MUSKOGEE
DEC 7
5-PM
1906

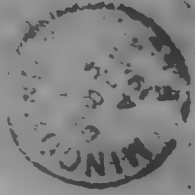
Misc. Section Div.

674

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Muskogee, Ind. Territory.



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1907



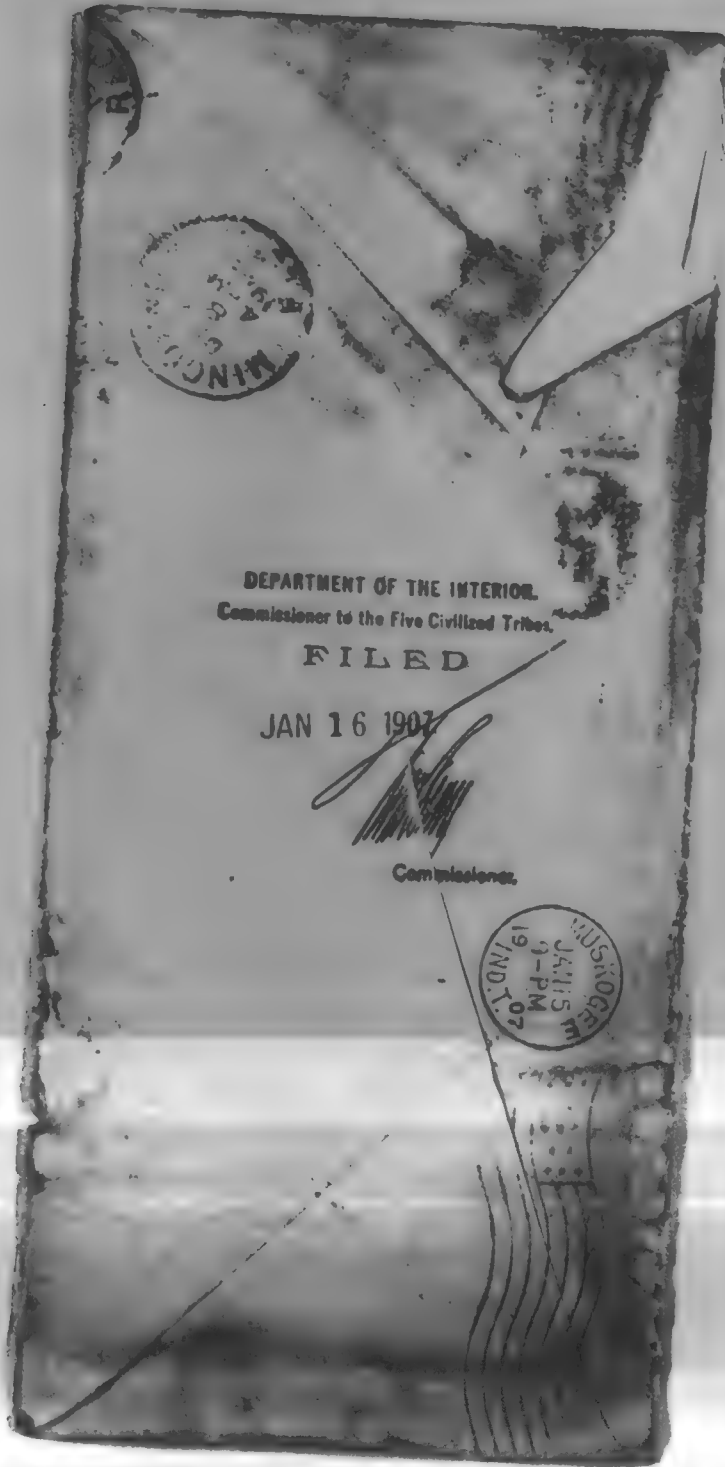
DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes.

FILED

JAN 16 1907

[Handwritten signature]

Commissioner.



777

REFER IN REPLY TO THE FOLLOWING:

MCR 6. 74

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

Muskogee, Indian Territory, December 6, 1906.

Emma Simpson,

Mince, Indian Territory.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

W. O. Beall

Acting Commissioner.

...ATION AS.
A MISSISSIPPECHOCTAW.

SEP 17 1900

^{1/16}
Emma Simpson. 24

Norman, O. T.

FATHER: Thomas J. Overstreet. ✓

MOTHER: Penelope Overstreet. ✓

Claim through father.

HUSBAND:

Charles H. Simpson. 28.

(No claim for husband).

Children:

Roy D. Simpson 2 1/2.

Orela " " } 2 mos.

Homa " " }

JAN 23 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

JAN 24 1902

FOR CHOKSTAW AND CHOKASAW NATIONS.

RECORDS AND GENERAL INVESTIGATION

ACTION APPEALED BY SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JUL 13 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUL 13 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOKSTAW
AND CHOKASAW NATIONS.

JUL 13 1903

P.O. Mexico, D. T.

REFER TO M.A. 255

Choc MCR 675 Jemima moffett

see MCR 676-677-678-679-680-681-682-683
684-685-686-5662

MCR 675

Femima Moffett et al

REFUSED

DECISION RENDERED.

JUL 14 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 20 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 24 1902

RECORDS FORWARDED DEPARTMENT.

JUL 27 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 24 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOV 11 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

NOV 17 1902

REFER TO M. C. R. 676. 677. 678. 679.
680. 681. 682. 683
684. 685. 686. 5662.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., September 18, 1900.

In the Matter of the Application for Identification as Mississ-
ippi Cheetaws, of Jemima Moffett, on her own behalf and for her two
minor children Arthur and Allan W. Moffett/

Jemima Moffett, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Jemima Moffett.
Q What is your age? A 50 years to the best of my knowledge.
Q What is your postoffice address? A Newcastle, Chickasaw Nation,
Indian Territory.
Q Do you live in the Indian Territory? A Yes sir.
Q How long have you resided in the Indian Territory? A I have lived
there several years on and off, but I have been living there now
ever since the 3rd of July, 1900.
Q Where did you live prior to that time? A I lived at Norman; have
been for the last three years.
Q When did you first come to the Indian Territory? A I come there
with my parents in 1863, the time they moved there.
Q How long did you remain here then? A My parents moved there in
1863, when I was small; I don't recollect how long we did live there
Q I would like to get some kind of an idea about your residence in
the territory? A I have lived there all of four years.
Q What four years was it? A I moved back and forth on account of
school.
Q State what year you came to the Territory? A The year I went there
was 1886; then when I moved away the last time was 1896.
Q Did you remain here continuously for ten years from 1886 to 1896?
A No, I was away part of the time, but most of the time I was there.
Q Where did you maintain your residence during those ten years?
A Well, I lived -- I didn't live there full ten years, but off and on
for ten years. I lived at Hackville, and at Ardmore and we lived
awhile near Marietta, and then the last time I went away I was
living near Purcell.
Q That was in '96? A That was '96 when I moved from Purcell.
Q Then you moved to Oklahoma? A I moved then to Norman.
Q Did you move in '96 to Oklahoma? A Yes sir.
Q Did you remain there from '96 until July, 1900, when you came back
here? A Yes sir.
Q How much Cheetaw blood do you claim? A I have always been taught
that my grandfather was a half breed Mississippi Cheetaw.
Q How much Cheetaw blood do you claim? A I would claim 1/8; it
would make my mother 1/4.
Q What is your father's name? A My father's name is Isaac H.
Bledsoe.
Q Is your father living? A No sir.
Q What is your mother's name? A My mother's name was Sarah A.
Bledsoe.
Q Is your mother living? A She is dead.
Q Through which one of your parents do you claim Cheetaw blood?
A My mother.
Q Is your mother's name on any of the rolls of the Cheetaw Nation?
A I don't know.
Q When did she die? As near as you can tell? A She has been dead
about 19 years.
Q Did she ever make application in her lifetime to the Cheetaw tribal

authorities for enrollment as a Choctaw Indian? A No sir.

Q Was she ever recognized in any manner by any official act of the Choctaw tribal authorities as a member of the Choctaw tribe of Indians? A Not that I know of.

Q Is your name on any of the tribal rolls of the Choctaw Nation?

A I don't know.

Q Why have you any doubt about it? A My name--- my mother's name--

Q I am talking about you. Is your name on the tribal rolls of the Choctaw Nation? A No, my name a'int. I never made application before.

Q Did you ever make application to the Choctaw tribal authorities for enrollment as a Choctaw citizen? A No sir.

Q Have you ever been recognized by any act of the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.

Q Did you, or did anyone on your behalf, ever make application to this Commission, in 1896, for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.

Q Were you ever admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Indian Territory, on appeal from the tribal authorities of the Choctaw Nation or a decision of this Commission? A No sir.

Q Have you ever, prior to this time, made any application to either the tribal authorities of the Choctaw Nation, or the United States, for either citizenship or enrollment as a Choctaw Indian? A No

Q This is your first application of any description? A Yes sir.

Q Why do you believe that you are entitled to be identified as a Mississippi Choctaw by this Commission, and entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830, between the United States and the Choctaw Indians?

A Well, why I believe it is because these provisions made at any time the Choctaws was to at any time want their rights and get their rights they should have it; it was for them; there was those who had never had any rights or priveleges.

Q Are you familiar with the provisions of the 14th article of the treaty of 1830? A No, I am not very familiar with the treaties. I know that this thing is in existence; there is a law for the Choctaws, but I can't quote it.

Q You don't make your claim under the 14th article alone? A Yes.

Q Did you ever take advantage of the provisions of the 14th article of the treaty of 1830? A I don't know as I understand what advantage-- I don't understand what taking advantage of it would mean; taking advantage of getting my rights?

Q Did you ever take advantage of the provisions of the 14th article of the treaty of 1830? A No sir.

Q Did your ancestors, any of them, ever take advantage of the provisions of that article of that treaty? A Not that I know.

Q Did any of your ancestors ever receive or claim any land as beneficiary in Mississippi under the provisions of the 14th article of the traty of 1830? A Yes, I have been taught they owned lands back there.

Q Did they receive this land as beneficiaries under the 14th article of the traty of 1830? A I really don't know.

Q This Commission will require of applicants claiming rights under the provisions of the 14th article of the treaty of 1830, that they exhibit documentary proof showing compliance with the provisiens of this article, either by the applicants or by their ancestors, and in each and every case exhibits of such proof, showing these facts will be required. Have you any such documentary evidence?

A That my ancestors owned lands?

Q No, that they received lands as beneficiaries under the 14th article of the treaty of 1830? A No, I really don't know.

3-Moffett.

- Q You don't know whether you have got the proof or not? Have you any documentary evidence of the fact that your ancestors took advantage of the 14th article of the treaty of 1830, and owned and claimed or received land as beneficiaries under this treaty? Have you or have you not? A I don't think I have.
- Q Why are you in doubt about it? If you had it you would know it, wouldn't you? A It is like I would.
- Q Have you got it? Are you in possession of such documents?
- A Yes, I think I have something to that effect.
By Mr. Lindley, Attorney for applicant: I desire to have a few days in these cases; the proof is in shape of affidavits and I want to get certified copies for the rest of the family before I file them. It is not, however, such documentary proof as you ask the applicant for.
- Q Do you make claim by reason of any of the other provisions of the treaty of 1830? A Yes, I want everything that the law allows us in the treaties.
- Q The law only allows this Commission to hear applicants who claim rights under the treaty of 1830. Are you married? A Yes sir.
- Q What is your husband's name? A J. Counsel Moffett.
- Q Is your husband living? A Yes sir.
- Q How old is he? A 49 years.
- Q Are you making any claim for him? A No sir.
- Q Where did you marry him? A I married him in Texas.
- Q When? A In '71.
- Q Under the laws of the state of Texas? A Yes sir.
- Q Have you any evidence of that marriage that you desire to present to the Commission at this time? A I think I have some.
- Q Where is it.
By Mr. Lindley: I will file it.
- Q Were you ever married to your husband in conformity with the laws of the Choctaw Nation? A No sir.
- Q Have you any children for whom you desire to make application who are under twenty-one years of age, and unmarried? A I have two minor children.
- Q What are their names and ages? A Arthur, 19 years and Allan W., 11 years.
- Q Do these children live with you at your home? A Yes sir.
- Q You are the mother of both of them? A Yes sir.
- Q And J. C. Moffett is the father of both of them? A Yes sir.
- Q Their claim is identical with yours? A Yes sir.
- Q Which one of your ancestors lived in Mississippi in 1830 when the treaty was entered into between the United States and the Choctaw Indians, and who became a beneficiary under the provisions of the 14th article of the treaty of 1830? A I don't know but what my mother might have lived there, and my grandfather.
- Q What was your grandfather's name? A Daniel Shumaka.
- Q Was he a member of the Choctaw tribe of Indians in Mississippi in 1830? A I suppose he was.
- Q Have you any evidence of that fact? A Yes, I guess he was living there then.
- Q He was a citizen of the state of Mississippi? A He was; that is what I have been taught.
- Q That he was what? A That he was a Mississippi Choctaw.
- Q Have you evidence of that fact? A Yes, I have evidence that my ancestors were Mississippi Choctaws.
- Q Is there any additional statement that you desire to make in support of your application for identification as a Mississippi Choctaw, and the application you make on behalf of your two minor children? Anything more you want to say?

Examination by Mr. Lindley.

- Q You state you came here first in 1863? Who did you come with?
- A I came with my mother and father.
- Q How did they happen to come to the Choctaw Nation?

4-Meffett.

A They just moved there. The Injuns they come to the country. We Injuns---

Q How long did they remain? About how many years? A I don't remember just how long they did remain there; they must have staid something like a year as well as I recollect, and my father died not long after we moved over to Texas.

By the Commission:

Q Is there any additional evidence you desire to present to the Commission at this time.

By Mr. Lindley: With the permission of the Court, I will file it a few days later.

Permission is granted the applicants to file written evidence in support of their application, providing the same is filed within fifteen days from the date hereof

The decision of the Commission as to your application, and the application you make on behalf of your two minor children for identification as Mississippi Cheetaws will be mailed to you in writing in the near future at your present postoffice address.

By Mr. Lindley:

Q When you left the Territory in 1896--after you left here from '86 to '96, for what purpose was it? A I moved away to send my two youngest children to school; there was no school where we lived, and I didn't want to raise them up without giving them some education.

-----o-----

Frances R. Brown, being first duly sworn, upon her oath, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 18th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 27 day of September, 1900.

Guy L. Emerson
Acting Notary Public

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of **Jemima Moffett, et al.**, for identification as Mississippi Choctaws, consolidating the applications of -

Jemima Moffett, et al.,	M C R	676
Robert L. Moffett, et al.,	M C R	676
Cyreness J. Moffett,	M C R	677
Mary A. Shelton, et al.,	M C R	678
James P. Bledsoe, et al.,	M C R	679
George Bledsoe, et al.,	M C R	680
Martha D. Lowe, et al.,	M C R	681
Mary E. Dagger,	M C R	682
Martha L. Bird, et al.,	M C R	683
Jason C. Dagger, et al.,	M C R	684
Missouri Cook, et al.,	M C R	685
Joseph R. Dagger, et al.,	M C R	686
Alvada D. Light, et al.,	M C R	862

List of papers forwarded to the Secretary of the Interior, comprising the record in the consolidated case of **Jemima Moffett, et al.**

	Page.
Original application of Jemima Moffett, et al. , to the Texas Commission for identification as Mississippi Choctaws	1
Petition of Jemima Moffett addressed to the Texas Commission	2
Affidavit of Simon Smith	3
Affidavit of Jerry Watkins	4
Affidavit of C. C. Lockard	10

Original application of Robert L. Moffett, et al., to the Dawes Commission for identification as Mississippi Choctaws	11
Petition of Robert L. Moffett addressed to the Dawes Commission	14
Affidavit of Jerry Watkins	17
Affidavit of Simon Smith	18
Original application of Cyreness J. Moffett to the Dawes Commission for identification as a Mississippi Choctaw	19
Petition of Cyreness J. Moffett addressed to the Dawes Commission	21
Affidavit of Jerry Watkins	24
Affidavit of Simon Smith	25
Original application of Mary A. Shelton, et al., to the Dawes Commission for identification as Mississippi Choctaws	26
Petition of Mary A. Shelton addressed to the Dawes Commission	29
Affidavit of Jerry Watkins	32
Affidavit of Simon Smith	33
Original application of James P. Bledsoe, et al., to the Dawes Commission for identification as Mississippi Choctaws	34
Petition of James P. Bledsoe addressed to the Dawes Commission	37
Affidavit of Jerry Watkins	40
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Truh
C. v. W.*

-----,-----
In the matter of the application of Jenima Moffett, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Jenima Moffett, et al.,	M C R	675
Robert L. Moffett, et al.,	M C R	676
Cyrenese J. Moffett,	M C R	677
Mary A. Shelton, et al.,	M C R	678
James F. Bledsoe, et al.,	M C R	679
George Bledsoe, et al.,	M C R	680
Martha D. Lowe, et al.,	M C R	681
Mary E. Dugger,	M C R	682
Martha L. Bird, et al.,	M C R	683
Jason C. Dugger, et al.,	M C R	684
Missouri Cook, et al.,	M C R	685
Joseph B. Dugger, et al.,	M C R	686
Alzada E. Light, et al.,	M C R	5662

D E C I S I O N .

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Jenima Moffett for herself and her two minor children, Arthur and Emma E. Moffett; by Robert L. Moffett for himself and his two minor children, Leckie and Vernie Moffett; by Cyrenese J. Moffett for himself; by Mary A. Shelton for herself and her three minor children, Beulah E., Judge W., and Alva G. Shelton; by James F. Bledsoe for himself and his four minor children, Eva, Laura, Robert E., and Mariah R. Bledsoe; by George Bledsoe for himself

and his minor child, Odessa Bledsoe; by Martha D. Lowe for herself and her minor child, Beulah Lowe; by Mary E. Dugger for herself; by Martha V. Bird for herself and her three minor children, Claud D., Daisy, and Thomas Bird; by Jason C. Dugger for himself and his three minor children, May P., Jessie S., and Tama Dugger; by Missouri Cook for herself and her three minor children, Alaina, Lillie Bell, and Iva Cook; by Joseph R. Dugger for himself and his minor child, Dock B. Dugger; by Alzada E. Light for herself and her eight minor children, Lee, Hattie, William, Walter, Elizabeth, Daniel, Mary T., and John Wesley Light; by James P. Bledsoe for the identification of his wife, Caroline Bledsoe; by George Bledsoe for the identification of his wife, Levina Bledsoe; by Jason C. Dugger for the identification of his wife, Lilly Dugger; and by Joseph R. Dugger for the identification of his wife, Nellie E. Dugger, as intermarried Mississippi Choctaws, under the following provision of the act of Congress approved June 22, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Daniel Sheemake (or Sheemake), who is alleged to have been an one-half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission that no one of said applicants has ever been an

rolled 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, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provision of the act of Congress approved June 20, 1896, (29 Stat., 321).

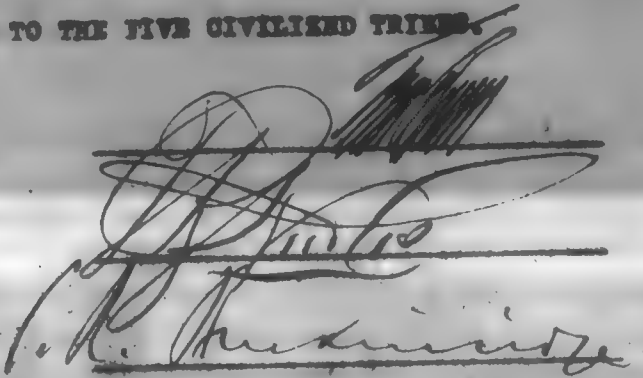
It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Daniel Shoumka (or Shoumko), or ancestors less remote than him, or any of the applicants herein, signified, (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 100), and August 23, 1842, (5 Stat., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Moffett, Arthur Moffett, Allan W. Moffett, Robert E. Moffett, Leckie Moffett, Vernie Moffett, Gyreness J. Moffett, Mary A. Shelton, Soulik H. Shelton, Judge W. Shelton, Alva G. Shelton, James P. Elsdice, Eva Elsdice, Laura Elsdice, Robert E. Elsdice, Marion E. Elsdice, George Elsdice, Stearns Elsdice, Martha B. Lowe, Soulik Lowe, Mary E. Daggert, Martha L. Bird, Claude H. Bird, Daisy Bird, Thomas Bird, James C. Daggert, May E. Daggert, Jennie S. Daggert, Sam Daggert, Missouri Cook, Alvin Cook, Millie Bell Cook, Eva Cook, Joseph E. Daggert, Mack E. Daggert, Alonzo B. Right, Lee Right,

Hattie Light, William Light, Walter Light, Elizabeth Light, Daniel Light, Mary T. Light, and John Wesley Light, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is further the opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and that the application made by James P. Bledsoe for the identification of his wife, Caroline Bledsoe; by George Bledsoe for the identification of his wife, Lovina Bledsoe; by James C. Dugger for the identification of his wife, Lilly Dugger; and by Joseph R. Dugger for the identification of his wife, Nellie K. Dugger, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

A large, stylized handwritten signature, likely of Joseph R. Dugger, written in dark ink over two horizontal lines. The signature is highly cursive and difficult to decipher.

Washkoo, Indian Territory.

JUL 14 1902

REFER TO M. C. R.

*Jemima Moffett
et al*

Consolidated Case

Daniel Shoemaker
or Shoemaker 17

Mahinda Shoemaker
mar.
Ira B. Pidcock

MAR 1862
Mary E. Pidcock 49 1/8
mar.
Thomas Dugger, w.

Susan Jane Shoemaker
mar.
Lovie Garrison

MAR 1862
Alzada E. Garrison 46 1/8
mar.
Joseph W. Light, w.

MAR 1863
Martha K. Dugger 30 1/6
mar.
James Bird, w.

MAR 1863
Clark D. Bird 12
Daisy Bird 10
Thomas Bird 3

MAR 1864
Jason C. Dugger 25 1/6
wife
* Lily Copshaw
* Claus for wife

MAR 1864
Mary P. Dugger, 6
Jessie D. Dugger, 4
Lama Dugger, 2

MAR 1865
Missouri Dugger 23 1/6
mar.
Alven J. Cook, w.

MAR 1865
Alma Cook 5
Kizzie Beal Cook 3
Ira Cook 9 mo

MAR 1865
Joseph R. Dugger 21 1/6
wife
* Nellie K. Shadrick, w.
* Claus for wife

MAR 1865
Dock B Dugger, 1 da

MAR 1867
Lee Light 18
Hattie Light 17
William Light 15
Walter Light 13
Eugene Light 9
Daniel Light 7
Mary J. Light 5
John Meloy Light 3

Daniel Shumaker
or Shoemaker

Sarah Ann Shoemaker
mar
Isaac H. Bledsoe

Mar 29
James P. Bledsoe 45 1/2
wife
x Caroline Piles
x Claims for wife

Jan Bledsoe, dead

Frank Bledsoe

William E. Bledsoe

Sterling J. Bledsoe

Robert H. Bledsoe

Maria Hood
nee Bledsoe, dead

Mar 25
Jemima Bledsoe 50 1/8
mar
Jacob C. Moffett, w.

Mar 26
Robert L. Moffett 27 1/8
wife
Susan Moffett

Mar 26
Cyrenus Moffett 23 1/16

Mar 26
Mary A. Moffett 22 1/16
mar
Joel A. Shelton, w.

Mar 26
Arthur Moffett 19
Allan W. Moffett 11

Mar 30
George Bledsoe 25 1/16
wife
x Lorina Williams
x Claims for wife

Mar 30
Martha D. Bledsoe 21 1/16
mar
Andrew J. Howe, w.

Mar 30
Eva Bledsoe 20

Mar 30
Laura Bledsoe 18

Mar 30
Robert C. Bledsoe 12

Mar 30
Marion R. Bledsoe 10

Mar 30
Rockie Moffett 5
Terrie Moffett 3

Mar 30
Beulah W. Shelton
Judge W. Shelton
Alva C. Shelton 1

Mar 30
Odeen Bledsoe 3

Mar 30
Beulah Howe 19 mo

COPY.

H.C.H. 678

Muskogee, Indian Territory, July 14, 1902.

Manfield, Murray & Coraish,

Attorneys For the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jimina Moffett, et al., embracing the following applications for identification as Mississippi Choctaws:

Jimina Moffett, et al.,	H.C.P.	675
Robert L. Moffett, et al.,	H.C.P.	676
Cyrenus J. Moffett,	H.C.H.	677
Mary A. Shelton, et al.,	H.C.P.	678
James P. Bledson, et al.,	H.C.P.	679
George Bledson, et al.,	H.C.P.	680
Martha D. Lowe, et al.,	H.C.P.	681
Mary E. Dugger,	H.C.P.	682
Martha L. Bird, et al.,	H.C.P.	683
Jason G. Dugger, et al.,	H.C.P.	684
Missouri Cook, et al.,	H.C.P.	685
Joseph B. Dugger, et al.,	H.C.P.	686
Alzada H. Light, et al.,	H.C.P.	687

These applications were made under the provisions of the act of Congress of June 26, 1902 (32 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United

M N & C, ___2.

States and the Chestaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jenina Moffett, Arthur Moffett, Allan W. Moffett, Robert L. Moffett, Lookie Moffett, Vernie Moffett, Cyreness J. Moffett, Mary A. Shelton, Beulah M. Shelton, Judge W. Shelton, Alva C. Shelton, James P. Bledsoe, Eva Bledsoe, Laura Bledsoe, Robert E. Bledsoe, Marion B. Bledsoe, George Bledsoe, Odessa Bledsoe, Martha D. Lowe, Beulah Lowe, Mary E. Dugger, Martha L. Bird, Claud D. Bird, Daisy Bird, Thomas Bird, Jason C. Dugger, May P. Dugger, Jessie S. Dugger, Tama Dugger, Missouri Cook, Aelsina Cook, Lillie Bell Cook, Iva Cook, Joseph B. Dugger, Deek B. Dugger, Almada E. Light, Lee Light, Hattie Light, William Light, Walter Light, Elizabeth Light, Daniel Light, Mary T. Light, and John Wesley Light, as Chestaw Indians entitled to rights in the Chestaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

"It is the further opinion of this Commission that under the

M N & C. ____ 3.

provision of law above quoted no person is entitled to identification as a Mississippi Cheataw by intermarriage, and that the application made by James P. Medsco for the identification of his wife, Caroline Medsco; by George Medsco for the identification of his wife, Lovina Medsco; by Jason C. Dugger for the identification of his wife, Lilly Dugger; and by Joseph R. Dugger for the identification of his wife, Nellie K. Dugger, as intermarried Mississippi Cheataws, should, therefore, be refused, and it is so ordered. *

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Fame Dixby.

Acting Chairman

COPY.

M.O.R. 678

Muskogee, Indian Territory, July 14, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of Jennie Moffett, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 12, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Jennie Moffett, et al.,	M.O.R.	675
Robert L. Moffett, et al.,	M.O.R.	676
Cyrus J. Moffett,	M.O.R.	677
Mary A. Shelton, et al.,	M.O.R.	678
James R. Blodgett, et al.,	M.O.R.	679
George Bidson, et al.,	M.O.R.	680
Martha B. Low, et al.,	M.O.R.	681
Mary E. Dugger,	M.O.R.	682
Martha B. Bird, et al.,	M.O.R.	683
Jason C. Dugger, et al.,	M.O.R.	684
Missouri Cook, et al.,	M.O.R.	685
Robert B. Dugger, et al.,	M.O.R.	686
Alman B. Light, et al.,	M.O.R.	688

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission,

-2-

copies of said letters being attached to the record.

Respectfully,

(SIGNED)

James Dixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs,
in enclosure.

COPY.

M.C.R. 675

Muskogee, Indian Territory, July 16, 1902.

M. H. Lindly,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jamina Moffett, et al., embracing the following applications for identification as Mississippi Choctaws:

Jemina Moffett, et al.,	M.C.R.	675
Robert L. Moffett, et al.,	M.C.R.	676
Cyrenus J. Moffett,	M.C.R.	677
Mary A. Shelton, et al.,	M.C.R.	678
James P. Bledsoe, et al.,	M.C.R.	679
George Bledsoe, et al.,	M.C.R.	680
Martha D. Lave, et al.,	M.C.R.	681
Mary M. Dugger,	M.C.R.	682
Martha L. Bird, et al.,	M.C.R.	683
Janon C. Dugger, et al.,	M.C.R.	684
Missouri Cook, et al.,	M.C.R.	685
Joseph H. Dugger, et al.,	M.C.R.	686
Alzada H. Light, et al.,	M.C.R.	5658

These applications were made under the provisions of the act of Congress of June 20, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may

M N L ____ 2.

administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jenima Moffett, Arthur Moffett, Allan V. Moffett, Robert L. Moffett, Lookie Moffett, Vernie Moffett, Cyreness J. Moffett, Mary A. Shelton, Beulah M. Shelton, Judge V. Shelton, Alva C. Shelton, James P. Bledsoe, Eva Bledsoe, Laura Bledsoe, Robert E. Bledsoe, Marion R. Bledsoe, George Bledsoe, Odessa Bledsoe, Martha D. Lowe, Reulah Lowe, Mary E. Dugger, Martha L. Bird, Claud D. Bird, Daisy Bird, Thomas Bird, Jason C. Dugger, May P. Dugger, Jessie S. Suggs, Tama Dugger, Missouri Cook, Alsina Cook, Lillie Bell Cook, Iva Cook, Joseph R. Dugger, Dock B. Dugger, Alzada E. Light, Lee Light, Hattie Light, William Light, Walter Light, Elizabeth Light, Daniel Light, Mary T. Light, and John Wesley Light, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is further the opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and that the application made by James P. Bledsoe for the identification of his wife, Caroline Bledsoe; by George Bledsoe for the identification of his wife, Lovina Bledsoe; by Jason C. Dugger for the identification of his wife, Lilly Dugger; and by Joseph R. Dugger for the identification of his wife, Nellie K. Dugger, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

(SIGNED).

Tams Dixey.

Acting Chairman.

COPY

M.C.R. 676

Muskogee, Indian Territory, July 14, 1902..

Mrs. Jemina Moffett,
Newcastle, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jemina Moffett, et al., embracing the following applications for identification as Mississippi Cherokees:

Jemina Moffett, et al.,	M.C.R. 675.
Robert L. Moffett, et al.,	M.C.R. 676.
Cyreness J. Moffett,	M.C.R. 677.
Mary A. Shelton, et al.,	M.C.R. 678.
James P. Bledsoe, et al.,	M.C.R. 679.
George Bledsoe, et al.,	M.C.R. 680.
Martha D. Lowe, et al.,	M.C.R. 681.
Mary B. Dugger,	M.C.R. 682.
Martha L. Bird, et al.,	M.C.R. 683.
Jason C. Dugger, et al.,	M.C.R. 684.
Missouri Cook, et al.,	M.C.R. 685.
Joseph R. Dugger, et al.,	M.C.R. 686.
Almeda H. Light, et al.,	M.C.R. 686B.

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Cherokee Indians claiming rights in the Cherokee lands under article fourteen of the treaty between the United States and the Cherokee Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts

"necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jemima Moffett, Arthur Moffett, Allan W. Moffett, Robert L. Moffett, Lookie Moffett, Vernie Moffett, Cyreness J. Moffett, Mary A. Shelton, Beulah M. Shelton, Judge W. Shelton, Alva C. Shelton, James P. Bledsoe, Eva Bledsoe, Laura Bledsoe, Robert E. Bledsoe, Marion R. Bledsoe, George Bledsoe, Odessa Bledsoe, Martha D. Lowe, Beulah Lowe, Mary E. Dugger, Martha L. Bird, Claud D. Bird, Daisy Bird, Thomas Bird, Jason C. Dugger, Max P. Dugger, Jessie S. Dugger, Tama Dugger, Missouri Cook, Alsina Cook, Lillie Bell Cook, Iva Cook, Joseph R. Dugger, Cook B. Dugger, Alzada E. Light, Lee Light, Mattie Light, William Light, Walter Light, Elisabeth Light, Daniel Light, Mary T. Light, and John Wesley Light, as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is further the opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Chectaw by intermarriage, and that the application made by James P. Bledsoe for the identification of his wife, Caroline Bledsoe; by George Bledsoe for the identification of his wife, Lovina Bledsoe; by Jason C. Dugger for the identification of his wife, Lilly Dugger; and by Joseph R. Dugger for the identification of his wife, Nellie K. Dugger, as intermarried Mississippi Chectaws, should, therefore, be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such

J H ___3.

action as may be taken by him.

Yours truly,

Registered.

James H. [unclear]
Acting Chairman.

C O P Y.

Land
42365-1902.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.

WASHINGTON. Oct. 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made July 12, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the consolidated case of Jenima Meffett, et al., applicants for identification as Mississippi Choctaws claiming rights under the provisions of the fourteenth article of the treaty of 1830.

Jenima Meffett applies for the identification of herself and her two minor children, Arthur and Allan W.; Robert L. Meffett for himself and his two minor children, Leckie and Vernie; Cyreness J. Meffett for herself; Mary A. Shelton for herself and her three minor children, Beulah M., Judge W., and Alva C.; James P. Bledsoe for himself and his four minor children, Eva, Laura, Robert E. and Marion R.; George Bledsoe for himself and his minor child, Odessa; Martha D. Lowe for herself and her minor child, Beulah; Mary E. Dugger for herself; Martha L. Bird for herself and her three minor children, Claud D., Daisy, and Thomas; Jason C. Dugger for himself and his three minor children, May P., Jessie S., and Tama; Missouri Cook for herself and her three minor children, Alsina, Lillie Bell

and Iva; Joseph R. Dugger for himself and his minor child, Deck B.; Alsada E. Light for herself and her eight minor children, Lee, Hattie, William, Walter, Elizabeth, Daniel, Mary T. and John Wesley; James P. Bledsoe for his wife, Caroline; George Bledsoe for his wife, Levina; Jason C. Dugger for his wife, Lillie; and Joseph R. Dugger for his wife, Nellie K. as intermarried Mississippi Choctaws.

July 14, 1902, the Commission held that the applicants were not entitled to identification.

Descent is claimed from Daniel Shoemaka (Shumaka or Shoemake), grandfather of principal applicant.

The applicants are not full-blood Choctaw Indians, and an examination of the records of this office fails to show that any one by the name of Daniel Shoemaka (Shumaka or Shoemake) received a patent to land under the provisions of the fourteenth article of the treaty of 1830; that any one of that name complied or attempted to comply with the provisions of said fourteenth article; or applied to the commissions appointed under the provisions of the Acts of March 3, 1837 and August 23, 1842, for an adjudication of whatever rights he may have had as a Choctaw Indian.

It is therefore respectfully recommended that the decision of the Commission refusing to identify the applicants as Mississippi Choctaws be affirmed.

Very respectfully,

Your obedient servant,

A.C. Tomer,

Acting Commissioner.

GAV
D

3 inclosures /

D.C. 20342

C O P Y.

PAF.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

ITD. 6355-1902.
LRS.

October 24, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

July 14, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Cheestaws, of Jemima, Arthur and Allan W. Meffett; of Robert L., Leckie and Vernie Meffett; of Cyreness J. Meffett; of Mary A, Beulah M., Judge W. and Alva C. Shelton; James P., Eva, Laura, Robert E. and Marion R. Hledsee; of George and Odessa Hledsee; of Martha D. and Beulah Lowe; of Mary E. Dugger; of Martha L., Claud D., Daisy and Thomas Bird; of Jason C., May P., Jessie S. and Tama Dugger; of Missouri, Alsina, Lillie Bell and Iva Cook; of Joseph R. and Deck B. Dugger; of Alzada E., Lee, Hattie, William, Walter, Elizabeth, Daniel, Mary T. and John Wesley Light; and the applications for identification as intermarried Mississippi Cheestaws, by James P. Hledsee for his wife, Caroline Hledsee; by George Hledsee for his wife Levina Hledsee; by Jason C. Dugger for his wife Lilly Dugger; and by Joseph R. Dugger for his wife Nellie K. Dugger.

The applicants endeavor to trace their descent from one

Daniel, Shoemake (or Shoemake), who is alleged to have been a one-half blood Chectaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Chectaw Nation, or that said Daniel Shoemake, or a less remote ancestor, or any of the applicants complied or attempted to comply with article XIV of the treaty of September 27, 1830 or with either of the acts of March 3, 1837 (5 Stat., 180, and August 23, 1842 (5 Stat., 513)

You refused the applications July 14, 1902. Forwarding the papers October 14, 1902, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has carefully reviewed the whole record in the case, and, finding no reason to modify your decision, hereby affirms the same.

Respectfully,

(Signed)

E.A. Hitchcock.

Secretary

ED.

1 inclosure.

COPY.

M.C.R. 675

Muskogee, Indian Territory, November 7, 1902.

E. F. Lindly,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jemima Moffett, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Respectfully,

Yours truly,

James Dickey.
Acting Chairman.

COPY.

Muskogee, Indian Territory, November 7, 1902.

Manfield, McKurray & Cornish,

Attorneys for the Cheetaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheetaws of the several persons included in the consolidated case of *Jemima Moffett, et al.*, of which decision you were advised by mail on the 14th day of July, 1902.

Respectfully,

(SIGNED BY)

Tames Dixby.
Acting Chairman.

COPY

M.C.R. 675

Muskogee, Indian Territory, November 7, 1902.

Jemima Moffett,

Newcastle, Indian Territory.

Dear Madam:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jemima Moffett, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Respectfully,

Tamm Dixey
Acting Chairman.

#675.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

1/8.

SEP 1900

Jemima Moffett. 50.
Newcastle, I. O.

FATHER: Isaac N. Bledsoe - dead.
MOTHER: Sarah A. Bledsoe - dead.
Claims through mother.

HUSBAND: Jacob Council Moffett 49.
(No claim for husband).


CHILDREN.

Arthur Moffett 19.
Allen W. " " 11.

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

FILED

SEP 18 1900


ACTING CHAIRMAN.

Choc mcr 676 Robert L. Moffett

see mcr 675

mcr 676

Robert L. Moffett et al

REFUSED

NOV 1 1902

NOTICE OF DENIAL OF PATENT APPLICATION

RE: APPLICATION FOR PATENT FOR INVENTION OF

OCT 21 1902

UNITED STATES PATENT OFFICE
WASHINGTON

DEPARTMENT OF COMMERCE
BUREAU OF PATENTS

FILE NO. 675

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 MUSKOGEE, I. T., September 18, 1900.

In the Matter of the Application for Identification as Miss-
 issippi Choctaws of Robert L. Moffett, and his two minor children.

Robert L. Moffett, being duly sworn testified as follows:

By the Commission:

- Q What is your name? A Robert L. Moffett.
- Q What is your age? A 27 years.
- Q What is your postoffice address? A Newcastle, I. T.
- Q Do you live at Newcastle? A Yes sir.
- Q How long have you resided in the Indian Territory? A I have re-
 sided there altogether about 3 years, or 4.
- Q For the past three years? A Yes sir.
- Q Have you maintained a continuous residence in the Indian Territory
 for the past three years? A Not for the past three years, no.
 I maintained a residence there since the first of July, 1900.
- Q State fully as to what your residence in the Indian Territory has
 consisted of? A First I lived at Packerville.
- Q I want to know what years you were in the Indian Territory and for
 how long. A From '86 to '87 and '90 to '92
- Q Then you was not in the Indian Territory from '92 until July this
 year? A Yes, I was there in '96.
- Q How long were you here in '96? A About half a year.
- Q How much Choctaw blood do you claim? A About 1/8.
- Q What is your father's name? A Jacob G. Moffett.
- Q Is your father living? A Yes sir.
- Q What is your mother's name? A Jenina Moffett.
- Q Is your mother living? A Yes sir.
- Q Through which one of your parents do you claim your Choctaw blood?
 A My mother.
- Q Is your mother's name on any of the tribal rolls of the Choctaw
 Nation? A I really don't know.
- Q You heard your mother testify just now? A I heard part of her
 evidence.
- Q Didn't you hear her testify that her name was not on any of the
 tribal rolls of the Choctaw Nation? A I don't believe I did.
- Q Why are you in doubt as to her enrollment? A I have heard the
 name; they was on the roll, but not my mother.
- Q We are talking about your mother now; has your mother ever been rec-
 ognized in any manner by the authorities of the Choctaw Nation as
 a citizen of the nation? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation.
 A Not as I know of.
- Q Why are you in doubt? A Well, I havn't any reason to believe it
 is on there.
- Q Your purpose in coming here is to be enrolled? A Yes sir.
- Q If you were in any doubt as to your name being there, would you
 make this application? A I don't think it is there; that is the
 reason I come here.
- Q Did you ever make application to the Choctaw tribal authorities
 for citizenship in the Choctaw nation? A No sir.
- Q Have you ever been recognized by the tribal authorities of the Choctaw
 Nation by any official act of their national council, as a cit-
 izen of that nation? A No sir.
- Q Did you, or did anyone in your behalf, in 1896, make application
 to this Commission for citizenship in the Choctaw Nation under the
 act of Congress of June 10, 1896? A No sir.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States court in the Indian Territory?
A No sir.
- Q Have you ever, prior to this time, made any application to either the authorities of the Choctaw Nation, or to the United States, for either citizenship or enrollment as a Choctaw Indian? A No sir.
- Q This is your first application of any description? A Yes sir.
- Q You are now applying to this Commission for identification as a Mississippi Choctaw. Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian, entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830? A I have always been taught that I have a right in the Choctaw Nation and having an opportunity under this treaty.
- Q You are making your claim under the 14th article of the treaty of 1830? A Yes sir.
- Q Did either you or your ancestors ever take advantage of the provisions of the 14th article of the treaty of 1830? A Not as I know of.
- Q Did any of your ancestors ever claim or receive any lands in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A No sir.
- Q This Commission will require from applicants for identification as Mississippi Choctaws, that they exhibit proof showing compliance with the provisions of the 14th article of the treaty of 1830, either by themselves or their ancestors, and in each and every case exhibits of records and documentary evidence showing these facts will be required. Have you any documentary evidence of the fact that your ancestors received land as beneficiaries under the 14th article of the treaty of 1830, in Mississippi? A Yes, I have.
- Q Do you desire to offer the same to the Commission at this time?
By Attorney Lindley, representing the applicant:
Please let the same order be entered in this case as the other case (Jemima Moffett), as to filing papers.
- Q How much time will you require in which to file documentary evidence showing that your ancestors complied with the provisions of the 14th article of the treaty of 1830, and became beneficiaries under that act?
By Mr. Lindley:
With the Court's permission, may I ask a question: Will the Commission furnish his attorney a record of the citizens of the Choctaw Nation who took advantage of the 14th article of the treaty of 1830, for the purpose of consultation?
Request refused.
- Q Do you make any claim by reason of any other of the provisions of the treaty of 1830? A Any other claim in regard-----
- Q By reason of any other provisions of the treaty of 1830, outside of the 14th article? A I don't know as I do.
- Q Are you married? A Yes sir.
- Q What is the name of your wife? A Susan Moffett.
- Q How old is she? A 26 years.
- Q Are you making any claim for your wife? A I claim her as an intermarried Choctaw.
- Q You do make a claim for her? A If it is lawful.
- Q That is not a question for us to decide; you stated first that you did not make a claim for her. Do you now make any claim for your wife? A No sir.
- Q Where were you married? A Oklahoma Ty .
- Q When? A In 1893.
- Q Were you married in accordance with the laws of Oklahoma Ty.?
A Yes sir.
- Q Have you any evidence of that marriage? A I have my marriage certificate.
- Q Do you desire to offer it in evidence at this time?
By Mr. Lindley: I will get it and file it with the other papers.

Robert L. Moffett-3.

- Q Have you any children? A Yes, I have two.
Q What are their names and ages? A Lookie, 5 years and Vernie, 3 years.
Q Are you the father of these two children? A Yes sir.
Q And Susan Moffett is the mother? A Yes sir.
Q These children live with you at your home? A Yes sir.
Q And their claim is identical with yours? A Yes sir.
Q Your wife has never made any claim to Indian citizenship by blood?
A No sir.
Q Is there any additional statement you want to make?

By Mr. Lindley:

- Q Jemina Moffett whom you claim is your mother, is the same person who made application here today? A Yes sir.

By the Commission:

- Q What is the name of your ancestor who was a member of the Choctaw tribe of Indians in Mississippi in 1830? A Shumaka I think to the best of my recollection. I have been informed that way.
Q What was his given name? A I believe Daniel.
Q Have you any evidence of the fact that Daniel Shum ka was a recognized member of the Choctaw tribe of Indians at that time, and was a beneficiary under the provisions of the 14th article of the treaty of 1830? A I am informed he was.
Q Have you any evidence of the fact? A Yes sir.
Q Do you desire to submit it to the Commission at this time?

By Mr. Lindley: It will be submitted with the papers within the 15 days allowed.

The decision of the Commission as to your application, and the application you make on behalf of your two minor children for identification as Mississippi Choctaws, will be mailed to you in the near future, addressed to your present postoffice address.

-----@-----

Frances R. Brown having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized tribes, she reported in full all proceedings had in the above entitled cause on the 18th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 27 day
of September, 1900.

Guy L. Emerson
Acting Chairman. Notary Public

COPY.

M.C.R. 676

Muskogee, Indian Territory, July 14, 1902.

Robert L. Moffett,

Newcastle, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jemima Moffett, et al., embracing the following applications for identification as Mississippi Choctaws:

Jemima Moffett, et al.,	M.C.R.	675
Robert L. Moffett, et al.,	M.C.R.	676
Cyreness J. Moffett,	M.C.R.	677
Mary A. Shelton, et al.,	M.C.R.	678
James P. Bledsoe, et al.,	M.C.R.	679
George Bledsoe, et al.,	M.C.R.	680
Martha D. Lowe, et al.,	M.C.R.	681
Mary E. Dugger,	M.C.R.	682
Martha L. Bird, et al.,	M.C.R.	683
Worth C. Dugger, et al.,	M.C.R.	684
Missouri Cook, et al.,	M.C.R.	685
Joseph R. Dugger, et al.,	M.C.R.	686
Alzada E. Light, et al.,	M.C.R.	6862

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

R L M 2.

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jimima Moffett, Arthur Moffett, Allan W. Moffett, Robert L. Moffett, Lockie Moffett, Vernie Moffett, Cyreness J. Moffett, Mary A. Shelton, Beulah E. Shelton, Judge W. Shelton, Alva C. Shelton, James P. Bledsoe, Eva Bledsoe, Laura Bledsoe, Robert E. Bledsoe, Marion R. Bledsoe, George Bledsoe, Odessa Bledsoe, Martha D. Lowe, Beulah Lowe, Mary E. Dugger, Martha L. Bird, Claud D. Bird, Daisy Bird, Thomas Bird, Jason C. Dugger, Way P. Dugger, Jessie S. Dugger, Tama Dugger, Missouri Cook, Aisina Cook, Lillie Bell Cook, Iva Cook, Joseph R. Dugger, Dock B. Dugger, Alsada E. Light, Lee Light, Mattie Light, William Light, Walter Light, Elisabeth Light, Daniel Light, Mary T. Light and John Wesley Light, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is further the opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and that the application made by James P. Bledsoe for the identification of his wife, Caroline Bledsoe; by George Bledsoe for the identification of his wife, Levina Bledsoe; by Jason C. Dugger for the identification of his wife, Lilly Dugger; and by Joseph R. Dugger for the identification of his wife, Nellie E. Dugger, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such

R L W ___ S.

action as may be taken by him.

Yours truly,

Registered.

SIGNED

James P. ...

Acting Chairman.

M.C.R. 678

COPY.

Muskogee, Indian Territory, November 7, 1902.

Robert L. Koffett,

Newcastle, Indian Territory.

Dear Sir:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jamina Koffett, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Respectfully,

James H. ...
Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

$\frac{1}{8}$ SEP 1900
Robert L. Moffett. 27
Newcastle, I. O.

FATHER: Jacob C. Moffett ✓
MOTHER: Gemina Moffett ✓
(Claims through mother).

WIFE: Susan Moffett. 26.
(No claim for wife).

CHILDREN:

Lockie Moffett 5.
Vernie " " 3.

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

FILED

SEP 18 1900



ACTING CHAIRMAN.

Choc mcr 677 Gyreness J. moffett

see mcr 675

mcr 677

Witness J. Moffett

REFUSED

DECISION RENDERED. JUL 14 1902

NOTICE OF DECISION MAILED APPLICANT. JUL 11 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. JUL 11 1902

RECORD FORWARDED DEPARTMENT. JUL 14 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. OCT 24 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT. NOV 7 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. NOV 7 1902

REFER TO M. C. R. 675

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 MUSKOGEE, I. T., September 18, 1900.

In the Matter of the Application of Cyreness J. Moffett for Identification as a Mississippi Choctaw.

Cyreness J. Moffett, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Cyreness J. Moffett.
- Q What is your age? A 23 years.
- Q What is your postoffice address? A Newcastle, Ind. Ter.
- Q Do you live in the Indian Territory? A Yes sir.
- Q How long have you resided in the Indian Territory? A Altogether about 3 years.
- Q Have you maintained a residence in the Indian Territory continuously for the past three years? A No, not continuously.
- Q Where have you resided for the past three years? A Oklahoma, mostly.
- Q When did you come to the Indian Territory? A About July 3, last.
- Q The three year's residence you had in the Indian Territory was when?
- A The first was in 1886 I think.
- Q For how long? A About 6 months I think at that time. I went back to Texas.
- Q When did you come to the Indian Territory the next time? A I think it was in '90.
- Q How long did you remain then? A About 6 months I believe.
- Q When next? A In '96.
- Q How long did you remain then? A A year or a year and a half; I don't know positively.
- Q After you left that time, you didn't return until July, 1900? Is that correct? A I believe so.
- Q How much Choctaw blood do you claim? A About 1/16.
- Q What is your father's name? A Jacob C. Moffett.
- Q Is your father living? A Yes sir.
- Q What is your mother's name? A Jemina Moffett.
- Q Is she living? A Yes sir.
- Q Through which one of your parents do you claim your Choctaw blood?
- A My mother.
- Q Is your mother's name on any of the tribal rolls of the Choctaw Nation? A Not that I know of.
- Q Did you hear your mother testify this morning? A Yes sir.
- Q Did you hear her say that her name was not on any of the Choctaw rolls? A I believe I did.
- Q Then why are you in doubt as to her enrollment? A I never did hear her say she was on the rolls.
- Q You heard her say that she was not, didn't you? A I think I did.
- Q Why then do you say you don't know whether her name is on or not? Have you any more information as to her enrollment than she has?
- A No sir.
- Q Is her name on any of the tribal rolls of the Choctaw Nation?
- A I suppose not.
- Q Was your mother ever recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A Not that I know of.
- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation? A No sir.
- Q Did you ever make application to the tribal authorities of the Choctaw Nation for enrollment as a citizen in that nation? A No sir.
- Q Have you ever been recognized by any official act of the Choctaw tribal authorities as a citizen of that nation? A No sir.
- Q Did you, or anyone on your behalf, in 1896, make application to this Commission for citizenship in the Choctaw Nation under the

2- C. J. Moffett.

under the act of Congress of June 10, 1896? A No sir.

Q Were you ever admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in the Indian Territory?

A No sir.

Q Have you ever, prior to this time, made any application to either the tribal authorities of the Choctaw Nation, or to the United States for either citizenship or enrollment as a Choctaw Indian?

A No sir.

Q This is your first application of any description? A Yes sir.

Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830?

A I have always been taught, as far back as I can remember that I was a Mississippi Choctaw Indian.

Q You are making your claim under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Did you or any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A My understanding is that he had land there.

Q What is the name of your ancestor who had land there? A Shumaka.

Q How did he receive land in Mississippi? A I don't know.

Q What was his full given name? A I don't believe I know it.

Q Have you any evidence of the fact that he was a recognized member of the Choctaw tribe of Indians? A I believe I have.

Q Are you making any claim by reason of any of the other provisions of the treaty of 1830? A Not that I know of.

Q Are you married? A No sir.

Q Have you ever been married? A No sir.

Q Are you making application for anyone besides yourself? A No sir.

Q Is there any additional statement that you desire to make at this time?

By Attorney Lindley:

Q The Jemima Moffett whom you state is your mother, is the party making application here? A Yes sir.

By the Commission.

Q Is there any additional statement that you wish to make? A No sir.

Q Have you any written evidence that you desire to submit to the Commission for its consideration?

By Attorney Lindley: We will ask permission to file it at a later date.

Q Permission is granted the applicant to file written evidence in support of his application providing the same is filed within fifteen days from the date hereof.

The decision of the Commission as to the application for identification as a Mississippi Choctaw which you have made, will be mailed to you in writing in the near future, to your present postoffice address.

-----0-----

Frances R. Brown having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 18th day of September, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes, of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 27 day of Sept, 1900.

Gay L. Edmondson
Acting Clerk, Notary Public

COPY.

M.C.R. 677

Muskegee, Indian Territory, July 14, 1902.

Cyreness J. Moffett,

Newcastle, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of *Jemima Moffett, et al.*, embracing the following applications for identification as Mississippi Choctaws

Jemima Moffett, et al.,	M.C.R.	675
Robert L. Moffett, et al.,	M.C.R.	676
Cyreness J. Moffett,	M.C.R.	677
Mary A. Shelton, et al.,	M.C.R.	678
James P. Bledsoe, et al.,	M.C.R.	679
George Bledsoe, et al.,	M.C.R.	680
Martha D. Lowe, et al.,	M.C.R.	681
Hary E. Dugger,	M.C.R.	682
Martha L. Bird, et al.,	M.C.R.	683
Jason C. Dugger, et al.,	M.C.R.	684
Missouri Cook, et al.,	M.C.R.	685
Joseph B. Dugger, et al.,	M.C.R.	686
Alanda E. Light, et al.,	M.C.R.	686B

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end say ad-

administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jemima Moffett, Arthur Moffett, Allan W. Moffett, Robert L. Moffett, Lockie Moffett, Vernie Moffett, Cyreness J. Moffett, Mary A. Shelton, Beulah M. Shelton, Judge W. Shelton, Alva C. Shelton, James P. Bledsoe, Eva Bledsoe, Laura Bledsoe, Robert E. Bledsoe, Marion R. Bledsoe, George Bledsoe, Odessa Bledsoe, Martha D. Lowe, Beulah Lowe, Mary E. Dugger, Martha L. Bird, Claud D. Bird, Daisy Bird, Thomas Bird, Jason C. Dugger, May P. Dugger, Jessie S. Dugger, Tama Dugger, Missouri Cook, Al-sina Cook, Lillie Bell Cook, Iva Cook, Joseph R. Dugger, Dock B. Dugger, Alsada E. Light, Lee Light, Hattie Light, William Light, Walter Light, Elizabeth Light, Daniel Light, Mary T. Light and John Wesley Light, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is further the opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and that the application made by James P. Bledsoe for the identification of his wife, Caroline Bledsoe; by George Bledsoe for the identification of his wife, Lovina Bledsoe; by Jason C. Dugger for the identification of his wife, Lilly Dugger; and by Joseph R. Dugger for the identification of his wife, Nellie K. Dugger, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

C J N 3,

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Registered.

James Dixby.

Acting Chairman.

K.G.R. 677

COPY.

Muskogee, Indian Territory, November 7, 1902.

Cyrenus J. Koffett,

Newcastle, Indian Territory.

Dear Sir:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jenina Koffett, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Respectfully,

(SIGNED)

Tamc Dixey.
Acting Chairman.

A MISSISSIPPI CHOCTAW.

1/16 SEP 18 1900
Cyrenus J. Moffett. 29
Newcastle, I. D.

FATHER: Jacob C. Moffett. ✓
MOTHER: Gemina Moffett. ✓
(Claim through mother).

WIFE: Not married.

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

FILED
SEP 18 1900

 ACTING CHAIRMAN.

Choc mcr 678 Mary A. Shelton

see mcr 675

mcr
678

Mary A. Shelton et al

REFUSED

DECISION RENDERED. JUL 14 1902

NOTICE OF DECISION MAILED APPLICANT. JUL 14 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKSAW NATIONS. JUL 14 1902

RECORDS FORWARDED DEPARTMENT. JUL 14 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. OCT 24 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT. NOV 14 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKSAW NATIONS. NOV 14 1902

REFER TO M. C. R. 675

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 MUSKOGEE, I. T. September 18, 1900.

In the Matter of the Application for Identification as Mississippi Choctaw, or Mary A. Shelton, for herself, and on behalf of her three minor children.

Mary A. Shelton, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Mary A. Shelton.
 Q What is your age? A 22 years.
 Q What is your postoffice address? A Newcastle, I. T.
 Q Do you live in the Indian Territory? A Yes sir.
 Q How long have you resided in the Indian Territory? A I have lived there altogether about 2 years.
 Q Have you maintained a continuous residence in the Indian Territory for the past two years? A No, not all the time.
 Q How long have you lived in the Indian Territory this last time?
 A I came here on the 4th day of July, 1900.
 Q When were the other two years you were here? A I was there in 1896
 Q For how long? A Six months.
 Q Then when did you come back? A I went back again the 4th day of July, 1900.
 Q When were you here before? A I was here in '86 and '90.
 Q How much Choctaw blood do you claim? A 1/16.
 Q What is your father's name? A Jacob Moffett.
 Q Is your father living? A Yes sir.
 Q What is your mother's name? A Jemima Moffett.
 Q Is your mother living? A Yes sir.
 Q Through which one of your parents do you claim your Choctaw blood?
 A My mother.
 Q Is your mother's name on any of the tribal rolls of the Choctaw Nation? A No sir.
 Q Did your mother ever make application to the Choctaw tribal authorities for citizenship as a Choctaw Indian? A No sir.
 Q Was she ever recognized in any manner by the Choctaw tribal authorities as a citizen of that nation? A No, I don't suppose she was.
 Q Is your name on any of the tribal rolls of the Choctaw Nation?
 A No sir.
 Q Have you ever made application to the tribal authorities of the Choctaw Nation for citizenship in that nation? A No sir.
 Q Have you ever made application to the tribal authorities of the Choctaw Nation for citizenship in that Nation? A No sir.
 Q Did you, or did anyone in your behalf, in 1896, make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
 Q Were you ever admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in the Indian Territory?
 A No sir.
 Q Have you ever, prior to this time, made any application to either the tribal authorities of the Choctaw Nation or the authorities of the United States for either citizenship or enrollment as a Choctaw Indian? A No sir.
 Q This is your first application of any description? A Yes sir.
 Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
 Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of '30?
 A I believe it because I have the Indian blood and I have always been taught that.
 Q You make your claim under the 14th article of the treaty of 1830?

2-Mary A. Shelton.

- A Yes sir.
- Q Did either you or any of your ancestors ever take advantage of the provisions of the 14th article of the treaty of 1830? A Not that I know of.
- Q Did any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the treaty of 1830? A I don't know; my ancestors held land in Mississippi, but under what article it was, I don't know.
- Q Did they receive the land they held in Mississippi under the 14th article of the treaty of 1830? A I can't tell.
- Q What is the name of your ancestor who lived in Mississippi at the time of that treaty through whom you now claim? A Daniel Shumaka.
- Q Have you any evidence that he was a member of the Choctaw Nation at that time? A We have evidence that our ancestors held land in Mississippi.
- Q Was he a recognized member of the tribe of Choctaw Indians?
- A Yes sir.
- Q Have you evidence of that fact? A Yes sir.
- Q Do you make any claim by reason of any of the other provisions of the treaty of 1830? A I suppose I claim under all the treaties.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Joel A. Shelton.
- Q Do you make any claim for him? A No sir.
- Q He is a white man? A Yes sir.
- Q How old is he? A 30 years old.
- Q Where did you marry him? A In Oklahoma.
- Q Under the laws of the Territory of Oklahoma? A Yes sir.
- Q When? A In 1891.
- Q Have you any evidence of that marriage? A Yes sir.
- Q Do you desire to offer it in evidence at this time?
- By Attorney Lindley: We will file it later on.
- Q Were you ever married to your husband in accordance with the laws of the Choctaw Nation? A No sir.
- Q Have you any children? A Yes, three.
- Q What are their names and ages? A Beulah M., 6 years, Judge W., 3 years and Alva C., 1 year.
- Q You are the mother of these three children? A Yes sir.
- Q And Joel A. Shelton is the father? A Yes sir.
- Q Do these children live with you at your home? A Yes sir.
- Q Their claim is identical with yours? A Yes sir.
- Q Is there any additional statement you desire to make at this time?
- By Mr. Lindley, Attorney for applicant:
- Q The Jemima Haffett who made application for identification as a Mississippi Choctaw today, is your mother? A Yes sir.
- By the Commission:
- Q Is there any written evidence that you desire to offer the Commission in support of your application? A Yes sir.

The Commission will grant you permission to file written evidence in support of your claim for identification, and that of your children, as Mississippi Choctaws, if filed within fifteen days of the date hereof.

The decision of the Commission as to your application, and the application you make on behalf of your three minor children for identification as Mississippi Choctaws, will be mailed to in the near future at your present postoffice address.

Francis B. Brown having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all the proceedings had in the above entitled cause on the 18th day of Sept., 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

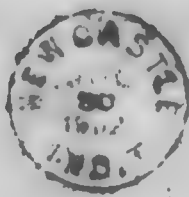
Mary A. Shelton

Francis R. Brown

Subscribed and sworn to before me this 27 day
of Sept, 1900.

Guy L. Emerson
Notary Public

Not here



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

341
7

Mary A. Shelton,
Newcastle,

Indian Territory.

MISSION TO THE ... UNLAWFUL TAX

FILED

AUG 1 1902

[Handwritten signature]

RECORDED

CRISTEN
AUG 1
1902
REBEL

COMMISSIONERS
HENRY L. DAWES,
TANS SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AVESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED IN REPLY TO THE FOLLOWING

M.C.R. 676

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Mustagee, Indian Territory, July 14, 1902.

Mary A. Shelton,
Newcastle, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Junina Haffett, et al., embracing the following applications for identification as Mississippi Choctaws:

Junina Haffett, et al.,	M.C.R. 676
Robert L. Haffett, et al.,	M.C.R. 676
Gyreness J. Haffett,	M.C.R. 677
Mary A. Shelton, et al.,	M.C.R. 678
James P. Blodsee, et al.,	M.C.R. 679
George Blodsee, et al.,	M.C.R. 680
Martha B. Love, et al.,	M.C.R. 681
Mary E. Dugger,	M.C.R. 682
Martha L. Bird, et al.,	M.C.R. 683
Jason C. Dugger, et al.,	M.C.R. 684
Missouri Cook, et al.,	M.C.R. 685
Joseph R. Dugger, et al.,	M.C.R. 686
Alinda E. Light, et al.,	M.C.R. 688

These applications were made under the provisions of the act of Congress of June 26, 1896 (29 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other

Y A S 2.

acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jennina Moffett, Arthur Moffett, Allan V. Moffett, Robert L. Moffett, Lockie Moffett, Vernie Moffett, Cyreness J. Moffett, Mary A. Shelton, Beulah M. Shelton, Judge W. Shelton, Alva C. Shelton, James P. Bledsoe, Eva Bledsoe, Laura Bledsoe, Robert E. Bledsoe, Marion R. Bledsoe, George Bledsoe, Odessa Bledsoe, Martha D. Lowe, Beulah Lowe, Mary E. Dugger, Martha L. Bird, Claud D. Bird, Daisy Bird, Thomas Bird, Jason C. Dugger, May P. Dugger, Jessie S. Dugger, Tamm Dugger, Missouri Cook, Alsina Cook, Lillie Ball Cook, Iva Cook, Joseph R. Dugger, Beck B. Dugger, Alanda E. Light, Lee Light, Mattie Light, William Light, Walter Light, Elizabeth Light, Daniel Light, Mary T. Light, and John Wesley Light, as Chestaw Indians entitled to rights in the Chestaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is further the opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Chestaw by intermarriage, and that the application made by James P. Bledsoe for the identification of his wife, Caroline Bledsoe; by George Bledsoe for the identification of his wife, Levina Bledsoe, by Jason C. Dugger for the identification of his wife, Lilly Dugger; and by Joseph R. Dugger for the identification of his wife, Nellie K. Dugger, as intermarried Mississippi Chestaws, should, therefore, be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such

H A S ___S.

action as may be taken by him.

Registered.

Yours truly,



Acting Chairman.

Department of the Interior.

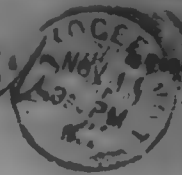
Commission to the New Central

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for use, \$300.

Return to Mail



Mary A. Shelton,

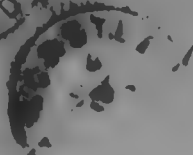
~~RECORDED~~

~~Indian Territory~~



678

File



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES.

FILED

DEC 9 1902

[Signature]
ACTING CHIEF

41 Nov 02

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
Y.C.R.
678

ALLISON L. AVLESWORTH,
SECRETARY.

ADDRESS ONLY THE
MEMBERS OF THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 7, 1902.

Mary A. Shelton,
Newcastle, Indian Territory.

Dear Madam:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of **Jemima Koffett, et al.**, of which decision you were advised by registered mail on the 14th day of July, 1902.

Respectfully,



Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

SEP 18 1900

^{1/16} Mary A. Shelton. 32.
Newcastle, I. T.

FATHER: Jacob C. Moffett. ✓
MOTHER: Jennie Moffett. ✓
(Claims through mother).

HUSBAND: Joel A. Shelton. 30.
(No claim for husband).


CHILDREN:

Bentley M. Shelton	6.
Judge W. " "	3.
Alton C. " "	1.

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

FILED

SEP 18 1900


ACTING CHAIRMAN.

Choc MCR 679 James P. Bledsoe

see MCR 675

MCR 679

James L. Isaac et al.

REFUSED

DECISION RENDERED. JUL 14 1902

NOTICE OF DECISION MAILED APPLICANT;
JUL 14 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.
JUL 14 1902

RECORDS FORWARDED DEPARTMENT.
JUL 11 1902

ACTION APPROVED BY SECRETARY OF INTERIOR
OCT 24 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.
NOV 7 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
7 1902

REFER. M. C. R. 675

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 Muskogee, I. T. Sept. 18, 1900.

In the Matter of the Application for Identification as Mississippi Choctaws of James P. Bledsoe and his four minor children, and the application he makes on behalf of his wife Caroline as an Inter-married Mississippi Choctaw.

James P. Bledsoe, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A James B. Bledsoe.
 Q What is your age? A 48 years.
 Q What is your postoffice address? A Marlow, Ind. Ter.
 Q Do you live at Marlow? A Near Marlow.
 Q How long have you resided in the Indian Territory? A Since '91.
 Q Have you maintained a residence in the Ind. Ter., continuously since that time? A Yes sir.
 Q Have you been outside of the Indian Territory during the last three years? A No sir.
 Q What is your father's name? A Isaac H. Bledsoe.
 Q Is he living? A No sir.
 Q What is your mother's name? A Sarah Ann.
 Q Is she living? A No sir.
 Q Through which one of your parents do you claim your Choctaw blood?
 A Through my mother.
 Q How much Choctaw blood do you claim? A 1/8.
 Q Is your mother's name on any of the tribal rolls of the Choctaw Nation? A I can't tell you; I don't think it is.
 Q When did your mother die? A I can't recollect the date. I believe it was in '77.
 Q Was your mother ever recognized during her lifetime by the tribal authorities as a citizen of the Choctaw Nation? A Not that I knew of.
 Q Is your name on any of the tribal rolls? A No sir.
 Q Have you ever made application to the tribal authorities for citizenship in that nation? A No sir.
 Q Have you ever been recognized by the Choctaw tribal authorities in any manner as a citizen of the Choctaw Nation? A No sir.
 Q Did you, or did anyone in your behalf, in 1896, make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States court in the Indian Territory?
 A No sir.
 Q Have you ever, prior to this time, made application to either the tribal authorities of the Choctaw Nation or to the authorities of the United States, for Indian citizenship or enrollment as a Choctaw? A No sir.
 Q This is your first application of any description? A Yes sir.
 Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
 Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to lands in the Choctaw Nation under the provisions of the 14th article of the treaty of 1830? A Because I have always been taught it from my youth up. They always taught me I was entitled to a right.
 Q Entitled to the right of identification under the treaty of 1830?
 A When it comes to that and any specifications and provisions, I don't know anything about it. I claim any right that is right for

2-James P. Bledsoe.

for the Choctaws; I don't know anything about the treaties.

Q Do you claim under the 14th article of the treaty of 1830?

A I don't know enough about the 14th article to know.

Q The only power invested in this Commission to hear applications for identifications as Mississippi Choctaws, are those who claim rights under the provisions of the 14th article of the treaty of 1830. Did either you or your ancestors ever take advantage of the provisions of the 14th article of the treaty of 1830? A I can't tell you. I never did.

Q Did any of your ancestors ever claim or receive any land as beneficiaries in Mississippi, under the provisions of the 14th article of the treaty of 1830? A I can't say as to that. I don't know; I have been informed they did.

Q What is the name of your ancestor who lived in Mississippi in 1830 when the treaty was made between the United States and the Choctaw Indians, and who was a recognized member of the Choctaw tribe of Indians at that time? A Daniel Shumaka.

Q Have you any evidence of the fact that he was a recognized member of the Choctaw tribe of Indians at that time? A Only from information is all I personally know about it.

Q Do you make any claim by reason of any other of the provisions of the treaty of 1830? A No, I don't. I don't know about the provisions of the treaty.

Q Are you married? A Yes sir.

Q What is your wife's name? A Caroline Bledsoe.

Q How old is she? A 47 years.

Q Are you making any claim for her? A Yes sir.

Q What do you claim her to be? A An intermarried Choctaw.

Q What is her father's name? A Wm. Pyles.

Q Is he living? A No sir.

Q What is your wife's mother's name? A Patience Pyles.

Q Is your wife's mother living? A No sir.

Q Were they both white people? A Yes sir.

Q Did your wife ever make any claim to Indian citizenship by blood? A No sir.

Q When did you marry her? A In '74.

Q Where? A In Texas.

Q Under the laws of the state of Texas? A Yes sir.

Q Were you ever married to her in accordance with the laws of the Choctaw Nation? A No sir.

Q Have you any evidence of that marriage? A I haven't anything with me. I can of course, get the marriage certificate of the clerk.

By Mr. Lindley, attorney for applicant:

We will file that with the papers attached.

Q Have you any children under 21 years of age and unmarried? for whom you desire to make application? A Yes sir.

Q What are their names and ages? A Eva, 20 years Laura, 18 years, Robert E., 12 years and Marion R. 10 years.

Q Do these children all live with you at your home? A Yes sir.

Q You are the father of all four of them? A Yes sir.

Q And Caroline Bledsoe is the mother of all four of them? A Yes sir.

Q Their claim is identical with yours? A Yes sir.

Q Is there any additional statement that you desire to make at this time in support of your application on your own behalf and on behalf of your wife and children? A

By Mr. Lindley:

Q Do you know Jenima Moffett who made application here today?

A Yes, she is my sister.

By the Commission:

Q Is there any written evidence you desire to offer the Commission in support of this application?

By Mr. Lindley: We will file evidence in accordance with the rules of the Commission.

3-James P. Hedges.

Q The Commission will allow the applicant to file documentary evidence providing the same is filed within fifteen days of the date hereof.

The decisions of the Commission as to your application as a Mississippi Choctaw, and the application you make on behalf of your children as Mississippi Choctaws, and your wife as an intermarried Mississippi Choctaw, will be mailed to you in writing in the near future, to your present postoffice address.

Frances R. Brown, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 18th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceeding on said date.

Frances R. Brown

Subscribed and sworn to before me this 27 day
of September, 1900.

Wm. L. Hedges
Notary Public
Mississippi

COPY.

M.C.R. 679

Muskogee, Indian Territory, July 14, 1902.

James P. Bledsoe,

Marlow, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of *Junina Maffett, et al.*, embracing the following applications for identification as Mississippi Choctaws:

Junina Maffett, et al.,	M.C.R.	675
Robert L. Maffett, et al.,	M.C.R.	676
Cyranness J. Maffett, e	M.C.R.	677
Mary A. Shelton, et al.,	M.C.R.	678
James P. Bledsoe, et al.,	M.C.R.	679
George Bledsoe, et al.,	M. .H.	680
Martha D. Low, et al.,	M.C.R.	681
Mary E. Dugger,	M.C.R.	682
Martha L. Bird, et al.,	M.C.R.	683
Jason C. Dugger, et al.,	M.C.R.	684
Missouri Cook, et al.,	M.C.R.	685
Joseph R. Dugger, et al.,	M.C.R.	686
Alveda E. Light, et al.,	M.C.R.	8662

These applications were made under the provisions of the act of Congress of June 25, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts

J P B ____ 2.

necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jenima Moffett, Arthur Moffett, Allan W. Moffett, Robert L. Moffett, Leckie Moffett, Vernie Moffett, Cyreness J. Moffett, Mary A. Shelton, Beulah W. Shelton, Judge W. Shelton, Alva C. Shelton, James P. Bledsee, Eva Bledsee, Laura Bledsee, Robert E. Bledsee, Marion R. Bledsee, George Bledsee, Odessa Bledsee, Martha D. Lowe, Beulah Lowe, Mary E. Dugger, Martha L. Bird, Claud D. Bird, Daisy Bird, Thomas Bird, Jason C. Dugger, May P. Dugger, Jessie S. Dugger, Tama Dugger, Missouri Cook, Almina Cook, Lillie Bell Cook, Iva Cook, Joseph R. Dugger, Dock B. Dugger, Alzada E. Light, Lee Light, Hattie Light, William Light, Walter Light, Elizabeth Light, Daniel Light, Mary T. Light, and John Wesley Light, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is further the opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and that the application made by James P. Bledsee for the identification of his wife, Caroline Bledsee; by George Bledsee for the identification of his wife, Lovina Bledsee; by Jason C. Dugger for the identification of his wife, Lilly Dugger; and by Joseph R. Dugger for the identification of his wife, Nellie K. Dugger, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such

1913 ___ 2.

action as may be taken by him.

Yours truly,

Registered.

SIGNED:

James Dixby.
Acting Chairman.

M.C.R. 879

COPY.

Muskogee, Indian Territory, November 7, 1902.

James P. Bledsoe,

Marlow, Indian Territory.

Dear Sir:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jemima Koffett, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Respectfully,

Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

1/8

SEP 18 1900

James P. Bledsoe, 48.
Marlow, J. T.

FATHER: Isaac H. Bledsoe - dead.
MOTHER: Sarah Ann Bledsoe - dead.
(Claims through mother).

WIFE: Caroline Bledsoe 47.
As an intermarried Miss. Cho.

FATHER: William Piles - dead.
MOTHER: Patience Piles - dead.

CHILDREN:

Eva Bledsoe	20.
Laura " "	18.
Robert E. " "	12.
Marion A. " "	10.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 18 1900

[Handwritten signature]

Choc mcr 680 George Blodsoe

see mcr 675

mcr 680

George Washington

REFUSED

DEPARTMENTAL ORDER.

NOTICE OF DEPARTMENTAL ACTION
FOR CHOCTAW AND CHICKSAW

1902

NOTICE OF DEPARTMENTAL ACTION
FOR CHOCTAW AND CHICKSAW

RECEIVED DEPARTMENT.

JUL 14 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 24 1902

NOTICE OF DEPARTMENTAL ACTION
FOR CHOCTAW AND CHICKSAW

NOV 1 1902

NOTICE OF DEPARTMENTAL ACTION
FOR CHOCTAW AND CHICKSAW

7

REPLY M. C. R. 675

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T. September 18, 1900.

In the matter of the application for Identification of George Bledsoe for himself, and on behalf of his minor child, ~~XXXX~~, and his wife, Vina, as an intermarried Mississippi Choctaw.

George Bledsoe, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A George Bledsoe.
- Q What is your age? A 25 years.
- Q What is your postoffice address? A Marlow, Indian Territory.
- Q Do you live at Marlow? A Yes, near Marlow.
- Q How long have you resided in the Indian Territory? A Since '91.
- Q Have you maintained a continuous residence in the Indian Territory since 1891? A Yes sir.
- Q Have you been outside of the Indian Territory in the past 3 years?
- A Yes sir.
- Q Did you go outside of the Territory for the purpose of making your residence elsewhere? A No sir.
- Q How much Choctaw Indian blood do you claim? A 1/16.
- Q What is your father's name? A James P. Bledsoe.
- Q Is your father living? A Yes sir.
- Q What is your mother's name? A Caroline Bledsoe.
- Q Is your mother living? A Yes sir.
- Q Through which one of your parents do you claim your Choctaw blood?
- A My father.
- Q Is your father's name on any of the tribal rolls of the Choctaw Nation? A Not that I know of.
- Q Was your father ever recognized in any manner by the tribal authorities of the Choctaw Nation as a citizen of that nation?
- A Not that I know of.
- Q Did you hear your father's testimony this morning? A Yes sir.
- Q He testified that his name was not on any of the tribal rolls of the Choctaw Nation, neither had he ever been recognized as a citizen thereof. Have you any further knowledge on that subject?
- A No sir.
- Q Then why do you say you don't know? A I have always been taught that he was part Indian.
- Q I am asking you if your father's name was on the tribal rolls of the Choctaw Nation? A No sir.
- Q Has he ever been recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.
- Q Is your name on any of the rolls of the Choctaw Nation? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever been recognized by any official act of the tribal authorities as a citizen of the Choctaw Nation? A No sir.
- Q Did you, or did anyone on your behalf, in 1896, make application to this Commission for citizenship in the Choctaw Nation under the Act of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States court in the Indian Territory?
- A No sir.
- Q Have you ever, prior to this time, made application to either the tribal authorities of the Choctaw Nation or the United States for either citizenship or enrollment as a citizen of the Choctaw Nation?
- A No sir.
- Q This is your first application of any description? A Yes sir.

2- George Bledsoe.

- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Why do you believe that you are entitled to be identified as a Mississippi Choctaw Indian, by this Commission, entitled to rights in the Choctaw lands, under the provisions of the 14th article of the treaty of 1830? A I have always been taught that I was part Indian, and under that treaty I am entitled to rights and privileges to the Choctaw lands.
- Q You are making your claim under the 14th article of the treaty of 1830? A Yes sir.
- Q Did either or you or any of your ancestors ever take advantage of the provisions of the 14th article of the treaty of 1830?
- A Not that I know of.
- Q Did you, or any of your ancestors, ever claim or receive land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A I have been told and instructed they did.
- Q What is the name of your ancestor who resided in Mississippi and was there recognized as a member of the Choctaw tribe of Indians when the treaty was made between the United States and the Choctaw tribe of Indians in 1830, and who received or claimed land as a beneficiary under the provisions of the 14th article of that treaty?
- A Daniel Shumaka.
- Q Have you any evidence of the fact that he was a recognized member of the Choctaw tribe of Indians at that time? A Yes sir.
- Q Have you any documentary evidence showing that he received any land in Mississippi as a beneficiary under the provisions of the 14th article of the treaty of 1830? A No sir.
- Q Do you make any claim by reason of any other provision of the treaty of 1830? A No sir.
- Q Are you married? A Yes sir.
- Q What is the name of your wife? A Lovina Bledsoe.
- Q What is her age? A 19 years.
- Q Are you making a claim for her? A Yes sir.
- Q What do you claim for her? A Intermarried Mississippi Choctaw.
- Q Where did you marry her? A At Marlow.
- Q When? A In 1896.
- Q Under the laws of the United States? A Yes sir.
- Q Have you ever married her under the laws of the Choctaw Nation?
- A No sir.
- Q Have you any evidence of your marriage that you would like to offer in support of your application at this time?
- By Mr. Lindley, Attorney for applicant: We will ask for additional time to file papers in support of the applicant's claim.
- Q What is your wife's father's name? A Halleway Williams.
- Q Is he living? A No sir.
- Q What is your wife's mother's name? A Amanda Williams.
- Q Is she living? A Yes sir.
- Q Were your wife's parents both white people? A Yes sir.
- Q Did your wife ever make any claim to Indian citizenship by blood?
- A I understand her ~~husband's~~ uncle did once put in a claim to the Cherokee Nation; I don't know; I couldn't say positively.
- Q Is your wife a Cherokee Indian? A She has never been recognized as such.
- Q Does she claim to have Cherokee blood? A Yes sir.
- Q She claims to be a Cherokee Indian? A Yes sir.
- Q Which one of her parents was a Cherokee Indian? A I can't say; I don't know; her father, I believe.
- Q Was he ever recognized as a citizen of the Cherokee nation? A Not that I know anything about.
- Q Is it the intention of your wife to make application for enrollment as a Cherokee? A No sir.

3-George Bledsoe.

- Q The laws of the Choctaw Nation only extend the right of intermarriage to white persons--citizens of the United States, and not to members of other tribes of Indians. Have you any children? A Yes
- Q How many? A One.
- Q What is this child's name and age? A Odessa, three years.
- Q Are you the father of this child? A Yes sir.
- Q And Lovina Bledsoe is the mother? A Yes sir.
- Q She lives at your home with you? A Yes sir.
- Q And her claim is identical with yours? A Yes sir.
- By Mr. Lindley, attorney for applicant:
- Q What relation, if any, are you to Jemima Meffett, the lady whose application was taken here today? A Nephew.
- Q How do you happen to be her nephew? A Her mother and my father's mother is the same.
- Q Then she and your father are brother and sister? A Yes sir.
- By the Commission:
- Q Is there any additional statement you would like to make in support of your claim? A No sir.
- Q Is there any written evidence you would like to offer for the consideration of the Commission in support of your application?
- A Yes sir.

Permission is granted the applicant to file documentary evidence in support of his application, if filed within fifteen days from the date hereof.

The decision of the Commission as to your application, and the application you make on behalf of your minor children as Mississippi Choctaws, and on behalf of your wife as an intermarried Mississippi Choctaw, will be mailed you in the near future, to your present post-office address.

-----o-----

Frances R. Brown, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 18th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 27 day
of September, 1900.

Guy L. Emerson
Notary Public
Mississippi

Muskogee, Indian Territory, July 14, 1902.

George Bledsoe,

Marlow, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jimmie Moffett, et al., embracing the following applications for identification as Mississippi Choctaws:

Jemima Moffett, et al.,	M.C.R.	675
Robert L. Moffett, et al.,	M.C.R.	676
Cyreness J. Moffett,	M.C.R.	677
Mary A. Shelton, et al.,	M.C.R.	678
James P. Bledsoe, et al.,	M.C.R.	679
George Bledsoe, et al.,	M.C.R.	680
Martha D. Lowe, et al.,	M.C.R.	681
Mar. E. Dugger,	M.C.R.	682
Martha L. Bird, et al.,	M.C.R.	683
Jason C. Dugger, et al.,	M.C.R.	684
Missouri Cook, et al.,	M.C.R.	685
Joseph R. Dugger, et al.,	M.C.R.	686
Alzada E. Light, et al.,	M.C.R.	6662

These applications were made under the provisions of the act of Congress of June 26, 1898 (30 Stats., 455) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts

necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jimima Moffett, Arthur Moffett, Allan W. Moffett, Robert L. Moffett, Leekie Moffett, Vernie Moffett, Cyreness J. Moffet, Mary A. Shelton, Beulah M. Shelton, Judge W. Shelton, Alva C. Shelton, James P. Bledsee, Eva Bledsee, Laura Bledsee, Robert E. Bledsee, Marion R. Bledsee, George Bledsee, Odessa Bledso, Martha D. Lowe, Beulah Lowe, Mary E. Dugger, Martha L. Bird, Claud D. Bird, Daisy Bird, Thomas Bird, Jason C. Dugger, May P. Dugger, Jessie S. Dugger, Tama Dugger, Missouri Cook, Alsina Cook, Lillie Bell Cook, Iva Cook, Joseph R. Dugger, Deek B. Dugger, Almada E. Light, Lee Light, Hattie Light, William Light, Walter Light, Elizabeth Light, Daniel Light, Mary T. Light, and John Wesley Light, as Chestaw Indians entitled to rights in the Chestaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is further the opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Chestaw by intermarriage, and that the application made by James P. Bledsee for the identification of his wife, Caroline Bledsee; by George Bledsee for the identification of his wife, Lovina Bledsee; by Jason C. Dugger for the identification of his wife, Lilly Dugger; and by Joseph R. Dugger for the identification of his wife, Nellie K. Dugger, as intermarried Mississippi Chestaws, should, therefore, be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such

C B ___3.

action as may be taken by him.

Yours truly,

Registered.

(SIGNED)

James Birby

Acting Chairman.

K.C.R. 680

COPY.

Muskogee, Indian Territory, November 7, 1902.

George Bledsoe,
Marlow, Indian Territory.

Dear Sir:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jenina Koffett, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Respectfully,

(SIGNED)

Tame Dixby.
Acting Chairman.

650.
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

1/16.
George Bledsoe. SEP 1 1900
25.
Marlow, J. J.

FATHER: James P. Bledsoe. ✓

MOTHER: Caroline Bledsoe. ✓

(Clains through father).

WIFE: Louisa Bledsoe. 19.

FATHER: Holloway Williams ^{dead}. ✓

MOTHER: Mandy Williams ✓

(Wife as an intermarried Miss. Choctaw).

Children.

Odessa Bledsoe 3.

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

FILED

SEP 18 1900

Choc mCR 681 Martha D. Lowe

see mCR 675

mCR 681

Mantha D. Lowe et al

REFUSED

DECISION RENDERED.

JUL 14 1902

NOTICE OF DECISION (MAILED APPLICANT.

JUL 14 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKSAW NATIONS.

JUL 14 1902

RECORDS FORWARDED DEPARTMENT.

JUL 14 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 24 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JUL 14 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKSAW NATIONS.

JUL 14 1902

REFER TO M. Q. R. 675

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 MUSKOGEE, I. T., September 18, 1900.

In the Matter of the Application for Identification as Mississippian Choctaws, of Martha D. Lowe and her minor child.

Martha D. Lowe, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Martha D. Lowe.
- Q What is your age? A 21 years.
- Q What is your postoffice address? A Marlow, I. T.
- Q Do you live in the Indian Territory? A Yes sir.
- Q How long have you resided in the Indian Territory? A Since '91.
- Q Have you maintained a continuous residence in the Indian Territory since '91? A Yes sir.
- Q Have you been outside of the Indian Territory in the past three years? A Yes sir.
- Q For what purpose did you go out? A Coming here. I came through Oklahoma as I came here.
- Q You have never made your residence elsewhere? A No sir.
- Q How much Choctaw Indian blood do you claim? A 1/16.
- Q What is your father's name? A James P. Bledsoe.
- Q Is your father living? A Yes sir.
- Q What is your mother's name? A Caroline Bledsoe.
- Q Is she living? A Yes sir.
- Q Through which one of your parents do you claim your Choctaw blood? A Through my father.
- Q Is your father's name of any of the tribal rolls of the Choctaw Nation? A No sir.
- Q Did your father ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Has your father ever been recognized in any manner by the tribal authorities of the Choctaw Nation as a Citizen thereof? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities for enrollment as a citizen of that nation? A No sir.
- Q Have you ever been recognized in any manner by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.
- Q Did you or did anyone in your behalf, in 1896, make application to this Commission for citizenship in the Choctaw Nation under the act of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in the Indian Territory? A No sir.
- Q Have you ever, prior to this time, made any application to either the authorities of the Choctaw Nation or of the United States, for either citizenship or enrollment as a Choctaw Indian? A No sir.
- Q This is your first application of any description? A Yes sir.
- Q You are now making application for identification as a Mississippian Choctaw? A Yes sir.
- Q Why do you think that you are entitled to be identified by this Commission as a Choctaw Indian, entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830? A Because I claim my Indian blood and was brought up as an Indian.
- Q Do you base your claim on the provisions of the 14th article of the treaty of 1830? A Yes sir.
- Q Did either you or your ancestors ever take advantage of the provisions of the 14th article of the treaty of 1830? A Not that I knew of.

2-Mary D. Lowe.

- Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the treaty of 1830? A I have been informed that they did. I don't know.
- Q Have you any documentary evidence that they did? A No sir.
- Q What was the name of your ancestor who lived in Mississippi, and who was a recognized member of the Choctaw tribe at that time, who became a beneficiary under the provisions of the 14th article of the treaty of 1830? A Daniel Shumaka.
- Q Have you any evidence of the fact that he was an Indian? A Yes.
- Q Have you any documentary evidence showing that he received land in Mississippi, as a beneficiary under the provisions of the 14th article of the treaty of 1830? A No sir.
- Q Are you making any claim by reason of any of the other provisions of the treaty of 1830? A I claim under all the treaties and the treaty of 1830.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Andrew J. Lowe.
- Q How old is he? A 24 years.
- Q Are you making application for him? A No sir.
- Q Is he a white man? A Yes sir.
- Q He never made any claim for Indian citizenship? A No sir.
- Q Where did you marry him? A Marlow.
- Q When? A In '97.
- Q Under the laws of the United States? A Yes sir.
- Q Were you ever married to him in accordance with the laws of the Choctaw Nation? A No sir.
- Q Have you any evidence of that marriage? A Yes sir.
- By Mr. Lindley: We ask permission to file it later on with other papers.
- Q Are you making application for anyone besides yourself? A My children.
- Q What is the name of your child? A Beulah, 19 months.
- Q Are you the mother of this child? A Yes sir.
- Q And is Andrew J. Lowe the father? A Yes sir.
- Q This child lives with you, at your home? A Yes sir.
- Q Is there any additional statement that you desire to make at this time?

By Mr. Lindley: attorney for applicant:

- Q Are you related in any way to the Jimma Meffett, who made application here this morning? A Yes sir, her niece.
- Q How do you happen to be her niece? A Her and my father are brother and sister.

By the Commission:

- Q Is there any written evidence that you desire to file with the Commission for its consideration in this case? A Yes sir.
- Permission is granted the applicant to file written evidence in support of this application provided the same is filed within 15 days from the date hereof.

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The decision of the Commission as to your application for identification as a Mississippi Choctaw, and on behalf of your minor child will be mailed to you in the near future, at your present postoffice address.

-----o-----

Frances R. Brown having been first duly sworn, upon her oath

3 -Mary D. Love.

States that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings in the above entitled case on the 18th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 27 day
of September, 1900.

Guy L. V. Emerson
Notary Public

COPY

M.C.R. 661

Muskogee, Indian Territory, July 14, 1902.

Martha D. Lowe,

Marlow, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jimima Moffett, et al., embracing the following applications for identification as Mississippi Choctaws:

Jimima Moffett, et al.,	M.C.R.	675
Robert L. Moffett, et al.,	M.C.R.	676
Cyreness J. Moffett,	M.C.R.	677
Mary A. Shelton, et al.,	M.C.R.	678
James P. Blodson, et al.,	M.C.R.	679
George Blodson, et al.,	M.C.R.	680
Martha D. Lowe, et al.,	M.C.R.	681
Mary E. Dugger,	M.C.R.	682
Martha L. Bird, et al.,	M.C.R.	683
Jason C. Dugger, et al.,	M.C.R.	684
Missouri Cook, et al.,	M.C.R.	685
Joseph E. Dugger, et al.,	M.C.R.	686
Alzada E. Light, et al.,	M.C.R.	5662

These applications were made under the provisions of the act of Congress of June 28, 1896 (30 Stats., 495) which is as follows:

*Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts

M D L ____ 2.

acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jamima Moffett, Arthur Moffett, Allan W. Moffett, Robert L. Moffett, Leckie Moffett, Vernie Moffett, Cyreness J. Moffett, Mary A. Shelton, Beulah M. Shelton, Judge W. Shelton, Alva C. Shelton, James P. Bledsoe, Eva Bledsoe, Laura Bledsoe, Robert E. Bledsoe, Marion B. Bledsoe, George Bledsoe, Odessa Bledsoe, Martha D. Lowe, Beulah Lowe, Mary E. Dugger, Martha L. Bird, Claud D. Bird, Daisy Bird, Thomas Bird, Jason C. Dugger, Kay P. Dugger, Jessie S. Dugger, Tama Dugger, Missouri Cook, Aisina Cook, Lillie Bell Cook, Iva Cook, Joseph R. Dugger, Dock B. Dugger, Alzada E. Light, Lee Light, Hattie Light, William Light, Walter Light, Elizabeth Light, Daniel Light, Mary T. Light, and John Wesley Light, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is further the opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and that the application made by James P. Bledsoe for the identification of his wife, Caroline Bledsoe; by George Bledsoe for the identification of his wife, Lovina Bledsoe; by Jason C. Dugger for the identification of his wife, Lilly Dugger; and by Joseph R. Dugger for the identification of his wife, Hallie K. Dugger, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such

M D L _____

action as may be taken by him.

Yours truly,

Registered,

(SIGNED)

Tams Bixby.

Acting Chairman.

COPY.

M.C.R. 681

Muskogee, Indian Territory, November 7, 1902.

Martha D. Lowe,
Marlow, Indian Territory.

Dear Madam:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jemima Moffett, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Respectfully,

SIGNED.

Fame Dink
Acting Chairman.

FOR IDENTIFICATION
A MISSISSIPPI CHOCTAW.

1/16.

SEP 18 1900

Martha O. Lowe. 21.
Marlow, J. T.

FATHER: James P. Bledsoe. ✓

MOTHER: Caroline Bledsoe. ✓

(Claims through father).

HUSBAND: Andrew J. Lowe. 24
(No claim for husband).

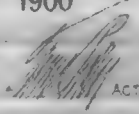
CHILD:

Bentley Lowe 19 mo.

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

FILED

SEP 18 1900


ACTING CHAIRMAN.

choc mcr 682 mary E. Dugger

see mcr 675

mcr 682

Jary L. Dugger

REFUSED

DECISION RENDERED. JUL 14 1902

NOTICE OF DECISION MAILED APPLICANT. JUL 14 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS. 14 1902

RECORD FORWARDED DEPARTMENT. JUL 14 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. OCT 24 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. NOV 7 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARD ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. 1902

REFER TO M. C. R. 675

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., September 12, 1900.

In the Matter of the Application for Identification as a Missis-
sippi Cheetaw, of Mary Dagger.

Mary E. Dagger, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Mary E. Dagger.
- Q What is your age? A 49 years.
- Q What is your postoffice address? A Newcastle, I. T.
- Q Do you live in the Indian Territory? A Yes sir.
- Q How long have you resided in the Indian Territory? A I went there the 3rd day of July, 1900.
- Q Where did you live prior to that time? A In Oklahoma.
- Q Did you ever live in the Indian Territory prior to July, 1900?
- A No sir.
- Q Then you have only maintained a residence in the Indian Territory for the past two months? A Yes sir.
- Q How much Cheetaw blood do you claim? A 1/8.
- Q What is your father's name? A Ira B. Pidcock.
- Q Is your father living? A No sir.
- Q What is your mother's name? A Malinda Pidcock.
- Q Is your mother living? A No sir.
- Q Through which one of your parent do you claim your Cheetaw blood?
- A My mother.
- Q When did your mother die? A In 1891.
- Q Was her name on any of the tribal rolls of the Cheetaw Nation?
- A No sir.
- Q Was your mother ever recognized in her lifetime, by the tribal authorities of the Cheetaw nation as a citizen thereof? A No sir.
- Q Is your name on any of the tribal rolls of the Cheetaw Nation?
- A No sir.
- Q Have you ever made application to the Cheetaw tribal authorities for citizenship in that nation? A No sir.
- Q Did you, or did anyone in your behalf, make application to this Commission in 1896, for citizenship in the Cheetaw Nation under the act of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Cheetaw Nation by a judgment of the United States court in the Indian Territory?
- A No sir.
- Q Have you ever, prior to this time made any application, either to the authorities of the United States or of the Cheetaw Nation, for either citizenship or enrollment as a Cheetaw Indian? A No sir.
- Q This is your first application of any description? A Yes sir.
- Q You are now making application for identification as a Mississippi Cheetaw? A Yes sir.
- Q Why do you think that you are entitled to identification by this Commission as a Cheetaw Indian, entitled to rights to the Cheetaw lands under the 14th article of the treaty of 1830? A I have always been taught so by my mother.
- Q You base your claim on the 14th article of the treaty of 1830?
- A Yes sir.
- Q Did either you or your ancestors ever take advantage of the provisions of the 14th article of the treaty of 1830? A I understand some of my ancestors did. I have not, myself.
- Q Have you any evidence of the fact that any of your ancestors ever took advantage of the 14th article of that treaty? A Yes sir.
- Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830?
- A No understand so.
- Q Have you any documentary evidence of the fact that they ever re-

2-Mary Dugger.

- ceived land in Mississippi as beneficiaries under the 14th article?
- A No sir.
- Q What is the name of your ancestor who lived in Mississippi and was recognized as a member of the Choctaw tribe of Indians in 1830, when the treaty was made between the United States and the Choctaw Indians, and who claimed and received lands as a beneficiary under the 14th article of the treaty of 1830? A Daniel Shumaka.
- Q Have you any evidence of the fact that he was a member of the Choctaw tribes of Indians, and recognized as such? A Yes sir.
- Q Have you any evidence of the fact that he ever received land as a beneficiary under the provisions of the 14th article of the treaty of 1830? A I don't know I have.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q Are you making any claim for your husband? A No sir.
- Q Have you any children under 21 years of age and unmarried? A No.
- Q You are making this application solely on your own behalf? A Yes
- Q Is there any additional statement that you desire to make at this time?

By Mr. Lindley: attorney for applicant:

- Q What relation are you, if any to Jenima Meffett who testified here this morning? A We are own cousins. Her mother and my mother are sisters.

By the Commission:

- Q Is there any evidence that you desire to offer the commission at this time, in the shape of written documents? A Yes sir.

Permission is granted the applicant to file written evidence in support of this application, if filed within 15 days from the date hereof.

The decision of the Commission as to your application for identification as a Mississippi Choctaw, will be mailed to you in the near future, in writing, at your present postoffice address.

Frances R. Brown, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 15th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 29 day
of September, 1900.

Guy L. Emerson
Notary Public

Chat. H. H.



Department of the Interior:

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Mary E. Dugger,
Newcastle,

Indian Territory.

7

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 1 1907

[Handwritten signature]

FOR ...



Y...

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

M.C.R. 682

ALLISON L. AVLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskegee, Indian Territory, July 14, 1902.

Mary E. Dugger,
Newcastle, Indian Territory.

Dear Madam:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of *Jemima Moffett, et al.*, embracing the following applications for identification as Mississippi Choctaws:

<i>Jemima Moffett, et al.,</i>	M.C.R.	675
<i>Robert L. Moffett, et al.,</i>	M.C.R.	676
<i>Cyreness J. Moffett,</i>	M.C.R.	677
<i>Mary A. Shelton, et al.,</i>	M.C.R.	678
<i>James P. Blodsee, et al.,</i>	M.C.R.	679
<i>George Blodsee, et al.,</i>	M.C.R.	680
<i>Martha D. Lowe, et al.,</i>	M.C.R.	681
<i>Mary E. Dugger,</i>	M.C.R.	682
<i>Martha L. Bird, et al.,</i>	M.C.R.	683
<i>Jason C. Dugger, et al.,</i>	M.C.R.	684
<i>Missouri Cook, et al.,</i>	M.C.R.	685
<i>Joseph R. Dugger, et al.,</i>	M.C.R.	686
<i>Alzada B. Light, et al.,</i>	M.C.R.	5662

These applications were made under the provisions of the act of Congress of June 26, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jenima Moffett, Arthur Moffett, Allan W. Moffett, Robert L. Moffett, Lookie Moffett, Vernie Moffett, Cyreness J. Moffett, Mary A. Shelton, Beulah M. Shelton, Judge W. Shelton, Alva C. Shelton, James P. Bledsoe, Iva Bledsoe, Laura Bledsoe, Robert E. Bledsoe, Marion R. Bledsoe, George Bledsoe, Odessa Bledsoe, Martha D. Lowe, Beulah Lowe, Mary E. Dugger, Martha L. Bird, Claud D. Bird, Daisy Bird, Thomas Bird, Jason C. Dugger, May P. Dugger, Jessie S. Dugger, Tama Dugger, Missouri Cook, Aisina Cook, Lillie Bell Cook, Iva Cook, Joseph R. Dugger, Dock B. Dugger, Alzada E. Light, Lee Light, Fattie Light, William Light, Walter Light, Elizabeth Light, Daniel Light, Mary T. Light, and John Wesley Light, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is further the opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and that the application made by James P. Bledsoe for the identification of his wife, Caroline Bledsoe; by George Bledsoe for the identification of his wife, Levina Bledsoe; by Jason C. Dugger for the identification of his wife, Lilly Dugger; and by Joseph R. Dugger for the identification of his wife, Nellie K. Dugger, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

Acting Chairman.

Department of the Interior.

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

Office of the Commissioner.

Penalty for postage, 5000.

Return to Mrs. Dugger

Mary E. Dugger,

Hamastle, Indian Territory.

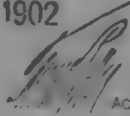
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File

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

FILED

DEC 3 1902



ACT. CHAIRMAN



40-10-13

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
K.C.R. 682

ALLISON L. AYLESWORTH
SECRETARY.

ADMINISTRATIVE UNIT
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 7, 1902.

Mary E. Dugger,
Newcastle, Indian Territory.

Dear Madam:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of *Jemima Moffett, et al.*, of which decision you were advised by registered mail on the 14th day of July, 1902.

Respectfully,



Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

$\frac{1}{8}$ SEP 18 1900
Mary E. Dugger, 49.
Newcastle, S. D.

FATHER: Ana B. Pidcock - dead.
MOTHER: Malinda Pidcock - dead.
(Claims through mother).

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES.

FILED
SEP 18 1900

[Signature]
ACTING CHAIRMAN.

Choc MCR 683 Martha L. Bird

SOB MCR 675

MCR 683

and et al
REFUSED

DECISION RENDERED.

JUL 14 1902

NOTICE OF DECISION MAILED AS USUANT.

JUL 14 1902

NOTICE OF DECISION MAILED ATTORNEYS
EPA CHOCTAW AND CHICKASAW NATIONS.

RECORDS FORWARDED DEPARTMENT.

JUL 14 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 24 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AS USUANT

NOV 14 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO ATTORNEYS
AND CHOCTAW AND CHICKASAW NATIONS.

REFER TO M. C. R. 675

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 MUSKOGEE I. T., September 18, 1900.

In the Matter of the Application for Identification as Mississippi
 Choctaws of Martha L. Bird and her three minor children.

Martha L. Bird being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Martha L. Bird.
 Q What is your age? A 30 years.
 Q What is your postoffice address? A Newcastle, I. T.
 Q Do you live in the Indian Territory? A Yes sir.
 Q How long have you resided in the Indian Territory? A I went there the 3rd day of July, 1900.
 Q Where did you reside prior to that time? A Oklahoma.
 Q Did you ever have a residence in the Indian Territory prior to July, 1900? A No sir.
 Q The only residence you have ever had in the Indian Territory is from July, 1900, to the present time? A Yes sir.
 Q How much Choctaw blood do you claim? A 1/16.
 Q What is your father's name? A Thomas Dugger.
 Q Is your father living? A Yes sir.
 Q What is your mother's name? A Mary E. Dugger.
 Q Is your mother living? A Yes sir.
 Q Through which one of your parents do you claim your Choctaw blood?
 A My mother.
 Q Is your mother's name on any of the Choctaw tribal rolls? A No sir.
 Q Has your mother ever been recognized in any manner by any official act of the Choctaw national council, as a citizen of the Choctaw Nation? A No sir.
 Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
 Q Did you, or did anyone in your behalf, in 1896, make application to this Commission for citizenship in the Choctaw nation, under the act of Congress of June 1st 1896? A No sir.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in the Indian Territory?
 A No sir.
 Q Have you ever, prior to this time, made application to either the authorities of the Choctaw Nation or to the United States authorities for either citizenship or enrollment as a citizen of the Choctaw Nation? A Yes sir.
 Q This is your first application of any description? A Yes sir.
 Q You are now making application for identification as a Choctaw?
 A Yes sir.
 Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian, and entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830? A Because I have always been taught that I had a right; that I was a Choctaw by blood.
 Q You claim by blood? A Yes sir.
 Q And make your application under the 14th article of the treaty of 1830? A Yes---claim by blood?
 Q Yes. Or do you claim under the provisions of the 14th article of the treaty of 1830? A Yes sir.
 Q Which do you make your claim under? A I claim under all the treaties.
 Q Do you claim under the 14th article of the treaty of 1830? A Yes.
 Q Did you or any of your ancestors ever take advantage of the provi-

2-Martha L. Bird.

- signs of the 14th article of the treaty of 1830? A No sir.
- Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the provisions of that article of that treaty? A I don't know.
- Q What is the name of your ancestor who lived in Mississippi, who was a recognized member of the Choctaw tribe of Indians when the treaty was made between the United States and the Choctaw tribe of Indians, and who took advantage of the provisions of the 14th article of the treaty of 1830? A Daniel Shumaka.
- Q Have you any evidence of the fact that he was a recognized member of the tribe of Choctaw Indians at that time? A Yes sir.
- Q What does this evidence consist of? A I have just always been taught that. Of course, I am not supposed to know about what was before I was born; I know through my parents.
- Q What evidence have you that Daniel Shumaka was a member of the tribe of Choctaw Indians in Mississippi? A Well, I have been told that.
- Q What evidence have you of that. We are talking about something that happened in 1830--70 years ago. You have said you have evidence of the fact that a certain man was a Choctaw Indian at that time? A Yes sir.
- Q What is that evidence? A I don't know; I don't remember 70 years ago.
- Q Have you any evidence of the fact that Daniel Shumaka received land in Mississippi as a beneficiary under the 14th article of the treaty of 1830? A I don't know that he was.
- Q Do you make any claim by reason of any of the other provisions in the treaty of 1830? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A James Bird.
- Q How old is he? A 39 years.
- Q Are you making any claim for your husband? A No sir.
- Q Is he a white man? A Yes sir.
- Q He never made any claim to Indian citizenship? A No sir.
- Q Where did you marry him? A Texas.
- Q When? A In 84.
- Q Where? A Decatur.
- Q You were married to him in accordance with the laws of the state of Texas? A Yes sir.
- Q Were you ever married to him in accordance with the laws of the Choctaw Nation? A No sir.
- Q Have you any evidence of your marriage that you desire to offer at this time? A Yes sir.
- Q Have you any children? A Yes, three.
- Q Are you making application for them? A Yes sir.
- Q What are their names and ages? A Glad D., 12 years, Daisy, 10 years and Thomas, 3 years.
- Q You are the mother of those three children? A Yes sir.
- Q And James Bird is the father? A Yes sir.
- Q These children are living with you at your home? A Yes sir.
- Q And their claim is identical with yours? A Yes sir.
- Q Is there any additional statement that you wish to make in support of your claim?
- By Mr. Lindley, attorney for applicants:
- Q Is the Mary E. Duggett that made application today, your mother?
- A Yes sir.
- Q What relation are you to Susan Moffett, who made application here today? A Second cousin.
- By the Commission:
- Q Is there any written evidence that you desire to offer the Commission in support of your application? A Yes sir.
- Commission is given the applicant to file written

S-Martin L. Bird.

evidence in support of this application if filed within fifteen days of the date hereof.

The decision of the Commission as to your application which you make on your own behalf and on the behalf of your three minor children for identification as Mississippi Choctaws will be mailed to you in the near future, to your present post-office address.

Frances R. Brown having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 15th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date,

Frances R. Brown

Subscribed and sworn to before me this 27 day
of September, 1900.

Guy L. V. Emerson
Notary Public
Cottonwood, Oklahoma.

Mankego, Indian Territory, March 5, 1901.

J. B. Derris,

Dibble, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th of February relative to the inquiry in your letter of the 4th of February as to the enrollment of Thomas McNealy and Daisy Bird.

You state in your letter that the McNealy child of whom you inquire is named Tom Lee McNealy, 15 years of age and the son of Thomas Orier and Brucilla McNealy and that Mr. McNealy made application before the Commission for citizenship in the Choctaw Nation on the 22nd day of November, 1900.

You further state in your letter that you will write the Commission with regard to Daisy Bird when you have more information in regard to this family.

Replying to your letter the Commission has to inform you that it appears from the records that at Mankego, Indian Territory, on November 22nd, 1900, Thomas McNealy, 30 years of age of Dibble, Indian Territory, appeared before the Commission and made application for the identification of himself and his child, Thomas Lee McNealy, 15 years of age as Wicciapoca Choctaw and for the identification of his wife, Brucilla McNealy as an intermarried Mississippi Choctaw.

The Commission has not up to this time rendered any decision relative to the application made by Mr. McNealy for the

J. R. R.

identification of himself, his wife and child as Mississippi Choctaws but will do so as early as practicable. It is possible, however, that it may be some time before such a decision is reached but when such is rendered, a copy of the same will be mailed to Mr. McNeely stating fully therein the reason for any action the Commission may take as to his application.

If the information that you desire relative to this child is for the purpose of taking advantage of the schools of the Choctaw Nation, the Commission has to inform you that Thomas Lee McNeely has not been listed for enrollment by this Commission as a citizen of the Choctaw Nation.

We have also to inform you that at Muskogee, Indian Territory, on September 18th, 1900, Martha L. Bird, of Newcastle, Indian Territory, appeared before the Commission and made application for the identification of herself and her three minor children, ~~James D.~~, Daisy and Thomas Bird as Mississippi Choctaws. No decision has up to this time been reached in this case but when such is rendered a copy will be mailed to Mrs. Bird at her present postoffice address.

Daisy Bird has not been listed for enrollment by this Commission as a Choctaw Indian and only appears upon our records as an applicant for identification as a Mississippi Choctaw.

The Commission's letter of February 7th is returned to you herewith.

Yours truly,

Enc 55

Acting Chairman.



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Return

Martha L. Bird,

Newcastle,

Indian Territory.

339

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DEPARTMENT OF THE INTERIOR,
MISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 1 1902



W. C. B.

COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 683

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 14, 1902.

Martha L. Bird,
Newcastle, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of *Jemima Moffett, et al.*, embracing the following applications for identification as Mississippi Chectaws:

<i>Jemima Moffett, et al.,</i>	M.C.R. 675
<i>Robert L. Moffett, et al.,</i>	M.C.R. 676
<i>Cyreness J. Moffett,</i>	M.C.R. 677
<i>Mary A. Shelton, et al.,</i>	M.C.R. 678
<i>James P. Bledsoe, et al.,</i>	M.C.R. 679
<i>George Bledsoe, et al.,</i>	M.C.R. 680
<i>Martha D. Lowe, et al.,</i>	M.C.R. 681
<i>Mary E. Dugger,</i>	M.C.R. 682
<i>Martha L. Bird, et al.,</i>	M.C.R. 683
<i>Jason C. Dugger, et al.,</i>	M.C.R. 684
<i>Missouri Cook, et al.,</i>	M.C.R. 685
<i>Joseph R. Dugger, et al.,</i>	M.C.R. 686
<i>Alzada B. Light, et al.,</i>	M.C.R. 686B

These applications were made under the provisions of the act of Congress of June 23, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Chectaw Indians claiming rights in the Chectaw lands under article fourteen of the treaty between the United States and the Chectaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jemima Moffett, Arthur Moffett, Allan W. Moffett, Robert L. Moffett, Lockie Moffett, Vernie Moffett, Cyreness J. Moffett, Mary A. Shelton, Beulah M. Shelton, Judge W. Shelton, Alva C. Shelton, James P. Bledsoe, Eva Bledsoe, Laura Bledsoe, Robert E. Bledsoe, Marion R. Bledsoe, George Bledsoe, Odessa Bledsoe, Martha D. Lowe, Beulah Lowe, Mary E. Dugger, Martha L. Bird, Claud D. Bird, Daisy Bird, Thomas Bird, Jason C. Dugger, May P. Dugger, Jessie S. Dugger, Tama Dugger, Missouri Cook, Alsinia Cook, Lillie Bell Cook, Iva Cook, Joseph R. Dugger, Dook B. Dugger, Alsada E. Light, Lee Light, Hattie Light, William Light, Walter Light, Elizabeth Light, Daniel Light, Mary T. Light, and John Wesley Light, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is further the opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and that the application made by James P. Bledsoe for the identification of his wife, Caroline Bledsoe; by George Bledsoe for the identification of his wife, Lovina Bledsoe; by Jason C. Dugger for the identification of his wife, Lilly Dugger; and by Joseph R. Dugger for the identification of his wife, Nellie K. Dugger, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

Acting Chairman.

COPY.

Muskogee, Indian Territory, November 7, 1902.

Martha L. Bird,
Newcastle, Indian Territory.

Dear Madam:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jenina Koffett, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Respectfully,

SIGNED:

James Birney
Acting-Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

683
1/16. SEP 18 1900
Martha L. Bird: 30.
Newcastle, S. D.

FATHER: Thomas Rigger. ✓
MOTHER: Mary E. Rigger. ✓
(Claims through mother).

HUSBAND: James Bird. 39.
(No claim for husband).

Children:
Claude W. Bird. 12.
Daisy " " 10.
Thomas " " 3

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

FILED

SEP 18 1900


ACTING CHAIRMAN.

2303-10

al

September 18, 1900
Mrs G. Bird of New
appeared before Court
at Muskogee, and app
identification of her
three children, Claud
Daisy and Thomas Bird
Mississippi Choctaws.
Judgment has been rende
in this case.

I.T

er

and

AB

Atoka, February 20, 1901.

Choc mcr 684 Jason G. Dugger

see mcr 675

mcr 684

Jason C. Dugger et al

REFUSED

DECISION RENDERED.

JUL 14 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 14 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKSAW NATIONS.

RECORD FORWARDED DEPARTMENT.

JUL 14 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 24 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOV 7 1902

NOTICE OF DEPARTMENTAL ACTION
FOR ATTORNEYS FOR CHOCTAW
AND CHICKSAW NATIONS.

NOV 7 1902

REFER TO M. C. R. 675

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 MUSKOGEE, I. T., September 18, 1900.

In the Matter of the Application for Identification as Mississippian Chectaws of Jason C. Dugger and his three minor children, and the application he makes on behalf of his wife Lilly Dugger as an intermarried Mississippi Chectaw.

Jason C. Dugger, being first duly sworn, testified as follows:

by the Commission:

- Q What is your name? A Jason C. Dugger.
- Q What is your age? A 25 years.
- Q What is your postoffice address? A Newcastle, I. T.
- Q Do you live in the Indian Territory? A Yes sir.
- Q How long have you resided in the Indian Territory? A Since July 3
- Q Of this year? 1890? A Yes sir.
- Q Had you ever resided in the Indian Territory before that time?
- A Yes sir.
- Q When? A In 1896 I believe.
- Q How long did you maintain a residence in the Ind. Ter. then?
- A About 3 months.
- Q You have lived on the Indian Territory since July, 1900, and three months in 1896? A Yes sir.
- Q Have you ever resided here in addition to that? A No sir.
- Q How much Chectaw blood do you claim? A 1/16.
- Q What is your father's name? A Thomas Dugger.
- Q Is your father living? A Yes sir.
- Q What is your mother's name? A Mary E. Dugger.
- Q Is your mother living? A Yes sir.
- Q Through which one of your parents do you claim your Chectaw blood?
- A Through my mother.
- Q Is your mother's name on any of the tribal rolls of the Chectaw Nation? A Not as I know of.
- Q Did you hear your mother testify here a little while ago? A Yes.
- Q You heard her testimony did you? A Part of it.
- Q You heard her say that her name was not any of the Chectaw rolls, didn't you? A I don't know as I did. I believe I did, something-- I couldn't say; I wasn't paying much attention.
- Q Was your mother ever recognized by the Chectaw tribal authorities as a citizen of the Chectaw Nation? A Not as I know of.
- Q Is your name on any of the rolls of the Chectaw nation?
- A Not as I know of.
- Q Why are you in doubt about it? A I don't know as there is any doubt of it.
- Q Is your name on the Chectaw tribal rolls? A No sir.
- Q Have you ever made application to the Chectaw tribal authorities for citizenship in the Chectaw Nation? A No sir.
- Q Have you ever been recognized by the Chectaw tribal authorities by any official act of their national council as a citizen of the Chectaw Nation? A No sir.
- Q Did you, or did anyone on your behalf, in 1896, make application to this Commission for citizenship in the Chectaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Chectaw nation by a judgment of the United States court for the Indian Territory?
- A No sir.
- Q Have you ever, prior to this time, made application to either the tribal authorities of the Chectaw Nation, or the authorities of the United States, for either citizenship or enrollment as a Chectaw? A No sir.

2-Jason C. Dugger.

- Q This is your first application of any description? A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830? A By blood.
- Q You believe the fact that you have Choctaw blood in your veins is a sufficient reason for this Commission to identify you as a Mississippi Choctaw? A Yes sir.
- Q Do you know what the provisions of the 14th article of the treaty of 1830 are? A No sir.
- Q Do you make any claim under the provisions of that treaty? A Yes.
- Q What do you claim under it? A By blood.
- Q Do you think that the 14th article of the treaty of 1830 gives this Commission power to identify you as a Mississippi Choctaw by reason of the fact that you have Choctaw blood in your veins? A Yes sir.
- Q You believe that? A Yes sir.
- Q Did either you or any of your ancestors ever take advantage of the provisions of the 14th article of the treaty of 1830? A I don't know; I understand they had.
- Q In what way did they take advantage of that treaty and that article? A I don't know, sir.
- Q Did you or your ancestors ever receive or claim any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A I have understood they had.
- Q What is the name of your ancestor who lived in Mississippi in 1830, when the treaty was entered into between the United States and the Choctaw tribe of Indians, and who became a beneficiary under that treaty? A Daniel Shumaka.
- Q Have you any evidence of the fact that he was a recognized member of the Choctaw tribe of Indians? A Yes sir.
- Q What does that evidence consist of? A I don't know; I don't know as I understand you.
- Q Have you any evidence of the fact that Daniel Shumaka was a recognized member of the Choctaw tribe of Indians at the time the treaty was made between the United States and the Choctaw Indians in 1830? A No, I don't know.
- Q Have you any documentary evidence showing that he ever received any land in Mississippi as a beneficiary under the provisions of that treaty? A I can't say as to that.
- Q Do you make any claim by reason of any of the other provisions of the treaty of 1830? A Yes sir.
- Q What do you claim under the other provisions? A By blood.
- Q That is the basis of your entire claim, is it? A Yes sir.
- Q By reason of Choctaw blood? A Yes sir.
- Q What is your wife's name? A Lilly Dugger.
- Q How old is your wife? A 22 years.
- Q Are you making any claim for her? A Yes sir.
- Q What do you claim for her? A Intermarried Mississippi Choctaw.
- Q Where did you marry her? A In Oklahoma.
- Q When? A In 1893.
- Q Under the laws of Oklahoma Territory? A Yes sir.
- Q Were you ever married under the laws--in accordance with the laws of the Choctaw Nation? A No sir.
- Q Have you any evidence of your marriage that you desire to offer the Commission? A Yes sir.
- Q What is your wife's father's name? A Daniel C. Capshaw.
- Q Is he living? A No sir.
- Q What is your wife's mother's name? A Caroline.
- Q Is she living? A Yes sir.
- Q Your wife's parents are both white people? A They claim to be, yes.
- Q Did they ever make any claim to Indian citizenship? A No sir.
- Q And your wife never made any claim to Indian citizenship? A No sir.

3-Jason C. Dugger.

Q Have you any children? A Yes sir.
Q What are their names and ages? A May P., 6 years, Jessie S. 4 years and Tama, 2 years.
Q You are the father of these three children? A Yes sir.
Q And Lilly Dugger is the mother? A Yes sir.
Q These children are living with you at your home? A Yes sir.
Q And the basis of their claim is identical with yours? A Yes sir.
Q Is there any additional statement that you wish to make at this time?

By Mr. Lindley, attorney for applicant:

Q The Mary E. Dugger who made application here today, is your mother?

A Yes sir.

Q What relation are you, if any, to Mrs. Jenima Moffett?

A She is my cousin.

By the Commission?

Q Is there any written you desire to submit to the Commission in support of your application? A Yes sir.

Permission is granted the applicant to file written evidence in support of this application, provided same is filed within fifteen days of the date hereof.

The decision of this Commission as to your application and the application you make on behalf of your three minor children as Mississippi Choctaws, and the application you make on behalf of your wife as an intermarried Mississippi Choctaw, will be mailed to you in writing in the near future, to your present postoffice address.

-----o-----

Frances R. Brown, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 18th day of September, 1900, and that the above and fore, going is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 27 day of September, 1900.

Wm. L. Emerson
Notary Public
acting chairman.

Wahabogee, Indian Territory, December 8, 1900.

Harley A Lindley,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 5th instant, enclosing proof of marriage, offered by you for filing in the cases of J. C. Dwyer, Missouri Cook and T. F. Patrick, applicants for identification as Mississippi Choctaws, and the same have been duly filed with the records of the Commission.

Yours truly,

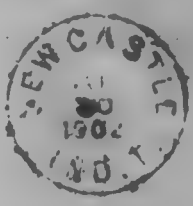
Acting Chairman.

H. S. R-994

M. G. R-405

C. R-454

Not Here



Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

Jason C. Dugger,
Newcastle,

344
101

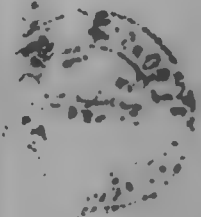
Indian Territory

684

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

FILED
AUG 1 1902

[Signature]
ACTING CHAIRMAN



400007

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.

M.C.R. 684

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskegee, Indian Territory, July 14, 1902.

Jason C. Dugger,
Newcastle, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of *Jemima Moffett, et al.*, embracing the following applications for identification as Mississippi Choctaws:

Jemima Moffett, et al.,	M.C.R.	675
Robert L. Moffett, et al.,	M.C.R.	676
Cyreness J. Moffett,	M.C.R.	677
Mary A. Shelton, et al.,	M.C.R.	678
James P. Bledsoe, et al.,	M.C.R.	679
George Bledsoe, et al.,	M.C.R.	680
Martha D. Lowe, et al.,	M.C.R.	681
Mary E. Dugger,	M.C.R.	682
Martha L. Bird, et al.,	M.C.R.	683
Jason C. Dugger, et al.,	M.C.R.	684
Missouri Cook, et al.,	M.C.R.	685
Joseph R. Dugger, et al.,	M.C.R.	686
Alzada E. Light, et al.,	M.C.R.	8462

These applications were made under the provisions of the act of Congress of June 20, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts

necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jemima Moffett, Arthur Moffett, Allan W. Moffett, Robert L. Moffett, Lockie Moffett, Vernie Moffett, Cyreness J. Moffett, Mary A. Shelton, Beulah M. Shelton, Judge W. Shelton, Alva C. Shelton, James P. Bledsoe, Eva Bledsoe, Laura Bledsoe, Robert E. Bledsoe, Marion R. Bledsoe, George Bledsoe, Odessa Bledsoe, Martha D. Lowe, Beulah Lowe, Mary E. Dugger, Martha L. Bird, Claud D. Bird, Daisy Bird, Thomas Bird, Jason C. Dugger, May P. Dugger, Jessie S. Dugger, Tama Dugger, Missouri Cook, Alsina Cook, Lillie Bell Cook, Iva Cook, Joseph R. Dugger, Dock B. Dugger, Alzada E. Light, Lee Light, Hattie Light, William Light, Walter Light, Elizabeth Light, Daniel Light, Mary T. Light, and John Wesley Light, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

"It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and that the application made by James P. Bledsoe for the identification of his wife, Caroline Bledsoe; by George Bledsoe for the identification of his wife, Lovina Bledsoe; by Jason C. Dugger for the identification of his wife, Lilly Dugger; and by Joseph R. Dugger for the identification of his wife, Nellie K. Dugger, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Registered.

Acting Chairman.

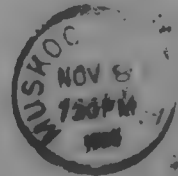
Return to Me

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Jason C. Dugger,

New castle, Indian Territory.

U. S. GOVERNMENT
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

M.C.R. 684

NOV 10 1902

RECEIVED
NOV 10 1902

Muskogee, Indian Territory, November 7, 1902.

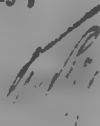
Jason C. Dugger,

Newcastle, Indian Territory.

Dear Sir:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jemima Moffett, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Respectfully,



Acting Chairman.

FOR IDEN
A MISSISSIPPI CHOCTAW.

1/16

SEP 1900

Jason C. Dugger, 25
Newcastle, I. O.

FATHER: Thomas Dugger. ✓

MOTHER: Mary E. Dugger ✓
(Claims through mother).

WIFE: Lillie Dugger 22.

As an intermarriage with Choc.

FATHER: Daniel C. Capshaw - dead.

MOTHER: Caroline Capshaw - ✓

CHILDREN:

F. May Pearl Dugger 6.

F. Jessie S. " " 4.

F. Pamela " " 2.

CONFIRMED BY THE MISSISSIPPI CHOCTAW
COUNCIL
SEP 1900

Choc mcr 685 missouri Cook

See mcr 675

mcr 685

Missouri Gaok et al

REFUSED.

DECISION RENDERED. 302 11 1902

NOTICE OF DECISION MAILED APPLICANT. 11 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDING ATTORNEYS FOR PROCTAW
AND CHIKNA 1902

RECORDS MAINTAINED DEPARTMENT 1902

ACTION APPROVED BY SECRETARY OF THE DEPT. OF THE INTERIOR.
OCT 24 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. NOV 7 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDING ATTORNEYS FOR PROCTAW
AND CHIKNA NOV 1902

REFER TO M. C. R. 675

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 18, 1900.

In the matter of the application for identification as
Mississippi Choctaws of Missouri Cook and her three minor children.
Missouri Cook being duly sworn by the Commission testified as
follows:

Examination by the Commission.

- Q What is your name? A Missouri Cook.
Q What is your age? A Twenty-three.
Q What is your post-office address? A New Castle.
Q Where is that? A In the Indian Territory.
Q Do you live in the Indian Territory? A Yes sir.
Q How long have you resided in the Indian Territory?
Q I went there the 3rd of July.
Q What year? A 1900.
Q Had you ever resided in the Indian Territory prior to that
time?
A No sir.
Q You have maintained a residence in the Indian Territory
only since the 3rd of July, 1900? A Yes sir.
Q How much Choctaw blood do you claim? A One sixteenth.
Q What is your father's name? A Thomas Dugger.
Q Is your father living? A Yes sir.
Q What is your mother's name? A Mary E. Dugger.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw
blood? A My mother.
Q Is your mother's name on any of the tribal rolls of the
Choctaw Nation? A No sir.
Q Was your mother ever recognized by the tribal authorities
of the Choctaw Nation as a citizen of the Choctaw Nation? A No
sir.
Q Is your name on any of the tribal rolls of the Choctaw
Nation? A No sir.
Q Did you ever make application to the Choctaw tribal authori-
ties for citizenship in the Choctaw Nation? A No sir.
Q Have you ever been recognized in any manner by the Choctaw
tribal authorities as a citizen of the Choctaw Nation? A No sir.
Q Did you or did any one in your behalf in 1896 make appli-
cation to this Commission for citizenship in the Choctaw Nation
under the act of Congress of June 10th, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw
Nation by judgment of the United States Court for the Indian
Territory? A No sir.
Q Have you ever prior to this time made application to either
the tribal authorities of the Choctaw Nation or to the authorities
of the United States for either citizenship or enrollment as a
Choctaw? A No sir.
Q This is your first application of any description? A Yes
sir.
Q You are now making application for identification as a
Mississippi Choctaw? A Yes sir.
Q Why do you believe that you are entitled to be identified
by this Commission as a Choctaw entitled to rights in the Choctaw
lands under the provisions of the fourteenth article of the
treaty of 1830? A Because I have been taught that.
Q Taught what? A That I was.
Q Was what? A Choctaw.

Q Have you been taught that you were entitled to share in the Choctaw lands under the fourteenth article of the treaty of 1830? A Yes sir.

Q Do you make your claim under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

Q Did you or any of your ancestors ever take advantage of the provisions of that article of the treaty of 1830? A No sir.

Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know.

Q What was the name of your ancestor who lived in Mississippi, was a recognized member of the Choctaw Tribe of Indians and who received or claimed land there as a beneficiary under the fourteenth article of the treaty of 1830? A Daniel Shoemaker.

Q Have you any evidence of the fact that THE Daniel Shoemaker was a recognized member of the Choctaw tribe of Indians in 1830?

A No sir.

Q Have you any documentary evidence showing that he ever received any land in Mississippi as a beneficiary under the 14th article of the treaty of 1830? A No sir.

Q Do you make any claim by reason of any other provisions of the treaty of 1830? A No sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A Alven T. Cook.

Q How old is he? A Twenty-eight.

Q Do you make any claim for him? A No sir.

Q He is a white man? A Yes sir.

Q Where did you marry him? A Norman, Oklahoma.

Q When? A '93.

Q You married him in accordance with the laws of the Territory of Oklahoma? A Yes sir.

Q Were you ever married to him in accordance with the laws of the Choctaw Nation? A No sir.

Q Have you any evidence of your marriage that you desire to offer at this time?

Attorney for applicant states that he will file marriage license in a reasonable time.

Q Have you any children? A Yes sir.

Q How many? A Three.

Q Do you make application for them? A Yes sir.

Q What are the names and ages of your children? A Alaina, five years old.

Q The next one? A Lillie Bell.

Q How old is that child? A Three.

Q What is the name of the next one? A Iva.

Q How old is Iva? A Nine months old.

Q You are the mother of these three children? A Yes sir.

Q Alven T. Cook is the father of all three of them? A Yes sir.

Q These children live with you at your home? A Yes sir.

Q Their claim has the same basis as yours? A Yes sir.

Q Is there any additional statement that you want to make in support of your claim? A No sir.

Examination by Mr. Lindley.

Q Is the Mary R. Dugger who made application here today the same person who is your mother? A Yes sir.

Q What relation if any are you to Jimmie Moffitt who made application here today? A Second Cousin.

By the Commission.

Q Is there any written evidence that you desire to file at this time in support of your application? A No sir.

Missouri Case 3---

Attorney for applicant asks for time in which to file written evidence.

Permission is granted the applicant to file written evidence provided same is filed within fifteen days from this date.

The decision of the Commission as to your application and the application you make on behalf of your three minor children for identification as Mississippi Choctaws, will be mailed to you in writing in the near future to your present post-office address.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 18th day of September, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes taken in said proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 27th day of September, 1900.

Guy L. V. Emerson
Notary Public.

Muskogee, Indian Territory, December 8, 1900.

Harley A Lindley,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 5th instant, enclosing proof of marriage, offered by you for filing in the cases of J. C. Dugger, Missouri Cook and T. J. Patrick, applicants for identification as Mississippi Choctaws, and the same have been duly filed with the records of the Commission.

Yours truly,

Acting Chairman.

M. C. R-594

M. C. R-685

M. C. R-684

Not Here



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Missouri Cook,

Newcastle,

Indian Territory.

345

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

FILED

AUG 1 1902



ACTING COMMISSIONER

REGISTERED,
AUG 1 1902
SKOGEEL, IND.

W. O. B.

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

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

ALLISON L. AYLESWORTH,
SECRETARY.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 685

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 14, 1902.

Missouri Cook,
Newcastle, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of *Jemima Moffett, et al.*, embracing the following applications for identification as Mississippi Choctaws:

<i>Jemima Moffett, et al.,</i>	M.C.R. 675
<i>Robert L. Moffett, et al.,</i>	M.C.R. 676
<i>Cyreness J. Moffett,</i>	M.C.R. 677
<i>Mary A. Shelton, et al.,</i>	M.C.R. 678
<i>James P. Blodsee, et al.,</i>	M.C.R. 679
<i>George Blodsee, et al.,</i>	M.C.R. 680
<i>Martha D. Lowe, et al.,</i>	M.C.R. 681
<i>Mary E. Dugger,</i>	M.C.R. 682
<i>Martha L. Bird, et al.,</i>	M.C.R. 683
<i>Jason C. Dugger, et al.,</i>	M.C.R. 684
<i>Missouri Cook, et al.,</i>	M.C.R. 685
<i>Joseph R. Dugger, et al.,</i>	M.C.R. 686
<i>Alzada E. Light, et al.,</i>	M.C.R. 686B

These applications were made under the provisions of the act of Congress of June 20, 1890 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer

oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

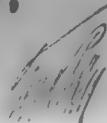
Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jimina Moffett, Arthur Moffett, Allan W. Moffett, Robert L. Moffett, Lockie Moffett, Vernie Moffett, Cyreness J. Moffett, Mary A. Shelton, Beulah M. Shelton, Judge W. Shelton, Alva C. Shelton, James P. Bledsoe, Eva Bledsoe, Laura Bledsoe, Robert E. Bledsoe, Marion R. Bledsoe, George Bledsoe, Odessa Bledsoe, Martha D. Lowe, Beulah Lowe, Mary E. Dugger, Martha L. Bird, Claud D. Bird, Daisy Bird, Thomas Bird, Jason C. Dugger, May P. Dugger, Jessie S. Dugger, Tama Dugger, Missouri Cook, Alsina Cook, Lillie Bell Cook, Iva Cook, Joseph R. Dugger, Dock B. Dugger, Alsada E. Light, Lee Light, Hattie Light, William Light, Walter Light, Elizabeth Light, Daniel Light, Mary T. Light, and John Wesley Light, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

"It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and that the application made by James P. Bledsoe for the identification of his wife Caroline Bledsoe; by George Bledsoe for the identification of his wife, Lovina Bledsoe; by Jason C. Dugger, for the identification of his wife, Lilly Dugger; and by Joseph R. Dugger for the identification of his wife, Nellie K. Dugger, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,



Registered.

Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Return to Write



Missouri Cook,

Newcastle, Indian Territory.

415

File

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
WASHINGTON, D. C.

FILED

DEC 6 1902

[Signature]
ACTING CHAIRMAN

RECORDED
DEC 12 1902

RECORDED
DEC 12 1902
MUSKOGEE

Wm C. B.

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
Y.C.R. 685

ALLISON L. AYLWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 7, 1902.

Missouri Cook,
Newcastle, Indian Territory.

Dear Madam:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of *Jemima Koffett, et al.*, of which decision you were advised by registered mail on the 14th day of July, 1902.

Respectfully,



Acting Chairman.

W.C.B.

#685

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

^{1/16}
Missouri Cook. SEP 18 1900.
Newcastle, S. C. 24.

FATHER: Thomas Rigger - ✓
MOTHER: Mary E. Rigger - ✓
(Claims through mother).

HUSBAND: Alven T. Cook 28.
No claim for husband.

CHILDREN:
Alma Cook 5
Lillie Bell " 3.
Iva. " 9 mo.

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

FILED
SEP 18 1900

Choc. MCR 686

Joseph R. Dugger

see MCR 675

MCR 686

Joseph R Dugger et al

007 1112

007 675

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 18, 1900.

In the matter of the application for identification as Mississippi Choctaws of Joseph R. Dugger and his minor child and an application he makes on behalf of his wife, Nellie K. Dugger as an intermarried Mississippi Choctaw. Joseph R. Dugger being duly sworn by the Commission testified as follows:

Examination by the Commission.

- Q What is your name? A Joseph R. Dugger.
- Q What is your age? A Twenty one .
- Q What is your post-office address? A New Castle.
- Q Where is that? A Indian Territory.
- Q Do you live in the Indian Territory? A Yes sir.
- Q How long have you lived in the Indian Territory?
- A Since the 3rd day of July, 1900.
- Q Where did you live before that? A Oklahoma.
- Q The only residence you have ever maintained in the Indian Territory has been since July 3rd, 1900? A Yes sir.
- Q How much Choctaw blood do you claim? A One sixteenth.
- Q What is your father's name? A Thomas Dugger.
- Q Is your father living? A Yes sir.
- Q What is your mother's name? A Mary E. Dugger.
- Q Is your mother living? A Yes sir.
- Q Through which one of your parents do you claim your Choctaw blood? A My mother.
- Q Is your mother's name on any of the tribal rolls of the Choctaw Nation? A No sir.
- Q Has your mother ever been recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
- Q Have you ever been recognized in any manner by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Did you or did any one in your behalf in 1896 under the act of Congress of June 10th, 1896, make application to this Commission for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts for the Indian Territory? A No sir.
- Q Have you ever prior to this time made any application to either the tribal authorities of the Choctaw Nation or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
- Q This is the first application you have ever made of any description? A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A I have been taught that I was Choctaw by my parents, my mother.
- Q Do you make your claim under the fourteenth article of the treaty of 1830? A Yes sir.
- Q Did you ever take advantage of the provisions of that article of that treaty? A No sir.
- Q Did your ancestors? A No sir.
- any of

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know.

Q What was the name of your ancestor who resided in Mississippi and was recognized as a member of the Choctaw Tribe of Indians in 1830 when the treaty was made between the United States and the Choctaw Tribe and who became afterwards a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Shoemake.

Q What was his full given name? A Daniel Shoemake.

Q Have you any evidence of the fact that he was a recognized member of the Choctaw tribe of Indians at that time? A No sir.

Q Have you any evidence of the fact that he ever received any land in Mississippi as a beneficiary under the fourteenth article of the treaty of 1830? A No sir.

Q Do you make any claim under any of the other provisions of the treaty of 1830? A I make all the treaties.

Q You make all the treaties? A Yes sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Nellie K. Dugger.

Q How old is she? A Eighteen.

Q Is she a white woman? A Yes sir.

Q Do you make any claim for her? A Yes sir.

Q What do you claim her to be? A An intermarried Mississippi

Choctaw.

Q Where did you marry her? A In Oklahoma.

Q When? A In 1900.

Q Have you any evidence of that marriage? A Yes sir.

Q Get it with you? A No sir.

Attorney for applicant. We will file it with the other papers.

Q Were you ever married to your wife in accordance with the laws of the Choctaw Nation? A No sir.

Q What is your wife's father's name? A Dock Shadrick.

Q Is he living? A Yes sir.

Q What is your wife's mother's name? A Mag Shadrick, I

believe.

Q Is she living? A Yes sir.

Q They are both white people? A Yes sir.

Q They never made any claim to be Indians by blood? A No

sir.

Q Have you any children? A One.

Q What is the name of this child? A Dock B. Dugger.

Q How old is this child? A A day old, I guess.

Q One day? A Yes sir.

Q Is there any additional statement you want to make? A No

sir.

Examination by Mr. Lindley.

Q I would like to ask you if the Mary E. Dugger who made application today is the Mary E. Dugger who is your mother? A Yes sir.

Q What relation are you, if any, to Jimmie Moffitt who made application? A Second cousin.

Q Is there any written evidence that you desire to offer for the consideration of the Commission at this time? A No sir.

Attorney for applicant asks time in which to file written evidence.

Permission is granted the applicant to file written evidence in support of this application provided the same is filed within fifteen days from this date.

Joseph R. Dugger 3--

The decision of the Commission as to your application and the application you make on behalf of your minor child for identification as Mississippi Choctaws and the application you make on behalf of your wife, Nellie K. Dugger as an intermarried Mississippi Choctaw, will be mailed to you in writing in the near future to your present post-office address.

Myra Young 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 18th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 26th day of September, 1900.

Guy L. Emerson
Notary public.

COPY

M.C.N. 686

Muskogee, Indian Territory, July 14, 1902.

Joseph R. Dugger,

Newcastle, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jemina Moffett, et al., embracing the following applications for identification as Mississippi Choctaws:

Jemina Moffett, et al.,	M.C.N.	675
Robert L. Moffett, et al.,	M.C.N.	676
Cyreness J. Moffett,	M.C.N.	677
Mary A. Shelton, et al.,	M.C.N.	678
James P. Bledsoe, et al.,	M.C.N.	679
George Bledsoe, et al.,	M.C.N.	680
Martha D. Lowe, et al.,	M.C.N.	681
Mary E. Dugger,	M.C.N.	682
Martha L. Bird, et al.,	M.C.N.	683
Jason C. Dugger, et al.,	M.C.N.	684
Missouri Cook, et al.,	M.C.N.	685
Joseph R. Dugger, et al.,	M.C.N.	686
Alzada E. Light, et al.,	M.C.N.	688

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts

necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jemima Moffett, Arthur Moffett, Allan W. Moffett, Robert L. Moffett, Lockie Moffett, Vernie Moffett, Cyreness J. Moffett, Mary A. Shelton, Beulah M. Shelton, Judge W. Shelton, Alva C. Shelton, James P. Bledsee, Eva Bledsee, Laura Bledsee, Robert E. Bledsee, Marion R. Bledsee, George Bledsee, Odessa Bledsee, Martha D. Lowe, Beulah Lowe, Mary E. Dugger, Martha L. Bird, Claud D. Bird, Daisy Bird, Thomas Bird, Jason C. Dugger, May P. Dugger, Jessie S. Dugger, Tama Dugger, Missouri Cook, Aisina Cook, Lillie Bell Cook, Iva Cook, Joseph R. Dugger, Dock B. Dugger, Alzada E. Light, Lee Light, Mattie Light William Light, Walter Light, Elizabeth Light, Daniel Light, Mary T. Light, and John Wesley Light, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and that the application made by James P. Bledsee for the identification of his wife, Caroline Bledsee; by George Bledsee for the identification of his wife, Lovina Bledsee; by Jason C. Dugger for the identification of his wife, Lilly Dugger; and by Joseph R. Dugger for the identification of his wife, Nellie K. Dugger, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

James D. Doby

Acting Chairman,

Registered.

W. O. B.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. DRECKINRIDGE.

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

REFER IN REPLY TO THE FOLLOWING
Y.C.R. 686

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 7, 1902.

Joseph R. Dugger,
Newcastle, Indian Territory.

Dear Sir:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jemima Koffett, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Respectfully,



Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

4/16 SEP 1900
Joseph R. Dugger. 21
Newcastle, S. C.

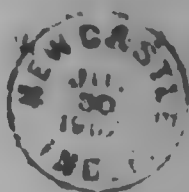
FATHER: Thomas Dugger. - ✓
MOTHER: Mary C. Dugger. - ✓
Claims through mother

WIFE: Nellie K. Dugger. 18.
(Claims as int. miss. Choct.)
FATHER: Doc. Shadrick - ✓
MOTHER: Maggie Shadrick - ✓

CHILD:
Rock B. Dugger. 1 day.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 18 1900

Not here



Department of the Interior

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Joseph R. Dugger,
Newcastle,

316

Indian Territory.

686

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

AUG 1 1902



ACTING CHAIRMAN



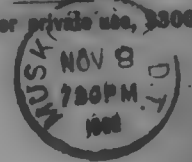
Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Return to writer



Joseph R. Dugger,

Muscogee, Indian Territory.

686

File

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

DEC 1902



Choc. MCR 687

Perdelia Bruster

see MCR 414

MCR 687

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414

Commission to the Five Civilized Tribes,

McAlester, I. T., Nov. 14, 1899.

In the application of Perdella Bruster for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she states:

Q What is your agai name? A Perdella Bruster.

Q How old are you? A Thirty-nine.

Q Are you a sister of William A. Bruster? A No sir,, but I am a wife of their brother.

Q The widow of the one they said was dead? A Yes sir.

Q Have you some children? A Yes sir.

Q Give their names and ages? A Oscar, eighteen years old; Claude, fourteen years old; Rex, twelve years old; Troy, ten years old; Truman, seven years old; ~~Eight~~ ^{Eight}, five years old; Hugh, three years old; Dewey C., one year old.

Q You understand that application was made for their father and family at the same time the others were made? A Yes sir.

Com'r McKennon: The commission has no authority to enroll you and your children, and enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. New

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 MUSKOGEE, Indian Territory, Sept. 19, 1900.

In the Matter of the Application by Perdella Brewster, for the identification of her eight minor children as Mississippi Choctaws, and the application she makes on her own behalf as an Inter-married Mississippi Choctaw.

Perdella Brewster, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Perdella Brewster.
- Q What is your age? A 39 years.
- Q What is your postoffice address? A Clear, Ind' Ter.
- Q Are you a resident of the Ind. Ter.? A Yes sir.
- Q You are making application as a Mississippi Choctaw; is that correct? A I reckon so. (intermarried)
- Q We want you to say yes or no. Are you making application as an intermarried Mississippi Choctaw? A Yes sir.
- Q Are you a white woman? A Yes sir.
- Q Did you ever make claim to Indian citizenship by blood? A No, only through my husband.
- Q Your parents are both white, then? A Yes sir.
- Q What is your mother's name? A I havn't got any mother.
- Q What was your mother's name? A Mary Palmer
- Q Is your mother living? A No sir.
- Q What is your father's name? A Jabus Palmer.
- Q Is your father living? A No sir.
- Q What is your husband's name? A Young S. Brewster.
- Q Is it through your husband that you claim this right for identification as an intermarried Mississippi Choctaw Indian? A Yes sir.
- Q Is your husband living? A No sir.
- Q When did he die? A Last year.
- Q Are you making application for anyone besides yourself? A Eight minor children.
- Q What are the names and ages of these children? A Oscar, 19 years, Claude, 14, Rex 12, Troy 9, Truman 8, Hight 6 Hugh 4 and Dewey C., one year.
- Q The claim you make for yourself as an intermarried Mississippi Choctaw, and on behalf of these eight minor children for identification as Mississippi Choctaws, is through your deceased husband, Young S. Brewster? A Yes sir.
- Q Was he a citizen of the Choctaw Nation? A No, he was not.
- Q Was his name ever on any of the tribal rolls of the Choctaw Nation?
- A I don't know.
- Q Did your husband ever make application to the Choctaw tribal authorities for enrollment in the Choctaw Nation? A I don't know that.
- Q Was he ever recognized in any manner by any official act of the national council of the Choctaw Nation as a citizen of that nation?
- A I don't know; he claimed the blood.
- Q Did your husband, or did anyone on his behalf, or on behalf of his minor children, ever make application to this Commission in 1896 for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A I don't know.
- Q Was your husband himself, or these minor children, ever admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in the Indian Territory? A Well, now, of course I am on my oath, and of course I am not acquainted with the law as most ladies are not, and I don't want to answer to anything only what I know.
- Q Was your husband himself, or any of your minor children ever admitted to citizenship in the Choctaw Nation by the United States Court for the Indian Territory? A I reckon not.
- Q Why are you in any doubt about it? A I told you why. I am under oath and I don't want to----

2-Perdolia Brewster.

Q If he had been admitted to citizenship you would have known it, wouldn't you? Has any application ever been made prior to this time to either the authorities of the Choctaw Nation or the United States for either citizenship or enrollment for yourself and your minor children? A No, sir, I reckon not.

Q Didn't you appear before this Commission at McAlister, Indian Ty., on November 14, 1899? A Yes, I appeared then.

Q Were you not placed under oath? A I don't think I was.

Q Did you not at that time, make application for the enrollment of yourself and these minor children? A I reckon I did.

Q What action did the Commission take at that time as to your application? A Well, sir, I don't know.

Intorduced in evidence by the Commission, copy of the testimony of Perdolia Brewster, given before the Commission at McAlister, Nov. 14, 1899, in which she made application for the enrollment of herself and her eight children as citizens of the Choctaw Nation, marked Exhibit A., identified as such and made a part of this record.

Q Mrs. Brewster, the Commission at that time refused to enroll you or your children as citizens by blood of the Choctaw Nation. What is your purpose in now coming before the Commission?

A I just told you I came here claiming a right as an applicant by the blood of my husband.

Q You made an application in November 1899 for the enrollment of yourself as an intermarried citizen, and on behalf of your eight minor children for enrollment as citizens by blood of the Choctaw Nation, and the Commission at that time refused your enrollment. Have you any more evidence as to your rights to enrollment than you had Nov. 14, 1899? A If there should be any more required I reckon----

Q Why do you now make application for the identification of your children as Mississippi Choctaws? A Because I thought they was Mississippi Choctaws.

Q Did your husband or any of his ancestors ever comply with the provisions of the 14th article of the treaty of 1830? A I think so.

Q Have you any evidence of the fact that they did? A I think I could get the evidence.

Q What is the name of the ancestor of these children for whom your make this application, who lived in Mississippi in 1830, when the treaty was entered into between the United States and the Choctaw Indians, and who was at that time, a recognized member of the Choctaw tribe of Indians, who received land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A I don't know as I can tell you. Of course, I don't want to tell you nothing wrong. I don't know whether I understand you or not.

Q What is the name of the ancestor of these children, and of your husband, who was a member of the Choctaw tribe of Indians in Mississippi in 1830, when the treaty was entered into between the United States and the Choctaw tribe of Indians, who received land in Mississippi as a beneficiary under the provisions of the 14th article of the treaty of 1830? A Well, sir, I guess I can't tell you.

Q Do you know anything further back than your husband as to his ancestors? A Yes, I have heard him speak of his father, and of his great grandfather.

Q What was the name of his great grandfather? A Sheriff.

Q What was his full name? A There might have been something else. I don't know.

Q Have you any evidence of the fact that this man Sheriff was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A I think I could get them.

3-Perdellia Brewster.

- Q Have you it? We are talking about now. Have you any evidence of the fact that he ever claimed or received any land in Mississippi as beneficiary under the provisions of the 14th article of the treaty of 1830? A I haven't got it with me; I can get it.
- Q This Commission will ask of applicants claiming rights in the Choctaw lands ~~that~~ under the provisions of the 14th article of the treaty of 1830, that they exhibit documentary proof showing compliance with the provisions of this article, either by the applicants themselves or by their ancestors, and in each and every case exhibits of such proof, showing these facts, will be required. How long have you lived in the Indian Territory? A I have been here a little over a year; about a year.
- Q Where did you live before you came here? A Mississippi.
- Q What part of Mississippi did you come from? A The east part.
- Q What county? A Itwanda.
- Q Is there any additional statement that you would like to make? A No sir.
- Q When were you married? A In 1878.
- Q Where? A In Mississippi.
- Q Under the laws of the State of Mississippi? A Yes sir.
- Q Have you your marriage license and certificate? A I have got it, and I can prove it right here by a witness.
- A I want your marriage license and certificate. Have you any written evidence that you wish to submit for the consideration of the Commission? A We have sent for some evidence; it hasn't come yet. Permission is granted the applicant to file written evidence in support of this application providing the same is filed within 15 days from the date hereof

The decision of the Commission as to your application as an intermarried Mississippi Choctaw, and the application you make on behalf of your eight minor children as Mississippi Choctaws, will be mailed to you in writing in the near future, at your present postoffice address.

-----0-----

Frances R. Brown having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 19th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 27 day of September, 19 00.

Guy L. Emerson
Notary Public
Acting Chairman.

7-10-447

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

In the matter of the application of Perdellia Bruster for the enrollment of herself and her eight minor children, Oscar, Claude, Rex, Trey, Truman, Hight, Hugh and Dewey C. Bruster, for enrollment as citizens by blood of the Choctaw Nation.

D e c i s i o n .

The applicant, Perdellia Bruster, appeared before the Commission at McAlester, Indian Territory, November 14, 1899, and there made application for the enrollment of herself and her eight minor children, Oscar, Claude, Rex, Trey, Truman, Hight, Hugh and Dewey C. Bruster, as citizens by blood of the Choctaw Nation.

It appears from an examination of the records in the possession of the Commission and the evidence in this case, that the names of the applicant and her eight minor children, as aforesaid, have never been on the tribal rolls of the Choctaw Nation; and it does not appear that said applicant and her said children have ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation. It further appears from said records and evidence, that the said applicant and her said children have never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the Act of Congress of June 10, 1896; or by the United States Court in Indian Territory, on appeal from the decision of the tribal authorities, or the decision of the Commission.

Therefore, the application of Perdellia Bruster for the enrollment of herself and her eight minor children, Oscar, Claude, Rex, Trey, Truman, Hight, Hugh and Dewey C. Bruster, as citizens by blood of the Choctaw Nation is hereby refused.

The Commission to the Five Civilized Tribes,

Acting Chairman.

Muskegee, Indian Territory,.

This the _____ day of _____, 1901.

Muskogee, Indian Territory, September 1, 1900

Person & Goodwin,

Attorneys at Law,

Colbert, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 30th of August, in which you state that Mrs. Perdella Bruster has asked you to prepare application and affidavit in her citizenship case. You say she states to you that she appeared before the Commission November 14th, 1899 at McAlester, Indian Territory and you desire to now be informed if her appearance at that time was such as to enable the Commission to identify her.

You are informed that the records of this Commission show that on November 14th, 1899, at McAlester, Perdella Bruster, 39 years of age appeared before the Commission as an applicant for the enrollment of herself and of her eight minor children as citizens by blood of the Choctaw Nation and that the Commission at that time refused to enroll her. There is not a sufficient record in the case of Mrs. Bruster and her children to be forwarded to the Honorable Secretary of the Interior for his consideration, in the event that Mrs. Bruster desires to have her case presented to the Department for its consideration.

If she desires to again appear in person before the Commission for the purpose of examination it would be well that she do so sometime in the near future.

In reply please
refer to 7-R-447

Yours truly,

Acting Chairman.

A

Muskogee, Indian Territory, October 9, 1900.

Mrs. Perdella Bruster,
Cliff, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 5th instant enclosing affidavit of W. E. and Mary Benson offered for filing in the matter of your application for identification as a Mississippi Choctaw and the same has been duly filed with the records of the Commission in your case.

You ask in your letter that you be granted an extension of time for filing evidence in your case. You are advised that the Commission will accept and file any papers in your case which may be tendered the Commission within ten days from this date.

Yours truly,

Acting Chairman.

M. C. R-687

Muskogee, Indian Territory, May 16, 1902.

Perdolia Brewster,
Cliff, Indian Territory.

Dear Madam:-

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William A. Brewster, et al., embracing the following applications for identification as Mississippi Choctaws:

William A. Brewster, et al.,	M.C.R. 414
Martha E. Collier, et al.,	M.C.R. 408
Mary Palmer, et al.,	M.C.R. 409
Pearlie Brewster, et al.,	M.C.R. 418
Laura V. Benson,	M.C.R. 420
Benj. H. Bruster, et al.,	M.C.R. 424
Arthus Bruster,	M.C.R. 425
Alice Weathers,	M.C.R. 430
William C. Bruster,	M.C.R. 431
Perdolia Brewster, et al.,	M.C.R. 687

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twentyfirst section of the act of Congress of June 28, 1898 (30 Stats. 498), is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

Perdella Brewster-----2

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William A. Brewster, Omar L. Brewster, Nettie E. Brewster, Cale Brewster, Martha E. Collier, Offie Collier, John C. Collier, Florence Collier, James C. Collier, Jeffie Collier, Mary Palmer, Pearl I. Palmer, Effie V. Palmer, Arlon Palmer, Ettie Palmer, Billie H. Palmer, Roy Palmer, Stettie Palmer, Reba Palmer, Nixon Palmer, Pearlie Brewster, Edgar Brewster, Laura V. Benson, Benj. H. Bruster, Lela B. Bruster, Bennie Bruster, Johnnie Bruster, Esmer Bruster, Oscar Bruster, Luther Bruster, Guy Bruster, Ola Bruster, Arthur F. Bruster, Arthus Bruster, Alice Weathers, William C. Bruster, Oscar Brewster, Claude Brewster, Rex Brewster, Troy Brewster, Truman Brewster, Ficht Brewster, Hugh Brewster and Dewey C. Brewster as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage and that the application of Perdella Brewster for identification as an intermarried Mississippi Choctaw should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman

Registered.

Muskogee, Indian Territory, October 8, 1902.

Ferdelia Bruster,
Cliff, Indian Territory.

Dear Madam:

You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William A. Brewster, et al., of which decision you were advised by registered mail on the 16th day of May, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

Muskogee, Indian Territory, February 2, 1903.

Mrs. P. V. Bruster,
Kingston, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 19th ultimo, in which you state that your attorney "does not seem able to tell me whether I and the children have been enrolled or not." You ask to be advised the present status of your case.

In reply to your letter you are informed that it appears from the records of the Commission that you made application for the identification of yourself and eight minor children as Mississippi Choctaws. The Commission on May 13, 1902, rendered its decision refusing your application, and on May 16, 1902, you were notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

On September 30, 1902, the Secretary of the Interior approved the decision of the Commission, and on October 8, 1902, you were notified of such departmental action. Our letter notifying you of the refusal of your application was forwarded by registered mail to Cliff, Indian Territory, and the Commission holds your receipt for same.

Respectfully,

Acting Chairman.

Ardmore, I. T. February 23, 1903.

To the Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

You will please deliver to J. G. Ralls, of Ateka, Indian Territory, any copies of the records in my case, that under the rule of law the Commission may give out to Attorneys, as I have employed him to assist me in this case.

WITNESSES TO MARK:

Wm. P. V. Brewster
M.C. 687

689

Mrs P. U. Brewster

687

M C R 687

Muskogee, Indian Territory, March 3, 1904.

Geo. E. Rider,
Madill, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 29, 1904, in which you ask if Mrs. P. V. Bruster, or Brewster, is an applicant to this Commission for identification as a Mississippi Choctaw and if any land of the Chickasaw Nation has been set aside for her pending the disposition of her claim.

In reply you are informed that on September 30, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by Perdella Bruster for the identification of herself and minor children as Mississippi Choctaws, of which departmental action the principal applicant was duly notified on October 8, 1902.

The Commission now considers this case closed and it is not believed that Perdella Bruster and her minor children are in any manner entitled to possessory rights in the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

SEP 19 1900

Cerdelia Bruster. 39.
Cliff. Ind. Terr.

FATHER: James Palmer, dead.

MOTHER: Mary Palmer, dead.

HUSBAND: Young J. Bruster, dead.

CHILDREN:

Oscar Bruster	19.
Claude " "	14.
Rex " "	12.
Droy " "	10.
Orman " "	8.
Hight " "	6.
Hugh " "	4.
Wesley C. " "	1.

Choe. MCR 688

Alice Smith

MCR 688

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. September 19, 1900.

In the matter of the application for identification as Mississippi Choctaws of Alice Smith and her minor child. Alice Smith being duly sworn by the Commission testified as follows:

Examination by the Commission.

- Q What is your name? A Alice Smith.
Q What is your age? A Thirty five.
Q What is your post-office? A Johnson, I. T.
Q You live in the Indian Territory? A Yes sir.
Q How long have you resided in the Indian Territory?
A Eight years.
Q Have you been outside of the Indian Territory in the past three years? A No sir.
Q Have you maintained a continuous residence in the Indian Territory for the past eight years? A Yes sir.
Q Where did you come from to the Indian Territory? A From Arkansas.
Q Did you ever live in Mississippi? A No sir.
Q Where were you born? A Tennessee.
Q Moved from there to Arkansas? A Yes sir.
Q And from there to the Indian Territory? A Yes sir.
Q How much Choctaw blood do you claim? A One quarter I suppose from my teachings.
Q What is your father's name? A Bryant.
Q His full given name? A William Bryant.
Q Is your father living? A No sir.
Q What is your mother's name? A Mary Bryant.
Q Is your mother living? A No sir.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q When did your mother die? A I hardly know how long it has been.
Q About how long has she been dead? A Twenty years.
Q Is your mother's name on any of the tribal rolls of the Choctaw Nation? A Not that I know of.
Q Was she ever recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A I don't know whether she was or not.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A Not that I know anything of.
Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Have you ever been recognized by the Choctaw tribal authorities, by any official act of their Council as a citizen of the Choctaw Nation? A Not that I know of.
Q Did you or any one in your behalf in 1896, make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No, I reckon not.
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian Territory? A No sir.
Q Have you ever prior to this time made any application to either the tribal authorities of the Choctaw Nation or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
Q This is your first application? A Yes sir.
Q You are now making application for identification as a

Alice Smith 2

Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A I have been taught by my mamma that she was Indian - Mississippi.

Q You believe that gives you a right to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A I reckon so.

Q Do you make your claim under the fourteenth article of the treaty of 1830? A 1830 - I reckon so.

Q Did you or any of your ancestors ever take advantage of the provisions of the fourteenth article of the treaty of 1830? A I reckon not.

Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know.

Q What was the name of your ancestor who lived in Mississippi in 1830 when the treaty was made between the Choctaw Indians and the United States and who was a recognized member of the Choctaw Tribe of Indians and who became a beneficiary under the fourteenth article of the treaty of 1830? A I don't know.

Q Do you make any claim by reason of any of the other provisions of the treaty of 1830? A I don't know.

Q Are you married? A Yes sir, I have been married.

Q What is your husband's name? A Smith.

Q Jim Smith? A William Smith.

Q Is your husband living? A Yes sir.

Q Are you making any claim for him? A No sir.

Q He is a white man? A Yes sir.

Q Where did you marry him? A Harrison, Arkansas.

Q When? A August eleven years ago.

Q Were you married to him in accordance with the laws of the state of Arkansas? A Yes sir.

Q Did you ever marry him in accordance with the laws of the Choctaw Nation? A No sir.

Q Have you your marriage license and certificate that you desire to offer in evidence? A No sir, I haven't them here with me.

Q Have you any children? A One.

Q Do you want to make a claim for your child? A Yes sir.

Q What is the name and age of this child for whom you make application? A Harvey Roscoe Smith.

Q How old is this child? A Ten years old.

Q Have you any other children? A No sir.

Q Are you the mother of this child? A Yes sir.

Q Is William Smith the father? A Yes sir.

Q This child lives with you at your home? A Yes sir.

Q Is there any additional statement that you desire to make in support of your application or the application you make on behalf of this child? A I reckon not.

Q Is there any written evidence that you desire to submit to the Commission for consideration in support of this application? A Yes sir, I wish to file evidence.

Q All right, where is it? A I haven't it with me. At an early day.

Q How much time do you want? A A few days I reckon.

Permission granted applicant to file written evidence in support of this application provided same is filed within fifteen days from this date.

Q Is there anything more you want to say? A I reckon not.

Alice Smith 3---

The decision of the Commission as to your application and the application you make on behalf of your minor child for identification as Mississippi Choctaws will be mailed to you in the near future to your present post-office address.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 19th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 26th day of September, 1900.

Guy L. Emerson
Notary Public.

Muskogee, Indian Territory, January 17, 1908.

Alice Smith,

Johnson, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the thirteenth instant, designating the land that you desire as your selection of an allotment for yourself and your minor child in the Choctaw Nation.

In reply to your letter you are advised that it appears from our records that your status is that of an applicant for identification as a Mississippi Choctaw whose rights as such have not been determined by the Commission to the Five Civilized Tribes and the Department of the Interior.

You are further advised that the rights of Mississippi Choctaws to share in the allotment of the lands of the Choctaw Nation will only be accorded to those applicants who are duly identified and who, after such identification, come within the provisions of the following section of the act of Congress of May 31, 1900:

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to

A.S. 2

make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

The allotment of lands of the Choctaw-Chickasaw country will be made only to those citizens whose names appear upon the final rolls as approved by the Secretary of the Interior, and as your status has not been determined at this time, it is not believed that you are entitled in any manner to hold possession of the lands of the Choctaw and Chickasaw Nations as a citizen of either of these tribes.

You are further advised that the Commission cannot at this time make any record of the selections of the citizens of the Choctaw and Chickasaw Nations of any separate tract of land within the Choctaw-Chickasaw country. Matters of this character will receive the attention of the Commission upon the establishment of an allotment office within the Choctaw-Chickasaw country for the purpose of allowing the citizens of these two tribes to make selection of and file upon their prospective allotments.

Yours truly,

Commissioner in Charge.

M.C.R. 688
M.C.R. 690
M.C.R. 385

Muskogee, Indian Territory, August 1, 1902.

Alice Smith,
Johnson, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the joint letter of yourself, Cathren Keohendarfer and Emma Brown, in which you state that you are descendants of Susan Jane Millsap; that you are unable to appear before the Commission to furnish additional proof in your cases and ask that the proof submitted in the case of your sister, Amanda Nesbit, be considered in connection with your cases.

In reply you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor children as Mississippi Choctaws, and that Cathren Keohendarfer and Emma Brown are also applicants for the identification of themselves and their minor children as Mississippi Choctaws, claiming descent from one Susan Jane Millsap. These cases have been consolidated and will be considered together with the case of Amanda Nesbit and certain other persons, applicants to this Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestor. The proof submitted in support of this consolidated case will apply to the several applications included therein.

A S

The Commission is now considering the right to identification as Mississippi Chestnuts of the several persons included in this consolidated case and it is probable that a decision will be rendered in the near future. When such decision is rendered you will be duly notified thereof and of the forwarding of the record to the Secretary of the Interior for his review.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, January 12, 1903.

Alice Smith,
Johnson, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you ask "Have I got any claim as a Mississippi Indian?"; that you have been living on a place for six years and that certain persons are now fencing the lands held by you.

In reply to your letter you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor child as Mississippi Choctaws. The Commission has not up to the present time reached any opinion or decision in your case, but is now considering your application and it is probable a decision will be rendered in the near future. You will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

At the present time yourself and child occupy the status of applicants for identification as Mississippi Choctaws whose rights to such identification have in no manner been determined.

Relative to your right to hold lands in the Choctaw and Chickasaw Nations, your attention is invited to the following pro-

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vision of the act of Congress approved July 1, 1902, and ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

It is not believed that the benefits of this legislation will in any manner accrue to applicants until duly identified by the Commission as Mississippi Choctaws entitled to allotment, and that yourself and child are not at this time entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Acting Chairman.

Maskogee, Indian Territory, February 12, 1903.

Alice Smith,
Johnson, Indian Territory.

Dear Madam:

You are hereby advised that on the 12th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel M. Mantooth, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel M. Mantooth, et al.,	M.C.R. 392
Elizabeth Mantooth, et al.,	M.C.R. 393
Amanda Nesbitt,	M.C.R. 384
Emma Lyles, et al.,	M.C.R. 385
Jasper Mantooth, et al.,	M.C.R. 386
Alice Smith, et al.,	M.C.R. 688
Sarah A. Trammell, et al.,	M.C.R. 689
Cathern Kochendarfer, et al.,	M.C.R. 690
Amanda E. Ball, et al.,	M.C.R. 984
William Henry Hall,	M.C.R. 985

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel M. Mantooth, Luther Mantooth, Howard Mantooth, Virgil Mantooth, Ollie Mantooth, Velma Mantooth, Johnnie C. Mantooth, Albert B. Mantooth, Maggie Mantooth, Amanda Nesbitt, Emma Brown, Jesse Lyles, Cora Lyles, Calvin Lyles, Laura Lyles, Maudie Lyles, Thomas F. Brown, Jasper Mantooth, Calvin Mahole Mantooth, Alice Smith, Harvey Rescoe Smith, Sarah A. Trammell, Thomas Trammell, Alonzo Trammell, George Trammell, Frank Trammell, Edward Trammell, Maggie Trammell, William Trammell, Albert Trammell, Cathern Kochendarfer, Annie Kochendarfer, Amanda E. Ball, Sarah Maud Ball, Loyd Ball and William Henry Hall, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Elizabeth Mantooth for the identification of herself as an intermarried Mississippi Choctaw should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Dixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, May 29, 1903.

Alice Smith,

Johnson, Indian Territory.

Dear Madam:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel M. Mantooth, et al., of which decision you were advised by registered mail on the 12th day of February, 1903.

Respectfully,

(SIGNED),

T. B. Needles.

Commissioner in Charge.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

688.

1/4

SEP 19 1900.

Alice Smith.

Johnson, J. T. ³⁵

FATHER: William Bryant - dead.

MOTHER: Mary Bryant - dead.

(Claims through mother).

HUSBAND: William Smith.

No claim for husband

CHILD:

Harry Roscoe Smith

COMMISSION

FILED

SEP 19 1900

REFUSED. 688

Alice Smith et al.

DECISION RENDERED. FEB 11 1912

REFUSED. V. 11 392.

Choc. MCR 689

Sarah A. Trammell

MCR 689

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. September 19, 1900.

In the matter of the application for identification as Mississippi Choctaws of Sarah A. Trammell and her eight minor children. Sarah A. Trammell being duly sworn by the Commission testified as follows:

Examination by the Commission.

- Q What is your name? A Sarah A. Trammell.
Q What is your age? A Forty-four.
Q What is your post-office address? A Johnson, I. T.
Q Do you live in the Indian Territory? A Yes sir.
Q How long have you resided in the Indian Territory?
A Thirteen years.
Q Have you resided in the Indian Territory continuously for the last thirteen years? A Yes sir.
Q Where did you live prior to that? A I lived in Arkansas.
Q Where were you born? A Tennessee.
Q Did you come from Tennessee to Arkansas? A Yes sir.
Q And from Arkansas to the Indian Territory? A Yes sir.
Q Did you ever live in Mississippi? A No sir.
Q How much Choctaw blood do you claim? A One quarter.
Q What is your father's name? A William Bryant?
Q Is your father living? A No sir.
Q What is your mother's name? A Mary Bryant.
Q Is your mother living? A No sir.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q When did your mother die? A Twenty years ago.
Q During her lifetime was her name ever on any of the tribal rolls of the Choctaw Nation? A Not that I know of.
Q Was she ever recognized in any manner by the Choctaw tribal authorities by any official act of their National Council as a citizen of the Choctaw Nation? A Not that I know of.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir, not that I know of.
Q Why are you in doubt about it? A I never knew that it was.
Q Never had any intimation that your name was on the rolls?
A No sir.
Q As far as you know then, it was not? A No sir.
Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Have you ever been recognized by the tribal authorities of the Choctaw Nation by any official act of their National Council as a citizen of that Nation? A No sir.
Q Did you or did any one on your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A Not that I know of.
Q Why are you in doubt about the application being made? Why do you say 'not that I know of'? A I have heard it was.
Q What did you hear. Tell me everything you have heard now?
Q I have been taught by the older ones that we had a right.
Q That is all right but what I want to know about is, 1896 four years ago. I asked you this question: Did you or did any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June

Sarah A. Trammell 2--

10th, 1896? A Not that I know of.

Q Why are you in doubt about it. Do you think some body did? Did some body make application for you in 1896? A No sir.

Q Did you make any application for yourself? A No sir.

Q Was any application made for you? A I reckon not.

Q Why do you reckon not? A No sir. No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian Territory? A No.

Q Have you ever prior to this time made any application to either the tribal authorities of the Choctaw Nation or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No.

Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.

Q This is your first application of any description? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A I have always been taught that.

Q You have always been taught that? A Yes sir.

Q That you had a right in the Choctaw lands under the 14th article of the treaty of 1830? A Yes sir, my mother always told us that.

Q You make your claim under the fourteenth article of the treaty of 1830? A No sir.

Q You do not? A No sir.

Q Did you ever take advantage of the provisions of the 14th article of the treaty of 1830? A No sir.

Q Did any of your ancestors? A No sir, I reckon not.

Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir, I reckon not.

Q What was the name of your ancestor who lived in Mississippi in 1830 when the treaty was made between the United States and the Choctaw tribe of Indians and who was a recognized member of that tribe of Indians at that time? A My great grand mother's name was Susan Millsaps and my grand mother's name was Janie Yates. We are told they were ~~full~~ bloods.

Q Have you any evidence of the fact that either of these parties were recognized members of the Choctaw tribe of Indians at that time? A No sir.

Q Have you any documentary evidence showing that they received lands in Mississippi from 1830 to, 1836 as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No sir, I reckon not.

Q Do you make any claim by reason of any of the other provisions of the treaty of 1830? A Yes sir.

Q What do you claim? A I claim the benefits of the Mississippi Choctaws. The right.

Q You don't claim under the fourteenth article but claim under the other provisions of the treaty of 1830? Is that correct?

A Yes sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A William Trammell.

Q Is he living? A Yes sir.

Q Is he a white man? A Yes sir.

Q Do you make any claim for him? A No sir.

Q Where did you marry him? A In Arkansas.

Q When? A About twenty four years ago.

Q Did you marry him in accordance with the laws of the state of Arkansas? A Yes sir.

Q Have you ever been married to him in accordance with the laws of the Choctaw Nation? A No sir.

Q Have you your marriage license and certificate that you desire to offer in evidence? A No sir, I haven't it along.

Sarah A. Trammell 3---

Q Have you any children under twenty one years of age and unmarried for whom you desire to make application? A Yes sir, I have eight.

Q What are their names and ages? A Thomas Trammell. His age is twenty.

Q All right. Go ahead. A The next one is eighteen. Alonzo Trammell.

Q All right. Go ahead. A George Trammell.

Q How old is George? A He is fifteen years old.

Q The next one? A He is twelve years old.

Q What is his name? A Frank.

Q The next one? A Edward.

Q How old is Edward? A He is ten years old.

Q The next one? A Maggie.

Q How old is Maggie? A She is eight years old.

Q The next one? A William.

Q How old is William? A He is six years old.

Q The next one? A Albert.

Q How old is Albert? A Four years old.

Q You are the mother of these eight children? A Yes sir.

Q Is William Trammell the father of them? A Yes sir.

Q These children all live with you at your home? A Yes sir.

Q The basis of their claim is the same as yours? A No sir, I reckon not.

Q What do they claim? A I claim to be a quarter and you can fix it ~~xx~~ the best way you can.

Q They claim through you? A Yes sir.

Q Never been admitted to citizenship? A No sir.

Q Never been enrolled? A No sir.

Q Is there any additional statement that you desire to make in support of this application? A No sir, I reckon not.

Q Is there any written evidence that you desire to file with the Commission at this time for its consideration? A No sir.

Q Will there be any in the future? A Yes sir, we wish to file.

Permission granted applicant to file written evidence in support of this application provided the same is filed within fifteen days from the date hereof.

The decision of the Commission as to your application and the application you make on behalf of your eight minor children for identification as Mississippi Choctaws, will be mailed to you in the near future in writing to your present post-office address.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 19th day of September, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 28th day of September, 1900.

Lucy L. Emerson
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. June 3, 1902.

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Supplemental Testimony of Sarah A. Trammell,

In the matter of the application of Sarah A. Trammell for the identification of herself and her eight minor children as Mississippi Choctaws.

Thomas & Harrison for applicant; attorney Harrison appears.

Sarah A. Trammell being duly sworn furnishes the following additional testimony in relation to said application:

Examination by the Commission:

- Q What is your name? A Sarah A. Trammell.
Q Is that middle initial "A" or "E"? A "A".
Q What is your age? A I was forty five the first of last May.
Q What is your post office address? A John son, Indian Territory.
Q How much Choctaw blood do you claim? A I claim a quarter.
Q What is your father's name? A William Bryant.
Q Br-y-a-n-t? A I think.
Q Is your father living? A No sir.
Q What is your mother's name? A Mary Bryant.
Q Is she living? A No sir, she's dead.
Q Through which parent do you claim Choctaw blood? A Under my mother.
Q Are your eight minor children all living now? A Yes my eight minor children is all I have now.
Q Thomas? A Yes sir.
Q Alonzo? A Yes sir.
Q George? A Yes sir.
Q Frank? A Yes sir.
Q Edward? A Yes sir.
Q Maggie? A Yes sir.
Q William? A Yes sir.
Q Albert? A Yes sir.
Q They all live with you at your home, do they? A Yes sir.
Q You derive your Choctaw blood through your mother? A Yes sir.
Q What is her name? A Mary Bryant.
Q And farther back who do you get your Choctaw blood from? A My great grandmother and my own grandmother.
Q What is the name of your grandmother? A Janie Yates.
Q And your great grandmother was what? A Susan Millsap.
Q M-i-l-l-s-a-p? A I think.

Q Your grandmother Janie was your mother's mother, was she? A Yes sir.

Q And your great grandmother, Susan Millsap, was the mother of Janie Yates? A Yes sir.

Q Do you know the name of the husband of Janie Yates? A No sir, I don't know that I do.

Q Was that her maiden name? A Yes sir; she married-- Thomas Mantooth.

Q He was a white man was he? A I think he was Irishman.

Q Now, did Janie Mantooth live with her husband in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know; but she was married there and raised there.

Q She was living in Mississippi? A Yes sir.

Q And was raised in Mississippi? A Yes sir.

Q Was she born in Mississippi? A That's what I was taught.

Q How old would Janie Yates be if living now? A I can't tell you that.

Q Would she be quite an old lady? A I guess she would.

Q Well, now, I want to get at this; was it Janie Yates your grandmother, or Susan Millsap, your great grandmother, who lived in the old Choctaw Nation in Mississippi in 1830 and had a family of children there then? Which was it? A She lived there and was married there.

Q Who? A Janie Yates.

Q Did she live there in 1830? A I was taught that.

Q Was she married there in 1830? A I think so.

Q Did she have any children living with her in 1830? A I can't tell you that.

Q This is a material part of your case; you are coming before the Commission again to give testimony to strengthen your case; and this article fourteen under which you are claiming says: "Each Choctaw head of a family" shall do so and so, and if they did they should not lose the privilege of a Choctaw citizen. Therefore it is necessary for you to state if you can the name of your Choctaw ancestor who lived in the old Choctaw Nation in 1830, who was married and the head of a family there and who complied or attempted to comply with article fourteen of the treaty of 1830. Now can you tell me, or do you think you have any means of knowing whether Janie Mantooth or Yates, or your great grandmother, Susan Millsap, or any other Choctaw ancestors you had lived in the old Choctaw Nation in 1830 and were head of a family.

A I was taught Susan Millsap did.

Q Lived there at that time a-- A --

Q And was married? A She was an old citizen there.

Q And was married? A Yes sir.

Q And had a family living there in 1830? A Yes sir.

Q Was Gallie Millsap her married or maiden name? A Maiden name.

Q Whom did she marry? A Yates; but I can't tell his first name.

I don't think I can tell his full name.

Q Was he a white man? A I can't tell you that; I think he was Indian as far as I know.

Q Is it a part of your family history and tradition that Susan Millsap or afterwards Susan Yates, lived in the old Choctaw Nation in 1830 and that she had children who lived with her at that time when the treaty was made? A I can't tell you whether she had children living with her at that time or not.

Q Well, you said so a while ago. A She lived there at that time, I was taught.

Q Don't you know whether she had children there at that time?

A I can't say about the children.

Q Do you know anything about the treaty of 1830; do you remember anything about that? A No sir, I was too young.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830; before that treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and so in order to protect the interests of those Choctaw Indians who stayed back there in the old Choctaw Nation article fourteen was put into that treaty; that article was placed in the treaty for the special benefit of the Mississippi Choctaw Indians; it reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Now do you know whether Janie Yates or your great grandmother, ~~Sax~~ Susan Yates or any other Choctaw ancestor of yours complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A Yes, that's what I have been taught.

Q What did they ever do to comply with that article of that treaty?

A I can't tell you that.

Q Did your great grandmother, Sarah Yates, within six months from the ratification of the treaty of 1830 go to the United States Indian Col. Ward and tell him that she wanted to stay in Mississippi, take land there and become citizens of the States? A I can't tell you whether she done that or not.

Q You know at the time of the making of that treaty there was a United States Indian agent Col. Ward lived in Mississippi and article fourteen required that persons claiming under that article, Susan Yates or any others living in Mississippi at that time and who were heads of families, might go to him and register under article fourteen of the treaty of 1830, and register and retain their rights and also have a right to select land in the old Choctaw Nation, which, if they lived on it for five years they could get a deed to it. Do you know whether any of your Choctaw ancestors did this? That is what is meant by complying with article fourteen? A I have heard-- I have been taught that Susan Millsap, my great grandmother, complied with the treaty.

Q Tell me just what she did to comply? A I can't name it over just like you did.

Q Well, did she ever get any land in Mississippi or Claim any under article fourteen of the treaty of 1830? A Not that I ever heard of.

Q Did she own any improvements on land in Mississippi or Alabama in 1830? A I never heard any land spoken of.

Q You never did hear that she got any land from the Government? A No sir.

Q Do you know whether she went to the treaty of Dancing Rabbit Creek and saw Col. Ward there; did you ever hear of that meeting of the people at Dancing Rabbit Creek? A Yes sir.

Q Did any of your people go there? A I have heard that she did.

Q Tell me all about her going there? (No answer).

Q When did she go? A Of course I can't tell you exactly.

Q What did she go for? A She went to comply with the treaty.

Q Well, she couldn't have gone to comply with the treaty at that time because at Dancing Rabbit Creek the treaty was signed and it was only ratified February 24, 1831, and then they could comply six months after that. If Susan Millsap went to the treaty grounds of Dancing Rabbit Creek she simply went there to see if any treaty was made; not to comply with the treaty. Now, the question is, did she within six months from February, 1831, go to Col. Ward and attempt to comply with the provisions of article fourteen? A I can't tell you anything about that; I was too young to know.

In 1837 and 1842 Commissions were appointed, under various acts of Congress, which went to Mississippi and heard claimants under article fourteen of the treaty of 1830: these Commissions were appointed by Congress because of the large number of Choctaw Indians who claimed they had gone to Col. Ward, the United States Indian agent, within six months from the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi, take land there and become citizens of the States but that he had failed to put their names on a list known as Ward's Register; his neglect to make a proper register of the names of these people caused a good many Indians who had land in the old Choctaw Nation to have that land taken from them and sold by the Government at Public Land Sale

Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions, that of 1837 or that of 1842, and claimed any benefits under article fourteen of the treaty of 1830? A I have heard that my great grandmother did; Susan Millsap.

Q Well, before which Commission, did she go, did you hear? A No sir.

Q Who told you that she did go? A I have been taught that by my mother and older ones.

Q But she didn't tell you whether she went before the Commission of 1837 or 1842? A She told me some things I can't recollect.

Q Can you remember anything more she told you? A She told me I had Indian blood in me, and could hold rights in the Nation.

Q How much Choctaw blood do you claim? A A quarter; she told me that my great grandmother and my own grandmother was full blood Indians.

Q Your grandmother, Janie Yates? A Yes sir.

Q How much Choctaw blood did your mother, Mary Bryant have? A She claimed half.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A Not that I know of.
Q This scrip was issued under act of Congress approved August 23, 1842.
Any questions, Judge-- (to Mr. Harrison.)

Examination by attorney Harrison.

Q Now, which of your ancestors, your grandmother, Janie Yates or Janie Mantooth, or your great-grandmother, Susan Millsap or Susan Yates, was it you have been taught in your family lived in Mississippi in 1830 and was head of a family or had children? A Susan Millsap was there at that time; she lived there and died there; so I have been told.
Q Was she head of a family-- did she have a home there? A I can't tell you about that.
Q Did she have a home there? A I don't know about the home.
Q Well, if she lived there she must have had something she called a home? A Yes; I don't know.
Q I don't mean that she owned a home, but that she had a place she called home. A Yes, she had.
Q And lived there? A Yes sir.
Q Do you now remember whether or not at that time she had any children living with her? A No sir, I don't remember.
Q Or that she had any children that had died previous to that time? A No sir, I can't tell you.
Q When you say that, do you mean that you cannot tell from your own personal knowledge or that you cannot tell me from any information derived from any source? A No sir, I can't tell you.
Q In other words have you heard anything in your family in talking about this matter-- about having a home and children there in 1830? A I just heard that she lived there.
Q And died there? A Yes sir.
Q I believe that's all.

By the commission:

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, fair complexion, brown hair; she has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on June 3, 1902, and that the above and fore-

going is a full, true and correct transcript of his stenographic notes in the same.

Henry B. Lains

Subscribed and sworn to before me this 5th June, 1902.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R. 689

Muskogee, Indian Territory, February 12, 1903.

Sarah A. Trammell,

Johnson, Indian Territory.

Dear Madam:

You are hereby advised that on the 12th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel M. Mantooth, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel M. Mantooth, et al.,	M.C.R. 392
Elizabeth Mantooth, et al.,	M.C.R. 383
Amanda Nesbitt,	M.C.R. 384
Rena Lyles, et al.,	M.C.R. 385
Jasper Mantooth, et al.,	M.C.R. 386
Alice Smith, et al.,	M.C.R. 688
Sarah A. Trammell, et al.,	M.C.R. 689
Cathern Kochendarrer, et al.,	M.C.R. 690
Amanda E. Ball, et al.,	M.C.R. 984
William Henry Hall,	M.C.R. 985

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel M. Mantooth, Luther Mantooth, Howard Mantooth, Virgil Mantooth, Ollie Mantooth, Velma Mantooth, Johnnie C. Mantooth, Albert B. Mantooth, Maggie Mantooth, Amanda Hesbitt, Emma Brown, Jesse Lyles, Cora Lyles, Calvin Lyles, Laura Lyles, Maudie Lyles, Thomas E. Brown, Jasper Mantooth, Calvin Mahole Mantooth, Alice Smith, Harvey Roscoe Smith, Sarah A. Trammell, Thomas Trammell, Alonso Trammell, George Trammell, Frank Trammell, Edward Trammell, Maggie Trammell, William Trammell, Albert Trammell, Cathern Kochendarfer, Annie Kochendarfer, Amanda E. Ball, Sarah Maud Ball, Loyd Ball and William Henry Hall as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Elizabeth Mantooth for the identification of herself as an intermarried Mississippi Choctaw should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W. C. C.
Acting Chairman.

Registered.

M.C.R. 689.

COPY.

McKogee, Indian Territory, May 29, 1903.

Sarah E. Trammell,
Johnson, Indian Territory.

Dear Madam:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel M. Mantooth, et al., of which decision you were advised by registered mail on the 15th day of February, 1903.

Respectfully,

(SIGNED),

I. B. Needles.
Commissioner in Charge.

#689.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

1/4

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SEP 19 1900

Sarah E. Trammell.

114

Johnson, J. T.

FATHER: William Bryant - dead.

MOTHER: Mary Bryant - dead.
(Claims through mother).

HUSBAND: William Trammell - ✓
(No claim for husband).

CHILDREN:

- Thomas Trammell - 20
- Alonzo " " 18.
- George " " 15
- Frank " " 12
- Edward " " 10
- Maggie " " 8
- William " " 6
- Albert " " 4.

SEP 19 1900

REFUSED

Sarah A. Trammell et al

DECISION RENDERED FEB 12 1902

NOTICE OF DECISION MAILED APPLICANT

FEB 12 1902 689

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS

FEB 12 1902

NOTICE OF DECISION FORWARDED ATTORNEYS
FOR SHOSHONE AND OHICKASAW NATIONALS

FEB 12 1902

RECORDS DIVISION DEPARTMENT

FEB 28 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

MAY 15 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

MAY 20 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

MAY 29 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR SHOSHONE
AND OHICKASAW NATIONALS

MAY 29 1903

REFER TO M. C. R. 392

DECISION

Choc. MCR 690

Cathren Kochendarfer

MCR 690

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. September 19, 1900.

In the matter of the application for identification as Mississippi Choctaws of Cathern Kochendarfer and her minor child. Cathern Kochendarfer being duly sworn by the Commission testified as follows:

Examination by the Commission.

- Q What is your name? A Cathern Kochendarfer.
Q What is your age? A Twenty.
Q What is your post-office address? A Johnson, I. T.
Q Do you live in the Indian Territory? A Yes sir.
Q How long have you resided in the Indian Territory?
A Some where about ten year.
Q Have you maintained a continuous residence here for the
last ten years? A Yes sir.
Q Have you been outside of the Indian Territory in the past
three years? A No sir.
Q Where did you come from to the Indian Territory? A Arkans
sas.
Q Where were you born? A Baxter County, Arkansas.
Q And lived in Arkansas all your life up to the time you
came to the Indian Territory? A Yes sir.
Q Ever been in Mississippi? A No sir.
Q How much Choctaw blood do you claim? A One eighth.
Q What is your father's name? A Calvin Lyles.
Q Is your father living? A No sir, he's dead.
Q What is your mother's name? A Emma Lyles.
Q Is your mother living? A yes sir.
Q Through which one of your parents do you claim your Choctaw
blood? A My mother.
Q Is your mother's name on any of the tribal rolls of the
Choctaw Nation? A I don't know.
Q Why are you in doubt about it? A Well -- I don't know.
Q Did you ever hear it was? A No sir.
Q Then why is there any question about her name being on the
Choctaw rolls? A I never heard that her name was on the rolls.
Q Nobody ever told you that her name was on the rolls? A No
sir.
Q Was she ever recognized by the tribal authorities of the
Choctaw Nation as a citizen of that Nation? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw
Nation? A No sir, not that I know of.
Q Why are you in doubt about your name being on the rolls?
A It was never put there that I know anything about.
Q Do you think any one put it there? A No sir.
Q Did any one ever intimate that your name is on the tribal
rolls? A No sir.
Q As a matter of fact don't you know it is not on the rolls?
A I don't guess it is. I know it aint.
Q Have you ever made application to the Choctaw tribal
authorities for citizenship in the Choctaw Nation? A No sir.
Q Have you ever been recognized by the tribal authorities
of the Choctaw Nation by any official act of the National Council
of that Nation as a citizen of that Nation? A No sir.
Q Did you or did any one in your behalf in 1896, make appli-
cation to this Commission for citizenship in the Choctaw Nation
under the act of Congress of June 10th, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Courts? A No sir.

Q Have you ever prior to this time made any application to either the authorities of the Choctaw Nation or the authorities of the United States for either citizenship or enrollment as a Choctaw?

A No sir.

Q This is your first application of any description? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A My mother always taught me that I was a Choctaw.

Q Did your mother teach you that you were entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

Q She did? A Yes sir.

Q Do you make your claim under the fourteenth article of the treaty of 1830? A Yes sir.

Q What do you claim under it? A I claim under it 1830.

Q You claim 1830 under it? A Yes sir.

Q Is that the only thing you claim under it? A I claim under 1866.

Q What do you claim under 1866? A I claim all it is entitled to me.

Q What are you entitled to? A All that would be right for me to claim.

Q What do you think is right for you to claim? A Well, I don't know.

Q Did you ever take advantage of the provisions of the fourteenth article of the treaty of 1830? A No sir.

Q Did any of your ancestors ever take advantage of that article of that treaty? A I don't know.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know.

Q What was the name of your ancestor who lived in Mississippi in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians and who was at that time a recognized member of the Choctaw tribe of Indians? A Janie Yates.

Q Have you any evidence of the fact that Janie Yates was a recognized member of the Choctaw tribe of Indians? A I have always been taught that she was.

Q Have you any evidence of that fact? A No.

Q Have you any documentary evidence, do you know what documentary evidence is? A No sir.

Q Documentary evidence is written statements properly sworn to and verified showing facts. Have you got that now? A I can't understand what it means.

Q We are talking now about something which happened seventy years ago? A I don't know anything about it.

Q Have you any evidence of the fact that any of ~~the~~ your ancestors received land in Mississippi seventy years ago? A I don't know.

Q Are you making any claim under any other provisions of the treaty of 1830? A No sir and under 1866.

Q I would like to understand what you claim under the treaty of 1866. What do you claim under the treaty of 1866? A I have been taught to claim it.

Q That is all right but what do you claim under it? A What I claim?

Q Yes. A I don't know what that means. What I would claim.

Q Are you married? A Yes sir.

Q What is your husband's name? A John Kochendarfer.

Q Is he living? A Yes sir.

Q How old is he? A Twenty seven.

Q Is he a white man? A Yes sir.

Cathern Kochendarfer 3---

- Q Are you making any claim for him? A No sir.
Q Where did you marry him? A I married him at McCee.
Q Indian Territory? A Yes sir.
Q When? A The 17th day of March.
Q What year? A 1898.
Q Were you married to him in accordance with the laws of the United States? A Yes sir.
Q Were you ever married to him in accordance with the laws of the Choctaw Nation? A No sir.
Q Have you your marriage license and certificate that you desire to offer in evidence? A No sir.
Q Have you any children for whom you desire to make application? A Yes sir.
Q How many? A One.
Q What is the name and age of this child? A Annie Kochendarfer one year old.
Q Are you the mother of this child? A Yes sir.
Q John Kochendarfer is the father? A Yes sir.
Q This child lives with you at your home? A Yes sir.
Q The basis of this child's claim is identical with yours? A Yes sir.
Q Is there any additional statement you want to make A No sir.
Q Is there any written evidence that you desire to offer the Commission in support of this application you make of behalf of yourself and child? A Yes sir.
Q Have you it with you here? A No sir.
Q Do you want to submit it in a few days? A Yes sir.

Permission granted applicant to file written evidence provided same is filed within fifteen days from the date hereof.

The decision of the Commission as to your application and the application you make on behalf of your minor child, Annie Kochendarfer for identification as Mississippi Choctaws, will be mailed to you in writing in the near future to your present post-office address.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 19th. day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young:

Subscribed and sworn to before me this 28th day of September, 1900.

Guy L. Emerson
Notary Public.

Muskogee, Indian Territory, January 17, 1902.

Cathren Kochenderfer,
Johnson, Indian Territory,

Dear Madam,

Receipt is hereby acknowledged of your letter of the twelfth instant, designating the land that you desire as your selection of allotments for yourself and your minor child in the Choctaw Nation.

In reply to your letter you are advised that it appears from our records that your status is that of an applicant for identification as a Mississippi Choctaw whose rights as such have not been determined by the commission to the Five Civilized Tribes and the Department of the Interior.

You are further advised that the rights of Mississippi Choctaws to share in the allotment of the lands of the Choctaw Nation will only be accorded to those applicants who are duly identified and who, after such identification, come within the provisions of the following section of the act of congress of May 31, 1900:

That any Mississippi Choctaw duly identified as such by the United States Commission to the five civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to

C.K. 2

make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

The allotment of lands of the Choctaw-Chickasaw country will be made only to those citizens whose names appear upon the final rolls as approved by the Secretary of the Interior, and as your status has not been determined at this time, it is not believed that you are entitled in any manner to hold possession of the lands of the Choctaw and Chickasaw Nations as a citizen of either of these tribes.

You are further advised that the Commission cannot at this time make any record of the selections of the citizens of the Choctaw and Chickasaw Nations of any separate tract of land within the Choctaw-Chickasaw country. Matters of this character will receive the attention of the Commission upon the establishment of an allotment office within the Choctaw-Chickasaw country for the purpose of allowing the citizens of these two tribes to make selection of and file upon their prospective allotments.

Yours truly,

Commissioner in Charge.

M.C.R. 688
M.C.R. 690
M.C.R. 385

Muskogee, Indian Territory, August 1, 1902.

Alice Smith,
Johnson, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the joint letter of yourself, Cathren Kechendarfer and Emma Brown, in which you state that you are descendants of Susan Jane Millsap; that you are unable to appear before the Commission to furnish additional proof in your cases and ask that the proof submitted in the case of your sister, Amanda Nesbit, be considered in connection with your cases.

In reply you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor children as Mississippi Choctaws, and that Cathren Kechendarfer and Emma Brown are also applicants for the identification of themselves and their minor children as Mississippi Choctaws, claiming descent from one Susan Jane Millsap. These cases have been consolidated and will be considered together with the case of Amanda Nesbit and certain other persons, applicants to this Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestor. The proof submitted in support of this consolidated case will apply to the several applications included therein.

A 8

The Commission is now considering the right to identification on Mississippi Chertaws of the several persons included in this consolidated case and it is probable that a decision will be rendered in the near future. When such decision is rendered you will be duly notified thereof and of the forwarding of the record to the Secretary of the Interior for his review.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, February 12, 1903

Cathern Kochendarfer,
Johnson, Indian Territory.

Dear Madam:

You are hereby advised that on the 12th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel M. Mantooh, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel M. Mantooh, et al.,	M.C.R. 392
Elizabeth Mantooh, et al.,	M.C.R. 383
Amanda Nesbitt,	M.C.R. 384
Emma Lyles, et al.,	M.C.R. 385
Jasper Mantooh, et al.,	M.C.R. 386
Alice Smith, et al.,	M.C.R. 688
Sarah A. Trammell, et al.,	M.C.R. 689
Cathern Kochendarfer, et al.,	M.C.R. 690
Amanda E. Ball, et al.,	M.C.R. 984
William Henry Hall,	M.C.R. 985.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel M. Mantooth, Luther Mantooth, Howard Mantooth, Virgil Mantooth, Ollie Mantooth, Velma Mantooth, Johnnie C. Mantooth, Albert B. Mantooth, Maggie Mantooth, Amanda Nesbitt, Emma Brown, Jesse Lyles, Cora Lyles, Calvin Lyles, Laura Lyles, Maudie Lyles, Thomas E. Brown, Jasper Mantooth, Calvin Nabele Mantooth, Alice Smith, Harvey Roscoe Smith, Sarah A. Trammell, Thomas Trammell, Alense Trammell, George Trammell, Frank Trammell, Edward Trammell, Maggie Trammell, William Trammell, Albert Trammell, Cathern Kochendarfer, Annie Kochendarfer, Amanda E. Ball, Sarah Maud Ball, Loyd Ball and William Henry Hall as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Elizabeth Mantooth for the identification of herself as an intermarried Mississippi Choctaw should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Birt
Acting Chairman.

Registered.

Muskogee, Indian Territory, May 29, 1903.

Cathren Kochendarfer,
Johnson, Indian Territory.

Dear Madam:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel M. Mantooth, et al., of which decision you were advised by registered mail on the 12th day of February, 1903.

Respectfully,

(SIGNED)

T. D. Woodlee.
Commissioner in Charge.

#690.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

1/8

SEP 19 1900

Catherine Kochendorf, 20.
Johnsen, J. J.

FATHER: Calvin Lyles - dead.
MOTHER: Emma Lyles - ✓
Claim through mother.

HUSBAND: John Kochendorf, 27.
(No claim through him)

CHILD:
Clara Kochendorf, 1

COMM. ON TO
F. B. I.
SEP 19 1900

REFUSED.

690

Catherine Kochendanker et al.

DECISION RENDERED FEB 13 1902

OFFICE OF DECISION MAILED POLICE

FEB 12 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS

MAY 1902

NOTICE OF DEPARTMENTAL ACTION
FOR OHOOTAW AND ...

FEB 13 1902

RECORD FORWARDED DEPARTMENT

NOV 25 1903

ACTION APPROVED BY SECRETARY OF INTERIOR

MAY 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

MAY 2 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

MAY

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR OHOOTAW
AND ...

MAY 1 1902

REFER TO M. C. R. 392

Choc. MCR 691

Richard E. Scarborough

MCR 691

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. September, 20th 1900.

In the matter of the application for identification as Mississippi Choctaw of Richard Elery Scarborough and his minor child.

RICHARD ELERY SCARBOROUGH being duly sworn testified as follows-

By the Commission-

- Q. What is your name? A. Richard Elery Scarborough.
Q. What is your age? A. 34-
Q. What is your post office address? A. Sulphur, I. T.
Q. Are you a resident of the Indian Territory? A. Yes sir.
Q. How long have you resided in the Indian Territory? A. 7 years.
Q. Have you maintained a continuous residence for the past seven years in the Indian Territory? A. Yes sir.
Q. Where did you come from to the Indian Territory? A. Texas, Grayson County Texas.
Q. Where did you come from to Grayson County Texas? A. I was born there.
Q. You resided in Texas all your life up to 7 years ago when you came to the Indian Territory? A. Yes sir.
Q. How much Choctaw blood do you claim? A. Cannot tell exactly, 1/8 or more.
Q. What is your father's name? A. George Wesley Scarborough.
Q. Is your father living? A. Yes sir.
Q. What is your mother's name? A. Adlisa Scarborough
Q. Is she living? A. Yes sir.
Q. Through which one of your parents do you claim your Choctaw blood? A. Through my father.
Q. Is your father's name upon any of the tribal rolls of the Choctaw Nation? A. No sir.
Q. Has he ever been recognized by the Choctaw authorities as a citizen of the Choctaw Nation? A. No sir.
Q. Is your name on any of the tribal rolls of the Choctaw tribe? A. No sir.
Q. Did you ever make any application to the Choctaw tribal authorities for citizenship in the Creek Nation? A. No sir.
Q. Have you ever been recognized by the tribal authorities of the Choctaw Nation or by an official act of the Choctaw Council as citizens of the Choctaw Nation? A. No sir.
Q. Did you, or any one in your behalf in the year 1896 make application to this Commission acting under act of Congress approved June, 10th 1896, for citizenship in the Choctaw Nation? A. No sir.
Q. Have you ever been admitted to citizenship in the Choctaw Nation by judgment in the United States Court for the Indian Territory? A. No sir.
Q. Have you ever prior to this time, either before the Choctaw tribal authorities or before the authorities of the United States made application for citizenship in the Choctaw Nation? A. No sir.
Q. Is this the first application that you have ever made? A. Yes sir.
Q. You now make application for identification as a Mississippi Choctaw? A. Yes sir.
Q. Why do you believe that you are entitled to be identified as a Mississippi Choctaw and have a right to receive lands under the provisions of the 14th article of the treaty of 1830? A. Because I am a Mississippi Choctaw by blood.
Q. Do you claim under the provisions of the 14th article of the treaty of 1830? A. I dont know what that article is.
Q. Do you make any claim under the 14th article of the treaty of 1830? A. I dont know what that is but I claim under all the treaties
Q. I asked you if your claim was made especially under the 14th

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article of the treaty of 1830? A. I dont know.

Q. Do you know anything about the provisions of the 14 th article of the treaty of 1830? A. No sir.

Q. Did you or your ancestors ever claim or receive any lands in the State of Mississippi as beneficiaries under the 14th article of the treaty of 1830? A. I dont know.

Q. What was the name of your ancestor who resided in the State of Mississippi in 1830 and who was at that time a recognized member of the Choctaw Tribe of Indians and who received lands there under the provisions of the 14th article of the treaty of 1830, as beneficiaries? A. I cannot tell.

This Commission will require of applicants claiming a right in the Choctaw lands under the 14th article of the treaty of 1830 that they exhibit proof showing compliance with the provisions of that article either by themselves or their ancestors, and in each and ever case exhibits of records and documents showing facts in this case will be required

Q. Have you any such evidence of the fact that your ancestors were recognized members of the Choctaw tribe of Indians in the State of Mississippi in the year 1830 and made claim or received any land there as beneficiaries under the 14th article of the treaty of 1830?

A. I do not know.

Q. Do you make any claim by reason of any if the other provisions of that treaty? A. No I do not know what that treaty is.

Q. Are you married? A. Yes sir.

Q. What is your wife's name? A. Rhodie Bell Scarborough.

Q. How old is she? A. 23 years old.

Q. Do you make any claim for her? A. No sir.

Q. Is your wife a white woman? A. Yes sir.

Q. Are her parents both white people? A. Yes sir.

Q. She never made any application of any kind for citizenship in any of the Indian Nations in the Indian Territory? A. No sir.

Q. Where were you married? A. At Sulpher.

Q. When were you married? A. October, 4th, 1899.

Q. Are you married to her in accordance with the laws of the United States? A. Yes sir.

Q. Were you ever married in accordance with the laws of either the Choctaw or Chickasaw Nations? A. No sir.

Q. Have you with you at this time your marriage license and certificate that you desire to file at this time? A. No sir, I havent it with me.

Q. Have you any minor children for whom you desire to make application as Mississippi Choctaws at this time? A. Yes sir I have one.

Q. What is the name and age of this minor child? A. Ester Pearl.

How old is this child? A. Two months.

Q. You are the father of this child? A. Yes sir.

Q. Is Rhodie Bell Scarborough the mother of this child? A. Yes sir.

Q. This child is living with you at your home? A. Yes sir.

The bases of this childs claim is identical with yours is it not? A. Yes sir.

Q. Is there any additional statement that you desire to make at this time? A. No sir.

Q. Is there any writt en evidence that you desire to offer at this time for the consideration of the Commission in support of your claim? A. Yes sir.

The affidavit of R. A. Scarborough,
 the affidavit of M. G. Whittle,
 the affidavit of Charles Smith,
 the affidavit of Elija Gilbert,
 the affidavit of John Sear,
 the affidavit of Daniel Underwood, offered in evidence,
 marked exhibit "A", identified as such, filed, and made
 a part of the record in this case.

By attorney for applicants-

Q. Are you the owner of any lands in the Indian Territory? A. Yes sir.

Q. Where you reside? A. Yes sir.

By the Commission-

Q. How did you become the owner of improvements in the Indian Territory? A. Went and settled on it.

Q. On the public domain of the Territory? A. Yes sir.

Q. Did you buy it? A. No sir, just settled on it myself.

The decision of the Commission as to your application for identification as a Mississippi Choctaw, and in the application which you make on behalf of your minor child, will be mailed to you at an early date in writing to your present post office address.

Chas. von Weise, having been 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 30th day of September, 1900 and that the above and foregoing is a full true and correct transcript of his stenographic notes, of said proceedings on said date.

Chas von Weise

Subscribed and sworn to before me this the 4 day of Oct 1900.

Gay L. Emerson
 Notary Public

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

In the matter of the application of Richard Elery Scarborough for identification for himself and his minor child, Ester Pearl Scarborough, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Richard Elery Scarborough appeared before the Commission at Muskogee, Indian Territory, September 20, 1900, and there made application for identification for himself and his minor child, Ester Pearl Scarborough, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application of Richard Elery Scarborough for identification for himself and his minor child, Ester Pearl Scarborough, as Mississippi Choctaws, be and is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 9, 1901.

Mr. Richard Klery Scarborough,

Sulphur, Indian Territory.

Dear Sir:

In the matter of the application for identification as
Mississippi Choctaws of

John S. Scarborough et al.
James Carpenter
William L. Nullens
Margaret Sanders
Margaret E. Paveto,

William D. Scarborough et al.
Everett K. Taylor et al.
Maggie Bradley
Josie Carpenter et al.

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

Our records show that on September 20, 1900, you appeared before this Commission at Muskogee, Indian Territory, and applied for the identification as Mississippi Choctaws of yourself and minor child, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five

R.N.S. #3

Civilized Tribes at Atoka, Indian Territory, on Friday, November 8th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

H.C.691

MAILED
NOV 11 1901

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

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REF. TO THE FOLLOWING
M. C. R. 691

ALLISON I. AVESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 31, 1902.

Richard Elery Scarborough,

Sulphur, Indian Territory.

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Scarborough, et al, embracing the following applications for identification as Mississippi Choctaws:

John Scarborough, et al,	M. C. R.	252
Cora Ballard, et al,	M. C. R.	97
Ada Gailer, et al,	M. C. R.	98
Johnnie La Fayette Trotter	M. C. R.	99
William E. Pike, et al,	M. C. R.	100
Margaret E. Peveto,	M. C. R.	101
William J. Peveto, et al,	M. C. R.	102
Pinckney L. Scarborough, et al,	M. C. R.	103
Josie Carpenter, et al,	M. C. R.	165
James Carpenter,	M. C. R.	166
Margaret Sanders, et al,	M. C. R.	167
Carrie Pike,	M. C. R.	231
James E. Pike, et al,	M. C. R.	232
Mattie McDowell, et al,	M. C. R.	251
William D. Scarborough, et al,	M. C. R.	253
Sallie Mullins, et al,	M. C. R.	254
Susan Freeman, et al,	M. C. R.	255
Cornelius B. Scarborough, et al,	M. C. R.	256
John B. Mullins,	M. C. R.	257
Maggie Bradley,	M. C. R.	258
John S. Scarborough, et al,	M. C. R.	259
William A. Freeman, et al,	M. C. R.	260
William L. Mullins,	M. C. R.	261
Guy M. Granbury,	M. C. R.	286
Robert N. Scarborough, et al,	M. C. R.	442
Richard Elery Scarborough, et al,	M. C. R.	691
James J. Berry, et al,	M. C. R.	692
Margareete E. Phipps,	M. C. R.	3296
Lucy E. Langford, et al,	M. C. R.	3297
John L. Oakes, et al,	M. C. R.	3315
Guy Oakes, et al,	M. C. R.	3316
Lucy Bond, et al,	M. C. R.	3317
Amanda Eubanks, et al,	M. C. R.	4031

C. B. Granbury,	M. C. R. 4078
Alf Scarborough,	M. C. R. 4769
Sam Scarborough,	M. C. R. 4770
Wesley Scarborough,	M. C. R. 4771

Said decision, after a review of the evidence submitted, concludes as follows :

“The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495,) is as follows :

‘Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.’

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of John Scarborough, Cora Ballard, Atha Ballard, Ada Gailer, Lorrel Samuel Gailer, Johnnie LaFayette Trotter, William E. Pike, Rennie Naomi Pike, Lona Lee Pike, Margaret E. Peveto, William J. Peveto, William Lonnie Peveto, Pinckney L. Scarborough, Dora May Scarborough, Rosa Jane Scarborough, Josie Carpenter, Mallie E. Carpenter, Nellie E. Carpenter, James Carpenter, Margaret Sanders, Carrie Pike, James E. Pike, Ernie E. Pike, Mattie McDowell, Bertha McDowell, Fred McDowell, Clifton McDowell, Hellen McDowell, Leon McDowell, William D. Scarborough, Leslie Scarborough, Maud Scarborough, Hugh Scarborough, Sallie Mullins, Atmar Nelms Mullins, Jennie F. Mullins, Ludie S. Mullins, Susan Freeman, Dill Freeman, John Freeman, Ina Freeman, Anner Freeman, Ida Freeman, Cornelius B. Scarborough, Clyde Scarborough, John B. Mullins, Maggie Bradley, John S. Scarborough, Mary A. Scarborough, Roscoe Scarborough, Maggie Scarborough, John Scarborough, Jr., William A. Freeman, Cuebelle Freeman, Clyde Freeman, William L. Mullins, Guy M. Granbury, Robert N. Scarborough, Robert L. Scarborough, Oscar B. Scarborough, Burrell Scarborough, Richard Elery Scarborough, Ester Peari Scarborough, James J. Berry, Earnest Berry, Roy W. Berry, Nellie Berry, Charlie Berry, Clyde Berry, Frank P. Berry, Margareete E. Phipps, Lucy E. Langford, Clinton O. Langford, Sarah E. Langford, Emma May Langford, Annie L. Langford, Johnnie Langford, Bertie Langford, John L. Oakes, Lawrence Oakes, Reuben F. Oakes, Guy Oakes, Daisy Oakes, Mary Agnes Oakes, Lucy Bond, Olah Bond, Amanda Eubanks, Sidney Ethel Dunnam, Frances Alma Mullins, Percy Hunter Dunnam, Millard Bond Dunnam, Maggie Ora Mullins, C. B. Granbury, Alf Scarborough, Sam Scarborough and Wesley Scarborough as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorney for applicants for the withdrawal of the applications made by John Scarborough for the identification of his wife, Lurena Scarborough; by Josie Carpenter for the identification of her husband, Ephraim Carpenter; by Margaret Sanders for the identification of her husband, Calvin Sanders; by Mattie McDowell for the identification of her husband, John S. McDowell; by Sallie Mullins for the identification of her husband, Benjamin Franklin Mullins; by Cornelius B. Scarborough for the identification of his wife, Massie Scarborough; by William A. Freeman for the identification of his wife, Etta Freeman; and by James J. Berry for the identification of his wife, Mary Berry, all as intermarried Mississippi Choctaws, and that the said applications were thereupon dismissed by the Commission, no further consideration of their cases is necessary.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the appli-

cation made by William D. Scarborough, for the identification of his wife, Fannie Scarborough, as an intermarried Mississippi Choctow should therefore be refused, and it is so ordered.”

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Iams Doby

Acting Chairman.

Registered.

Maskogee, Indian Territory, November 22, 1902.

Richard Elery Scarborough,
Sulphur, Indian Territory.

Dear Sir:

You are hereby notified that on the 10th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Scarborough, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

(SIGNED)

James D. Doby.
Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

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SEP 2 1900

Richard Oley Scarborough 34.
Shepherd, Ind. Terr.

FATHER: George W. Scarborough ✓

MOTHER: Adijia Scarborough ✓
(Claims through father).

WIFE: Rhodie Bell Scarborough 22.
(No claim for wife).

CHILDREN:

Esther Pearl Scarborough 2 mos

Richard E. Scarborough et

REFUSED 691

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Choc. MCR 692

J.J. Berry

MCR 692

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 MUSKOGEE, I. T. September 20, 1900.

In the Matter of the Application for Identification as a Mississippi Choctaw of James J. Berry and his six minor children, and the application he makes on behalf of his wife Mary Berry, as an inter-married Mississippi Choctaw.

James J. Berry, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A James J. Berry.
- Q What is your age? A 45 years.
- Q What is your postoffice address? A Grady, I. T.
- Q How long have you lived in the Indian Territory? A I have lived there about 20 years.
- Q Have you lived here continuously for the last 20 years? A No, I moved across the river about 8 years ago, and lived there a part of the time, but I have had property in the Territory.
- Q Where have you lived in the last ten years? A I have lived part of the time in the Territory, and part of the time over across the river in Texas; my business has been in the Territory.
- Q Did you move to Texas with your family? A Yes sir.
- Q And you are living there now? A No, I am living in the Territory.
- Q Where is your family now? A There in the Territory.
- Q You and your wife and family have been in the Territory for how long? A I would be there the present time about 2 years I think.
- Q For the last two years you and your family have lived continuously in the Indian Territory? A My children have been away to school.
- Q But you and your wife have lived here? A Yes sir.
- Q And your business has been in the Territory? A Yes sir.
- Q What is your father's name? A George Berry.
- Q Is he living? A No sir.
- Q What is your mother's name? A Harriet Berry.
- Q Is she living? A No sir.
- Q Through which one of your parents do you claim Choctaw blood? A Through my mother.
- Q Your father was a white man? A Yes sir.
- Q How much Choctaw blood do you claim? A I don't know just how much.
- Q How much do you think? A My great grand parents were considered Choctaw Indians; I don't know how much blood they was. I suppose I am about 1/8.
- Q You say you claim through your mother? A Yes sir.
- Q Is the name of your mother on any of the tribal rolls of the Choctaw Nation? A No sir.
- Q Did she ever make application to the tribal authorities for citizenship in that nation? A No sir.
- Q Was she ever recognized in any manner by the tribal authorities of the Choctaw as a citizen? A Not that I know of.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities for enrollment as a Choctaw Indian? A No sir.
- Q Have you ever been recognized in any manner by the authorities of the Choctaw Nation as a citizen? A Nothing only just as a native down there where I stay in regard to permits. I never paid any permits; I was considered a native there.
- Q Did you, or did anyone on your behalf, in 1896, make application

- to this Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1899? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States court on appeal from the decision of this Commission or the tribal authorities? A I have not.
- Q Have you ever, prior to this time, made application to the Choctaw nation or the United States for either citizenship or enrollment as a Choctaw? A I was before the Commission, but was not heard at Durant. I went there but was ordered away and had no hearing.
- Q What date was that? A I think it was August a year ago.
- Q August, 1899? A I think that was the time.
- Q What action was taken at that time, if you remember? A We was just told to go away; they could not hear us; they run us out from the ropes; we had to get on the outside.
- Q What is your purpose in appearing before this Commission now?
- A I think I am entitled to citizenship and I want to get on the rolls
- Q As a Mississippi Choctaw? A Yes sir.
- Q Why do you think you are entitled to identification as a Mississippi Choctaw? A Through my ancestors.
- Q Where did your ancestors live, through whom you claim? A Back in Mississippi and Alabama.
- Q Under what law do you claim identification as a Mississippi Choctaw? A I don't know that I understand the question.
- Q Don't you know the laws that govern your application as a Mississippi Choctaw? A No, I don't know them.
- Q Do you claim under the treaty of 1830, made between the United States government and the Choctaw Nation? A Yes sir.
- Q Do you claim under the whole treaty? A I don't know-- that is, to the treaty--the whole treaty.
- Q What other treaty do you claim under? A I can't remember the treaties and their names.
- Q Do you claim under the treaty of 1866? A I apply under all the treaties that apply to my case and my rights.
- Q Do you claim under any particular article of the treaty of 1830?
- A No sir.
- Q Don't you claim under the 14th article of the treaty of 1830?
- A Not particular; I don't know what that treaty is.
- Q You have not read the treaty or that article? A I have read it but it has been sometime since.
- Q Do you know what is required of applicants by this Commission, to be identified as Mississippi Choctaws? A No, I don't.
- Q Have you any proof of the fact that any of your ancestors were beneficiaries--or were recognized and enrolled citizens of the Choctaw tribe of Indians of Mississippi at the time the treaty was made between the United States and the Choctaw Indians, and that any of your ancestors received land as beneficiaries under those provisions of that treaty? A No sir.
- Q The Commission will require of applicants claiming rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830, that they exhibit documentary proof showing compliance with the provisions of this article, either by the applicants themselves or by their ancestors, and in each and every case exhibits of such proof, showing these facts will be required. Have you any documentary proof of that kind?
- A No sir.
- Q Have you any documents or records which you desire to submit to the Commission at this time? A Yes, I have some evidence.
- Q Are they ready here to file? A Yes sir.
- Offered in evidence by the applicant, affidavit of J. J. Berry, M. C. Whittle, Elijah Colbert, Charles Smith, John Searben and Daniel Underwood, marked Exhibit A., identified as such, filed and made a part of this record.

3-James J. Berry.

- Q What is your wife's name? A Mary Berry.
Q How old are you? A 45 years.
Q How old is your wife? A 22 years.
Q What do you claim for your wife? A She is a white woman.
Q You are applying as a Mississippi Choctaw? A Yes sir.
Q How do you apply for her? A I just apply for her; she is entitled to a right as my wife.
Q As an intermarried Mississippi Choctaw? A Yes sir.
Q When did you marry her? A I married her two years ago in August.
Q August 1898? A Yes sir.
Q And where were you married? A Texas.
Q Under what laws were you married? A United States.
Q Under the laws of the state of Texas? A Yes sir.
Q Have you ever married her in accordance with the laws of the Choctaw-Chickasaw Nations? A No sir.
Q Have you any evidence of that marriage that you desire to present to the Commission? A No, I haven't it here.
Q Do you wish to file the license? A If it is necessary I can get it.
Q Do you wish to file it? A Yes, I can send it if I can have time.
Q How much time would you like to have? A About 10 days.
The Commission will give you ten days to file your marriage license and certificate.
Q What is your wife's father's name? A I don't know.
Q Is he living? A No sir.
Q What is your wife's mother's name? A E. E. Green.
Q Is she living? A Yes sir.
Q Are they both white people? A Yes sir.
Q They never made claim to Indian citizenship, did they? A No sir.
Q Did your wife ever make claim to Indian citizenship by blood?
A No sir.
Q Nor any other claim that being an intermarried Mississippi Choctaw
A That is all.
Q Have you any children under 21 years of age, unmarried, for whom you desire to make application? A Yes sir.
Q Give their names and ages? A Earnest, 20 years, Roy W. 18, Nellie 16, Charlie 13, Clyde 11, and Frank P. 7 years.
Q Are all these children the children of your present wife? A No, they are the children by my first wife.
Q All by your first wife? A Yes sir.
Q What was her name? A Dora.
Q What was her father's name? A Higginbotham
Q The claim which you make for these six children is identical with yours? A Yes sir.
Q You claim as a Mississippi Choctaw? A Yes sir.
Q And the claim you make for Mary, your wife, is as an intermarried Mississippi Choctaw? A Yes sir.
Q What is the name of the father of your first wife? A He died when she was very small and I don't know.
Q What was the name of the mother? A Vina Smith.
Q Were they both white people? A Yes, they didn't claim any Indian blood at all.
Q What is the name of your ancestor who lived in Mississippi in 1830 who was a recognized member of the Choctaw tribe of Indians at the time the treaty of 1830 was made between the United States and the Choctaw tribe of Indians, and who was a beneficiary under the provisions of the 14th article of the treaty of 1830.
A Her name was Taylor.
Q What was her full name? A Little Granny Taylor.
Q That is the only name you know? A Yes sir.
Q Do you know whether she received any land as beneficiary under the provisions of the 14th article of the treaty of 1830 in Mississippi? A No, I don't know, but I believe she did. I am not positive.

4- James J. Berry.

- Q What makes you believe so? A I have heard my mother speak about her; she always staid back there in that country?
- Q Have you any records or documentary proof of any kind showing that she received land as an beneficiary under that treaty? All you know is what comes to you in the form of tradition? A That's all.
- Q Have you any other statements that you desire to make?
- A No sir.

The decision of the Commission as to your application on your own behalf, and the application you make on behalf of your 6 minor children, and on behalf of your wife as an intermarried Mississippi Choctaw, will be mailed to you in writing in the near future, to your present postoffice address.

By Mr. Poole, attorney for applicants:

- Q Your present wife, is she your second wife? A Yes sir.
- Q The mother of these children? A No sir.
- Q Who was your first wife? A Dora Higginbotham.
- Q She was the mother of those children, born in lawful wedlock?
- A Yes sir.
- Q Is she living? A No, she is dead.
- Q And you are now living with your second wife? A Yes sir.

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Frances R. Brown having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 20th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 27th day
of September, 1900.

Guy L. V. Emerson
Notary Public
Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
ATOKA, INDIAN TERRITORY, AUGUST 22, 1901.

In the matter of the application of Everett K. Taylor et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 112

In the matter of the application of James Carpenter for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 12, 1900. M.C.R. 146

In the matter of the application of Margaret Sanders et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 12, 1900. M.C.R. 167

In the matter of the application of Richard Elery Scarborough et al., for identification as Mississippi Choctaws, heard at Muskogee, Indian Territory, September 20, 1900. M.C.R. 691

In the matter of the application of Josie Carpenter et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 12, 1900. M.C.R. 165

In the matter of the application of James J. Berry et al., for identification as Mississippi Choctaws, heard at Muskogee, Indian Territory, September 20, 1900. M.C.R. 692

In the matter of the application of William J. Pevate et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 102

In the matter of the application of Johnnie LaFayette Trotter, for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 99

In the matter of the application of Ada Gailer et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 98

In the matter of the application of Cora Ballard et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 97

In the matter of the application of James Ellis Pike et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 232

In the matter of the application of William K. Pike et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 100

In the matter of the application of Guy M. Granbury for identification as Mississippi Choctaw, heard at Colbert, Indian Territory, June 18, 1900. M.C.R. 226

In the matter of the application of William I. Mullens for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 18, 1900. M.C.R. 221.

In the matter of the application of John B. Mullins for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 18, 1900. M.C.R. 227

In the matter of the application of William Freeman et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 18, 1900. M.C.R. 260

In the matter of the application of Pinckney I. Scarborough et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory June 16, 1900. M.C.R. 103.

In the matter of the application of Robert N. Scarborough et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 21, 1900, M.C.R. 442.

In the matter of the application of Margaret E. Pevoto for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 101.

In the matter of the application of Garris Pike for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 231.

In the matter of the application of Cornelius R. Scarborough et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 256

In the matter of the application of William Scarborough et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 253

In the matter of the application of John S. Scarborough et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 18, 1900. M.C.R. 259

In the matter of the application of Mattie McDowell et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 18, 1900. M.C.R. 261

In the matter of the application of Maggie Bradley for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 258

In the matter of the application of Sallie Mullins et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 254

In the matter of the application of Susan Freeman et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 18, 1900. M.C.R. 255

In the matter of the application of John Scarborough et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 18, 1900. M.C.R. 252

John Scarborough, called as a witness in the above applications being first duly sworn testified as follows:

-Examination by the Commission-

- Q What is your name? A John Scarborough.
- Q How old are you, Mr. Scarborough? A Seventy-six.
- Q What is your post office address? A Durant, Indian Territory.
- Q How long have you lived in the Indian Territory? A Little over eight years.
- Q Where did you come from to the Indian Territory? A From Texas.

- Q What is your post office address? A Durant, Indian Territory.
- Q How long have you lived in the Indian Territory? A Little over eight years.
- Q Where did you come from to the Indian Territory? A From Texas.
- Q And to Texas? A From Alabama.
- Q Were you born in Alabama? A I was born in Alabama, in the Choctaw District.
- Q What was the name of your father and mother? A James Scarborough and Retay Scarborough.
- Q You are an applicant for identification as a Mississippi Choctaw before this Commission? A Yes sir.
- Q Through who do you claim your Mississippi Choctaw blood? A My mother.
- Q How much Mississippi Choctaw blood did she have? A One eighth.
- Q She had one eighth, your mother? A She was a one eighth.
- Q Are you sure your mother only had one eighth, you claim one eighth you know? A No, she was one quarter or more.
- Q What was the maiden name of Retay Scarborough? A She was a Taylor.
- Q Who were her parents? A Little Grannie Taylor was her mother, and I am not sure as to her father, I think it was William.
- Q Was he a white man? A Yes.
- Q How many brothers and sisters did you have? A Four brothers and I will have to count my sisters, it has been so long ago.
- Q Can you give their names? A My brothers?
- Q Yes. A Yes sir; there was Ranson, Murrell, William and Wesley.
- Q Now can you give us the names of your sisters Mr. Scarborough?
- A Yes, I reckon; there was Mary, Harriett, Frankie, Martha and Margarette.
- Q Now Mr. Scarborough, give me the names of your children? A Susan Freeman, Sallie Mullins, Kattie or Lusy Bond, Mattie McDowell, Maggie Bradley and Amanda Edwards.
- Q Now give me the names of your sons? A Sam N. Scarborough, John S. Scarborough, William D. Scarborough, Cornelius B. Scarborough.
- Q That is all? A Yes.
- Q Susan Freeman who applied to this Commission for identification as a Mississippi Choctaw at Colbert, Indian Territory, June 18, 1900 is your daughter? A Yes.
- Q And derives her Choctaw blood from the same source that you do? A Yes, same source.
- Q Sallie Mullins, who applied for identification as a Mississippi Choctaw, at Colbert, Indian Territory, on June 16, 1900, is also your daughter? A Yes sir.
- Q Maggie Bradley, who applied for identification as a Mississippi Choctaw on June 18, 1900, at Colbert, Indian Territory, is also your daughter? A Yes sir.
- Q Mattie McDowell, who applied for identification as a Mississippi Choctaw on June 18, 1900 at Colbert, Indian Territory, is also your daughter? A Yes sir.
- Q John S. Scarborough, who applied for identification as a Mississippi Choctaw, on June 16, 1900, at Colbert, Indian Territory, he is your son? A Yes sir.
- Q William D. Scarborough who applied for identification as a Mississippi Choctaw on June 18, 1900, at Colbert, Indian Territory, is your son also? A Yes sir.
- Q Cornelius B. Scarborough applied for identification as a Mississippi Choctaw at Colbert, Indian Territory, June 18, 1900. Is he your son? A Yes sir, he is my son.
- Q Do you know Carrie Pike? A Yes sir.
- Q Who is she? A She is a niece of mine, and a daughter of Murrell Scarborough.

- Q Is this the Margaret E. Pevoto who applied for identification as a Mississippi Choctaw on June 16, 1900, at Colbert, Indian Territory? A Yes sir.
- Q Who is Robert N. Scarborough? A Why that's one of brother Wesley's sons.
- Q Are you sure of that Mr. Scarborough? A I think I am.
- Q We have the application of Robert N. Scarborough for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory June 21, 1900? A Hold on a moment, my brother has three boys, Elra, Alfred and Jeff.
- Q I am asking you about the family of Burrell Scarborough now? A I have it now, that is brother Burrell's eldest son.
- Q Robert N. Scarborough then is Burrell Scarborough's eldest son? A Yes sir.
- Q Do you know Mary A. Scarborough, who is the wife of John S. Scarborough? A Yes sir.
- Q Whose daughter is she? A Burrell Scarborough's daughter.
- Q And the wife of John S. Scarborough your son? A Yes my son and her are first cousins.
- Q Did your brother Burrell Scarborough have any other children besides the four named here that are now living? A Yes he had a son named Pinckney.
- Q Has he applied for identification as a Mississippi Choctaw? A I don't know whether he has or not.
- Q I will state for your information that he has. He is the son of Burrell Scarborough? A Yes sir.
- Q Has your brother Burrell Scarborough any children living who have not made application to this Commission for identification as Mississippi Choctaws? A Yes one, Jeff Scarborough.
- Q Your brother Wesley Scarborough, was his name George Wesley or Wesley? A George Wesley, he did not make application at Colbert.
- Q Has he at any time made application? A Yes at Durant in '98.
- Q Has he been before the Commission since '98? A No sir.
- Q Was his application rejected or accepted or do you know? A Why it was rejected of course.
- Q And to the best of your knowledge and belief he has made no application since? A I don't think that he has made any application since.
- Q Richard Klery Scarborough, do you know him? A Yes.
- Q Who is he? A He is a son of George Wesley Scarborough.
- Q Has George Wesley Scarborough any other children over twenty one years of age? A He has some other children but I do not know their names. I guess Klery is the only one who has made application since '98.
- Q Do you know Harriett Berry? A Yes.
- Q Is she the wife of George Berry? A Yes sir.
- Q Are they living, George Berry and his wife? A No sir, they are both dead.
- Q J. J. Berry, Margaret L. Sanders, Josie Carpenter are the children of Harriett and George Berry? A Yes sir, nieces and nephews of mine.
- Q All of these persons whom you have testified about Mr. Scarborough derive their Indian blood from the same source that you do, that is Retay Scarborough? A Yes, and the Taylor's.
- Q Who was the daughter of Little Grannie Taylor? A Yes sir, and derive their Indian blood from the same source that I do.

- Q Do you know one Everett E. Taylor? A No sir.
- Q Do you know Haywood Taylor? A No I do not know that name.
- Q Do you know William Taylor? A No I do not know any William Taylor that is living now.
- Q You know William Taylor that is dead? A Yes sir.
- Q You are sure you do not know a party by the name of Everett E. Taylor? A No, I don't know him.
- Q We have the application of Everett E. Taylor for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 16, 1900 who testified that he is thirty nine years of age? A What is his post office address?
- Q His post office address is given as Sterrett, Indian Territory. That he is the son of Everett Edward Taylor and Margaret his wife. He claims Mississippi Choctaw Indian descent through his father. In support of his application he submits your affidavit, Mr. Scarborough. The same affidavit as attached to the other cases here. He claims descent, as I have just stated to you, through his father Everett Edward Taylor, who is the son of Haywood Taylor who is the son of William Taylor, who is the son of Little Grannie Taylor? A I don't know nothing about it. I have no recollections of it.
- Q Well, there is your affidavit? (affidavit submitted to witness for identification) A That is my writing, but I have no recollections of that Taylor now.
- Q Do you know of any descendants of the Taylor family who are now applicants for identification as Mississippi Choctaws, who are relatives of yours? A I think John Taylor intended making application but whether he did I don't know.
- Q You are sure now that you don't know this man Everett E. Taylor? A I don't recollect him at all.
- Q Do you know of any of the children or grandchildren of William Taylor who was the son of Little Grannie Taylor who are living in the Indian Territory now? A I don't know of any now.
- Q Or of any of the Taylor family moving west to the Indian Territory? A I don't know of any now.

G. Rosenwinkel, being first 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 causes on August 23, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes had in said causes on said date of August, 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 51 day of August 1901

R. H. Scarborough
Notary Public.

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

In the matter of the application of James J. Berry for identification for himself and his minor children, Earnest, Roy W., Nellie, Charlie, Clyde and Frank P. Berry, as Mississippi Choctaws, and for his wife, Mary Berry, as an inter-married Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that James J. Berry appeared before the Commission at Muskogee, Indian Territory, September 20, 1900, and there made application for identification for himself and his minor children, Earnest Berry, Roy W. Berry, Nellie Perry, Charlie Berry, Clyde Berry and Frank P. Berry, as Mississippi Choctaws, and for his wife, Mary Berry, as an inter-married Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application of James J. Berry for identification for himself and his minor children, Earnest Berry, Roy W. Berry, ,Nellie Berry, Charlie Berry, Clyde Berry and Frank P. Berry, as Mississippi Choctaws, and for his wife, Mary Berry, as an inter-married Mississippi Choctaw, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE; INDIAN TERRITORY

ACTING CHAIRMAN.

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.

Muskogee, Indian Territory, March 26th, 1901.

James J. Berry,

Grady, I.T.

Dear Sir:

There is enclosed you herewith a copy of the Commission's decision refusing your application and the application made by you on behalf of your minor children for identification as Mississippi Choctaws, and also for your wife as an inter-married Mississippi Choctaw.

Yours truly,

Acting Chairman.

encl.
REG.M.

M.C.R. 692

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.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 23, 1901.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of August 3, 1901, inclosing a communication from the Commissioner of Indian Affairs of July 30, 1901, with which are received the affidavits of John Scarborough, J. E. Nelson, M. C. Whittle and Charles Smith, which were offered for filing in support of the application of J. J. Berry for identification as a Mississippi Choctaw.

These affidavits have been made a part of the record in the application of J. J. Berry et al. for identification as Mississippi Choctaws, and will receive consideration in the disposition of this case.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Muskogee, Indian Territory, September 9, 1901.

Mr. J. J. Berry,

Grady, Indian Territory.

Dear Sir:

In the matter of the applications for identification as
Mississippi Choctaws of

John S. Scarborough et al.
James Carpenter
William L. Mallens
Margaret Sanders
Margaret E. Pevete,

William D. Scarborough et al.
Everett R. Taylor et al.
Maggie Bradley
Jessie Carpenter et al.

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

Our records show that on September 20, 1900, you appeared before this Commission at Muskogee, Indian Territory, and applied for the identification as Mississippi Choctaws of yourself and minor child, claiming descent from the same common ancestor, and for the identification of your wife as an intermarried Mississippi Choctaw.

In accordance with the instructions above referred to, you

J.J.B. 40

are hereby notified that at the office of the Commission to the Five Civilized Tribes at Ada, Indian Territory, on Friday, November 8th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

H.C. 600

Miss. Choc. 852
Miss. Choc. 692

Muskogee, Indian Territory, February 25, 1902.

J. O. Paol,
Attorney at Law,
Hocona, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant enclosing the affidavits of M. C. Whittle and Charles Smith in the form of interrogatories with answers annexed thereto, submitted by you for filing in support of the application of John Searborough, et al. for identification as Mississippi Choctaws and also the affidavits of M. C. Whittle and Charles Smith in the form of interrogatories and answers offered for filing in support of the application of J. J. Berry, et al. for identification as Mississippi Choctaws.

The same are returned to you herewith with the information that the records in these cases having been closed and taken up for final decision by the Commission, no further evidence can be considered in support of these two applications for identification as Mississippi Choctaws and the decision in these cases when rendered and the record forwarded to the Secretary of the Interior for his review, the several applicants and their attorneys of record will be duly advised of the action of the Commission and of *the forward*

J O P 2

ing of the cases to the Secretary of the Interior.

Yours truly,

Commissioner in Charge.

Enc Y 59

COMMISSIONER
HENRY L. DAWES
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

COPY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. O. I. 692.

ALFRED I. ASHESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 31, 1902.

J. J. Berry.

Grady, Indian Territory.

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Scarborough, et al, embracing the following applications for identification as Mississippi Choctaws:

John Scarborough, et al,	M. C. R.	252
Cora Ballard, et al,	M. C. R.	97
Ada Gailer, et al,	M. C. R.	98
Johnnie La Fayette Trotter	M. C. R.	99
William E. Pike, et al,	M. C. R.	100
Margaret E. Peveto,	M. C. R.	101
William J. Peveto, et al,	M. C. R.	102
Pinckney L. Scarborough, et al,	M. C. R.	103
Josie Carpenter, et al,	M. C. R.	165
James Carpenter,	M. C. R.	166
Margaret Sanders, et al,	M. C. R.	167
Carrie Pike,	M. C. R.	231
James E. Pike, et al,	M. C. R.	232
Mattie McDowell, et al,	M. C. R.	251
William D. Scarborough, et al,	M. C. R.	253
Sallie Mullins, et al,	M. C. R.	254
Susan Freeman, et al,	M. C. R.	255
Cornelius B. Scarborough, et al,	M. C. R.	256
John B. Mullins,	M. C. R.	257
Maggie Bradley,	M. C. R.	258
John S. Scarborough, et al,	M. C. R.	259
William A. Freeman, et al,	M. C. R.	260
William L. Mullins,	M. C. R.	261
Guy M. Granbury,	M. C. R.	286
Robert N. Scarborough, et al,	M. C. R.	442
Richard Elery Scarborough, et al,	M. C. R.	691
James J. Berry, et al,	M. C. R.	692
Margareete E. Phipps,	M. C. R.	3296
Lucy E. Langford, et al,	M. C. R.	3297
John L. Oakes, et al,	M. C. R.	3315
Guy Oakes, et al,	M. C. R.	3316
Lucy Bond, et al,	M. C. R.	3317
Amanda Eubanks, et al,	M. C. R.	4031

C. B. Granbury,	M. C. R. 4078
Alf Scarborough,	M. C. R. 4769
Sam Scarborough,	M. C. R. 4770
Wesley Scarborough,	M. C. R. 4771

Said decision, after a review of the evidence submitted, concludes as follows :

“The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495.) is as follows :

‘Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.’

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of John Scarborough, Cora Ballard, Atha Ballard, Ada Gailer, Lorrel Samuel Gailer, Johnnie LaFayette Trotter, William E. Pike, Rennie Naomi Pike, Lona Lee Pike, Margaret E. Peveto, William J. Peveto, William Lonnie Peveto, Pinckney L. Scarborough, Dora May Scarborough, Rosa Jane Scarborough, Josie Carpenter, Mallie E. Carpenter, Nellie E. Carpenter, James Carpenter, Margaret Sanders, Carrie Pike, James E. Pike, Ernie E. Pike, Mattie McDowell, Bertha McDowell, Fred McDowell, Clifton McDowell, Hellen McDowell, Leon McDowell, William D. Scarborough, Leslie Scarborough, Maud Scarborough, Hugh Scarborough, Sallie Mullins, Atmar Nelms Mullins, Jennie F. Mullins, Ludie S. Mullins, Susan Freeman, Dill Freeman, John Freeman, Ina Freeman, Anner Freeman, Ida Freeman, Cornelius B. Scarborough, Clyde Scarborough, John B. Mullins, Maggie Bradley, John S. Scarborough, Mary A. Scarborough, Roscoe Scarborough, Maggie Scarborough, John Scarborough, Jr., William A. Freeman, Cusbell Freeman, Clyde Freeman, William L. Mullins, Guy M. Granbury, Robert N. Scarborough, Robert L. Scarborough, Oscar B. Scarborough, Burrell Scarborough, Richard Elery Scarborough, Ester Pearl Scarborough, James J. Berry, Earnest Berry, Roy W. Berry, Nellie Berry, Charlie Berry, Clyde Berry, Frank P. Berry, Margareete E. Phipps, Lucy E. Langford, Clinton O. Langford, Sarah E. Langford, Emma May Langford, Annie L. Langford, Johnnie Langford, Bertie Langford, John L. Oakes, Lawrence Oakes, Reuben F. Oakes, Guy Oakes, Daisy Oakes, Mary Agnes Oakes, Lucy Bond, Olah Bond, Amanda Eubanks, Sidney Ethel Dunnam, Frances Alma Mullins, Percy Hunter Dunnam, Millard Bond Dunnam, Maggie Ora Mullins, C. B. Granbury, Alf Scarborough, Sam Scarborough and Wesley Scarborough as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorney for applicants for the withdrawal of the applications made by John Scarborough for the identification of his wife, Lurena Scarborough; by Josie Carpenter for the identification of her husband, Ephraim Carpenter; by Margaret Sanders for the identification of her husband, Calvin Sanders; by Mattie McDowell for the identification of her husband, John S. McDowell; by Sallie Mullins for the identification of her husband, Benjamin Franklin Mullins; by Cornelius B. Scarborough for the identification of his wife, Massie Scarborough; by William A. Freeman for the identification of his wife, Etta Freeman; and by James J. Berry for the identification of his wife, Mary Berry, all as intermarried Mississippi Choctaws, and that the said applications were thereupon dismissed by the Commission, no further consideration of their cases is necessary.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the appli-

cation made by William D. Scarborough, for the identification of his wife, Fannie Scarborough, as an intermarried Mississippi Choctow should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Acting Chairman.

Registered.

M.C.R. 692

Mustoge, Indian Territory, November 22, 1902.

J.J. Barry,

Grady, Indian Territory.

Dear Sir:

You are hereby notified that on the 10th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Scarborough, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

James D. ...
Acting Chairman.

FOR IDENTIFICATION AS 692
A MISSISSIPPI CHOCTAW.

1/8

SEP 20 1900

J. J. Berry.

Grady I. T. 45.

FATHER. George Berry.

MOTHER. Harriet Berry ✓

WIFE.

Mary Berry (U.S.)

22.

CHILDREN.

Earnest

20

Roy W.

18

Hellie

16

Charlie

13

Blyde

11

Frank P.

7

All children by first wife

Nona

J. J. Berry et al.

W. J. 1902

Choc. MCR 693

Francis A. Miller

See MCR 694, 381

MCR 693

Francis A. Miller et. al.

REFUSED

DECISION RENDERED.

JUL 12th 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 12th 1902

**NOTICE OF DEPARTMENT ACTION
FOR CHOCTAW AND CHICKASAW NATIONS.**

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR

OCT 14th 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.**

OCT 14th 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.**

REFER TO M. O. R. *694-381.*

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. September, 30th 1900.

In the matter of the application for identification as Mississippi Choctaw of Francis Asberry Miller for himself and on behalf of his five minor children.

FRANCIS ASBERRY MILLER, being duly sworn testified as follows:

Examination by the Commission-

- Q. What is your name? A. Francis Asberry Miller.
- Q. What is your age? A. 51 or 2, I dont know which.
- Q. What is your post office address? A. Cliff.
- Q. Where is that? A. Chickasaw Nation.
- Q. What State? A. In the Territory.
- Q. What Territory? A. Indian Territory.
- Q. How long have you resided in the Indian Territory? A. Four years.
- Q. Have you maintained a continuous residence in the Indian Territory for the past ~~three~~ four years? A. Yes sir.
- Q. Have you been outside of the Indian Territory in the past three years? A. Yes sir.
- Q. What was your purpose in going outside of the Territory? A. I went to Denison to market cotton.
- Q. Never have been outside of the Indian Territory to make you a home elsewhere? A. No sir.
- Q. Where did you come from to the Indian Territory? A. Texas.
- Q. Where did you come from to Texas? A. I was born and raised in Texas.
- Q. Have you ever lived in Mississippi? A. No sir.
- Q. How much Choctaw blood do you claim? A. 1/8
- Q. What is your father's name A. Green B. Miller.
- Q. Is your father living? A. No sir.
- Q. What is your mother's name? A. Mary Miller.
- Q. Is she living? A. No sir.
- Q. Through which one of them do you claim your Choctaw blood? A. Through my mother.
- Q. Is your mother's name on any of the tribal rolls of the Choctaw Nation? A. I dont know.
- Q. Why is there any doubt as to her name being on the tribal rolls of the Choctaw Nation? A. Never told me anything about it.
- Q. You say they never told you anything about it, who do you mean never told you anything about it? A. My parents, --my mother.
- Q. Did she tell you ~~that~~ her name was on the rolls of the Choctaw Nation? A. No sir.
- Q. Was your mother ever recognized in her life time as a citizen of the Choctaw Nation by the tribal authorities of that Nation? A. No sir.
- Q. Is your name on any of the tribal rolls of the Choctaw Nation? Never has been placed thereon.
- Q. Did you ever make application ~~thereon~~ to the Choctaw tribal authorities as a citizen of the Choctaw Nation? A. Never did until this time.
- Q. This is not the Choctaw authorities, this is the Dawes Commission, which is one of the authorities of the United States
- Q. Have you ever been recognized as a citizen of the Choctaw Nation by the tribal authorities of that Nation.

A. No sir.

Q. Did you or any one in your behalf make application to this Commission in 1896 for citizenship in the Choctaw Nation acting under act of Congress approved June 10th 1896? A. No sir.

Q. Have you ever been admitted to citizenship in the Choctaw Nation by Judgment in the United States Court for the Indian Territory on appeal from the decision of either the authorities of the Choctaw Nation or from this Commission? A. No sir.

Q. Have you ever prior to this time, either made application to either the authorities of the Choctaw Nation or of the United States for either citizenship or enrollment in the Choctaw Nation? A. No sir.

Q. This is the first application of any description that you have ever made? A. I made an application last year.

Q. Where? A. At Colbert.

Q. What did you do at Colbert? A. I sent up an application for citizenship, but had to get it up new as it was not right.

Q. You didnt make any personal application to the Commission while they were there at Colbert did you? A. No sir.

Q. What did this application consist of? A. It was just a written application.

Q. Was it ever returned to the Commission? A. I dont know if it was—cannot tell you.

Q. You are now making application for identification as a Mississippi Choctaw? A. Yes sir.

Q. Why do you believe that you are entitled to be identified by this Commission and receive lands in the Choctaw Nation under the 14th article of the treaty of 1830? A. All that I know is that my mother she told me that she have 1/4 Choctaw blood and resided in the State of Mississippi.

Q. That is all you know of it? A. Yes sir.

Q. Do you make you claim by virtue of the 14th article of the treaty of 1830? A. I dont know—I am making my claim under what gives the Mississippi Indians their rights.

Q. Did any of your ancestors who lived in Mississippi in 1830 take advantage of the provisions of the 14th article of the treaty of 1830? A. I dont know whether they did or not.

Q. Did any of your ancestors ever receive or claim any lands as beneficiaries under the 14th article of the treaty of 1830? A. I dont know.

The rules of this Commission and of the Department of the Interior require of applicants claiming a right to identification as Mississippi Choctaws, and a right to Choctaw lands under the treaty of 1830 and the 14th article thereof that they exhibit proof showing compliance with the provisions of that article either by themselves or through their ancestors and in each and every case each and every case exhibits and records of documents showing the facts in this case will be required.

Q. Have you any such proof or documentary evidence? A. No sir.

Q. What was the name of your ancestor who lived in the State of Mississippi in 1830 and was a recognized member of the Choctaw tribe of Indians at that time, and who received or claimed lands there as a beneficiary under the 14th article of the treaty of 1830? A. My grand father's name was Pate—I cannot tell you whether they was recognized or not.

Q. What was his full name? A. Robert Head Pate

Q. Have you any evidence of the fact that he was a recognized member of the Choctaw tribe in Mississippi at the time the treaty was made between the United States and the Choctaw tribe? A. I dont know

- Q. Have you any evidence here that Robert Wood Pate was a recognized member of the Choctaw tribe of Indians? A. I dont know if he was or not.
- Q. I asked you if you had any evidence of that fact? A. I reckon so.
- Q. Have you any documentary evidence or certified copies of records showing that any of your ancestors received or claimed lands under the provisions of the 14th article of the treaty of 1830 and who lived in the State of Mississippi at the time that treaty was made between the United States and the Choctaw Indians? A. I dont know whether there are any or not.
- Q. Do you make any claim by reason of any of the other provisions of the treaty of 1830? Q. I dont know what the provisions was.
- Q. Are you married? A. Yes sir.
- Q. What is your wifes name? A. Jane Miller.
- Q. How old is she? A. 48.
- Q. Do you make any claim for her? A. No sir.
- Q. Is she a white woman? A. Yes sir.
- Q. She never made any claim to citizenship in the Choctaw Nation? A. No sir.
- Q. Where did you marry her? A. In Texas.
- Q. When did you marry her? A. June of 1864.
- Q. Were you married to her under the laws of the State of Texas? A. Yes sir.
- Q. Were you ever married to her under the laws of the Choctaw Nation? A. No sir.
- Q. Have you your marriage license or certificate that you desire to file in proof of your marriage with your wife? A. Not at the present time.
- Q. Have you any children? A. Yes sir five.
- Q. What are their names and ages?
- A. Henry A. 16 years old.
Columbus W. 14.
Jemie F. 9
William B. 7,
James A. 5.

- Q. Are you the father of all these children? A. I reckon so.
- Q. Jane Miller is the mother of them? A. Yes sir
- Q. Is their claim identical with yours? A. Yes sir.
- Q. Is there any additional statement that you desire to make at this time in support of your claim? A. Nothing that I know of.
- Q. Is there any written evidence that you desire to offer at this time? A. Yes sir.
- Q. Where is it? A. In my pocket.
- A. Let's see it.

The written application and petition of Francis A. Miller, the affidavits of John Albertson and the affidavit of John Holden offered in evidence, marked exhibit "A", identified as such, filed, and made a part of this record in this case.

- Q. Is there anything further that you desire to say in this case? A. No sir.

The decision of the Commission as to your application and the application you make on behalf of your five minor children for identification as Mississippi Choctaw, will

4.

be mailed to you in writing at your present post office address.

Provided your marriage license is filed in fifteen days it will be filed.

Chas. von Weiss, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above and foregoing entitled case on the 29th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, of said proceedings on said date.

Chas von Weiss

Subscribed and sworn to before me this the 7th day of Oct 1900.

Guy L. Emerson
Notary Public

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

Ind.

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In the matter of the application of Francis Ashberry Miller, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Francis Ashberry Miller, et al.,	N O R 503
Greenberry Miller,	N O R 604
Savannah Hodgeons,	N O R 302

D E C I S I O N .

It appears from the report herein that applications for identification as Mississippi Choctaws were made to this Commission by Francis Ashberry Miller for himself and his five minor children, Henry A., Columbus W., Jessie F., William B., and James A. Miller; by Greenberry Miller for himself; and by Savannah Hodgeons for herself, under the following provision of the act of Congress approved June 20, 1906, (34 Stat., 498):

"This Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make reports to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Robert Hood Tate (or Pate), who is alleged to have been a half-blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission that no one of said applicants 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, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provision of the act of Congress approved June 10, 1894, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Robert Hood Tate (or Pate), or ancestors less remote, or any of the applicants herein, signified (in person or by proxy) to Selamel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1897, (5

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

-----|-----

In the matter of the application of Francis Asberry Miller, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Francis Asberry Miller, et al.,	M C R 595
Greenbeary Miller,	M C R 694
Savanna Hudgens,	M C R 881

List of papers forwarded to the Secretary of the Interior, comprising the record in the consolidated case of Francis Asberry Miller, et al.

	Page
Original application of Francis Asberry Miller, et al., to the Dawes Commission for identification as Mississippi Choctaws - -	1
Petition of Francis Asberry Miller addressed to the Commission to the Five Civilized Tribes - - - -	5
Affidavit of John Albertson - - - - -	6
Affidavit of John Holden - - - - -	7
Copy of letter of Commission to Francis Asberry Miller - - - - - granting further time in which to offer additional testimony	8
Registry receipt - - - - -	11
Original application of Greenbeary Miller to the Dawes Commission for identification as a Mississippi Choctaw - - - -	12

Petition of R. C. Miller to the Commission to the Five Civilized Tribes - - - - -	15
Affidavit of John Albertson - - - - -	16
Affidavit of John Holden - - - - -	17
Copy of letter of the Commission to Greenbeary Miller, granting further time in which to offer additional evidence - - - - -	18
Registry receipt - - - - -	21
Original application of Savanna Hudgens, to the Dawes Commission for identification as a Mississippi Choctaw - - - - -	22
Petition of S. E. Hudgens addressed to the Commission to the Five Civilized Tribes - - - - -	25
Affidavit of John Albertson - - - - -	26
Affidavit of John Holden - - - - -	27
Decision of the Commission denying the application of Savanna Hudgens, et al for identification as Mississippi Choctaw - - - - -	28
Copy of letter of Commission to Savanna Hudgens inclosing decision of Commission denying her application for identification - - - - -	29
Registry receipt - - - - -	30
Decision of the Commission denying the applications of Francis Asberry Miller, et al., Greenbeary Miller, and Savanna Hudgens for-identification as Mississippi Choctaw - -	31

CHOCTAW NATION

SEX

YEAR

TRIBAL ENROLLMENT

COUNTY

NO.

SLAVE OF

NAME OF FA

REFER TO M. C. R.

693

Francis Aubrey Miller
et al

Consolidated Case

Robert Hood Tate 1/2
wife or Pate
Betty Tate or Pate

Mary or Pate Tate
married
Green B. Miller
DEATH

mb 693

Francis Asbury Miller
wife
Jane Miller, white,

- mb 694
Brunbury Miller 21 1/16
- mb 695
Savannah Miller 19 1/16
married
Andrew Hudgson
- mb 696
Henry A. Miller 16
- " Columbus W. Miller 14
- " Josie F. Miller 9
- " William B. Miller 7
- " James A. Miller 5

Muskogee, Indian Territory, September 9, 1901.

Mr. Francis A. Miller,

Cliff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 19 in which you state that you were before the Commission at Muskogee, Indian Territory, in September, 1900, and made application as a Mississippi Choctaw and have not heard what decision has been rendered. You ask to be advised of the status of your case.

In reply to your letter you are informed that it appears from our records that on September 20, 1900, Francis Ashberry Miller appeared before the Commission at Muskogee, Indian Territory, and applied for the identification of himself and five minor children as Mississippi Choctaws. No decision or opinion has yet been rendered in this case. When such decision is reached a copy of the same, stating fully therein the reasons for any action taken by the Commission, will be mailed to you at your present post-office address. If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their de-

CORRECTION

THIS DOCUMENT
HAS BEEN
REPHOTOGRAPHED
TO ASSURE
LEGIBILITY

Muskogee, Indian Territory, September 9, 1901.

Mr. Francis A. Miller,
Cliff, Indian Territory.

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In reply to your letter you are informed that it appears from our records that on September 20, 1900, Francis Ashberry Miller appeared before the Commission at Muskogee, Indian Territory, and applied for the identification of himself and five minor children as Mississippi Choctaws. No decision or opinion has yet been rendered in this case. When such decision is reached a copy of the same, stating fully therein the reasons for any action taken by the Commission, will be mailed to you at your present post-office address. If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their co-

F.A.M. #2

positions or affidavits or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

No evidence has been filed in your case except affidavits of John Albertson and John Holden.

Yours truly,

M.C. 693

COPY.

-MCR-693-

Muskogee, Indian Territory, July 12, 1902.

Francis A. Miller,

Cliff, Indian Territory.

Dear Sir:-

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis A. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

Francis Asberry Miller, et al., M.C.R. 603;
Greenbeary Miller, M.C.R. 694;
Savannah Hudgeons, M.C.R. 381.

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Asberry Miller, Henry A. Miller, Columbus W. Miller, Jessie F. Miller, et al."

P. A. M., 2.

Liam B. Miller, James A. Miller, Greenberry Miller, and Savannah Hudgeons, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said Article Fourteen of the Treaty of Eighteen Hundred and Thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James Bixby

Acting Chairman.

Registered.

COPY.

-MCR-693-

Muskogee, Indian Territory, July 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Francis Asberry Miller, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 12, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Francis Asberry Miller, et al.,	M.C.R. 693;
Greenbeary Miller,	M.C.R. 694;
Savannah Hudgeons,	M.C.R. 381.

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

James Bixby

Acting Chairman.

Through the
Commissioner of Indian Affairs.
1 enclosure.

COPY

-MCR-693-

Muskogee, Indian Territory, July 12, 1902.

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

Gentlemen:-

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis Asberry Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

Francis Asberry Miller, et al., M.C.R. 693;
Greenbeary Miller, M.C.R. 694;
Savannah Hudgeons, M.C.R. 381.

These applications were made under the provision of the Act of Congress of June 26, 1896, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Asberry Miller, Henry A. Miller, Columbus E. Miller, Josie P. Miller, William B. Miller, James A. Miller, Greenbeary Miller and Savannah Hudgeons as Choctaw Indians entitled

H., M. & C., 2.

to rights in the Choctaw lands under the provisions of the said Article Fourteen of the Treaty of Eighteen Hundred and Thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

yours truly,

(SIGNED)

James Bixby
Acting Chairman.

C o p y.

DEPARTMENT OF THE INTERIOR.

Land.
41704-1902.

OFFICE OF INDIAN AFFAIRS.

Washington, Sept. 30, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 12, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding for the Department's consideration the record in the consolidated Mississippi Choctaw case of Francis A. Miller, et al., who apply for identification claiming rights under the provisions of the fourteenth article of the treaty of September 27, 1830.

In this consolidated case Francis Asberry Miller applies for the identification of himself and his five minor children, Henry A., Columbus W., Josie F., William B., and James A.; Greenbeary Miller for himself and Sayannah Hudgeons for herself.

July 12, 1902, the Commission found that the applicants were not entitled to identification as Mississippi Choctaws.

Descent is claimed from Robert Hood Tate (or Pate), grandfather of principal applicant. Francis A. Miller claims through his mother, Mary Miller, nee Tate or Pate.

The applicants are not full blood Choctaw Indians; the records of this office do not show that either of the alleged ancestors above named received a patent for land under the provisions of

the fourteenth article of the treaty of 1830, or that they complied or attempted to comply with the provisions of said article; nor did they apply to the commissions appointed under the provisions of the Acts of March 3, 1837 and August 23, 1842, for an adjudication of any rights they might have had as Choctaw Indians.

It is therefore respectfully recommended that the decision of the Commission rejecting the applications be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

GAW
D

3 inclosures.

D.C. 17992.

C o p y.

EAF.

DEPARTMENT OF THE INTERIOR.

ITD. 5991-1902.

Washington, October 4, 1902.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

July 12, 1902, you transmitted the consolidated case involving the applications for identification of the following named persons as Mississippi Choctaws: Francis A., Henry A., Columbus W., Josie F., William B., James A., and Greensbeary Miller, and Savannah Hudgeons.

The applicants endeavor to trace their descent from one Robert Hood Tate (or Pate), who is alleged to have been a half blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Choctaw citizen, or that said Tate (or Pate) complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the applications July 12, 1902.

Forwarding the papers September 30, 1902, the Acting Commissioner of Indian Affairs recommends your decision be approved. A copy of his letter is inclosed.

--2--

After a careful consideration of the whole record the Department affirms your decision.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, October 16, 1902.

Francis A. Miller,
Cliff, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis A. Miller, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

(SIGN)

Edmund D. Smith,
Acting Chairman.

6017.
M O R 595

Waskooco, Indian Territory, October 16, 1902.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis A. Miller, et al., of which decision you were advised by mail on the 18th day of July, 1902.

Respectfully,

Yours,

James Dixie,
Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

693

1/8

SEP 20 1900

Francis A. Miller. 51
Chf. And. Dir.

FATHER: Green Miller - dead.

MOTHER: Mary Miller - dead.
(Claims through mother).

WIFE: Jane Miller 48.
(No claim for wife).

CHILDREN:

Henry A. Miller 16.

Columbus W. " " 14.

Gosie F. " " 9.

William B. " " 7.

James J. " " 5.

COMM

Choc. MCR 694

Greenbeary Miller

see MCR 693

MCR 694

Greenbary Miller

REFUSED

DECISION RENDERED. JUL 12 1892

NOTICE OF DECISION MADE AND SENT

FOR GREENBARY AND OTHERS AND FOR ANOTHER

RECORD FORWARDED DEPARTMENT

311 1892

ACTION APPROVED BY BOARD OF SUPERIOR

1892

RECORD FORWARDED DEPARTMENT

1892

NOTICE OF DECISION MADE
FORWARD APPLICATIONS FOR GREENBARY
AND OTHERS AND FOR ANOTHER

REFER TO M. G. R. 693

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. September, 20th 1900.
No. 594.

In the matter of the application for identification of Greenbeary Miller as a Mississippi Choctaw.

Greenbeary Miller being duly sworn testified as follows:

Examination by the Commission:

- Q. What is your name? A. Greenbeary Miller.
Q. What is your age? A. 21 years.
Q. What is your postoffice address? A. Cliff.
Q. Where is Cliff? A. In the Nation.
Q. In what state? A. In the Indian Territory.
Q. You live in the Indian Territory? A. Yes sir.
Q. How long have you lived in the Indian Territory? A. 4 Years.
Q. Have you maintained a continuous residence in the Indian Territory for the past 4 years? A. No sir I have been out a time or two.
Q. For what purpose? A. Going to market at Denison.
Q. Have you ever made a residence any where else during the last 4 years? A. No sir.
Q. Where did you come from to the Indian Territory? A. Texas.
Q. Were you born in Texas? A. Yes sir.
Q. And lived in Texas until you came to the Indian Territory? A. Yes sir.
Q. Did you ever live in the state of Mississippi? A. No sir.
Q. How much Choctaw blood do you claim to have? A. 1/16.
Q. What is your father's name? A. Francis ~~XXXXXXXXXXXX~~ Miller.
Q. Is he living? A. Yes sir.
Q. What is your mother's name? A. Jane Miller.
Q. Is she living? A. Yes sir.
Q. Through which one of your parents do you claim your Choctaw blood? A. Through daddy.
Q. Is your father's name upon any of the Choctaw tribal rolls? A. No sir.
Q. Has your father ever been recognized by the tribal authorities of the Choctaw Nation as a citizen of that Nation? A. No sir.
Q. Is your name upon any of the Choctaw tribal rolls? A. No sir.
Q. Did you ever make application to the tribal authorities of the Choctaw Nation for citizenship in the Choctaw Nation? A. No sir.
Q. Have you in any manner been recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A. No sir.
Q. Did you or any one on your behalf in 1898 make application to this Commission for citizenship in the Choctaw Nation acting under act of Congress approved June 19th 1898? A. No sir.
Q. Have you ever been admitted to citizenship in the Choctaw Nation through a judgment of the United States Court for the Indian Territory upon appeal from the decision of either the Commission of the authorities of the Choctaw Nation? A. No sir.
Q. Have you ever prior to this time made application to either the authorities of the United States or the Choctaw Nation for either citizenship or enrollment in the Choctaw Nation? A. No sir.
Q. This is the first application of any description that you have ever made? A. No sir, I made application once before.
Q. Where? A. At Colbert.
Q. To whom did you make it? A. I dont know.

- Q. What did it consist of? A. I dont know.
 Q. What was done with it? A. I dont know.
 Q. What do you know about it at all? A. I dont know what I did, I dont know just when I did make the application, and I dont know whether you would call it an application or not.
 Q. Did you go before the Commission yourself? A. No sir.
 Q. You say you did not go before the Commission in person and make application yourself? A. No sir.
 Q. You are now making application for identification as a Mississippi Choctaw? A. Yes sir.
 Q. Why do you believe that you are entitled to be identified as a Mississippi Choctaw Indian by this Commission and entitled to Choctaw land under the 14th article of the treaty of 1830? A. I have always been told that I had Indian blood in me.
 Q. Do you make your application under the 14th article of the treaty of 1830? A. I dont know.
 Q. Do you know what the provisions of the 14th article of that treaty is? A. No sir.
 Q. Did you ever read it? A. No sir.
 Q. Have you ever had it read to you? A. No sir.
 Q. Did you ever take advantage of the provisions of the 14th article of the treaty of 1830? A. No sir.
 Q. Did any of your ancestors ever take advantage of the 14th article of the treaty of 1830? A. No sir.
 Q. Did either you or your ancestors ever claim or receive any lands in the state of Mississippi under the 14th article of the treaty of 1830 as beneficiaries under that treaty? A. No sir.
 Q. Do you make any claim by reason of any of the other provisions of the treaty of 1830? A. No sir.
 Q. Are you married? A. No sir.
 Q. Have you ever been married? A. No sir.
 Q. Do you ever make application for any other person besides yourself? A. No sir.
 Q. Is there any additional statement that you desire to make in support of your claim at this time? A. No sir.
 Q. Have you a written application that you desire to offer to the Commission at this time for its consideration in your claim? A. Yes sir.

The original application of Greenberry Miller and the affidavits of John Alberty and John Holder offered in evidence, marked exhibit "A", were identified as such, filed and made a part of this application.

- Q. Is there anything else that you desire to say? A. No sir I reckon not?

The decision of the Commission in regard to your application for identification as a Mississippi Choctaw will be mailed to you in writing at some future date to your present postoffice address.

Chas. von Weise having been 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 20th day of September, 1890, and that the above and

foregoing is a full, true and correct transcript of his stenographic notes, of said proceedings on said date.

Chas von Wiese

Subscribed and sworn to before me this the 4 day of Oct 1900.

Guy L. Emerson
~~Notary Public~~
Notary Public

COPY

-MCR-694-

Muskogee, Indian Territory, July 12, 1902.

Greenbeary Miller,

Cliff, Indian Territory.

Dear Sir:-

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis A. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

Francis Asberry Miller, et al., M.C.R. 693;
Greenbeary Miller, M.C.R. 694;
Savannah Hudgeons, M.C.R. 381.

These applications were made under the provision of the Act of Congress of June 26, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Asberry Miller, Henry A. Miller, Columbus V. Miller, James V. Miller, William S. Miller, James A. Miller, Greenbeary Miller, and Savannah Hudgeons as Choctaw Indians entitled

G. M., 2.

to rights in the Choctaw lands under the provisions of the said Article Fourteen of the Treaty of Eighteen Hundred and Thirty, and that the applications for these identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,
(SIGNED)

Amo Bixby
Acting Chairman.

Registered.

M C R 684

Muskogee, Indian Territory, October 16, 1902.

Greenbeary Miller,

Cliff, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis A. Miller, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

Yours,

Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

694

1/16

SEP 20 1900

Green-beary Miller 21.
Cliff. Ind. Ter.

FATHER: Francis Miller - ✓
MOTHER: Jane Miller - ✓
(Claus through father).

Not married.

FILED

Choc. MCR 695

Thomas J. Bowman

see MCR 696

MCR 695

Thomas J. Bowman

REFUSED.

DECISION RENDERED. JUL 16 1902

NOTICE OF DECISION MAILED APPLICANT.
JUL 16 1902

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS. JUL 16 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS
JUL 16 1902

RECORD FORWARDED DEPARTMENT.
JUL 16 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.
OCT 25 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.
NOV -7 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR APPLICANT.
NOV -7 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
NOV -7 1902

REFER TO M. C. R. 696

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 MUSKOGEE, I.T., September 20, 1900.

In the Matter of the Application for Identification as a Mississippi of Thomas J. Bowman.

Thomas J. Bowman, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Thomas J. Bowman.
 Q What is your age? A 41 years.
 Q What is your postoffice address? A Ardmore, I. T.
 Q How long have you lived in the Indian Territory? A I have only lived here about a year now, steady. A little over a year--not quite two years yet. I have been in the Chickasaw most of the time for about 5 or 6 years.
 Q How long have you lived in the Indian Territory continuously up to the present time? A A little less than 2 years- 1-1/2 years.
 Q Continuously? A Yes sir.
 Q To make your home here? A Yes sir.
 Q You are not married? A No sir.
 Q And have no family? A No sir.
 Q Where did you live before you came to the Territory? A Oklahoma.
 Q For how long? A Two years.
 Q And previous to going there where did you live? A Texas.
 Q What is your father's name? A J. L. Bowman.
 Q What is your mother's name? A Jemina Bowman.
 Q Through which one of your parents do you claim Choctaw blood?
 A My father.
 Q Your mother is a white woman? A Yes sir.
 Q How much Choctaw blood do you claim? A About 1/16.
 Q Is the name of your father on any of the tribal rolls of the Choctaw nation? A Not that I know of.
 Q Did he ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A Not that I know of.
 Q Has he ever been recognized in any manner by the tribal authorities of the Choctaw nation as a citizen thereof? A Not that I know of.
 Q Is your name on any of the tribal rolls of the Choctaw Nation?
 A No sir.
 Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
 Q Have you ever been recognized in any manner by the citizens of the Choctaw Nation as a citizen thereof? A No sir.
 Q Did you, or did anyone in your behalf, in 1896, make application to this Commission for citizenship in the Choctaw Nation? Under the act of Congress of June 10, 1896? A No sir.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States court on appeal from the decision of this Commission or of the tribal authorities? A No sir.
 Q Have you ever, prior to this time, made application to the authorities of the Choctaw nation, or to the United States authorities for either citizenship or enrollment as a Choctaw? A No sir.
 Q State what your purpose now is in coming before the Commission with your application? You desire what?
 A I desire to take land and enjoy the rights of a citizen.
 Q You are now making application for what? A To become a citizen.
 Q For identification as a Mississippi Choctaw? A Yes, for identification, I suppose.
 Q Under what law or laws do you claim such right? A I am not very well versed in the laws.

2-Thomas J. Bowman

- Q Don't you know what the laws are that govern your application?
A No, not exactly.
Q Do you claim under the law of 1830--the act of Congress of 1830?
A What is that?
Q It is supposed in taking your application, that you know the law under which you claim. Do you claim under Section 14 of the law of 1830? A I believe probably 14 would cover it from what I have heard.
Q You do know something about the 14th article of the treaty of 1830?
A Yes, a little something.
Q Did your father ever live in Mississippi? A I am not sure whether he did or not.
Q What is the name of the ancestor under whom you claim your right to identification as a Mississippi Choctaw, who lived in the state of Mississippi and was a member of the tribe of Choctaws in that state? A Bashabie Bowman was a half breed Choctaw, or was supposed to be. That is what they claim.
Q Have you any proof in the way of documentary evidence or records of any kind to show that your ancestors under whom you claim received land as beneficiaries under article 14 of the treaty of 1830? A I don't know whether they ever had land or not under that article.
Q Can you comply with the provisions of the 14th article of the treaty of 1830? A I don't understand exactly, the order to comply with.
Q You have never had any lands that have come to you as a descendent of these ancestors? A No sir.
Q Did any of your ancestors ever have any lands? A I don't know.
Q You know you never had any as a descendent? A No sir.
Q It is the absolute requirement of this Commission in taking evidence under the law of 1830, that your ancestors remained in Mississippi. It must be shown that your ancestors remained in Mississippi, and declared their intentions to remain there and to take land as beneficiaries under that article, and it must be shown that such land, and it must be shown that such land was received by them as beneficiaries under that article of that treaty. Do you make any claim by reason of any of the other provisions of the treaty of 1830? Any other provision than article 14? A No sir.
Q You say you are not married? A No sir.
Q Have you any other evidence that you care to submit? A Yes, I have evidence that I desire to file and I would like 15 days in which to file it.

Permission is granted the applicant fifteen days in which to file further written evidence pertaining to his application.

- Q There is no one else for whom you desire to make application?
A No sir.
Q And no additional statement that you desire to make? A No sir.
Q The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future to your present postoffice address.

By Mr. Peole, Attorney for applicant:

- Q Did you know, or did you have notice that it was necessary for you to appear before the Howe Commission in 1896, for enrollment?
A No sir.
Q You know nothing of that? A No sir.

Frances R. Brown, being first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes,

S-Thomas J. Downan.

she reported in full all proceedings had in the above entitled cause on the 20th day of September, 1900, and that the above and foregoing is a full, true and complete transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 27th day
of September, 1900.

Guy L. Emerson
Notary Public

COPY.

M G R 606.

Muskogee, Indian Territory, July 16, 1902.

Thomas J. Bowman,
 Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on the 16th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Bowman, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Bowman, et al.,	M G R 606
Thomas J. Bowman,	M G R 606
Roscoe E. Bowman, et al.,	M G R 786

These applications were made under the provisions of the act of Congress of June 22, 1902, (32 Stat., 606) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of John S. Bowman, Ella West Bowman, George Ray Bowman, and Ethel

T. J. Bowen

Bowen, Jennie Louisa Bowen, Ezra Lee Bowen, Goldie Bowen, Thomas J. Bowen, Emma E. Bowen, and Otis H. Bowen, as Cheater Indians entitled to rights in the Cheater lands under the provisions of said article fourteen of the treaty of 1828, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED:

Tams Dixey.

ACTING CHAIRMAN.

Registered.

COPY.

Muskogee, Indian Territory, November 7, 1902.

Thomas J. Bowman,

Ardeno, Indian Territory.

Dear Sir:

You are hereby advised that on the 25th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Bowman, et al., of which decision you were advised by registered mail on the 16th day of July, 1902.

Respectfully,

Walter S. Gentry
Acting Chairman.

FOR IDENTIFICATION AS 695
A MISSISSIPPI CHOCTAW.

1116

SEP 20 1900

Thomas J. Bowman. 41
Ardenmore, D.C.

FATHER. J. L. Bowman. ✓

MOTHER. Jemima Bowman

WIFE.

Only claims for himself.

CHILDREN.

Choc. MCR 696

John S. Bowman

See MCR 695, 755

MCR 696

CHICKASAW

John S. Bowman et al

REFUSED.

DECISION RENDERED. JUL 16 1902

NOTICE OF DECISION MAILED APPLICANT.
JUL 16 1902

NOTICE OF DECISION
FORWARDED ATTORNEY JUL 16 1902
FOR APPLICANTS.

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.
JUL 16 1902

RECORD FORWARDED DEPARTMENT.
JUL 16 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.
OCT 25 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. NOV -7 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR APPLICANT.
NOV -7 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
NOV -7 1902

REFER TO M. C. R. 695-755

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. September, 20th 1900.
No 696-

In the matter of the application of John S. Bowman and his six minor children for identification as Mississippi Choctaws.

John S. Bowman being duly sworn testified as follows-

Examination by the Commission-

- Q. What is your name? A. John S. Bowman.
Q. What is your age? A. 45 years.
Q. What is ~~my~~ your post office address? A. Ardmore, Chickasaw Nation, I. T.
Q. Do you live in the Indian Territory? A. Yes sir.
Q. How long have you lived in the Indian Territory? A. 2 years.
Q. Have you made a continuous residence in the Indian Territory for the past two years? A. Yes sir.
Q. Where do you come from to the Indian Territory? A. Oklahoma.
Q. How long did you reside in Oklahoma? A. One year.
Q. Where did you come from to Oklahoma? A. Texas.
Q. How long did you live in Texas? A. 13 years.
Q. Where did you come from to Texas? A. Missouri.
Q. Were you born in Missouri.
A. No sir.
Q. Where were you born? A. East Tennessee.
Q. Did you ever live in Mississippi? A. No sir.
Q. How much Choctaw blood do you claim? A. 1/16.
Q. What was your father's name? A. James L. Bowman.
Q. Is he living? A. No sir.
Q. What is your mother's name? A. Jemima Bowman.
Q. Is she living? A. Yes sir.
Q. Through which one of your parents do you claim your Choctaw blood? A. My father.
Q. Is your father's name upon any of the tribal rolls of the Choctaw Nation? A. Not as I know of.
Q. Was he ever recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A. No sir.
Q. Is your name upon any of the tribal rolls of the Choctaw Nation? A. No sir.
Q. Have you ever made application to the tribal authorities of the Choctaw Nation for citizenship in that Nation? A. No sir.
Q. Have you ever been recognized by the National Council of the Choctaw Nation by any official act of said National Council? A. No sir.
Q. Did you or any one on your behalf make application in 1896 to this Commission for citizenship in the Choctaw Nation in the year 1896, acting under the act of Congress approved June 10th 1896? A. No sir.
Q. Have you ever prior to this time made application to either the authorities of the United States or the Choctaw Nation for either citizenship or enrollment in the Choctaw Nation? A. No sir.
Q. You are now making application for identification as a Mississippi Choctaw? A. Yes sir.
Q. Why do you believe that you are entitled to be identified by this Commission as a Mississippi Choctaw and entitled to share in the lands of the Choctaw Nation under the provisions of the 14th article

of the treaty of 1830? A. From what my father said about it; my father claimed he was Indian.

Q. Do you claim under the 14th article of the treaty of 1830? A. Yes sir.

Q. Did either you or your ancestors ever take advantage of the 14th article of the treaty of 1830? A. Not that I know of.

Q. Did any of your ancestors ever claim or receive lands in the state of Mississippi as beneficiaries under the 14th article of the treaty of 1830? A. I dont know that they did.

This Commission will require of applicants claiming a right in the Choctaw lands under the 14th article of the treaty of 1830, and for identification as Mississippi Choctaws, that they exhibit proof showing compliance with the provisions of that article either by themselves or their ancestors and in each and every case, exhibits of records and documents showing the facts in this case will be required.

Q. Have you any such documentary evidence? A. No sir.

Q. What was the name of your ancestor who lived in Mississippi in 1830 and who was a recognized member of the Choctaw tribe when the treaty of 1830 was made between the United States and the Choctaw Indians, and who received lands in the State of Mississippi under the 14th article of that treaty? A. Bashaba Bowman.

Q. Have you any evidence of the fact that he lived in Mississippi in the year 1830 and was a recognized member of the Choctaw tribe at that time? A. I have not any other evidence than the evidence I have here.

Q. Was she ever recognized by the tribal authorities there? A. I dont know sir.

Q. Have you any documentary evidence such as a patent or deed to show that any of your ancestors ever claimed or received any land in the state of Mississippi under the 14th article of the treaty of 1830 as beneficiaries? A. No sir.

Q. Do you make any claim by reason of any of the other provisions of the treaty of 1830? A. No sir.

Q. Are you married? A. Yes sir.

Q. What is your wife's name? A. Mary Ellen Bowman.

Q. What is her age? A. 35 years.

Q. Do you make any claim for your wife? A. No sir.

Q. She is a white woman is she not? A. Yes sir.

Q. Did she ever make any claim to Indian citizenship? A. No sir.

Q. Where were you married to her? A. Missouri.

Q. When? A. I dont remember what year, it has been 21 years ago.

Q. Were you married to her under the laws of the State of Missouri? A. Yes sir.

Q. Were you ever married to her under the laws of the Choctaw or Chickasaw Nations? A. No sir.

Q. Have you your marriage license with you that you desire to file as evidence of your marriage to your wife? A. No sir.

Q. Have you any minor unmarried children for whom you desire to make application? A. Yes sir.

Q. What are the names and ages of these minor unmarried children?

A. Lula Vesta, age 18; George Roy age 16; Maud Ethal age 12; Jessie Landum age 10; Edna Lee age 8 and Golda age 6.

Q. I that all? A. Yes sir.

Q. Are you the father of this six minor children? A. Yes sir.

Q. Mary Ellen Bowman is the mother of them? A. Yes sir.

Q. Are they all living with you at your home? A. Yes sir.

Q. Their claim to identification as Mississippi Choctaws is identical

with yours is it not? A. Yes sir.

Q. Is there any additional statement that you desire to make at this time in support of your claim? A. No sir.

Q. Is there any written evidence that you desire to file at this time for the consideration of the Commission in support of your application?

Attorney for applicants here asks permission to file written evidence in this case within 15 days from this date.

Permission is granted attorneys for applicants to file additional written evidence in support of their claim if the same is done within a period of fifteen days from this date.

The decision of the Commission as to your application and the application which you make on behalf of your six minor children for identification as Mississippi Choctaws., will be mailed to you in writing at your present postoffice address in the near future.

Chas. von Weise, having been 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 20th day of September, 1900, and that the above and foregoing is a full, true and correct ~~copy~~ transcript of his stenographic notes, of said proceedings on said date.

Chas von Weise

Subscribed and sworn to before me this 4 day of Oct 1900.

Guy L. Emerson
Notary Public

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

C. M. W.
C. v. W.

In the matter of the application of John S. Bowman
et al., for identification as Mississippi Choctaws, consolidating
the applications of

John S. Bowman, et al.....M.C.R. 696
Thomas J. Bowman.....M.C.R. 695
Roscoe H. Bowman, et al.....M.C.R. 755.

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

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this Commis-
sion by John S. Bowman, for himself and his six minor children, Edna
Vesta, George Ray, Hans Ethel, Jessie Landum, Edna Lee and Golda Bow-
man; by Thomas J. Bowman, for himself; and by Thomas J. Bowman for
his minor brothers, Roscoe H. and Otis H. Bowman, under the follow-
ing provision of the act of Congress approved June 23, 1898, (30
Stats., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the

(2).

United States and the Chectaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Chectaw lands under article fourteen of the treaty between the United States and the Chectaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Bashaba (or Bashabic) Bowman, who is alleged to have been an one-half blood Chectaw Indian, and to have resided in Mississippi in 1830.

It further appears from the evidence offered in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Chectaw tribal authorities as a member of the Chectaw tribe, or admitted to Chectaw citizenship by a duly constituted court or committee of the Chectaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896. (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Bashaba (or Bashabic) Bowman or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Chectaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to

(3).

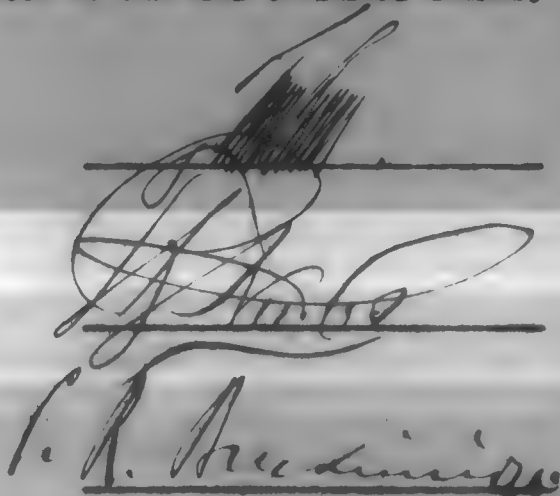
rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 25, 1842, (5 Stats., 515).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of John S. Bowman, Eula Vesta Bowman, George Roy Bowman, Naud Ethal Bowman, Jessie Landum Bowman, Edna Lee Bowman, Golda Bowman, Thomas J. Bowman, Reese E. Bowman and Ottie E. Bowman, as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskagee, Indian Territory,

JUL 16 1902



P. A. McQuinn

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

In the matter of the application of John S. Bowman,
et al., for identification as Mississippi Choctaws, consolidating
the applications of

John S. Bowman, et al.....M.C.R. 696
Thomas J. Bowman.....M.C.R. 698
Reese Bowman, et al.....M.C.R. 755.

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
John S. Bowman, et al.

Original application of John S. Bowman,
et al., to the Dawes Commission for iden-
tification as Mississippi Choctaws.....1

Original application of Thomas J. Bowman
to the Dawes Commission for identifica-
tion as a Mississippi Choctaw.....4

Original application of Reese E. Bowman
et al., to the Dawes Commission for iden-
tification as Mississippi Choctaws.....7

Decision of the Commission denying the
applications of John S. Bowman, et al.,
Thomas J. Bowman, and Reese Bowman, et
al., for identification as Mississippi
Choctaws.....10.

- !

RECEIVED

John S. Bauman
et al.

Consolidated Case

Tasha Bowman 1/2

James L. Bowman decd.
wife
Jemima Bowman w.

John D. Bowman 43 1/6
wife
Mary Ellen Bowman w.

Thomas J. Bowman 41 1/6

Roscoe C. Bowman 19 1/6

Ottie C. Bowman 16 1/6

Eula Vesta Bowman 18
George Ray Bowman 16
Maud Ethel Bowman 12
Jessie Kardin Bowman 10
Edua Lee Bowman 8
Isolda Bowman 6

COPY.

M C R 696,

Mustagee, Indian Territory, July 16, 1908.

John S. Bowman,

Aradere, Indian Territory.

Dear Sir:

You are hereby advised that on the 16th day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Bowman, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Bowman, et al.,	M C R 696
Thomas J. Bowman,	M C R 696
Reuben H. Bowman, et al.,	M C R 755.

These applications were made under the provisions of the act of Congress of June 26, 1906, (34 Stat., 485) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of John S. Bowman, Ella Vera Bowman, George Ray Bowman, Mand Ethal Bowman, Jessie Landon Bowman, Edna Lee Bowman, Golda Bowman, Thomas

J. S. Brown

J. Brown, George H. Brown, and Otis E. Brown, as Cherokee Indians entitled to rights in the Cherokee lands under the provisions of said article fourteen of the treaty of 1828, and that the applications for their identification as such should be refused, and it is so ordered.⁶

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED):

James Bixby

ACTING CHAIRMAN.

Registered.

COPY.

M O R 686.

Mustagee, Indian Territory, July 16, 1908.

J. O. Poole,
Attorney at Law,
Nocona, Texas.

Dear Sir:

You are hereby advised that on the 16th day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Bowman, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Bowman, et al.,	M O R 686
Thomas J. Bowman,	M O R 686
Rosee E. Bowman, et al.,	M O R 788

These applications were made under the provisions of the act of Congress of June 20, 1906, (34 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John S. Bowman, Rosa West Bowman, George Ray Bowman, and Ethel

J. O. [unclear]

Bowman, Jessie Landon Bowman, Edna Lee Bowman, Golda Bowman, Frances
J. Bowman, Rebecca H. Bowman and Ottilie H. Bowman, as Cherokee Indians
entitled to rights in the Cherokee lands under the provisions of
said article fourteen of the Treaty of 1866, and that the applica-
tions for their identification as such should be refused, and it
is so ordered.

You are further advised that the Commission has on this
date forwarded the record in this case to the Secretary of the
Interior for review, and you will be informed in due time of such
action as may be taken by him.

Yours truly,

(SIGNED)

Tams Dixby

ACTING CHAIRMAN

Registered

COPY.

M O R 696

Washogee, Indian Territory, July 16, 1902.

Messrs Mansfield, McMurtry & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 16th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Bowman, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Bowman, et al.,	M O R 696
Thomas J. Bowman,	M O R 695
Rebecca B. Bowman, et al.,	M O R 755.

These applications were made under the provisions of the act of Congress of June 25, 1902, (32 Stat., 408), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twentyseventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of John S. Bowman, Julia Beata Bowman, George Ray Bowman, Huld Stahl

RE: BOWEN & COMPANY

Bowen, Jessie Lillian Bowen, Rena Lee Bowen, Golda Bowen, Thomas J. Bowen, Reese E. Bowen, and Etta E. Bowen, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Tams Dixby.

ACTING CHAIRMAN.

COPY

M. C. N. 696.

Muskogee, Indian Territory, July 16, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of John S. Bowman, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 16th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

John S. Bowman, et al.,	M C R 696
Thomas J. Bowman,	M C R 695
Roscoe E. Bowman, et al.,	M C R 755

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tams Birbr.

Through the Commissioner
of Indian Affairs.
1 enclosure.

ACTING CHAIRMAN.

C O P Y

Refer in reply to the following:

42735--1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, October 15, 1902

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith for your consideration record of the proceedings had by the Commission to the Five Civilized Tribes in the matter of the consolidated case of John S. Bowman, et al., applicants for identification as Mississippi Choctaws wherein a decision adverse to the applicants was rendered by the Commission on July 16, 1902.

The record in this case shows that the parties base their claim to a right to identification as Mississippi Choctaws on their descent from one Bashaba Bowman whom they claim was a citizen of the Choctaw tribe in Mississippi in 1830. They are unable to submit any proof with reference to her having complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, relying solely upon their descent from her as the ground for their application.

An examination of the records of this office shows that Bashaba Bowman was not among those who complied or attempted to comply

with the provisions of the 14th article of the treaty of 1830 and that she received no benefits or recognition thereunder.

It is therefore evident that the decision of the Commission in this case was correct. I therefore recommend that its decision rejecting John S. Bowman, Mula Vesta Bowman, Edna Lee Bowman, Gelda Bowman, Thomas J. Bowman, Roscoe E. Bowman and Oattie Bowman, be approved by the Department.

Very respectfully,
Your obedient servant,

W. A. Jones,

Commissioner.

H.B.H.(E.)

D C 20,345

C O P Y

DEPARTMENT OF THE INTERIOR. MAP.
ITD.6398-1902.

October 25, 1902.

L. R. S.

Commission to the Five Civilized Tribes,
Muskegee, I. T.

Gentlemen:

July 16, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of John S., Mala Vesta, George Roy, Maud Ethal, Jessie Landum, Mina Lee and Golda Bowman; of Thomas J. Bowman; of Roscoe E. and Ottie E. Bowman.

The applicants endeavor to trace their descent from one Bashaba (or Bashabie) Bowman, alleged to have been a half blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Bashaba Bowman or any of the applicants complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the applications July 16, 1902.

Forwarding the papers October 15, 1902, the Commissioner of Indian Affairs recommends approval of your decision.

A copy of his letter is inclosed herewith.

Upon a careful review of the whole record the Department affirms your decision.

Respectfully,

H. A. Hitchcock,

Secretary.

ED

1 inclosure.

M.C.R. 696

COPY.

Muskogee, Indian Territory, November 7, 1902.

Wensfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 25th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Bowman, et al., of which decision you were advised by mail on the 16th day of July, 1902.

Respectfully,

W. S. L. L. L.
Acting Chairman.

M.O.R. 696

COPY.

Muskogee, Indian Territory, November 7, 1902.

John S. Bowman,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on the 25th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Bowman, et al., of which decision you were advised by registered mail on the 16th day of July, 1902.

Respectfully,

James Kirby

Acting Chairman.

M.C.R. 696

COPY

Muskogee, Indian Territory, November 7, 1902.

J. O. Poole,

Attorney at Law,

Nacoma, Texas.

Dear Sir:

You are hereby advised that on the 25th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Bowman, et al., of which decision you were advised by registered mail on the 16th day of July, 1902.

Respectfully,

(SIGNED)

Fame Kirby
Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

1/16.

SEP 20 1900

John S. Bowman, 43.
Andmore, Ind. Ter.

FATHER: James L. Bowman - dead.
MOTHER: Gemma Bowman. - ✓
(Claim through father).

WIFE: Mary B. Bowman 35.
(No claim for wife).

CHILDREN:

	Ena Vesta Bowman	18.
	George Roy " "	16.
	Maud Ethel " "	12.
m.	Jessie L. " "	10.
	Edna L. " "	8.
	Golda	1.

Choc. MCR 697

Charley P. Holden

see MCR 699

MCR 697

CHOCTAW
Charley P. Holden et al.

REFUSED.

DECISION RENDERED.

JUL 14 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 14 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 14 1902

RECORD FORWARDED DEPARTMENT.

JUL 14 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 14 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

AUG 22 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

AUG 22 1902

REFER TO M. C. R. 699

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. September, 30th, 1900,
No 697.

In the matter of the application for identification as Mississippi Choctaws of Charley P. Holden and his five minor children.

CHARLEY P. HOLDEN, being duly sworn testified as follows:

Examination by the Commission:

- Q. What is your name? A. Charley P. Holden.
Q. What is your age? A. A. I was born in '54——46 years old.
Q. What is your post office address? A. Ardmore.
Q. Where is Ardmore? A. Chickasaw Nation.
Q. What state? A. Indian Territory.
Q. Do you live there? A. Yes sir.
Q. How long have you lived there? A. 7 years.
Q. Have you maintained a continuous residence in the Indian Territory for the past 7 years? A. I have been here the past 7 years.
Q. Have you been outside of the Territory in the past 7 years? A. No sir.
Q. Where did you come from when you came to the Indian Territory? A. Texas.
Q. Where did you come from to Texas? A. Mississippi.
Q. When did you leave Mississippi? A. In '61.
Q. Were you born in Mississippi? A. Yes sir.
Q. How much Choctaw blood do you claim? A. I don't know——about 1/16.
Q. What is your father's name? A. Mangrum Holden.
Q. Is he living? A. Yes sir.
Q. What is your mother's name? A. Mary Ann.
Q. Is she living? A. No sir.
Q. Through which one of your parents do you claim your Choctaw blood? A. My mother.
Q. Is your mother's name on any of the tribal rolls of the Choctaw Nation? A. No sir.
Q. Was she ever recognized during her life time as a citizen of the Choctaw Nation by the tribal authorities thereof? A. Always called a Choctaw Indian.
Q. Was she ever recognized by any official act of the National Council of the Choctaw Nation as a citizen of the Choctaw Nation? A. No sir.
Q. Is your name upon any of the tribal rolls of the Choctaw Nation? A. No sir.
Q. Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A. No sir.
Q. Have you been recognized by any official act of the Choctaw Council as a citizen of the Choctaw Nation? A. No sir.
Q. Did you or any one in your behalf make application to this Commission in the year 1896 for citizenship in the Choctaw Nation acting under the act of Congress approved June 10th 1896? A. No sir.
Q. Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Indian Territory rendered upon appeal from the decisions of either the Commission or the Choctaw tribal authorities? A. No sir.
Q. Did you ever prior to this time make application to either the tribal authorities of the Choctaw Nation or the authorities of the United States for either citizenship or enrollment in the Choctaw

Nation? A. No sir.

Q. This is your first application of any description? A. Yes sir.

Q. You are now making application for identification as a Mississippi Choctaw? A. Yes sir.

Q. Why do you believe that you are entitled to identification as a Mississippi Choctaw and entitled to lands in the Choctaw Nation under the 14th article of the treaty of 1830? A. We was always told that our grandfather was a 1/2 breed Choctaw.

Q. Was your grandfather a recognized member of the Choctaw tribe of Indians in the State of Mississippi? A. I dont know if he was a recognized member in Mississippi or not, but he was always known as a half blood Choctaw.

Q. Did either you or your ancestors ever take advantage of the 14th article of the treaty of 1830 as beneficiaries thereof? A. No sir.

Q. Did any of your ancestors ever receive or claim lands in the state of Mississippi as beneficiaries under the 14th article of the treaty of 1830? A. I dont know.

The Commission will require of applicants claiming a right to be identified as Mississippi Choctaws, and to share in the lands of the Choctaw Nation, proof showing compliance with the provisions of the 14th article of the treaty of 1830, either by themselves or their ancestors and in either case exhibits of documentary evidence or records showing the facts in the case will be required.

Q. What was the name of your ancestor who lived in Mississippi in 1830, who was at that time a recognized member of the Choctaw tribe of Indians and who received or claimed land as a beneficiary under the 14th article of the treaty of 1830? A. Daniel Burks.

Q. Have you any evidence that he was a recognized member of the Choctaw tribe of Indians during that time? A. No sir.

Q. Have you any documentary evidence showing that he received any land as a beneficiary in Mississippi under the 14th article of the treaty of 1830? A. No sir.

Q. Do you make any claim by reason of any of the other provisions of the treaty of 1830? A. No sir,---we just claim Indian blood and right,---well sir, I dont know as I understand the treaty.

Q. Are you married? A. Yes sir.

Q. What is your wifes name? A. Lou Holden.

Q. How old is she? A. 42.

Q. Do you make any claim for your wife? A. No sir.

Q. Is she a white woman? A. Yes sir.

Q. She never made any claim to Indian citizenship by blood? A. No Sir.

Q. When did you marry her? A. In December, 1881.

Q. Where? A. Texas.

Q. Were you married toher under the laws of the State of Texas?

A. Yes sir.

Q. Were you ever married to her under the laws of the Choctaw or Chickasaw Nation? A. No sir.

Q. Have you your marriage license or certificate that you desire to file in this case? A. No sir.

Q. Do you make any claim for anyone else besides yourself? A. Yes sir my children

Q. How many? A. Five.

Q. What are the names and ages of these five children?

3-

A. Otus D. age 19. Lilly, age 15. Ada, age 12.
Uel, age 10. Raymond, age 7.

- Q. Are you the father of these five children? A. Yes sir.
Q. Lou Holden the mother of them? A. Yes sir.
Q. They all live with you at your home? A. Yes sir.
Q. Their claim to identification as Mississippi Choctaws is identical with yours is it not? A. Yes sir.
Q. Is there any additional statement that you desire to make at this time? A. No sir.
Q. Is there any written evidence that you desire to file with the Commission in support of your application?

Here attorneys for applicants ask permission to file written evidence in support of this claim within 30 days from this date.

Permission is granted applicants attorneys to file written evidence in support of this application provided the same is done within 30 days from this date.

The decision of the Commission in reference to your application and the application you make on behalf of your five minor children for identification as Mississippi Choctaws will be mailed to you in writing at your present post office address.

Chas. von Weise, 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 20th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, of said proceedings on said date.

Chas von Weise

Subscribed and sworn to before me this the 4 day of October, 1900.

Guy L. Emerson
Notary Public.

*J. F. W.
C. J. W.*

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

---0---

In the matter of the application of Charley P. Holden, et al
for identification as Mississippi Choctaws, consolidating the appli-
cations of-

Charley P. Holden, et al M.C.R. 697

James M. Holden, et al " 699

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

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Charley P. Holden for himself and his five minor children, Stas
D., Lilly, Ada, Wel, and Raymond Holden; by James M. Holden for him-
self and his five minor children, Beulah, Gladie, Dewar, Carl
and Bessie Holden, under the following provision of the act of
Congress approved June 25, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-seventh
eighteen hundred and thirty, and to that end may administer
oaths, examine witnesses and perform all other acts necessary
therein and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights

(2)

in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Daniel Burks, who is alleged to have been a half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

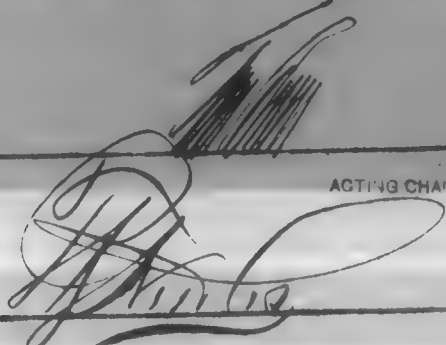
It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

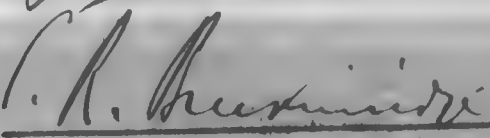
It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Daniel Burks, or ancestors less remote than him, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 129) and August 23, 1842 (5 Stats., 625).

(3)

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charley P. Holden, Otus D. Holden, Lilly Holden, Ada Holden, Uel Holden, Raymond Holden, James M. Holden, Beaulah Holden, Claudie Holden, Oscar Holden, Carl Holden and Dessie Holden, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



ACTING CHAIRMAN


Commissioners.

Muskogee, Indian Territory,

JUL 14 1902

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

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In the matter of the application of Charley P. Holden, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Charley P. Holden, et al M.C.R. 697
James M. Holden, et al " 699

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Charley P. Holden, et al.

	(Page)
Original application of Charley P. Holden, et al., before the Dawes Commission for identification as Mississippi Choctaws	1
Petition of Charley P. Holden and James M. Holden	4
Decision of the Commission denying the application of Charley P. Holden, et al., for identification as Mississippi Choctaws	7
Copy of letter transmitting decision of the Commission	9
Original application of James M. Holden, et al., before the Dawes Commission for identification as Mississippi Choctaws	10
Decision of the Commission denying the application of James M. Holden, et al., for identification as Mississippi Choctaws	13
Copy of letter transmitting decision of the Commission	13

(2)

Decision of the Commission denying the application
of James M. Holden, et al., for identification
as Mississippi Choctaws 16

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

---o---

In the matter of the application of Charley P. Holden, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Charley P. Holden, et al M.C.R. 697
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REFER TO M. C. R. 697

Charles P. Holden
et al

Consolidated Case

Daniel Burks 1/2

Mary Ann Burks
mar.
Maugrum Holden

Elizabeth Holden, dead
mar
James W. Paccard

Charley P. Holden 46 1/2
wife
Lou Holden, w.

James W. Holden 38 1/4
wife
Sallie J. Holden, w.

Mary R. Paccard 75
mar
Earl McClatchey

Nellie McClatchey 5

Frederick R. Paccard 73

Otis D. Holden 19
Lilly Holden 15
Ada Holden 12
Kel Holden 10
Raymond Holden 7

Beulah H. Holden 14
Claudie Holden 13
Oscar Holden 10
Carl Holden 9
Dessie Holden 3

1899

1908

Muskogee, Indian Territory, October 12, 1900.

Hudson & Arnold,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 4th instant enclosing petitions of John Jones et. al and Charles P. Holden, et. al, applicants for identification as Mississippi Choctaws, and Affidavit of J. S. Oswalt in the matter of the application of D. J. Johnson et. al for identification as Mississippi Choctaws, and the affidavit of Robert G. Shaw to be filed in the matter of the application of Mary M. Box, (nee Johnson, for enrollment as a member of the Choctaw tribe of Indians.

The petitions of John Jones et. al and Charles P. Holder et. al have been duly filed with the records in those cases. The affidavit offered in support of the claim of D. J. Johnson has been duly filed with the records in that case.

The affidavit offered for filing in the matter of the claim of Mary M. Box (nee Johnson) for enrollment as a member of the Choctaw tribe of Indians is returned to you herewith for the reason that the records of the Commission do not show that this party has ever appeared before the Commission and made application for enrollment as a citizen of the Choctaw Nation or identification as a Mississippi Choctaw.

You are advised that the records of the Commission do show, however, that Maggie Box, the daughter of Andy and Josephine

H. & A. 2--

Johnson, appeared before the Commission at Muskogee on September 20th, 1900 and made application for the identification of herself and her minor child, Clara May Box, as Mississippi Choctaws and her husband Rufus L. Box, as an intermarried Mississippi Choctaw.

Yours truly,

Acting Chairman.

M. C. R-709
M. C. R-714
M. C. R-697
M. C. R-751

enc f

py,

Muskogee, Indian Territory, July 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Charley P. Holden, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 14, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Charley P. Holden, et al.,	M.C.R. 697
James M. Holden, et al.,	" 698

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Lamar Bixby.

Acting Chairman.

Through the Commissioner of
Indian Affairs.

1 enclosure.

5071.
M.C.R. 697.

Maakogee, Indian Territory, July 14, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charley P. Holden, et al., embracing the following applications for identification as Mississippi Choctaws:

Charley P. Holden, et al.,	M.C.R. 697
James M. Holden, et al.,	" 699

These applications were made under the provision of the act of Congress of June 20, 1896 (30 Stats. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

M M & C 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charley P. Holden, Otus D. Holden, Lilly Holden, Ada Holden, Wel Holden, Raymond Holden, James M. Holden, Reannah Holden, Glendie Holden, Oscar Holden, Carl Holden and Bonnie Holden, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the commissions for their identification as such should be suspended, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James Birney

Acting Chairman

COPY.

H.C.R. 697.

Waukegon, Indian Territory, July 14, 1902.

Charley P. Holden,

Ardenore, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charley P. Holden, et al., embracing the following applications for identification as Mississippi Choctaws:

Charley P. Holden, et al.,	H.C.R. 697
James H. Holden, et al.,	" 698

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

C P H 2

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charley P. Holden, Otus D. Holden, Billy Holden, Ada Holden, Vol Holden, Raymond Holden, James H. Holden, Neeniah Holden, Claude Holden, Oscar Holden, Carl Holden and Dossie Holden, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has in this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

James Dinby.

Acting Chairman.

Registered.

C O P Y.

Land.
42,363-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, August 3, 1902.

The Honorable

The Secretary of the Interior

Sir:

There is transmitted, herewith, a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated July 14, 1902, forwarding for the Department's consideration the record relative to the consolidated Mississippi Choctaw case of Charley P. Helden, et al., claiming rights under Article 14 of the treaty of 1830.

Charley P. Helden applies for identification of himself and five minor children, Otus D., Lilly, Ada, Uel, and Raymond.

James Helden applies for the identification of himself and his five children, Beulah, James D., Oscar E., Carl and Jesse Helden.

July 14, 1902, the commission found that the applicants were not entitled to identification as Mississippi Choctaws.

They attempt to trace descent from Daniel Burke, the grand father of the principal applicant, Charley Helden.

The records of this office do not show that the alleged

original ancestor of the applicants supplied or attempted to comply with the provisions of Article 14 of the treaty of 1830 or that be applied to the commissions appointed under the acts of March 3, 1837 and August 22, 1842, for an adjudication of his rights.

It is therefore respectfully recommended that the decision of the commission rejecting the applicants be approved.

Very respectfully,

Your obedient servant,

A. C. TURNER,

Acting Commissioner.

S. A. W.)
/

D.S. 13398-1902.

4 8 6 2 9

RAF.

DEPARTMENT OF THE INTERIOR.

IED, 4385-1902.
L.R.S.

Washington.

August 14, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the consolidated case involving the applications for identification as Mississippi Choctaws of Charley P. Holden and his five minor children, Otis D., Lilly, Ada, Vel and Raymond Holden, and of James M. Holden and his five minor children, Beulah, Gladie, Oscar, Earl and Dessie Holden. The record, including your decision of July 14, 1902, denying the applications, was transmitted with your letter of that date.

The applicants attempt to trace their descent from one Daniel Burke, alleged to have been a half-blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Burke or a less remote ancestor of applicants ever complied or attempted to comply with the provisions of article XIV of the Treaty of September 27, 1830,

or with either of the acts of March 2, 1857 (5 Stat., 180),
and August 23, 1848 (5 Stat., 313).

The Acting Commissioner of Indian Affairs forwarded
the papers August 2, 1862, and recommended that your decision
be approved. A copy of his letter is inclosed.

After a careful review of the whole case the Depart-
ment affirms your decision.

Respectfully,

THOS. HYAM.

Acting Secretary,
Dak.

2 inclosures.

COPY.

H. C. R. 697

Muskogee, Indian Territory, August 22, 1902.

Hessfield, McFarrey & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Kiasisawippi Choctaws of the several persons included in the consolidated case of Charles F. Holden, et al., of which decision you were advised by mail on the 14th day of July, 1902.

Yours truly,

James D. Dwyer,
Acting Chairman.

Muskogee, Indian Territory, August 22, 1902.

Charley P. Halden,
Adams, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Chestnuts of the several persons included in the consolidated case of Charley P. Halden, et al., of which decision you were advised of by registered mail on the 14th day of July, 1902.

Yours truly,

James Dixby.
Acting Chairman

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

697

^{1/16}
Charley P. Holden. 46
Ardenmore, S. D.
SEP 20 1900

FATHER: Mangrum Holden - ✓
MOTHER: Mary Ann Holden - dead
(Claim through ...)

WIFE: Lou Holden. 42.
(No claim for wife).

CHILDREN:

Otus N. Holden	19.
Lillie " "	15.
Olda " "	12.
Uel. " "	10.
Raymond " "	7.

COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS.

FILED

SEP 20 1900

Attest

Choc. MCR 698

Pearl Butler

MCR 698

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES
 Muskogee, I. T., Sept. 20, 1900.

In the Matter of the Application for Identification as Mississippi Choctaws of Pearl Butler, on her own behalf, and on behalf of her minor child, Carl.

Pearl Butler, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Pearl Butler.
 Q What is your age? A 19 years.
 Q What is your postoffice address? A South McAlister, I. T.
 Q How long have you lived in the Indian Territory? A We went there the 9th of September to make our home there.
 Q What is the name of your husband? A Edmund.
 Q Where did you live prior to the 9th day of September? A Arkansas.
 Q How long had you been living there? A Four years.
 Q Prior to coming here? A Yes sir.
 Q And before that where did you live? A I was raised in Missouri.
 Q And had always lived in Missouri? A Yes sir.
 Q What is your father's name? A Walter Trimble.
 Q And your mother's name? A Sarah E. Trimble.
 Q Through which one of your parents do you claim Choctaw blood?
 A My mother.
 Q Your father was a white man? A Yes sir.
 Q How much Choctaw blood do you claim? A 1/16.
 Q Is the name of your mother on any of the tribal rolls of the Choctaw Nation? A I don't know whether it is or not; she was before the Committee in June.
 Q Is your father living or dead? A He is living.
 Q Is your mother living? A Yes sir.
 Q You say your mother appeared before whom? A Before the Committee in June.
 Q What Committee? A The Dawes Committee last June.
 Q And did she make application before the Dawes Commission last June?
 A Yes sir.
 Q Do you know what was done with her application? A No sir.
 Q Did she make application as a Mississippi Choctaw at that time?
 A Yes sir.
 Q Did she make application for you at that time? A No, they said she couldn't on account of my being married.
 Q Has she ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A Not that I know of.
 Q Has she ever been recognized in any manner by the tribal authorities of the Choctaw nation as a citizen? A I don't know whether I can answer that or not.
 Q You don't know? A No, I don't know.
 Q Is your name on any of the tribal rolls of the Choctaw Nation?
 A No sir.
 Q Did you ever make application to the Choctaw tribal authorities for citizenship? A No sir.
 Q Have you ever been recognized in any manner by the tribal authorities of the Choctaw Nation as a citizen thereof? A No sir.
 Q Did you, or did anyone on your behalf, in 1896, make application to this Commission for citizenship in the Choctaw nation under the act of Congress of June 10, 1896? A I don't know about that.
 Q This is the first application you have made here? A Yes sir.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States court on appeal from the decision of this Commission or the tribal authorities of the Choctaw

Nation? A No sir.

Q Have you ever, prior to this time, made application to the Choctaw Nation or the United States authorities for either citizenship or enrollment as a Choctaw Indian? A No sir.

Q What is the purpose of your appearing before the Commission at this time? To make application for what? A For my right; my claim.

Q For identification or for enrollment? A For enrollment.

Q Don't you know that under the laws under which you claim as a descendant of a Mississippi Choctaw, you must first be identified before you can be enrolled. Isn't it your purpose to become identified before enrollment? A Yes sir.

Q Under what law or laws do you claim to be identified as a Mississippi Choctaw? Do you know any law? A No sir.

Q Do you know anything about the laws governing these cases? A No, I don't know anything about it.

Q Did you ever read the 14th article of the treaty of 1830? A No.

Q Did you ever hear about it? Hear what it was.

Q I don't remember.

Q Do you claim under article 14 of the treaty of 1830? A Yes sir.

Q Do you claim under any of the other articles of that treaty? or do you claim under whole treaty? A Yes, we claim under the whole treaty.

Q Do you claim under any other act of Congress or treaty than that of 1830? A Well, I don't know.

Q Have you any proof of the fact that any of your ancestors were ever recognized as enrolled citizens of the Choctaw tribe of Indians at the time the treaty was made between the United States and the Choctaw Nation in 1830, and that any of your ancestors received any land as beneficiaries under the provisions of that article?

A They have not received any land, but I have always been taught---

Q You know as a fact that they have not received any land as beneficiaries under that article? A If they have, I don't know it.

Q What you know with reference to whether the ancestors under whom you claim now to be identified as a Mississippi Choctaw, is what you have heard in the family? A Yes, just what I have heard; that is all.

Q It is the law of the Commission that they will require the applicants claiming rights in the Choctaw lands under the 14th article of the treaty of 1830, that they exhibit proof complying with the provisions of that article, either by themselves or their ancestors, and in each and every case exhibits of records and documents showing proof will be required. Have you any such documents or records of any kind? A No, I have not.

Q Then you admit that at the present time you could not show compliance with the provisions of the 14th article of the treaty of 1830, do you? I have just stated the requirements, and those requirements have not been complied with either by yourself or your ancestors, have they? A I just don't know.

Q I will state to you, in order that you may answer the question intelligently, what is required under the 14th article of the treaty of 1830 from the ancestors under whom you claim: It is the absolute requirement of this Commission, that they will require in taking your evidence under the treaty of 1830, from all applicants, that they must have remained in Mississippi, and signified their intention to the United States Indian agent or to the Choctaw Indians there ~~then~~ after the conclusion of the treaty, Feb. 21, 1831, and must have received land as beneficiaries under that article of that treaty.

A My grandfather was there in Mississippi, but I never have been myself.

Q You don't know whether he received land or not? A No sir.

Q Nor whether the provisions were complied with? A No, I don't know; my mother would know.

Q What did you say was the name of your husband? A Edmund Butler.

3- Pearl Butler.

- Q Is he a white man or Indian? A White man.
- Q When were you married to him? A Four years next November.
- Q You make no application for him? A No sir.
- Q Under what laws were you married? A United States law.
- Q You were married in what state? A Arkansas.
- Q And married under the laws of Arkansas? A Yes sir.
- Q Have you your marriage license and certificate? A Yes sir.
- Q Have you them here? A No, I haven't.
- Q Do you wish to file them as part of your case? A It is for you to say.
- Q We will receive them if you wish to file them. A I don't know what is best for myself. It don't make any difference to me; I will do whatever is best.
- Q You will have to state whether you wish to file them; the Commission cannot advise you.
- A I suppose so, if the rest of them do.
- Q If you wish to file your marriage license and certificate the Commission will give you a reasonable time in which to do it. A I don't know as it is necessary; I don't know myself; if it is right, I would of course do it; and if not, why---
- Q What is your husband's name? A William Butler.
- Q Is he living? (father's)
- A Yes sir.
- Q What is your husband's mother's name? A Hattie?
- Q Is she living? A Yes sir.
- Q They are both white people? A Yes sir.
- Q They have never made any claim to Indian citizenship have they?
- A No sir.
- Q And your husband never did? A No sir.
- Q What is the name of your minor child? A Carl.
- Q How old is your child? A He will be seven weeks old next Sunday.
- Q You are the mother of this child? A Yes sir.
- Q And Edmund Butler is the father? A Yes sir.
- Q This child is living with you? A Yes sir.
- Q And the basis of the claim of this child is identical with yours?
- A Yes srs.
- Q State the name of your ancestor who was living in Mississippi in 1830, who was recognized by the tribe of Choctaw Indians there, and who was a beneficiary under the provisions of the 14th article of the treaty of 1830? A Andrew Jackson.
- Q Have you any evidence of the fact that he was a beneficiary under the provisions of the 14th article of the treaty of 1830, and received land in Mississippi? A I have always been taught he was.
- Q You have no other proof than that? A No, I merely don't know anything about him myself, only just what I have been taught all my life.
- Q Is there any additional statement you wish to make at this time in support of your application? A No sir.
- Q Are there any records or documentary evidence of any kind that you desire to file with the Commission and make a part of your application for identification? A No sir.
- Q The decision of the Commission as to your application, and the application that you make on behalf of your minor child Carl, will be mailed to you in writing in the near future, to your present postoffice address.

By Mr. Poole, attorney for applicant:

- Q Did you have any notice from anyone that it was necessary for you to make application to the Dawes Commission in 1896 for citizenship?
- A No sir.
- Q You never had any such notice? A No sir.
- Q And you knew nothing about it? A No, I knew nothing about it at all.

4-Pearl Butler.

Permission is granted applicant thirty days in which to file written evidence in support of her claim

Frances R. Brown, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 20th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 27th day of September, 1900.

Guy L. Emerson
Notary Public
Acting Chairman.

1
COPY.

M.C.R. 698

Washington, Indian Territory, August 10, 1902.

Pearl Butler,
South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that on the 20th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah E. Batson, et al., embracing the following applications for identification as Mississippi Choctaws:

Sarah E. Batson, et al., M.C.R. 128
Pearl Butler, et al., " 698

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah E. Batson, Mary Trimble, Myrtle Trimble, Dovie Trimble, Pearl Butler,

Pearl Butler-2

and Carl Butler, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Acting Chairman.

Registered.

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:

M.C.R. 698

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 14, 1903.


Pearl Butler,

South McAlester, Indian Territory.

Dear Madam:

You are hereby notified that on the 3rd day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Batson, et al., of which decision you were advised by registered mail on the 20th day of August, 1902.

Respectfully,



Acting Chairman.

FOR IDENTIFICATION AS 698
A MISSISSIPPI CHOCTAW.

1/16

SEP 20 1900

Pearl Butler
South Mealester S. T. 19

FATHER Walter Trumble l.
MOTHER Sarah Ellen Trumble l.
Claims through mother
FATHER. Edmund Butler.
CHILDREN.

Carl.

8 weeks old.

MISSISSIPPI CHOCTAW. 698

Pearl Suttler, et al.

REFUSED

DECISION RENDERED

AUG 20 1902

NOTICE OF DECISION MAILED APPLICANT.

AUG 20 1902

NOTICE OF DECISION FORWARDED ATTORNEY FOR APPLICANTS.

AUG 20 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

AUG 20 1902

RECORD FORWARDED DEPARTMENT.

AUG 20 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 14 1903

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

FEB 14 1903

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

FEB 14 1903

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 14 1903

REFER TO M. O. R.

7003

19



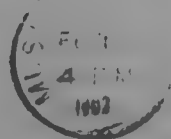
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

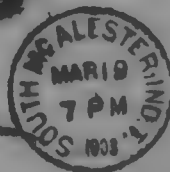
OFFICIAL BUSINESS.

Penalty for private use, \$300.



Pearl Butler,

~~South McAlester, Indian Territory.~~



~~XXXXXXXXXXXX~~

698

file



THE INTERIOR,
ON TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 21 1903

Handwritten signature or initials.

CHAIRMAN



2nd Notice
Aug 27 1902

376



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

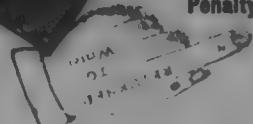
Penalty for private use, \$300.



Pearl Butler

South McAlester
I. T.

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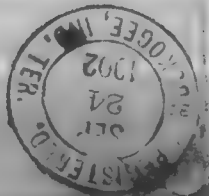


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698

RECEIVED
1902



Choc. MCR 699

James M. Holden

See MCR 697

MCR 699

James M. Holden et al.

REFUSED.

DECISION RENDERED.

JUL 14 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 14 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 14 1902

RECORD FORWARDED DEPARTMENT.

JUL 14 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 14 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

AUG 22 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

AUG 22 1902

REFER TO M. C. R. 697

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. September, 30th 1900.
#222.

In the matter of the application for identification as Mississippi
Choctaws of James M. Holden and his five minor children.

James M. Holden being duly sworn testified as follows—

Examination by the Commission.

- Q. What is your name? A. James M. Holden.
Q. What is your age? A. 38.
Q. What is your post office address? A. Providence.
Q. Where is Providence? A. Chickasaw Nation.
Q. What state? A. Indian Territory is all I know.
Q. Do you live in the Indian Territory? A. Yes sir.
Q. How long have you lived in the Indian Territory? A. About 8 or
9 years.
Q. Have you maintained a continuous residence in the Indian Territory
for the past 8 or 9 years? A. Yes sir.
Q. Have you ever been outside of the Indian Territory during that
time? A. I have been out and in.
Q. Did you ever make a home elsewhere than the Indian Territory
during the last 8 or 9 years? A. No sir.
Q. Where did you come from to the Indian Territory? A. Texas.
Q. Were you born and raised in Texas? A. No sir I was born in
Mississippi.
Q. How long did you live in Mississippi? A. I cannot tell, I was
small when we left there.
Q. How much Choctaw blood do you claim? A. 1/4
Q. What is your father's name? A. Mangrum Holden.
Q. Is he living? A. Yes sir.
Q. What is your mother's name? A. Mary Ann Holden.
Q. Is she living? A. No sir.
Q. Through which one of your parents do you claim your Choctaw blood?
A. My mother.
Q. Is she on any of the tribal rolls of the Choctaw Nation? A. I
cannot answer that question—think it is.
Q. You think it is? A. I don't know whether it is or not.
Q. Why are you in doubt? A. I don't know.
Q. Have you any reason to believe that your mother's name is on any
of the tribal rolls of the Choctaw Nation? A. No sir I don't know
that I have
Q. Was your mother ever recognized by the Choctaw tribal authorities
through any official act of their National Council as a citizen of
that Nation? A. No sir.
Q. Is your name on any of the Tribal rolls of the Choctaw Nation?
A. No sir.
Q. Did you ever make application to the Choctaw tribal authorities
for citizenship in the Choctaw Nation? A. No sir.
Q. Have you ever been recognized by the Choctaw tribal authorities
through any official act of their National Council as a citizen
of the Choctaw Nation? A. No sir.
Q. Did you or any one on your behalf make application to this
Commission in 1896 for citizenship in the Choctaw Nation acting
under the act of Congress approved June 10th 1896? A. No sir.

Q. Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Indian Territory?
A. No sir.

Q. Have you ever prior to this time made application to either the authorities of the Choctaw Nation or the United States authorities for either citizenship or enrollment in the Choctaw Nation?
A. No sir.

This is the first application then that you have ever made?
A. Yes sir.

Q. Why do you believe that you are entitled to be identified as a Mississippi Choctaw by this Commission and entitled to Choctaw lands under the 14th article of the treaty of 1830?
A. Well I dont know that I understand that 14th article; I have always been told that I was an Indian.

Q. This Commission will require of applicants claiming the right to identification as Mississippi Choctaws and a right to share in the Choctaw lands under the 14th article of the treaty of 1830, that they exhibit proof showing compliance with the provisions of that article either by yourself or ones your ancestor, and in each and every case exhibits and records of documents will be required showing the above facts in this case; Have you any such documentary evidence?
A. I dont know that I have.

Q. Did either you or your ancestors ever take advantage of the 14th article of the treaty of 1830?
A. No sir.

Q. Did either you or your ancestors ever claim or receive any lands in the State of Mississippi as beneficiaries under the 14th article of the treaty of 1830?
A. No sir.

Q. What was the name of your ancestor who lived in the state of Mississippi in 1830 when the treaty was entered into between the United States and the Choctaw Indians and was a recognized member of the Choctaw tribe and took advantage of the 14th article of the treaty of 1830?
A. My grand father ~~Burks~~ Daniel Burks.

Q. Have you any evidence of the fact that he was a recognized member of the tribe in 1830?
A. No sir.

Q. Have you any documentary evidence tending to show that he received or claimed any land as a beneficiary under the 14th article of the treaty of 1830?
A. No sir.

Q. Do you make any claim by reason of any of the other provisions of the treaty of 1830?
A. No sir.

Q. Are you married?
A. Yes sir.

Q. What is your wifes name?
A. Sallie J. Holden.

Q. How old is she?
A. 40years old.

Q. Do you make any claim for her?
A. No sir.

Q. When did you marry her?
A. About ~~with~~ 1866 I think.

Q. Where did you marry her?
A. In Texas.

Q. You were married to her under the laws of the State of Texas?
A. Yes sir.

Q. Were you ever married to your wife under the laws of either the Choctaw or Chickasaw Nations?
A. No sir.

Q. Have you your marriage license or certificate with you that you desire to file as evidence of your marriage?
A. No sir.

Q. Was your wife a white woman?
A. Yes sir.

Q. She never made any claim to Indian citizenship?
A. No sir.

Q. Have you any children for whom you desire to make application?
A. Yes sir.

Q. What are their names and ages?
A. Beulah H. age 14'
Claudie age 13; Oscar age 10; Carl age 8 and Bessie age 3.

Q. Are you the father of these five minor children?
A. Yes sir

Q. And Sallie J. Holden is the mother of them?
A. Yes sir.

Q. Are they all living with you at your home?
A. Yes sir.

Q. And their claim to identification is identical with yours?
A. Yes sir.

Q. Is there any additional statement that you desire to make at this time in support of your claim? A. No sir.

Q. Is there any written evidence that you desire to file with the Commission for its consideration in this case? A. Yes sir.

Here attorneys for applicant ask permission to file written evidence in support of this application and ask that 30 days be allowed them in which to file same.

The Commission :

Permission is granted attorneys for applicant to file written evidence in support of the claim of this applicant provided same is done within 30 days is done from this date.

The decision of the ~~applicant~~ Commission as to your application and the application made by you at this time on behalf of your five minor children for identification as Mississippi Choctaws will be mailed to you at your present post office address.

Chas. von Weise, having been 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 and foregoing cause on the 20th day of September, 1900 and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings on said date.

Chas von Weise

Subscribed and sworn to before me this the 4 day of Oct 1900.

Guy L. Emerson
Notary Public.

COPY.

X.C.R. 699.

Muskogee, Indian Territory, July 14, 1902.

James M. Holden,
Province, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charley P. Holden, et al., embracing the following applications for identification as Mississippi Choctaws:

Charley P. Holden, et al.,	X.C.R. 697
James M. Holden, et al.,	699

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

J N H 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles P. Holden, Gus D. Holden, Lilly Holden, Ada Holden, Vel Holden, Raymond Holden, James H. Holden, Beulah Holden, Claude Holden, Oscar Holden, Carl Holden and Dessie Holden, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *James Bixby.*

Acting Chairman.

Muskogee, Indian Territory, August 22, 1902.

James H. Holden,
Tulsa, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Missions Apai Chostaw of the several persons included in the consolidated case of Charley F. Holden, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Yours truly,

Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

699

$\frac{1}{4}$ SEP 20 1900
James M. Holden. 98.
Province, S. D.

FATHER: Mangrum Holden - ✓
MOTHER: Mary Ann Holden - dead.
(Claims through mother).

WIFE: Sallie J. Holden. 40.
(No claim for wife).

CHILDREN:

Bulah Holden	14
" " " " " "	13.
Oscar. " " " "	10.
Carl. " " " "	8.
Wesse. " " " "	3.

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

FILED

SEP 20 1900

ACTING CHAIRMAN.

Choc. MCR 700

Edward E. Foster

MCR 700

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., September 20, 1900.

In the Matter of the Application for Identification as Mississippi Choctaws of Annie E. Foster, on behalf of her three minor children.

Annie E. Foster, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Annie E. Foster.
- Q What is your age? A 40 years.
- Q What is your postoffice address? A Ft. Worth, Texas.
- Q How long have you lived in Ft. Worth? A About 14 years.
- Q For the last fourteen years? A With the exception of a few months.
- Q You have never lived in the Indian Territory? A I did at one time, three months; that was in '93.
- Q With the exception of these three months when you lived in the Indian Territory, you lived in Texas? A No, one year previous to living in the Territory, I lived in Louisiana.
- Q But since that time you have lived in Texas? A Yes sir.
- Q And your children have made their home with you there? A Yes sir.
- Q What is your husband's name? A Richard E. Foster.
- Q Richard E. Foster is the father of these children? A Yes sir.
- Q How old is he? A He would be about 56 years old.
- Q Is your father living? A No sir.
- Q What was his name? A Richard Bevell.
- Q And your mother, is she living? A Yes sir.
- Q What is her name? A Her name is now Elizabeth Chisam. My father has been dead since I was an infant.
- Q What is the names of your children, and their ages? A Edward E. 20 years, Ada B. 18 years and Maude Z. 16 years.
- Q These children are all minors and unmarried? A Yes sir.
- Q And they make their home with you, and always have? A Yes sir.
- Q Through whom do you claim for them as Mississippi Choctaws?
- A Through their father.
- Q Has anyone ever made application for these children to the Choctaw tribal authorities for citizenship in the Choctaw Nation?
- A No sir.
- Q Have they ever been recognized in any manner by the Choctaw tribal authorities of the Choctaw Nation as citizens of that nation?
- A No sir.
- Q Has your husband's name ever been on the tribal rolls of the Choctaw Nation? A I don't know.
- Q Did he ever make application to the Choctaw tribal authorities for citizenship? A No sir.
- Q Has he ever been recognized in any manner by the Choctaw tribal authorities as a citizen? A No sir.
- Q His name is not on any of the tribal rolls of the Choctaw nation?
- A Not that I know of.
- Q And he never made application to the tribal authorities for enrollment as a citizen of the Choctaw nation? A No sir.
- Q Did he, in 1896, on his own behalf, make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Did you, or did anyone for them, make application for these minor children to become citizens of the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Has your husband ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States court on appeal from the decision of this Commission or of the tribal authorities? A No.
- Q Were these children ever admitted to citizenship in the Choctaw Nation by a judgment of the United States Court? A No sir.

- Q You say that you are making application for these three minor children for identification as Mississippi Choctaws, claiming through their father, Richard E. Foster? A Yes sir.
- Q How much Choctaw blood do you claim these children have? A 1/16.
- Q What proof have you that these children have any right to be identified as Mississippi Choctaws, and under what law do they claim? A They claim a right by being related to the Dukes of Mississippi-- Elizabeth Duke.
- Q What is the full name of the ancestor under which these children claim? A Elizabeth Duke.
- Q And what is Elizabeth Duke? A She was a half breed Mississippi Choctaw; her mother was an Indian woman.
- Q What evidence have you, either of records or other documentary evidence, that she ever complied with the provisions of the 14th article of the treaty of 1830? A The attorneys have evidence that she was a registered Indian in Mississippi.
- Q At what time was she registered? Was she upon any roll? A Yes, that is my understanding.
- Q Have you that evidence with you? A I haven't got it, but I suppose it can be produced.
- Q Do you wish to offer it in evidence? A Yes sir.
Thirty days from the time of this hearing will be given applicant to file necessary documentary proof and records to substantiate the application she makes on behalf of these three minor children.
- Q You claim for these children under what treaty? Do you know of any particular treaty under which they should claim? A No, I don't.
- Q Did you ever read the treaty of 1830? A No sir.
- Q Or article 14 of that treaty? A No sir.
- Q Is Richard E. Foster, your husband, living? A No sir.
- Q How much blood do you claim he had? A 1/8.
- Q You say you are not acquainted with the law with reference to this application as given in the 14th article of the treaty of 1830? A No sir.
- Q Section 14 of the treaty of 1830 reads as follows: "Each Choctaw head of a family, being desirous to remain and become a citizen of the states, shall be permitted to do so by signifying his intention to the Agent, within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity." That is the law under which this application comes. I want to ask you if you know whether this ancestor signified her intention to the Agent within six months after the ratification of this treaty, of her intention to remain and take land as a beneficiary under this article or not? A No, I don't know anything about it.
- Q Your desire is to have thirty days time in which to file documentary proof in reference to this matter, and all matters pertaining to this application? A Yes sir.
That time has been granted.
- Q I think you stated when you were married to your husband? A Yes.
- Q Have you your marriage certificate with you? A Yes, I will file it today.
- Q Is there any other statement you desire to make in reference to

3-Annie E. Foster.

this application? A No sir.

Q I want to ask you the name of the father of Richard E. Foster?

A His name was Richard E. Foster Sr.

Q And your husband's mother's name? A Sarah.

By Mr. Peels, attorney for applicant:

Q Mrs. Foster, did you know, or ever receive any notice that it was necessary for you to appear before the Dawes Commission in 1896 for citizenship in the Chectaw Nation? A I did not.

Q Are you anticipating moving to the Indian Territory soon? A Yes.

Q Are you making preparations for that purpose? A I am.

Q And expect to move soon? A Yes, right away.

The decision of the Commission as to your application which you make on behalf of your three minor children, will be mailed to you in writing in the near future to your present postoffice address.

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Frances R. Brown, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 20th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic note, of said proceedings on said date.

Subscribed and sworn to before me this ^{27th} day of ~~September~~ A. D., 1900.

Frances R. Brown
Guy L. Emerson
Notary Public.

Muskogee, Indian Territory, October 12, 1900.

Rudson & Arnold,
Attorneys at Law,
Ada, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of October 4th, enclosing petitions of A. T. Foster, Mary Stanfield et. al, Dora Smith and Annie Foster et. al for enrollment as members of the Choctaw Tribe of Indians.

The petition of A. T. Foster is returned herewith for the reason that a careful search of the records of the Commission does not disclose the fact that he has ever appeared before the Commission for enrollment as either a citizen of the Choctaw or Chickasaw Nation or for identification as a Mississippi Choctaw.

The records of the Commission show that Mary Stanfield, Dora Smith and Annie Foster (for her minor children) made application for identification as Mississippi Choctaws, not for enrollment as citizens of the Choctaw Nation. However, the papers have been accepted and filed by the Commission with the other papers in these cases.

Yours truly,

M. C. R-700
M. C. R-702
M. C. R-008

Acting Chairman.

Muskogee, Indian Territory, January 3, 1902.

Annie E. Foster,
Fort Worth, Texas.

Dear Madam:

In the matter of the application for identification as a Mississippi Choctaw of Berge Duke, you are informed that under date of July 27, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such application.

It appears from our records that at Muskogee, Indian Territory on September 20, 1900 you made personal application for the identification as Mississippi Choctaws of your three minor children claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Ardmore, Mississippi on Thursday, February 8, 1902 at nine o'clock A. M. there will be heard the

A. R. F. S.

testimony of such witnesses as present themselves in person
in support of your application.

Yours truly,

M. C. 000.

Commissioner in charge.

W. O. B.

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
M C R 700

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 27, 1902.

Edward Everett Foster,
Fort Worth, Texas.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Joseph L. Mixon, et al., embracing the following applications for identification as Mississippi Choctaws:

Joseph L. Mixon, et al.,	M C R	788
Martin H. Duke, et al.,	M C R	332
Berge Duke,	M C R	333
Ruth Ada Duke,	M C R	334
Andrew J. Duke, et al.,	M C R	449
Mary Keziah Moore, et al.,	M C R	450
Jasper Weldon Allen, et al.,	M C R	452
Sallie A. Roberts et al.,	M C R	453
Edward E. Foster, et al.,	M C R	700
Ella C. Foster,	M C R	701
Dera F. Smith, et al.,	M C R	702
Elizabeth Sparks, et al.,	M C R	706
Turah Hughs, et al.,	M C R	708
William M. Foster et al.,	M C R	713
Thomas I. Sparks, et al.,	M C R	715
William W. Boucher, et al.,	M C R	718
Henry Tilden Smith,	M C R	753
Sidney B. Smith, et al.,	M C R	754
Rebecca Ellen Smith, et al.,	M C R	756
Sarah J. Foster, et al.,	M C R	757
Elizabeth Jones,	M C R	761
Thomas Smith,	M C R	763
M. D. Boucher, et al.,	M C R	766
Sarah White, et al.,	M C R	769
Lizzie White, et al.,	M C R	770
Artie F. Perry, et al.,	M C R	772
Mary K. Luther, et al.,	M C R	774
Sarah L. Cooper, et al.,	M C R	777
Agnes Nelson,	M C R	783
Sarah Ellmina Bryant, et al.,	M C R	785
Beulah B. Ricks, et al.,	M C R	789
Mary S. Foster, et al.,	M C B	794
Richard W. Foster,	M C R	798
Bartlett S. Duke, et al.,	M C R	816

Lycurgus Duke, et al.,	M C R	823
William S. Luther,	M C R	825
William J. A. Smith, et al.,	M C R	902
Laura Howell, et al.,	M C R	952
William A. Sparks, et al.,	M C R	954
Frank Duke,	M C R	1235
Henderson Duke, et al.,	M C R	1236
Richard M. Scott, et al.,	M C R	2593
Thomas Drue Foster,	M C R	2974
John G. Foster, et al.,	M C R	3037
Andrew J. Foster, et al.,	M C R	3038
Thomas P. Duke,	M C R	3104
Bartlett S. Duke, et al.,	M C R	3105
Braddy S. Duke, et al.,	M C R	3106
Pearl Scott,	M C R	3137
Tiff F. Scott,	M C R	3138
Lockey Virginia Perry, et al.,	M C R	941
William Wiley Perry,	M C R	944
Mary Luvenia Carlisle,	M C R	946
Washington S. Perry,	M C R	974
Thomas L. Mixon,	M C R	4922
Stephen T. Duke,	M C R	4923

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph L. Mixon, Joseph Emmett Mixon, Martin H. Duke, Alonzo H. Duke, Thomas L. Duke, Berge Duke, Ruth Ada Duke, Andrew J. Duke, Elizabeth Caroline Duke, Elsie Jane Duke, George B. Duke, Lillie G. Duke, Birdie Duke, Mary Keziah Moore, William Elmer Moore, Effie May Moore, John V. Allen, Andrew B. Allen, Sallie A. Roberts, Walter A. Roberts, Nora Odessa Roberts, Edward E. Foster, Ada B. Foster, Maud Z. Foster, Edna C. Foster, Dera F. Smith, Erin Smith, Lila Smith, Iva Smith, Elizabeth Sparks, Turah Hughs, William Claudie Hughs, William M. Foster, William Pen Foster, Milla Foster, Bettie Foster, Thomas I. Sparks, Ora T. Sparks, Richard W. Sparks, Freddie C. Sparks, Nettie E. Sparks, William W. Boucher, Sarah Ann Boucher, Jeff T. Boucher, Mary A. Boucher, Harper Duke Boucher, Flora Eunice Boucher, Henry Tilden Smith, Sidney B. Smith, Rebecca Ellen Smith, Rufus J. Smith, Sarah C. Smith, Florence King, Sarah J. Foster, Gatsy Ann Foster, Elizabeth Jones, Thomas Smith, M. D. Boucher, Edward E. Boucher, Haze D. Boucher, Arthur Eugene Boucher, James Quinton Boucher, Leon Boucher, Sarah White, Willie B. White, Ida May White, Lizzie White, Hester Lee White, Claudie White, William Jarrett White, Rena K. White, Artie F. Perry, Bradford Perry, Orion B. Perry, Harvey P. Perry, Nancy K. Luther, Jarrett H. Luther, Roy L. Luther, Roxy M. Luther, Lela Luther, Sarah L. Cooper, Nancy Jane Cooper, George Washington Cooper, James William Cooper, Mary Louisa Coopef, Calvin Hilly Cooper, Agnes Nelson, Sarah Ellunina Bryant, Lillie Bryant, Daisy Bryant, Charlie Bryant, Carl Bryant, Beulah B. Ricks, Joseph Lawrence Ricks, Thuddeus Benton Ricks, Alonza Preston Ricks, Mary S. Foster, Roscoe Foster, Everett A. Foster, Richard W. Foster, Bartlett S. Duke, Tobitha A. Duke, Andrew J. Duke, Geneva Pearl Duke, Lycurgus Duke, Parlee C. Duke, Nellie A. Duke, William S. Luther, William J. A. Smith, Thomas C. Smith, Eddie Lee Smith, Laura Howell, Gladys L.

Howell, Jimmie Howell, Stacy Howell, William A. Sparks, Harvey Sparks, Brady Sparks, David Sparks, Frank Duke, Henderson Duke, Carrie Duke, Claude Duke, Ella Duke, Richard M. Scott, Maymeo Scott, Thomas Drue Foster, John G. Foster, Andrew J. Foster, Ouida Foster, Charles H. Foster, Jackson Foster, Thomas P. Duke, Bartlett S. Duke, Alfred Duke, James William Duke, Braddy S. Duke, Pearl Scott, Tiff F. Scott, Lockey Virginia Perry, Margaret Leticia Perry, Malinda Lucretia Perry, Pearly Ophelia Perry, John Biley Jackson Perry, William Wiley Perry, Mary Luvenia Carlisle, Washington S. Perry, Thomas L. Mixon and Stephen T. Duke, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Martin H. Duke for the identification of his wife, Mary Ann Duke, that made by Andrew J. Duke for the identification of his wife, Lucinda J. Duke, that made by Elizabeth Sparks for the identification of her husband, Felix Sparks, that made by Turah Hughs for the identification of her husband, John W. Hughs, that made by Thomas I. Sparks for the identification of his wife, Dora A. Sparks, that made by William W. Boucher for the identification of his wife, Mary Elizabeth Boucher, that made by Sidney B. Smith for the identification of his wife, Dollie L. Smith, that made by John G. Foster for the identification of his wife, Jemima J. Foster, that made by Andrew J. Foster for the identification of his wife, Myrtis C. Foster, that made by Bartlett S. Duke for the identification of his wife, Rosie Duke, that made by Braddy S. Duke for the identification of his wife, Maude Duke, and that made by Jasper Weldon Allen for the identification of himself, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,



Acting Chairman.

Register.

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.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 700

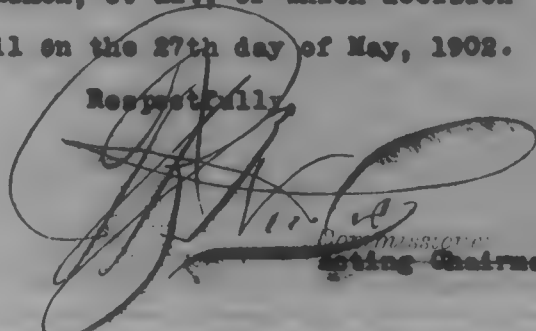
Muskogee, Indian Territory, November 24, 1902.

Edward Everett Foster,
Fort Worth, Texas.

Dear Sir:

You are hereby notified that on the 14th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph L. Nixon, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Respectfully,



COMMISSIONER GEORGE W. B. SMITH,
Acting Chairman.

Muskogee, Indian Territory, December 7, 1903.

Edward Everett Foster,
Fort Worth, Texas.

Dear Sir:

The Secretary of the Interior with his letter of November 25, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al., with instructions that the applicants be granted an opportunity to introduce further testimony and evidence in support of their claim.

The Secretary of the Interior in his letter states:

"October 7, 1903, you transmitted a petition for a rehearing in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al. (M.C.R. 788). Attached to said petition are the affidavits of certain of the applicants in said case, also the affidavit of a full blood Choctaw named John Lewis, who was a resident of the old Choctaw Nation in 1830.

The applicants in this case claim their right to identification as Mississippi Choctaws by reason of their descent from Thomas and Elizabeth Foster. Thomas Foster was an one-half blood Indian who, it is alleged, was a resident of Mississippi in 1830, and complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of that year. The maiden name of Elizabeth Foster was Elizabeth Dukes.

From the affidavit of John Lewis it appears that he was acquainted with said Thomas Foster and with his three brothers, William, James and Hugh Foster; that he was with the Foster brothers in the summer of 1831 at the Union Agency, Mississippi, and that all of said brothers signified their intention to Col. Ward to remain in Mississippi and become citizens of that state.

From the records of the Government it appears that William, James and Hugh Foster were beneficiaries under article 14 of the treaty. It also appears that scrip was issued to one

Thomas Foster, under the provisions of said article, by virtue of the subsequent legislation enacted in reference thereto.

Inasmuch as the showing made in said petition and in the affidavits in support thereof, is corroborated by the records of the Government relating to persons who complied with article 14 of the treaty of 1830, it is considered that a further investigation should be had in this matter."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
- 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).
- 3rd. Their Choctaw as well as their English names.
- 4th. The names and number of the persons who composed their families.
- 5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that

such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, at any time within thirty days from the date upon which you receive this notice, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of such testimony or offering of documentary evidence being first served upon Mansfield, McHurray & Cernish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

R & R Dep.
Registered

Chairman.

W O B.

COMMISSIONERS:
TAMS BIKBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

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

WM. O. BEALL,
Secretary.

<p>REFER IN REPLY TO THE FOLLOWING:</p> <p>M.C.R. 700</p>

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 11, 1905.

Edward Everett Foster,
Fort Worth, Texas,

Dear Sir:

You are hereby notified that on April 28, 1905, the Secretary of the Interior reaffirmed the decision of this Commission of May 13, 1902, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph L. Nixon et al.

You are advised that a copy of the decision of the Secretary of the Interior in this case, has been furnished L. B. Horton, Attorney at Law, Durant, Indian Territory, and Messrs. Herbert, Walker & Cannon, Attorneys at Law, Ardmore, Indian Territory, attorneys for the several persons in this consolidated case.

Respectfully,

Chairman.

REFER IN REPLY TO THE FOLLOWING:

MCR-700

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

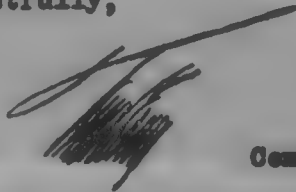
Muskogee, Indian Territory, March 9, 1907.

Edward E. Foster,
Fort Worth, Texas.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied the motions, filed by J. O. Pool, attorney at law, South McAlester, Indian Territory, and Gilbert & Bond, attorneys at law, Duncan, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Joseph L. Nixon et al.

Respectfully,



Commissioner.

FOR IDENTIFICATION AS 700
A MISSISSIPPI CHOCTAW.

D

SEP 20 1900

Annie E. Foster 40.
Fort Worth, Texas.

FATHER, of Richard E. Foster
RICHARD E. FOSTER ST.

MOTHER, SARAH FOSTER

FATHER Richard S. Bevell d

MOTHER Elizabeth Chisam l.

HUSBAND.

Richard E. Foster 118
56 d.

CHILDREN.

1/16
Edwina Everett 20

Ada Belle 18

Mauda Zelma 16

claim through father
Richard E. Foster.

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

FILED

SEP 20 1900

ACTING CHAIRMAN

NOTICE OF DECISION MAILED APPLICANT.

MAY 27 1902

NOTICE OF DECISION FORWARDED
ATTORNEYS FOR APPLICANTS.

MAY 27 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 27 1902

RECORD FORWARDED DEPARTMENT.

MAY 27 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

NOV 14 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOV 24 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR APPLICANT.

NOV 24 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

NOV 24 1902

REMAINED BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.

MAY 25 1903

RECORD FORWARDED DEPARTMENT. AUG 24 1904

ACTION APPROVED BY SECRETARY OF INTERIOR. APR 28 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY 11 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAY 11 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAY

488

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MAY 11 1895
5:30 P.M.



PRESENT ADDRESS UNKNOWN.
RETURNED TO WRITER
UNCLAIMED
FT. WORTH, TEX.
Edward Everett Ross,
Fort Worth, Texas

FORT WORTH, TEX.
JUN 12 5:30 P.M.
1895

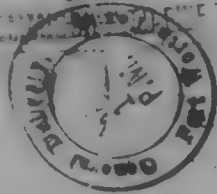


700



KISKOCHEE, IND. T.
JUN 13
7 AM
1905

PAID
JUN 14 1905



WCA 700.

DEC 4 1898

11/27

MUSKOGEE NOV 25 830PM 1898

WASHINGTON D.C. NOV 6 430PM 1898

PORT WORTH TEX NOV 7 10PM 1898

Department of the Interior.

Commission to the Five Civilized Tribes, MUSKOGEE, INDIAN TERRITORY.

OFFICIAL BUSINESS

Penalty for private use

Edward Everett Foster,

~~Port Worth, TEXAS.~~



COMMISSIONER,
BUREAU OF THE UNITED STATES TRIBES.

FILED

JAN 22 1903

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ACTING CHAIRMAN



Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

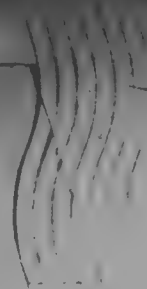
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Fort Worth, Texas



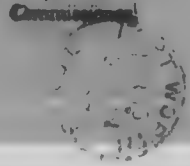
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DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.

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Second Postage
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Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
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Edward Everett Foster

Fort Worth
Texas

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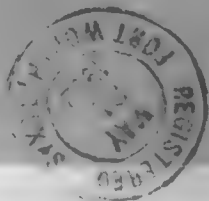
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 7 1902

[Handwritten Signature]
ACTING CHAIRMAN



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of [unclear]*

117 46
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Edward Everett Foster,
~~Fort Worth, Texas.~~

Second Notice
DEC 13 1903

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

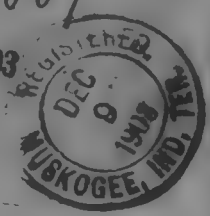
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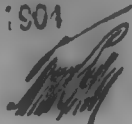
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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CHAS. H. ...

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Choc. MCR 701

Ella C. Foster

MCR 701

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. September 20, 1900.

In the matter of the application for identification as a Mississippi Choctaw of Ella C. Fester. Ella C. Fester being duly sworn by the Commission testified as follows:

Examination by the Commission.

- Q Please state your name? A Ella C. Fester.
Q What is your age? A Twenty three.
Q What is your post-office address? A Caddo, Indian Territory.
Q What Nation? A Choctaw.
Q How long have you lived at Caddo? A Two weeks.
Q Where did you live before you went to Caddo? A Ardmore.
Q What Nation? A Chickasaw.
Q How long have you lived there? A Two weeks.
Q Where did you live before that? A Texas, Denton County.
Q How long did you live there? A Six years and a half.
Q Where did you live before that? A Mississippi.
Q How long did you live in Mississippi? A Sixteen years and and half.
Q Where did you live before you moved to Mississippi? A I was born in Mississippi.
Q You make application for identification as a Mississippi Choctaw, do you? A I do.
Q Do you apply for any one besides yourself? A No one at all.
Q What proportion Choctaw blood do you claim to have? A One sixteenth.
Q What is the name of your father? A William M. Fester.
Q Is he living? A Yes sir.
Q Is he a white man? A No sir, he is an Indian.
Q What kind of an Indian? A Choctaw, Mississippi Choctaw.
Q Where does he live? A In Wood County, Texas.
Q Has he lived in the Indian Territory? A No sir.
Q Never been recognized by the tribal authorities of the Choctaw Nation as a citizen of that Nation? A No sir.
Q What proportion Choctaw blood does he claim to have? A One eighth.
Q What is the name of your mother? A Mattie B. Fester.
Q Is she living? A Yes sir.
Q Living with your father? A Yes sir.
Q Is she a white woman? A Yes sir.
Q Is your father's name on any of the Choctaw tribal rolls that you know of? A No sir, not that I know of.
Q Have you ever been recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.
Q Is your name on any of the Choctaw tribal rolls? A No sir.
Q You have never made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Were you ever before this Commission before? A No sir.
Q Did you make application to this Commission in 1896 for citizenship in the Choctaw Nation? A No sir.
Q What makes you think you are entitled to identification as a Mississippi Choctaw? A Because I am a Mississippi Choctaw and my parents, that is my ancestors remained in Mississippi after the treaty of 1830.
Q How long did they remain there after the treaty of 1830? A I do not know but for years and years.

Ella C. Foster 2--

Q What one of your ancestors do you refer to now, as having remained there after 1830? A Elizabeth Duke, my great grand mother. She remained there all her life.

Q What proportion of Choctaw blood did she claim to have? A One half.

Q Did you ever hear of her having received any land from the government of the United States under the treaty of 1830? A She did not receive any.

Q She is the one through whom you claim? A Yes sir.

Q Your father never received any land in Mississippi did he under the provisions of that treaty? A No sir.

Q Was he born in Mississippi, your father? A No sir, he was born in Alabama.

Q Was it your father's mother or father who was a Choctaw? A My father's father.

Q He was a quarter Choctaw? A Yes sir.

Q Now, did he ever receive any land in Mississippi? A No sir

Q Upon what do you base your claim for identification as a Mississippi Choctaw? The mere fact that you are possessed of Choctaw blood? Is that it? A Yes sir that and the provision made for the Mississippi Choctaws.

Q What provision do you refer to? A I am informed that there was provision made for the Mississippi Choctaws in article 14 of the treaty of 1830?

Q What is the source of your information in regard to this question? Where did you learn that? A I have read somewhat of it.

Q Did you ever read the fourteenth article of the treaty of 1830? A Yes sir.

Q Do you base your claim solely on the fourteenth article of the treaty of 1830? A It is under that that I make application and I base my claim on the fact that I am a Mississippi Choctaw.

Q You don't claim solely under that fourteenth article of the treaty of 1830? That is, do you claim under any other treaty or any other article of that treaty? A No sir.

Q You never took advantage of the provisions of the fourteenth article of that treaty met any of your ancestors? A No sir.

Q None of them ever received any land at all? A Never received any.

Q Did they ever make any claim to any back there at that time? A I do not know.

Q If they ever did you never heard of it? A No sir.

Q Are you married? A No sir.

Q Is there any additional statement in regard to your case that you desire to make at this time? A No sir.

Q Have you any documentary evidence of any kind that you desire to offer at this time in support of your application? A No sir, but I shall file papers some time within the prescribed time.

Q Permission is granted to you to file any affidavits, statements or other proper papers which you may see fit to offer, provided the same are filed within thirty days from this date.

The decision of the Commission with reference to the application made by you at this time for identification as a Mississippi Choctaw, will be mailed to you in writing at a later date at your present post-office address, Caddo, Indian Territory.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized

Ella C. Foster &---

Trices, she reported in full all proceedings had in the above
entitled cause on the 20th day of September, 1900, and that the
above and foregoing is a full, true and correct transcript of her
stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 26th day of September, 1900.

Guy L. Emerson
Notary Public.

m. 14.

COMMISSIONERS
HERRY L. DAWES,
TANS DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

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

ALLISON L. AVLESWORTH,
SECRETARY.

12
NE

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 3, 1902.

Ella C. Poster,
Caddo, Indian Territory.

Dear Madam:

In the matter of the application for identification as a Mississippi Choctaw of Berge Duke, you are informed that under date of July 27, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such application.

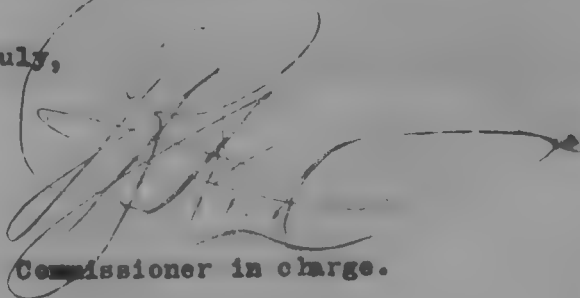
It appears from our records that at Muskogee, Indian Territory on September 20, 1900 you made personal application to this Commission for identification as a Mississippi Choctaw claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Meridian, Mississippi, on Thursday, February 6, 1902 at nine o'clock A. M. there will be heard the

E. C. F. 2.

testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

A handwritten signature in dark ink, appearing to be "J. H. ...", written over a circular stamp or seal. The signature is fluid and cursive, extending to the right with a long horizontal stroke.

M. C. 701.

Commissioner in charge.

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

M C R 701

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 27, 1902.

Ella C. Foster,
Caddo, Indian Territory.

Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Joseph L. Mixon, et al., embracing the following applications for identification as Mississippi Choctaws:

Joseph L. Mixon, et al.,	M C R	788
Martin H. Duke, et al.,	M C R	332
Berge Duke,	M C R	333
Ruth Ada Duke,	M C R	334
Andrew J. Duke, et al.,	M C R	449
Mary Keziah Moore, et al.,	M C R	450
Jasper Weldon Allen, et al.,	M C R	452
Sallie A. Roberts et al.,	M C R	453
Edward E. Foster, et al.,	M C R	700
Ella C. Foster,	M C R	701
Dera F. Smith, et al.,	M C R	702
Elizabeth Sparks, et al.,	M C R	706
Turah Hughs, et al.,	M C R	708
William M. Foster et al.,	M C R	718
Thomas I. Sparks, et al.,	M C R	715
William W. Boucher, et al.,	M C R	718
Henry Tilden Smith,	M C R	753
Sidney B. Smith, et al.,	M C R	754
Rebecca Ellen Smith, et al.,	M C R	756
Sarah J. Foster, et al.,	M C R	757
Elizabeth Jones,	M C R	761
Thomas Smith,	M C R	763
M. D. Boucher, et al.,	M C R	766
Sarah White, et al.,	M C R	769
Lizzie White, et al.,	M C R	770
Artie F. Perry, et al.,	M C R	772
Mary K. Luther, et al.,	M C R	774
Sarah L. Cooper, et al.,	M C R	777
Agnes Nelson,	M C R	783
Sarah Ellmina Bryant, et al.,	M C R	785
Boulah B. Ricks, et al.,	M C R	789
Mary S. Foster, et al.,	M C R	794
Richard W. Foster,	M C R	798
Bartlett S. Duke, et al.,	M C R	816

Lycurgus Duke, et al.,	M C R	823
William S. Luther,	M C R	825
William J. A. Smith, et al.,	M C R	902
Laura Howell, et al.,	M C R	952
William A. Sparks, et al.,	M C R	954
Frank Duke,	M C R	1235
Henderson Duke, et al.,	M C R	1236
Richard M. Scott, et al.,	M C R	2593
Thomas Drue Foster,	M C R	2974
John G. Foster, et al.,	M C R	3037
Andrew J. Foster, et al.,	M C R	3038
Thomas P. Duke,	M C R	3104
Bartlett S. Duke, et al.,	M C R	3105
Braddy S. Duke, et al.,	M C R	3106
Pearl Scott,	M C R	3137
Tiff F. Scott,	M C R	3138
Lockey Virginia Perry, et al.,	M C R	941
William Wiley Perry.	M C R	944
Mary Luvenia Carlisle,	M C R	946
Washington S. Perry,	M C R	974
Thomas L. Mixon,	M C R	4922
Stephen T. Duke,	M C R	4923

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph L. Mixon, Joseph Emmett Mixon, Martin H. Duke, Alonzo H. Duke, Thomas L. Duke, Berge Duke, Ruth Ada Duke, Andrew J. Duke, Elizabeth Caroline Duke, Elsie Jane Duke, George B. Duke, Lillie G. Duke, Birdie Duke, Mary Keziah Moore, William Elmer Moore, Effic May Moore, John V. Allen, Andrew B. Allen, Sullie A. Roberts, Walter A. Roberts, Nora Odessa Roberts, Edward E. Foster, Ada B. Foster, Maud Z. Foster, Edna C. Foster, Dera F. Smith, Erin Smith, Lila Smith, Iva Smith, Elizabeth Sparks, Turah Hughs, William Claudie Hughs, William M. Foster, William Pen Foster, Milla Foster, Bettie Foster, Thomas I. Sparks, Ora T. Sparks, Richard W. Sparks, Freddie C. Sparks, Nettie E. Sparks, William W. Boucher, Sarah Ann Boucher, Jeff T. Boucher, Mary A. Boucher, Harper Duke Boucher, Flora Eunice Boucher, Henry Tilden Smith, Sidney B. Smith, Rebecca Ellen Smith, Rufus J. Smith, Sarah C. Smith, Florence King, Sarah J. Foster, Gatsy Ann Foster, Elizabeth Jones, Thomas Smith, M. D. Boucher, Edward E. Boucher, Haze D. Boucher, Arthur Eugene Boucher, James Quinton Boucher, Leon Boucher, Sarah White, Willie B. White, Ida May White, Lizzie White, Hester Lee White, Claudie White, William Jarrett White, Rena K. White, Artie F. Perry, Bradford Perry, Orion R. Perry, Harvey P. Perry, Nancy K. Luther, Jarrett H. Luther, Roy L. Luther, Roxy M. Luther, Lela Luther, Sarah L. Cooper, Nancy Jane Cooper, George Washington Cooper, James William Cooper, Mary Louisa Cooper, Calvin Hilly Cooper, Agnes Nelson, Sarah Ellmina Bryant, Lillie Bryant, Daisy Bryant, Charlie Bryant, Carl Bryant, Beulah B. Ricks, Joseph Lawrence Ricks, Thuddeus Benton Ricks, Alonza Preston Ricks, Mary S. Foster, Roscoe Foster, Everett A. Foster, Richard W. Foster, Bartlett S. Duke, Tobitha A. Duke, Andrew J. Duke, Geneva Pearl Duke, Lycurgus Duke, Parlee C. Duke, Nellie A. Duke, William S. Luther, William J. A. Smith, Thomas C. Smith, Eddie Lee Smith, Laura Howell, Gladys L.

Howell, Jimmie Howell, Stacy Howell, William A. Sparks, Harvey Sparks, Brady Sparks, David Sparks, Frank Duke, Henderson Duke, Carrie Duke, Claude Duke, Ella Duke, Richard M. Scott, Maymee Scott, Thomas Drue Foster, John G. Foster, Andrew J. Foster, Ouida Foster, Charles H. Foster, Jackson Foster, Thomas P. Duke, Bartlett S. Duke, Alfred Duke, James William Duke, Braddy S. Duke, Pearl Scott, Tiff F. Scott, Lockey Virginia Perry, Margaret Leticia Perry, Malinda Lucretia Perry, Pearly Ophelia Perry, John Riley Jackson Perry, William Wiley Perry, Mary Luvenia Carlisle, Washington S. Perry, Thomas L. Mixon and Stephen T. Duke, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Martin H. Duke for the identification of his wife, Mary Ann Duke, that made by Andrew J. Duke for the identification of his wife, Lucinda J. Duke, that made by Elizabeth Sparks for the identification of her husband, Felix Sparks, that made by Turah Hughs for the identification of her husband, John W. Hughs, that made by Thomas I. Sparks for the identification of his wife, Dora A. Sparks, that made by William W. Boucher for the identification of his wife, Mary Elizabeth Boucher, that made by Sidney B. Smith for the identification of his wife, Dollie L. Smith, that made by John G. Foster for the identification of his wife, Jemima J. Foster, that made by Andrew J. Foster for the identification of his wife, Myrtis C. Foster, that made by Bartlett S. Duke for the identification of his wife, Rosie Duke, that made by Braddy S. Duke for the identification of his wife, Maude Duke, and that made by Jasper Weldon Allen for the identification of himself, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

J. NEI

Acting Chairman.

Register.

COMMISSIONERS

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

ALLISON L. AYERSWORTH
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 701

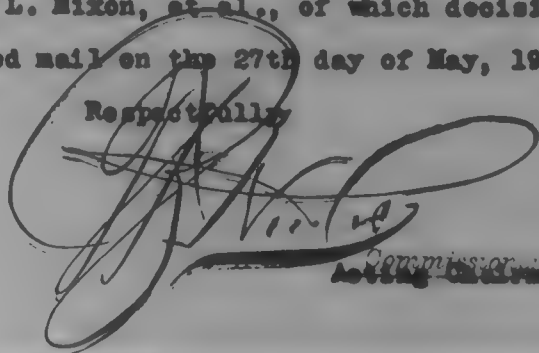
Muskogee, Indian Territory, November 24, 1902.

Ella C. Foster,
Caddo, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph L. Nixon, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Respectfully



Commissioner
Acting Chairman

Muskogee, Indian Territory, December 7, 1903.

Ella C. Foster,
Caddo, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of November 25, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al., with instructions that the applicants be granted an opportunity to introduce further testimony and evidence in support of their claim.

The Secretary of the Interior in his letter states:

October 7, 1903, you transmitted a petition for a rehearing in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al. (M.C.R. 788). Attached to said petition are the affidavits of certain of the applicants in said case, also the affidavit of a full blood Choctaw named John Lewis, who was a resident of the old Choctaw Nation in 1830.

The applicants in this case claim their right to identification as Mississippi Choctaws by reason of their descent from Thomas and Elizabeth Foster. Thomas Foster was an one-half blood Indian who, it is alleged, was a resident of Mississippi in 1830, and complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of that year. The maiden name of Elizabeth Foster was Elizabeth Dukes.

From the affidavit of John Lewis it appears that he was acquainted with said Thomas Foster and with his three brothers, William, James and Hugh Foster; that he was with the Foster brothers in the summer of 1831 at the Union Agency, Mississippi, and that all of said brothers signified their intention to Col. Ward to remain in Mississippi and become citizens of that state.

From the records of the Government it appears that William, James and Hugh Foster were beneficiaries under article 14 of the treaty. It also appears that scrip was issued to one

Thomas Foster, under the provisions of said article, by virtue of the subsequent legislation enacted in reference thereto.

Inasmuch as the showing made in said petition and in the affidavits in support thereof, is corroborated by the records of the Government relating to persons who complied with article 14 of the treaty of 1830, it is considered that a further investigation should be had in this matter."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
- 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).
- 3rd. Their Choctaw as well as their English names.
- 4th. The names and number of the persons who composed their families.
- 5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that

such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, at any time within thirty days from the date upon which you receive this notice, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of such testimony or offering of documentary evidence being first served upon Mansfield, McFurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

R & R Dep.
Registered

Chairman.

W.C.B.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
—
WM. O. BRALL,
Secretary.

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

<small>REFER IN REPLY TO THE FOLLOWING:</small> <hr/> M.C.R. 701 <hr/>
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ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 11, 1905.

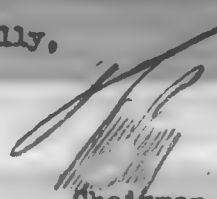
Ella C. Foster,
Caddo, Indian Territory,

Dear Madam:

You are hereby advised that on April 28, 1905, the Secretary of the Interior reaffirmed the decision of this Commission of May 13, 1902, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph L. Nixon et al.

You are advised that a copy of the decision of the Secretary of the Interior in this case has been furnished L. B. Horton, Attorney at Law, Durant, Indian Territory, and Messrs. Herbert, Walker & Cannon, Attorneys at Law, Ardmore, Indian Territory, attorneys for the several applicants in this consolidated case.

Respectfully,


Chairman.

REFER IN REPLY TO THE FOLLOWING:

MCR-701

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

Muskogee, Indian Territory, March 9, 1907.

Mrs. C. Foster,
Caddo, Indian Territory.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied the motions, filed by J. O. Pool, attorney at law, South McAlester, Indian Territory, and Gilbert & Bend, attorneys at law, Duncan, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Joseph L. Nixon et al.

Respectfully,



Commissioner.

FOR IDENTIFICATION AS 701
A MISSISSIPPI CHOCTAW.

^{1/6}
Ella Foster (23)
Caddo, D. J.

Father W^m M. Foster (1/8)
mother Mattie R. Foster

Only claims for herself.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 20 1900

[Signature]
CHIEF CLERK

INDEXED

DECISION RENDERED.

MAY 13 1902

NOTICE OF DECISION - MAILED APPLICANT.

MAY 27 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

MAY 27 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 27 1902

RECORD FORWARDED DEPARTMENT.

MAY 27 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

NOV 14 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOV 24 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOV 24 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

NOV 24 1902

REMAINED BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.

NOV 25 1903

RECORD FORWARDED DEPARTMENT. AUG 24 1904

ACTION APPROVED BY SECRETARY OF INTERIOR. APR 28 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY 11 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAY 11 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

13202

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



#16

Ella C. Foster,

Caddo, Indian Territory.

JAN 11 1904



UNCLAS

present address unknown

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

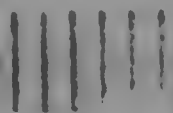
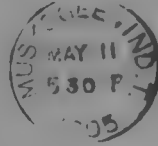
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JAN 18 1904

[Handwritten signature]

CHIEF

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Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



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Ella C. Foster,
Caddo, Indian Territory.

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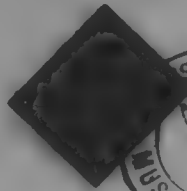
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Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Ella C. Foster

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

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ACTING COMMISSIONER



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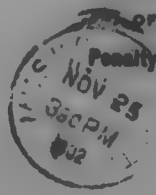
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Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

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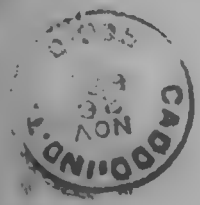


Ella C. Foster,

~~Caddo, Indian Territory.~~

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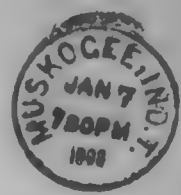
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Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

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Charles Foster,

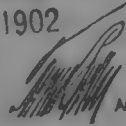
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Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

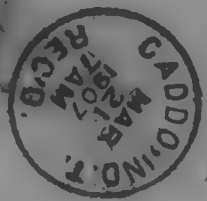


~~W. C. Foster,~~

~~Caddo, Indian Territory.~~

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DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes

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Commissioner

Choc. MCR 702

Dera F. Smith

MCR 702

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September, 20th, 1900.
No. 703.

In the matter of the application for identification as Mississippi Choctaws of Mrs. Dera F. Smith, and her three minor children.

DERA. F. SMITH, being first duly sworn, testified as follows-

By the Commission-

- Q. What is your name? A. Dera F. Smith .
Q. What is your age? A. 35 years old.
Q. What is your post office address? A. Gaddo, I. T.
Q. Do you live in the Indian Territory? A. Yes sir.
Q. How long have you resided in the Indian Territory? A. About one month.
Q. Where did you come from to the Indian Territory? A. Denton County Texas.
Q. How long did you live in Texas? A. 12 years.
Q. Where did you come from to Texas? A. Mississippi.
Q. Were you born in Mississippi? A. Yes sir.
Q. How much Choctaw blood do you claim? A. About 1/16.
Q. What is your father's name? A. William M. Foster.
Q. Is he living? A. Yes sir.
Q. What is your mother's name? A. Mattie Foster.
Q. Is she living? A. Yes sir.
Q. Through which one of your ancestors do you claim your Choctaw blood? A. My father,
Q. Is your father's name upon any of the tribal rolls of the Choctaw Nation? A. No sir.
Q. Has he ever been recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A. I guess not.
Q. Is your name upon any of the tribal rolls of the Choctaw Nation? A. No sir.
Q. Have you ever been recognized by the tribal authorities of the Choctaw Nation, by the official act of their National Council as a citizen of the Choctaw Nation? A. No sir.
Q. Did you or any one on your behalf make application to this Commission in the year 1896 for citizenship in the Choctaw Nation acting act of Congress approved June 10th 1896? A. No sir.
Q. Were you ever admitted to citizenship in the Choctaw Nation by judgment of the United States Court for the Indian Territory upon appeal from the decision of either the United States authorities or the Choctaw tribal authorities? A. No sir.
Q. Have you ever prior to this time made an application to either the Choctaw authorities or to the authorities of the United States for either citizenship or enrollment in the Choctaw Nation? A. No sir.
Q. This is your first application of any kind? A. Yes sir.
Q. You are now making application for identification as a Mississippi Choctaw? A. Yes sir.
Q. Why do you believe that you are entitled to be identified by this Commission as a Mississippi Choctaw, and entitled to Choctaw lands under the 14th article of the Treaty of 1830? A. Because I am an Indian.
Q. The only authority vested in this Commission to determine the rights of applicants for identification as Mississippi Choctaws is an act of Congress which in part says that "said Commission shall

- have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands, under Article 14 of the treaty between the United States and the Choctaw Nation, concluded September, 27th 1830, and to that end they may administer oaths, administer oaths, examine witnesses, etc. Now do you claim under the 14th article of the treaty of 1830? A. Yes sir.
- Q. Did you or your ancestors ever take advantage of the provision of that act as beneficiaries thereunder? A. No sir.
- Q. Did either you or your ancestors ever receive of or in any lands as beneficiaries under the treaty of 1830 and the 14th article thereof? A. They claimed land but never received any.
- Q. In 1830? A. I don't know if it was then.
- Q. Did they claim land as Mississippi Choctaws who had elected to remain in Mississippi under the treaty of 1830? A. They remained there.
- Q. What was the name of your ancestor who was a recognized member of the Choctaw tribe of Indians in the State of Mississippi in 1830, and who received or claimed lands there under the 14th article of the treaty of 1830 as a beneficiary? A. Elizabeth Duke
- Q. Have you any evidence of the fact that she was a recognized member of the Choctaw tribe of Indians in Mississippi in the year 1830 when the treaty was entered into between the United States and the Choctaw Indians? A. Yes sir.
- Q. Have you any documentary evidence showing that she received or claimed any land in Mississippi as a beneficiary under the 14th article of the treaty of 1830? A. I don't know.
- Q. When did you ancestor live in Mississippi? A. I don't know the date.
- Q. Do you know whether she signified her intention to the United States Indian Agent in the Choctaw Nation at that time, ~~to~~ to remain and become a citizen of the state of Mississippi? A. I don't know.
- Q. Do you make any claim by reason of any of the other provisions of the treaty of 1830? A. I don't know.
- Q. Are you married? A. Yes sir.
- Q. What is your husband's name? A. Samuel L. Smith.
- Q. What is his age? A. 40 years old.
- Q. Do you make any claim for him? A. No sir.
- Q. Where were you married to your husband? A. In Denton County, Texas.
- Q. Under the laws of the state of Texas? A. Yes sir.
- Q. When were you married to him? A. In 1869.
- Q. Have you your marriage license or certificate that you desire to offer in evidence? A. I have a certified copy of the marriage license.
- Q. Your husband is a white man is he not? A. Yes sir.
- Q. He has never made any application for Indian citizenship has he? A. No sir.
- Q. Have you any children for whom you desire to make application for identification as Mississippi Choctaws? A. Yes sir three.
- Q. What are the names and ages of these three children? A. Erin, 8 yrs. Lil, 5 years and Iva, 3 years.
- Q. Is that all the children you have? A. Yes sir.
- Q. You are the mother of all these children? A. Yes sir.
- Q. Samuel L. Smith is the father of them? A. Yes sir.
- Q. Do they all live with you at your home? A. Yes sir.
- Q. Their claim to Choctaw blood is identically the same as yours? A. Yes sir.
- Q. Is there any additional statement that you desire to make at this time? A. No sir.
- Q. Have you any written evidence that you desire to file in support

of your claim?

Here attorney for applicants asks permission to file additional written evidence in support of this claim within 30 days from this date.

Permission is hereby granted to attorney for applicants to file additional written evidence in support of their claim provided same is done within 30 days from this date.

The decision of the Commission in regard to your application and the application you make on behalf of your three minor children for identification as Mississippi Choctaws will be mailed to you in writing in the near future at your present post office address.

Chas. von Weise, having been 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 30th day of September, 1900, and that the above and foregoing is a true, correct and full transcript of his stenographic notes, of said proceedings on said date.

Chas von Weise

Subscribed and sworn to before me this the 4 day of Oct 1900.

Guy L. Emerson
Notary Public.

Muskogee, Indian Territory, October 10, 1900

Spadon & Arnold,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of October 5th enclosing petition of Laura Van Wilhite in the matter of her application for identification as a Mississippi Choctaw and marriage licenses and certificates offered for filing in the matter of the applications of Dora Smith and James H. Lane for identification as Mississippi Choctaws.

The petition of Laura Van Wilhite and the marriage license of Dora Smith have been duly filed with the records of the Commission in these respective cases.

The marriage license of James Lane and Miss Jane Thomas is returned herewith for the reason that judgment has already been rendered in this case, a copy having been mailed to Mr. Lane on September 1st, 1900.

Yours truly,

M. C. R-143
M. C. R-702
M. C. R-207

Acting Chairman.

Enc c

Muskegee, Indian Territory, October 12, 1900.

Hudson & Arnold,

Attorneys at Law,

Armore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of October 4th, enclosing petitions of A. T. Foster, Mary Stanfield et. al, Dora Smith and Annie Foster et. al for enrollment as members of the Choctaw Tribe of Indians.

The petition of A. T. Foster is returned herewith for the reason that a careful search of the records of the Commission does not disclose the fact that he has ever appeared before the Commission for enrollment as either a citizen of the Choctaw or Chickasaw Nation or for identification as a Mississippi Choctaw.

The records of the Commission show that Mary Stanfield, Dora Smith and Annie Foster (for her minor children) made application for identification as Mississippi Choctaws, not for enrollment as citizens of the Choctaw Nation. However, the papers have been accepted and filed by the Commission with the other papers in these cases.

Yours truly,

Acting Chairman.

M. C. R-700

M. C. R-700

M. C. R-700

Muskogee, Indian Territory, January 3, 1902.

Dea F. Smith,
Gaddo, Indian Territory.

Dear Madam:

In the matter of the application for identification as a Mississippi Choctaw of Berge Duke, you are informed that under date of July 27, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such application.

It appears from our records that at Muskogee, Indian Territory on September 20, 1900 you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and two minor children claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Meridian, Mississippi, on Thursday, February 6, 1902, at nine o'clock A. M. there will be heard the

D. F. S. 2.

testimony of such witnesses as present themselves in person
in support of your application.

Yours truly,

M. D. 702.

Commissioner in charge.

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

REFER IN REPLY TO THE FOLLOWING

M C R 702.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 27, 1902.

Dora F. Smith,

Cadado, Indian Territory.

Madam:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Joseph L. Mixon, et al., embracing the following applications for identification as Mississippi Choctaws:

Joseph L. Mixon, et al.,	M C R	788
Martin H. Duke, et al.,	M C R	332
Berge Duke,	M C R	333
Ruth Ada Duke,	M C R	334
Andrew J. Duke, et al.,	M C R	449
Mary Keziah Moore, et al.,	M C R	450
Jasper Weldon Allen, et al.,	M C R	452
Sallie A. Roberts et al.,	M C R	453
Edward E. Foster, et al.,	M C R	700
Ella C. Foster,	M C R	701
Dora F. Smith, et al.,	M C R	702
Elizabeth Sparks, et al.,	M C R	706
Turah Hughs, et al.,	M C R	708
William M. Foster et al.,	M C R	713
Thomas I. Sparks, et al.,	M C R	715
William W. Boucher, et al.,	M C R	718
Henry Tilden Smith,	M C R	753
Sidney B. Smith, et al.,	M C R	754
Rebecca Ellen Smith, et al.,	M C R	756
Sarah J. Foster, et al.,	M C R	757
Elizabeth Jones,	M C R	761
Thomas Smith,	M C R	763
M. D. Boucher, et al.,	M C R	766
Sarah White, et al.,	M C R	769
Lizzie White, et al.,	M C R	770
Artie F. Perry, et al.,	M C R	772
Mary K. Luther, et al.,	M C R	774
Sarah L. Cooper, et al.,	M C R	777
Agnes Nelson,	M C R	783
Sarah Ellmina Bryant, et al.,	M C R	785
Boulah B. Ricks, et al.,	M C R	789
Mary S. Foster, et al.,	M C R	794
Richard W. Foster,	M C R	798
Bartlett S. Duke, et al.,	M C R	816

Lycurgus Duke, et al.,	M C R	823
William S. Luther,	M C R	825
William J. A. Smith, et al.,	M C R	902
Laura Howell, et al.,	M C R	952
William A. Sparks, et al.,	M C R	954
Frank Duke,	M C R	1235
Henderson Duke, et al.,	M C R	1236
Richard M. Scott, et al.,	M C R	2593
Thomas Drue Foster,	M C R	2974
John G. Foster, et al.,	M C R	3037
Andrew J. Foster, et al.,	M C R	3038
Thomas P. Duke,	M C R	3104
Bartlett S. Duke, et al.,	M C R	3105
Braddy S. Duke, et al.,	M C R	3106
Pearl Scott,	M C R	3137
Tiff F. Scott,	M C R	3138
Lockey Virginia Perry, et al.,	M C R	941
William Wiley Perry,	M C R	944
Mary Luvenia Carlisle,	M C R	946
Washington S. Perry,	M C R	974
Thomas L. Mixon,	M C R	4922
Stephen T. Duke,	M C R	4923

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph L. Mixon, Joseph Emmett Mixon, Martin H. Duke, Alonzo H. Duke, Thomas L. Duke, Berge Duke, Ruth Ada Duke, Andrew J. Duke, Elizabeth Caroline Duke, Elsie Jane Duke, George B. Duke, Lillie G. Duke, Birdie Duke, Mary Keziah Moore, William Elmer Moore, Effie May Moore, John V. Allen, Andrew B. Allen, Sullie A. Roberts, Walter A. Roberts, Nora Odessa Roberts, Edward E. Foster, Ada B. Foster, Maud Z. Foster, Elta C. Foster, Dera F. Smith, Erin Smith, Lila Smith, Iva Smith, Elizabeth Sparks, Turah Hughs, William Claudie Hughs, William M. Foster, William Pen Foster, Milla Foster, Bettie Foster, Thomas I. Sparks, Ora T. Sparks, Richard W. Sparks, Freddie C. Sparks, Nettie E. Sparks, William W. Boucher, Sarah Ann Boucher, Jeff T. Boucher, Mary A. Boucher, Harper Duke Boucher, Flora Eunice Boucher, Henry Tilden Smith, Sidney B. Smith, Rebecca Ellen Smith, Rufus J. Smith, Sarah C. Smith, Florence King, Sarah J. Foster, Gatsy Ann Foster, Elizabeth Jones, Thomas Smith, M. D. Boucher, Edward E. Boucher, Haze D. Boucher, Arthur Eugene Boucher, James Quinton Boucher, Leon Boucher, Sarah White, Willie B. White, Ida May White, Lizzie White, Hester Lee White, Claudie White, William Jarrett White, Rena K. White, Artie F. Perry, Bradford Perry, Orion B. Perry, Harvey P. Perry, Nancy K. Luther, Jarrett H. Luther, Roy L. Luther, Roxv M. Luther, Lela Luther, Sarah L. Cooper, Nancy Jane Cooper, George Washington Cooper, James William Cooper, Mary Louisa Cooper, Calvin Hilly Cooper, Agnes Nelson, Sarah Ellmina Bryant, Lillie Bryant, Daisy Bryant, Charlie Bryant, Carl Bryant, Beulah B. Ricks, Joseph Lawrence Ricks, Thuddeus Benton Ricks, Alonza Preston Ricks, Mary S. Foster, Roscoe Foster, Everett A. Foster, Richard W. Foster, Bartlett S. Duke, Tobitha A. Duke, Andrew J. Duke, Geneva Pearl Duke, Lycurgus Duke, Parlee C. Duke, Nellie A. Duke, William S. Luther, William J. A. Smith, Thomas C. Smith, Eddie Lee Smith, Laura Howell, Gladys L.

Howell, Jimmie Howell, Stacy Howell, William A. Sparks, Harvey Sparks, Brady Sparks, David Sparks, Frank Duke, Henderson Duke, Carrie Duke, Claude Duke, Ella Duke, Richard M. Scott, Mayme Scott, Thomas Drue Foster, John G. Foster, Andrew J. Foster, Ouida Foster, Charles H. Foster, Jackson Foster, Thomas P. Duke, Bartlett S. Duke, Alfred Duke, James William Duke, Braddy S. Duke, Pearl Scott, Tiff F. Scott, Lockey Virginia Perry, Margaret Leticia Perry, Malinda Lucretia Perry, Pearly Ophelia Perry, John Riley Jackson Perry, William Wiley Perry, Mary Luvenia Carlisle, Washington S. Perry, Thomas L. Mixon and Stephen T. Duke, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Martin H. Duke for the identification of his wife, Mary Ann Duke, that made by Andrew J. Duke for the identification of his wife, Lucinda J. Duke, that made by Elizabeth Sparks for the identification of her husband, Felix Sparks, that made by Turah Hughs for the identification of her husband, John W. Hughs, that made by Thomas I. Sparks for the identification of his wife, Dora A. Sparks, that made by William W. Boucher for the identification of his wife, Mary Elizabeth Boucher, that made by Sidney B. Smith for the identification of his wife, Dollie L. Smith, that made by John G. Foster for the identification of his wife, Jemima J. Foster, that made by Andrew J. Foster for the identification of his wife, Myrtis C. Foster, that made by Bartlett S. Duke for the identification of his wife, Rosie Duke, that made by Braddy S. Duke for the identification of his wife, Maude Duke, and that made by Jasper Weldon Allen for the identification of himself, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

C. S. NEI

Acting Chairman.

Register.

11705

COMMISSIONERS
HENRY L. DAWES.
TANS SIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 702

ALLISON L. AYLESWORTH,
SECRETARY.

Muskogee, Indian Territory, November 24, 1902.

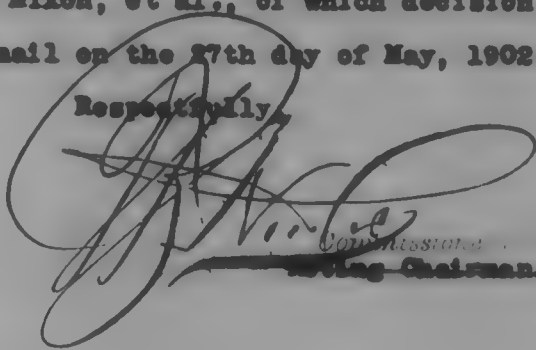
Erin Smith,

Caddo, Indian Territory.

Dear Sir:

You are hereby notified that on the 14th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph L. Nixon, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Respectfully,



Commissioner
Acting Chairman.

Muskogee, Indian Territory, December 7, 1903.

Dora F. Smith,

Caddo, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of November 25, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al., with instructions that the applicants be granted an opportunity to introduce further testimony and evidence in support of their claim.

The Secretary of the Interior in his letter states:

"October 7, 1903, you transmitted a petition for a re-hearing in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al. (M.C.R. 728). Attached to said petition are the affidavits of certain of the applicants in said case, and the affidavit of a full blood Choctaw named John Lewis, who was a resident of the old Choctaw Nation in 1850.

The applicants in this case claim their right to identification as Mississippi Choctaws by reason of their descent from Thomas and Elizabeth Foster. Thomas Foster was an one-half blood Indian who, it is alleged, was a resident of Mississippi in 1850, and complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of that year. The maiden name of Elizabeth Foster was Elizabeth Duken.

From the affidavit of John Lewis it appears that he was acquainted with said Thomas Foster and with his three brothers, William, James and Hugh Foster; that he was with the Foster brothers in the summer of 1831 at the Union Agency, Mississippi, and that all of said brothers signified their intention to Col. Ward to remain in Mississippi and become citizens of that state.

From the records of the Government it appears that William, James and Hugh Foster were beneficiaries under article 14 of the treaty. It also appears that scrip was issued to one

Thomas Foster, under the provisions of said article, by virtue of the subsequent legislation enacted in reference thereto.

Inasmuch as the showing made in said petition and in the affidavits in support thereof, is corroborated by the records of the Government relating to persons who complied with article 14 of the treaty of 1830, it is considered that a further investigation should be had in this matter."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that

such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, at any time within thirty days from the date upon which you receive this notice, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of such testimony or offering of documentary evidence being first served upon Mansfield, McFurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

R & R Dep.
Registered

Chairman.

W. O. B.

COMMISSIONERS:
FANS BIXBY,
THOMAS B. NEEDLER,
C. E. BRACKENRIDGE.

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

<small>NUMBER IN REPLY TO THE FOLLOWING:</small> <hr/> M.C.R. 702 <hr/>

W. O. B. HALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 11, 1905.

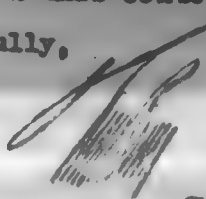
Dora F. Smith,
Caddo, Indian Territory,

Dear Madam:

You are hereby notified that on April 28, 1905, the Secretary of the Interior reaffirmed the decision of this Commission of May 13, 1902 refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph L. Nixon et al.

You are advised that a copy of the decision of the Secretary of the Interior in this case has been furnished L. B. Horton, Attorney at Law, Durant, Indian Territory, and Messrs. Herbert, Walker & Cannon, Attorneys at Law, Ardmore, Indian Territory, attorneys for the several applicants in this consolidated case.

Respectfully,



Chairman.

REFER IN REPLY TO THE FOLLOWING:

MCR-702

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

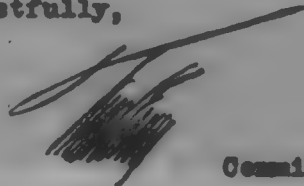
Muskegee, Indian Territory, March 9, 1907.

Dora F. Smith,
Cadee, Indian Territory.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied the motions, filed by J. O. Pool, attorney at law, South McAlester, Indian Territory, and Gilbert & Bond, attorneys at law, Duncan, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Joseph L. Nixon et al.

Respectfully,



Commissioner.

FOR IDENTIFICATION AS 702
A MISSISSIPPI CHOCTAW.

^{1/16}
Aera F. Smith SEP 20 1900
Caddo, Ind. Ter. 39.
FATHER: William M. Foster - ✓
MOTHER: Mattie Foster. - ✓
(Claims through father).
HUSBAND: Samuel L. Smith. 40
(No claim for husband).

CHILDREN:
Orin Smith 8.
Liba " " 5.
Iva " " 3.

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

FILED

SEP 20 1900



70-
NOTICE OF DEPARTMENT MAILED APPLICANT.

MAY 27 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

MAY 27 1902

NOTICE OF DEPARTMENTAL ACTION
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 27 1902

RECORD FORWARDED DEPARTMENT.

MAY 27 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

NOV 14 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOV 24 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOV 24 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

NOV 24 1902

REMANDED BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.

NOV 25 1903

RECORD FORWARDED DEPARTMENT. AUG 24 1904

ACTION APPROVED BY APR 28 1905
SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY 11 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAY 11 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAY 11 1905

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



~~Dr. Smith,~~

~~Caddo, Indian Territory.~~

702

DEPARTMENT OF
Commissioner to the Tax

FILED

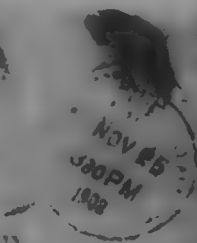
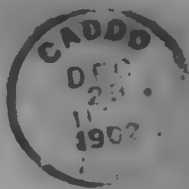
APR 13 1907

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Commissioner.

WADDON, T.
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Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Erin Smith,

~~Caddo, Indian Territory.~~

702
File

CADDON
NOV 1903

M. S. W.
JAN 2 1903

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

FILED
JAN 2 1903

[Signature]
ACTING CHAIRMAN

Reg 228
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Cannot be delivered
present address Muskogee

REGISTERED,
JUN 30 1902
CADD0, IND, TER

REGISTERED
MAY 29 1902
MUSKOGEE, IND. TER

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

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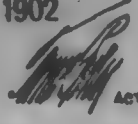
Dora F. Smith
Caddo

J. S.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
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JUL 7 1902

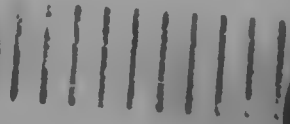


ACTING CHAIRMAN



MAY 30 1902

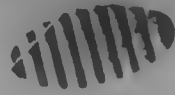
Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



702



Dora F. Smith,
Caddo, Indian Territory.



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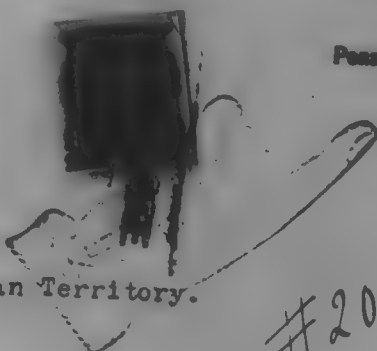
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Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Dera F. Smith,

Caddo, Indian Territory.

JAN 17 1904

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UNCLAIMED *Present Address Unknown*



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

FILED
JAN 18 1904

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Choc. MCR 703

Julian A. Lott

MCR 703

U.S. Dept of Int.
REFUSED

NOTICE OF DECISION MAILED APPLICANT.

JUL 16 1902

RECORD FORWARDED DEPARTMENT.

JUL 16 1902

**NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.**

JUL 16 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 16 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.**

AUG 30 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.**

AUG 30 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. Sept. 20, 1900.

In the matter of the application for identification as
Mississippi Choctaws of Julian A. Lott and her four minor children.
Julian A. Lott being duly sworn by the Commission, testified as
follows:

Examination by the Commission.

- Q Please state your name? A Julian A. Lott.
Q What is your age? A Thirty six.
Q What is your post-office address? A South McAlester,
Q What Nation is that in? A Indian Territory.
Q In what Nation? A I don't know.
Q Isn't it in the Choctaw Nation? A Oh yes.
Q Where do you live? A We live in South Town, South
McAlester.
Q How long have you lived in the Choctaw Nation. A Three
months now. We come there the 19th of June.
Q Where did you live before that? A Clarkson, Mississippi.
Q How long did you live in Mississippi? A We have been
living there a little over a year. We come there the winter
before last.
Q Where did you live before that? A Alabama.
Q How long did you live in Alabama? A I mostly been raised
in Alabama.
Q Where were you born? A Blunt County, Alabama it was
called then. It is Cullman County now.
Q You make application for identification as a Mississippi
Choctaw? A Yes sir.
Q Do you apply for any one besides yourself? A My four
children.
Q Is your father living? A No sir, he's dead. He was
killed the year of the surrender in the war.
Q What was his name? A Robert C. Williford.
Q Was he a white man or a Choctaw Indian? A A white man.
Q He made no claim to any Indian blood? A No sir.
Q Is your mother living? A No sir.
Q Was she a white woman or a Choctaw Indian? A Choctaw
Indian.
Q Please give her name? A Her name was Elizabeth Williford.
Q What proportion Choctaw blood did she claim? A One
quarter.
Q Where did she live? A In Alabama and in Georgia. She
was partly raised in Georgia.
Q Did she ever live in the Indian Territory? A No sir.
Q She claimed to be possessed of one quarter Choctaw Indian
blood did she? A Yes sir.
Q She never was recognized by the Choctaw tribal authorities
in this country as a citizen of the Choctaw Nation? A No sir.
Q Did she ever live in Mississippi? A No sir, she never
did.
Q Never lived in Mississippi? A No sir.
Q What proportion Choctaw blood do you claim to have, Mrs.
Lott? A One eighth that is what they say I have.
Q Have you ever been recognized by the Choctaw tribal authori-
ties in the Indian Territory as a citizen of the Choctaw Nation?
A No sir.
Q Your name then does not appear upon any of the Choctaw
tribal rolls does it? A No sir, not mine but my ancestors does.

Julian A. Lett ---

- Q On what roll do you mean? A I don't know exactly.
- Q Your ancestors are not living now? A No sir.
- Q You mean on the old rolls back in Mississippi? A Yes sir.
- Q How did you get that idea? A Well sir, I have met with them since I have been here.
- Q You have met with relations who have advised you of that fact? A Yes sir.
- Q What ancestors were they that you claim were on the roll?
- Q The Nails. My grand mother's name was Nail.
- Q You have no definite information, simply what your relations in the Choctaw Nation have told you? A Yes sir.
- Q The same applies to your children? They have never been recognized and their names are not on the tribal rolls of the Choctaw Nation? A No sir.
- Q Is their father a white man? A Yes sir.
- Q What is his name? A James Lo't.
- Q Is he living? A Yes sir.
- Q The foundation of the claim of your children then is the same as your own, is it? A Yes sir.
- Q What proportion Choctaw blood do you claim they have? A I don't know.
- Q They get their Indian blood solely through you? A Yes sir
- Q What are the names and ages of your children? A The oldest one is John Wesley Fillmore Lett.
- Q How old is John Wesley Fillmore? He was thirteen the 16th of July.
- Q The next one? A Leonard Mallalew.
- Q How old is he? A He was six the 19th of May.
- Q The next one? A Alice Bertie.
- Q How old is she? A She was three in February.
- Q Next? A George McKinley.
- Q How old is McKinley? A He is two years old in February.
- Q These children are all living with you, are they? A Yes sir.
- Q They are all the children of yourself and James Lett?
- A Yes sir.
- Q What makes you think that yourself and your children are entitled to be identified as Mississippi Choctaw Indians? A because we are Indians.
- Q Is that the only claim you make. That simply because you have Indian blood that you are entitled to identification as Mississippi Choctaws? A Yes sir.
- Q Do you claim by reason of any treaties between the United States and the Choctaw Indians? A No sir.
- Q You make no claim under the treaty of 1897 between the United States and the Choctaws and Chickasaws? A No sir. I don't believe I knew.
- Q Do you make any claim under the treaty of 1830 between the United States and the Choctaw Indians? A No sir.
- Q Do you make any claim under the fifteenth article of the treaty of 1830? A No sir.
- Q Do you make any claim under the fourteenth article of that treaty? A No sir.
- Q Did you or any of your ancestors ever take advantage of the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Indians? A No sir.
- Q Did you or any of your ancestors ever claim or receive any land under the provisions of the fourteenth article of the treaty of 1830? A No sir, not that I knew of.
- Q If any of your ancestors ever received any land you never heard of it? A No sir.
- Q You are sure that you never did are you? A Yes sir, of course I am.
- Q Yes sir, of course I am.
- Q Do you make any claim for your husband? A No sir.

Julian A. Lett 3---

Q You simply claim for yourself and your four minor children? A Yes sir, of course I could not claim for him.

Q Is there any additional statement in regard to your case that you desire to make at this time? A Grand mother when she was thirteen years old she married a white man and she had to run away from her father and mother and that is the reason she left Mississippi.

Q When she married this man, was that before the treaty of 1830 or afterwards? A Afterwards.

Q Are you sure of that? A No sir, because she was one hundred years old when she died.

Q When did she die? A About six years ago.

Q And she was a hundred years old then? A She was near it she was ninety three.

Q She married then before the treaty of 1830? A She married when she was fourteen years old and that would not go back -

Q That would go back before 1830 wouldn't it? A Yes sir.

Q Do you know where she was living at the time the treaty was entered into in 1830? A No sir.

Q You are quite sure she was not living in Mississippi? A No sir, because she had to run away.

Q Did she ever go back to Mississippi after she ran away?

A No sir.

Q She is the one through whom you get your Choctaw blood?

A Yes sir

Q Have you any documentary evidence that you desire to offer in support of your claim at this time? A I haven't myself but I have on file I suppose.

Q Do you want to file them now or at a later time? A Mr Arnold, my attorney, I suppose will know.

Q You have n't them with you now? A No sir.

Q You will be permitted to file any additional evidence in the way of affidavits, statements or other proper papers which may be tendered by you for filing within a period of thirty days from this date.

You will be furnished at a later date with a copy of the decision of the Commission in writing, with reference to the application made by you at this time for the identification of yourself and your four minor children as Mississippi Choctaws, mailed to you at your proper post-office address, South McAlester, Indian Territory.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 20th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 24th day of September, 1900.

Myra Young
Guy L. Emerson
Notary Public.

JRB
C.O.W.

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

In the matter of the application of Julian A. Lett, et al., for identification as Mississippi Choctaws, M C R 703.

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

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Julian A. Lett for herself and her five minor children, John Wesley Villiers, Leonard Hallalaw, Alice Bertie, George McKinley and Della May Lett under the following provisions of the act of congress approved June 24, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Mallie B. Phillips (nee Hall), who is alleged

to have been possessed of some Choctaw blood (degree thereof not stated).

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that no one of said applicants 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, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

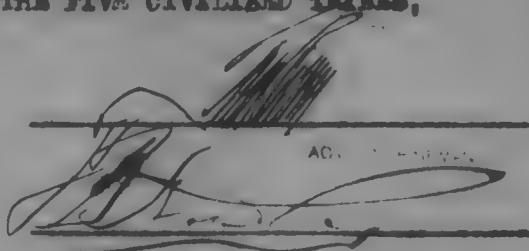
It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Sallie B. Phillips (nee Nail), or a less remote ancestor of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 25, 1842, (5 Stat., 813).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

3.

Julian A. Lott, John Wesley Fillmore Lott, Leonard Mallalew Lott, Alice Bertie Lott, George McKinley Lott and Della May Lott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,


AC. COMMISSIONER
C. A. Anderson

Commissioners.

Muskogee, Indian Territory,

JUL 16 1902

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

-----|-----

In the matter of the application of Julian A. Lett, et al.,
for identification as Mississippi Choctaws, H C R 703.

List of papers forwarded to the Secretary of the Interior
with the record in the above case, together
with the page occupied by each in
said record.

	Page.
Original application of Julian A. Lett, et al., for identification as Mississippi Choctaws.	1
Written petition of Julian A. Lett.	4
Affidavit of M. Stinson.	8
Affidavit of J. W. Phillips.	9
Birth affidavit of Della May Lett.	10
Final decision of the commission in the case of Julian A. Lett, et al., applicants for identification as Mississippi Choctaws, refus- ing said application.	11

Muskogee, Indian Territory, October 5, 1900.

Hudson & Arnold,

Attorneys at Law,

Ardena, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 2nd instant, enclosing papers offered for filing in the matter of the application for identification as Mississippi Choctaws of Julian A. Lett et. al, and the same have been duly filed with the records of this Commission.

Yours truly,

H. C. R-703

Acting Chairman,

Muskogee, Indian Territory, July 1, 1901.

Mr. J. H. Lett,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th of May, in which you state that your wife appeared before this Commission on September 20th, 1900, as an applicant for identification as a Mississippi Choctaw, but since such appearance and on the 18th day of March, 1901, there was born to her a child. You now desire to be informed if an application for the identification of this child can be considered as part of the original application of its mother.

It appears from an examination of our records that on September 20, 1900, Julia May Lett, 36 years of age, of South McAlester, Indian Territory, made personal application to this Commission for the identification of herself and four minor children, John Wesley Filmore, Leonard Wallalua, Allie Bertie and George McKinley Lett, as Mississippi Choctaws. The name of the father of these children, as given at that time, was James Lett. The Commission is of the opinion that Julia May Lett above referred to, is your wife, concerning whom you now desire this information.

J. H. Lett--B.

There is enclosed you herewith an application for the enrollment of infant children, upon which may be stated all the information necessary for the consideration by the Commission of an application for the identification of your infant child. In having the same executed care should be used to see that all blanks are filled, all names written in full, and in the event either the mother, the 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 witnesses: The notary public taking the acknowledgment must affix his notarial jurat and seal to each separate affidavit.

Upon receipt of the application in behalf of this child, the matter will receive further consideration.

Yours truly,

Commissioner in Charge.

W. T. R. 703.

B. G.

Wagon Mound, Indian Territory, July 27, 1901

Hudson & Arnold,

Attorneys at Law,

Ardenore, Indian Territory.

Gentlemen:--

Receipt is hereby acknowledged of your letter of June 24th, enclosing application of Della May Lett, for identification as a Mississippi Choctaw. The affidavits of the mother and the nurse at the birth of this child are accepted by the Commission as evidence of such birth and this application will be filed with and made a part of the original application of the applicant for identification as a Mississippi Choctaw.

Yours truly,

Commissioner in charge.

MC-703

Muskogee, Indian Territory, August 26, 1901.

Reverend J. H. Lett,
South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 31, in which you acknowledge receipt of blank birth certificate.

You state in your letter that you had already filled out such birth certificate and had given it to your attorneys, Hudson & Arnold to forward to the Commission. You ask to be advised whether same has been received.

You are advised that on June 24, 1901, Hudson & Arnold, attorneys at law, Ardmore, Indian Territory, forwarded to the Commission the application of Della May Lett for identification as a Mississippi Choctaw, and on July 27 receipt of same was acknowledged and Hudson & Arnold were advised that this application had been made a part of the original application of Julian A. Lett et al., for identification as Mississippi Choctaws.

Yours truly,

M.C.705.

COPY.

M.C.R. 703.

Muskogee, Indian Territory, July 16, 1902.

Julian A. Lett,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that on the 16th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Julian A. Lett, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provision of the act of Congress of June 20, 1900 (30 Stat., 486) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

J A L 2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Julian A. Lott, John Wesley Fillmore Lott, Leonard Wallislow Lott, Alice Bertie Lott, George McKinley Lott and Della Kay Lott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Acting Chairman.

Registered.

COPY.

43

M.C.R. 703.

Muskogee, Indian Territory, July 16, 1902.

Mansfield, McBarrey & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
 South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 15th day of July, 1902,
 the Commission to the Five Civilized Tribes rendered a decision in
 the case of Julian A. Lett, et al., applicants for identification
 as Mississippi Choctaws.

These applications were made under the provision of the
 act of Congress of June 20, 1898 (30 Stat., 495) which is as
 follows:

"Said Commission shall have authority to determine the
 identity of Choctaw Indians claiming rights in the Choctaw
 lands under article fourteen of the treaty between the United
 States and the Choctaw Nation, concluded September twenty-
 seventh, eighteen hundred and thirty, and to that end may
 administer oaths, examine witnesses and perform all other acts
 necessary thereto, and make report to the Secretary of the
 Interior."

Said decision concludes as follows:

M McK & C 2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Julian A. Lott, John Wesley Fillmore Lott, Leonard Hallalaw Lott, Alice portia Lott, George McKinley Lott and Della May Lott as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Acting Chairman

COPY.

M.C.R. 903.

Muskogee, Indian Territory, July 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Julian A. Lott, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 16, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letter being attached to the record.

Respectfully,

(SIGNED).

W. H. H. H. H.

Acting Chairman.

Through the Commissioner of
Indian Affairs.

1-enclosure.

Land.
42,739-1902.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, July 31, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated July 16, 1902, transmitting the record relative to the application of Julian A. Lett, et al., for identification as Mississippi Choctaws.

Julian A. Lett applies for the identification of herself and her children, John Wesley Fillmore, Leonard Mallalew, Alice Bertie, George McKinley and Della May Lett.

July 16, 1902, the commission held that the parties above mentioned were not entitled to identification as Mississippi Choctaws.

The record in this case shows that the principal applicant claims descent through her mother, Elizabeth E. Williford nee Phillips and Charles Phillips and his wife Sally B. Phillips nee Nail.

A search of the records of the office relating to those

Chectaw indians who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830 has been made and no record has been found showing that any person by the name of Sally B. Phillips, Sally B. Nail, Charles Phillips or Elizabeth E. Williford nee Phillips complied or attempted to comply with the provisions of said treaty; neither does the record show that they, or either of them, applied to the commissions appointed under the Acts of March 3, 1837 and August 23, 1842, for the adjudication of their rights, if any they had.

This being true, the decision of the commission refusing to identify the applicants should be approved, and the office so recommends.

Very respectfully,

Your obedient servant,

(Signed) A.C. Tonner,
Acting Commissioner.

(G.A.V.)

P.

D.C. 13610-1902.

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J.W.H.

OMR

DEPARTMENT OF THE INTERIOR.

Washington, August 16, 1902.

I.T.D. 4672-1902.

L.R.S.

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

Gentlemen:

With your letter of July 16, 1902, you transmitted the record and proceedings had in the matter of the application of Julian A. Lott for the identification of herself and her five minor children, John Wesley Fillmore, Leonard Mallalew, Alice Bertie, George McKinley, and Della May Lott, as Mississippi Choctaws. On said date you rendered your decision, finding that the applicants were not entitled to enrollment.

The principal applicant attempts to trace her descent through her mother Elisabeth Williford, nee Phillips. The latter was the daughter of one Sallie B. Phillips, nee Nail, an alleged Choctaw woman.

An examination of the record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation, or that the alleged ancestors, above named, ever

complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the Acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs reporting in the case July 31, 1902, recommends that your decision be approved.

The Department, upon a careful review of the whole case, approves your action, and your decision is accordingly affirmed.

Copy of said report of the Acting Commissioner is inclosed.

Respectfully,

(Signed) Thos. Ryan,
Acting Secretary.

DeL.

1 inclosure.

M.C.R. 703.

COPY.

Muskogee, Indian Territory, August 30, 1902.

Julian A. Tott,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that on the 16th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Julian A. Tott, et al., of which decision you were duly advised by registered mail on the 16th day of July, 1902.

Yours truly,

(SIGNED

Fame Dixey.

Acting Chairman.

COPY.

Muskogee, Indian Territory, August 30, 1902.

Hansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 16th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Julian A. Lott, et al., of which decision you were duly advised by mail on the 16th day of July, 1902.

Yours truly,

SIGNED

Tamé Bixby.

Acting Chairman.

Muskogee, Indian Territory, October 16, 1902.

J. V. Lott,

South McAlester, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 11, stating that your wife received a notice about two months ago that the evidence in her case was insufficient for her enrollment as a Mississippi Choctaw. You state that she appeared before the Commission at Muskogee, Indian Territory, September 20, 1900, and ask if she would have the right to appear before the Commission now with any further proof.

In reply to your letter you are advised that it appears from our records that Julian A. Lott, daughter of Robert C. and Elizabeth Williford, and wife of James Lott, whose residence was South McAlester at the time of her application September 20, 1900, is an applicant for the identification of herself and five minor children, John Wesley Filmore, Leonard Mallalus, Alice Bertie, George McKinley, and Della May Lott, as Mississippi Choctaws. It is believed that Julian A. Lott is your wife, and you are advised that on July 16, 1902, the Commission rendered its decision refusing the application of Julian A. Lott, et al. for identification as Mississippi Choctaws, and on August 16, 1902, the Secretary of the Interior affirmed the

J.V.L. 8

said decision of the Commission.

You are further advised that the Commission having refused the application of Julian A. Lott, et al., for identification as Mississippi Choctaws, and the Secretary of the Interior having affirmed the said decision, the Commission considers this case closed.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, June 23, 1904.

J. H. Lott,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant by reference from the Secretary of the Interior. Therein you ask that your wife be granted a rehearing in the matter of her application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that you do not state the name of your wife. However, our records show that on September 20, 1900, Julian A. Lott, 36 years of age, wife of James Lott, postoffice address South McAlester, Indian Territory, made application to this Commission for the identification of herself and her minor children, John Wesley Filmore, Leonard Mallamo, Alice Bertie, George McKinley and Della May Lott, as Mississippi Choctaws. It is believed that Julian A. Lott is your wife, and you are advised that on August 16, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application of Julian A. Lott, et al. for identification as Mississippi Choctaws, of which Departmental action she was duly notified August 30, 1902.

J. H. L., 2.

Relative to your wife securing a rehearing in her case, you are informed that motions for rehearing are granted in those cases where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the Choctaw Nation in 1830 and heads of families, and, as such, complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their local residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secro-

J. H. L., 3.

tary of the Interior, through the Commission to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

Respectfully,

Commissioner in Charge.

7599-1901

J. H. Lott, So. McAlester, I.T.

MCR 703, Julian A. Lott, et al

On September 20, 1900, Julian A. Lott, 36 years old, of South McAlester, I.T., daughter of Robert and Elizabeth Williford, appeared before the Commission at Muskogee, I.T. and applied for identification of herself and four minor children, John Wesley Fillmore, Leonard Mallaluc, Alis Bertie and George McKinley. The name of the father of these children is James Lott. It is thought this is the mother of the child for whom birth certificate is requested. Judgment has been written in this case but has never been signed.

AB

Atoka, May 24, 1901.

FOR IDENTIFICATION AS 703
A MISSISSIPPI CHOCTAW.

SEP 20 1900

(1/8)
Julian A Lott (7) (36)

Father Robert L Milliford ^{white} (dead)
Mother Elizabeth " 1/4 (dead)
South Me aster.

~~Children~~

Father James Lott.

Children

John ~~Lott~~ Wesley Tillmore Lott ¹³
W Leonard Malbalue " 6
~~Ellen~~ ^{Alison} Bertie (Chick) 3
Grog McKinley 7

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CHOCTAW TRIBES.

R. L. G. D.

SEP 20 1900

Choc. MCR 704

Ollie Ross

see MCR 1132, 1467

MCR 704

Chloe Ross et al

REFUSED.

DECISION RENDERED. APR 18 1902

NOTICE OF DECISION MAILED APPLICANT.

APR 21 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

APR 21 1902

RECORD FORWARDED DEPARTMENT.

APR 21 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAY 2 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY 10 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAY 10 1902

REFER TO M. C. R. 1192-1467

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, September, 20th 1900.
No. 704.

In the matter of the application for identification as a Mississippi
Choctaws of Ollie Ross and her six minor children.

OLLIE ROSS being duly sworn testified as follows-

Examination by the Commission-

- Q. What is your name? A. Ollie Ross.
Q. What is your age? A. 44.
Q. What is your post office address? A. Ardmore, I. T.
Q. Do you live at Ardmore? A. Yes sir.
Q. How long have you lived there? A. About six weeks.
Q. What is the length of time that you have resided in the Territory
since A. The same length of time, six weeks.
Q. Where did you reside before that? A. Mississippi.
Q. Did you come direct from Mississippi to the Indian Territory?
A. Yes sir.
Q. What county in Mississippi did you come from? A. OTIBAHA.
Q. Were you born and raised in the state of Mississippi? A. Yes
sir.
Q. Have you ever appeared before this Commission before? A. No sir
Q. Were you identified by this Commission when they appeared in
Mississippi in January, 1899? A. No sir.

The name of this applicant does not appear on the
records of this Commission made from the schedule of
Mississippi Choctaws identified as such by this Com-
mission in January, 1899 in the State of Mississippi
and included in the report of the Secretary of the
Interior of March 10th 1899.

- Q. How much Choctaw blood do you claim to have? A. 1/2
Q. What is your fathers name? A. John Craze.
Q. Is he living? A. No sir.
Q. What is your mothers name? A. Sarah Craze.
Q. Is she living? A. Yes sir.
Q. Through which one of your parents do you claim your Choctaw
blood? A. Through Paw.
Q. Does your fathers name appear upon any of the tribal rolls of
the Choctaw Nation? A. I dont know.
Q. Was he ever recognized by the tribal authorities of the Choctaw
Nation as a citizen of that Nation? A. I cannot tell you.
Q. Is your name upon any of the tribal rolls of the Choctaw Nation.
Q. Have you ever made application to the tribal authorities of the
Choctaw Nation for citizenship in that nation? A. No sir.
Q. Have you ever been recognized by the Choctaw tribal authorities
by any official act of their National Council as a citizen of the
Choctaw Nation? A. No sir.
Q. Did you or any one in your behalf in 1898 make application be-
fore this Commission for citizenship in the Choctaw Nation, acting
under act of Congress approved June 10th 1898? A. No sir.

Q. Have you ever been admitted to citizenship in the Choctaw Nation by a decree of the United States Court for the Indian Territory upon appeal from the decision of the Choctaw tribal authorities or from the decision of this Commission? A. No sir.

Q. Is this the first application of any kind that you have made? A. Yes sir.

Q. You are now making an application for identification as a Mississippi Choctaw? A. Yes sir.

Q. Why do you believe that you are entitled to to be identified by this Commission as a Mississippi Choctaw and entitled to share in the Choctaw lands under the 14th article of the Treaty of 1830?

A. Because I am an Indian.

The only authorities vested in this Commission to determine the rights of applicants for identification as Mississippi Choctaws is an act of Congress which in part says " Said Commission shall authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands, under Article 14 of the treaty between the United States and the Choctaw Nation, Concluded September, 27th 1830, and to that end they may administer oaths, examine witnesses, etc. "

Q. Do you make any claim under the 14th article of the treaty of 1830? A. Yes sir.

Q. Did either you or your ancestors ever take advantage of the provisions of the 14th article of the treaty of 1830? A. Yes sir.

Q. Did either you or your ancestors ever receive lands in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A. No sir not as I know of.

Q. What was the name of your ancestor who was a resident of the state of Mississippi and a recognized member of the Choctaw tribe of Indians at the time the treaty was entered into between the Choctaw Indians and the United States in 1830, and who became a beneficiary under the provisions of the treaty of 1830? A. John Crase.

Q. Have you any evidence of the fact that he was a recognized member of the Choctaw tribe at that time? A. Yes sir.

Q. Have you any documentary evidence showing that he ever received or claimed land in the State of Mississippi as a beneficiary under the 14th article of the treaty of 1830? A. No sir.

Q. Do you make any claim by reason of any other provisions of the treaty of 1830? No sir.

Q. Are you married? A. Yes sir.

Q. What is your husbands name? A. Johnson Ross.

Q. Is your husband living? A. No sir.

Q. Where did you marry him? A. Calhoun county, Mississippi.

Q. When? A. '79.

Q. Were you married to him under the laws of the state of Mississippi? A. Yes sir.

Q. Were you ever married to your husband under the laws of either the Choctaw or Chickasaw Nations? A. No sir.

Q. Have you your marriage license and certificate with you? A. Yes sir.

Q. Do you desire to offer them in evidence at this time? A. Yes sir I can

Q. Have you any children for whom you desire to make application?

A. Yes sir,

Q. What are the names and ages of your minor, unmarried children for whom you desire to make application for identification as Mississippi Choctaws at this time? A.

Rubie, age, 20.
 Clyde, age, 16.
 Ruth, age, 13.
 Williard, age, 8
 Mack, age, 6
 Murray, age, 3.

Q. Is that all? A. Yes sir.

Q. Are you the mother of these children? A. Yes sir.

Q. Johnson Ross is the father of them? A. Yes sir.

Q. Do they all live with you? A. Yes sir.

Q. Where are they now? A. Ardmore, I. T.

Q. Their claim for identification is the same as yours? A. Yes sir.

Q. Is there any additional statement that you desire to make at this time in support of your claim? A. No sir I have not.

Q. Is there any written evidence that you desire to offer? A. Yes sir.

Permission is here asked by attorney for applicants that they be allowed 30 days in which to file additional written evidence in support of their claim, which is accordingly granted by the Commission providing same is filed within thirty days from this date.

The decision of the Commission in regard to your application for identification as a Mississippi Choctaw, and the application which you also make on behalf of your six minor children, will be mailed to you in writing at your present post office address

Chas. von Weise having been 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 20th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, of said proceedings on said date.

Chas von Weise

Subscribed and sworn to before me this the 4 day of Oct 1900.

Guy L. Emerson

Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 24, 1902.

Additional testimony in the matter of the applications of Alice N. Randall, et al., R-1132; Ollie Ross, et al., R-704; Allie Hunt, et al., R-1467.

Appearances:

J. E. Arnold, Attorney for Applicants; no appearance for either the Choctaw or the Chickasaw Nation.

William F. P. Andrews, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A William F. P. Andrews.
Q How old are you? A Well, sir, if I live until Saturday, I will be eighty years old.
Q What is your post office address? A Banner, Mississippi.
Q What county? A Calhoun County.
Q How old have you lived in the State of Mississippi? A Well, sir, I came to Mississippi in '42, came from Monroe County.
Q Where were you born? A In the State of Georgia.
Q Are you acquainted with the applicant, Alice N. Randall? A Yes, sir.
Q Are you acquainted with the applicant, Ollie Ross? A Yes, sir.
Q Are you acquainted with the applicant, Allie Hunt, the daughter of Ollie Ross? A I have known her some, not intimately; I knew them when they were children.
Q You just knew her as a child? A Yes, sir.
Q Where did you know these people? A In Calhoun County; it was Choctaw County when I got acquainted with them.
Q Are you related to them? A No, sir.
Q Are you interested in any way in the result of their applications?
A None in the world.

Statement by J. E. Arnold:

We expect to show by this witness that he was acquainted with Mrs. Randall and Mrs. Ross, the applicants in this case, and was acquainted with their father, John A. Crass and his mother, and that they were Choctaw Indians, and lived in the State of Mississippi from his first acquaintance with them; that John A. Crass and his wife were lawfully married; that is, they lived together as man and wife up until Crass's death. He knows nothing as to whether any of the ancestors of the applicants ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received and benefits thereunder.

- Q What is your occupation? A I have always been a farmer; some times I worked at mechanic trade, but a farmer all my life.

Alice M. Randall, et al., 2.

Q You are justice of the peace now? A Yes, sir.

Q What relation was Alice M. Randall and Ollie Ross? A Well, she is Ollie's daughter.

Q No, I want to know the relationship between Alice M. Randall and Ollie Ross? A Why, they are sisters. It had been so long since -- because they were born within a quarter of a mile from my house.

Q They were born over in Calhoun County? A Yes, sir, born in Calhoun County.

Q Has Alice Randall lived in that County all her life? A No; she has lived in that County all her life - that County and Webster County all her life.

Q Where does Ollie Ross live now? A She lives in the Territory, I presume; that's what I understood.

Q How long since she left the State of Mississippi? A I reckon its been about three years, I reckon; between three and four, perhaps.

Q Have they any Choctaw blood? A Well, now, sir, you are asking me a question that I can't say that I know, but from information, they have undoubtedly. I knew their grand father, and I knew this lady's father; was pretty well acquainted with him; he has been in my house many times, and I have been at his father's too. The old lady Craze undoubtedly had Indian blood in her, and a great deal of it; she acknowledged to me that she did have.

Q Through which one of her parents did Alice Randall get her Choctaw blood? A Her grand parents.

Q Her father or her mother, which one? A From her father.

Q Her mother had no Choctaw blood? A No, I guess not.

Q What was her father's name? A John A. Craze.

Q What was her mother's name? A Sarah? Murphy was her name before she married Craze.

Q She had no Choctaw blood? A She had no Choctaw blood, I don't reckon; I never heard tell of anything of the kind.

Q When were they married, this man Craze and her? A I reckon they were married - let me see - I expect about fifty one.

Q Were you present at their marriage? A I didn't see them married, but I know they lived together as man and wife, and I have - and went to Texas and stayed two years and come back and lived right by me, and these children were born by me.

Q How many children were born? A Three born, and the oldest one died.

Q About how long did they live together there in your neighborhood?

A They lived together after they married before his death.

Q Up until the time of his death? A Yes, sir, all the time up until his death, except about two years while he was in Texas.

Q I say did they live together up until the time of his death?

A Yes, sir.

Q Well, when did John Craze die? A He died, I reckon - I think about '87.

Q Was he as old a man as you are? A He was about two years older.

Q Do you know how much Choctaw blood he had? A No, sir, he didn't I don't, but he undoubtedly had Choctaw blood in him and showed it a good deal?

Q Did he speak or understand the Choctaw language? A Yes, sir, he could talk it some; now, I couldn't understand him, but I have heard him talk right smart, and he said it was Choctaw; I used to understand the Creek language very well, but I couldn't understand anything about Choctaw. I heard him speak the Choctaw language lots of times.

Q That is, you heard him repeat the Choctaw language? A Oh! yes, I couldn't know whether it was Choctaw or not, because I didn't

Alice V. Randall, et al., 3.

understand it.

Q You never heard him carry on a conversation with a full blood Choctaw in the Choctaw language? A No, sir, there were no Indians in that country.

Q Where was John Craze born, do you know? A No, I don't know; he was a man grown up twenty seven or eight years old when I got acquainted with him.

Q Where did you first meet him? A At a place called Old Town, in Calhoun County; it was Choctaw then.

Q You don't know where he lived prior to the time you met him?

A He told me he moved from Choctaw County up there, but they went from Choctaw, so I understood.

Q Choctaw County, Mississippi? A Yes, sir.

Q You were acquainted with his mother and father? A Yes, sir.

Q Did either of them have Choctaw blood? A Well, they had Indian blood; now, whether it was Choctaw, or what it was, I don't know.

Q What was her name? A Her name was Rhoda, and I was told that her maiden name was Griffin. Rhoda Griffin before Craze married her.

Q What was the name of the father of John Craze? A His name was just John, and his son was John A.

Q Now, John Craze, the elder, had no Choctaw blood? A No, sir, I don't think old man Craze had any Choctaw blood at all. He didn't look to have; I don't know whether he did, or not; he possibly might.

Q Did Rhoda Craze speak or understand the Choctaw language? A I can't tell about that.

Q Do you know where she was born? A No, sir, I do not. I never heard her say that I recollect.

Q Do you know the name of either one of her parents? A No, sir, only just the name of her - her father's name was Griffin.

Q You don't know where they came from to Choctaw County? A No, I don't.

(This witness is a white man of average intelligence.)

(Witness excused.)

Winnie E. Smith, having been first called and duly sworn as a witness in behalf of the applicants, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A Winnie E. Smith.

Q How old are you? A Sixty three years old - will be in February.

Q What is your post office address? A Pittsboro, Calhoun County, Mississippi.

Q How long have you lived in the State of Mississippi? A All my life.

Q Are you an applicant before this Commission for identification as a Mississippi Choctaw? A No, sir.

Q Are you acquainted with the applicants, Alice M. Randall, Ollie Ross and Allie Hunt? A Yes, sir.

Q How long have you known them? A Known them all their lives.

Q Are you related in any way to them? A Yes, sir, some.

Q What relation to them, are you? A Alice M. Randall and Ollie Ross are my nieces.

Q Are you interested in any way in the result of their applications;

Alice M. Randall, et al., 4.

that is, will get anything if they do result favorably? A No, sir.

Statement by J. E. Arnold:

We expect to show by this witness that she is acquainted with the applicants; was acquainted with their father, John A. Craze; that he was a Choctaw; was also acquainted with his mother, and that she was a Choctaw; that the applicants' father and mother were lawfully married, and lived together as man and wife up to his death. She does not know whether any of the ancestors of the applicants ever complied or attempted to comply with the 14th article of the treaty of 1830.

- Q Where does Alice Randall live at this time? A Naben, Mississippi.
Q What county? A Oktibbeha.
Q Where does Ollie Ross live now? A She lives in the Territory - in Ardmore.
Q Where does Allie Hunt live? A I don't know whether she lives in Mississippi now or not? I don't know whether she lives in Mississippi now or in - her mother is in the Territory.
Q What relation is Alice Randall to Ollie Ross? A Own sisters.
Q What relation is Allie Hunt to them? A She is the niece of Mrs. Randall.
Q The daughter of Ollie Ross? A Yes, sir.
Q Were you acquainted with the father of Alice Randall and Ollie Ross? A Yes, sir.
Q Were you acquainted with their mother? A Yes, sir.
Q What was the name of their father? A John A. Craze.
Q What was the name of their mother? A Sarah M. Craze.
Q Which one of them had Choctaw blood, if either? A Their father.
Q Mother had no Choctaw blood? A No, sir, not that I know of.
Q Do you know how much Choctaw blood John A. Craze had? A No, sir, but I know he showed it in his face, and in his talk too, some.
Q How old would he be if he were living now? A How old would he be?
Q Yes? A He would be about eighty two years old.
Q Did he live in Mississippi all his life? A No, sir, he went to Texas and lived two or three years, I think, and come back.
Q Aside from that, he lived here all his life, did he? A Yes, sir, I reckon he has.
Q When did you first meet him? A He was about grown when I first met him.
Q Where did you meet him? A At Old Town, Mississippi.
Q Old Town, Calhoun County, Mississippi? A Yes, sir.
Q Did he speak or understand the Choctaw language? A Yes, sir, some, but I couldn't understand him.
Q You mean that he spoke a few scattering Choctaw words? A Yes, sir.
Q You never heard him carry on a conversation in Choctaw? A No, sir.
Q Did he get his Choctaw blood through his father or through his mother? A Through his mother.
Q What was her name? A Rheda Griffin.
Q Were you acquainted with her? A Yes, sir.
Q Where did she live during her life time? A Well, she lived in Mississippi almost all her life time, I reckon, as far as I know. I don't know where she come from when she come to Mississippi.
Q Did you ever hear where she lived before she came to Mississippi?
A No, sir, I don't believe I ever did.
Q You don't understand Choctaw, do you Mrs. --? A No, sir, I can't speak Choctaw.

Alice M. Randall, et al., 5.

Q Are you sure it was Choctaw blood that John A. Craze and his mother had? A No, sir, I couldn't swear that it was, but I think, to the best of my judgment that it was.

Q You are quite positive that they had Indian blood? A Yes, sir.

Q Do you know how much Indian blood the mother of John A. Craze had? A No, sir, I don't know.

Q Didn't you ever hear what she claimed? A No, sir.

Q Never did? A I don't think that I ever did.

Q Were the parents of Alice M. Randall and Ollie Ross, John A. Craze and Sarah, lawfully married? A Yes, sir.

Q Were you present at their marriage? A Yes, sir.

Q Where were they married? A At Old Town, in Calhoun County, Mississippi.

Q When was that? A It was about fifty two when they were married; I think it was about '52, somewhere along there.

Q You were present at the marriage ceremony? A Yes, sir.

Q Who performed the ceremony? A I can't tell you now.

Q Was it a minister of the Gospel or a Justice of the Peace? A I believe it was a minister.

Q Do you remember anyone else living now who was present at the wedding? A I don't recollect any one now, it's been so long ago.

By J. E. Arnold:

Q Mrs. Smith, haven't you heard the neighbors of John A. Craze and his mother say they were Choctaw Indians? A Yes, sir, everybody that lived around there knew and believed it.

Q That was a common talk among the Choctaws? A Yes, sir, and they lived among the Indians. They lived at Old Town; that's where old Town got its start.

(This witness is a white person of average intelligence.)

R. S. Streit, having been 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 24th day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this third day of February, 1902.

R. S. Streit
L. B. Mosley
Clerk U. S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

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

In the matter of the application of Ollie Ross for identification for herself and her minor children, Rubie, Clyde, Ruth, Williard, Mack and Murray Ross, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Ollie Ross appeared before the Commission at Muskogee, Indian Territory, September 20, 1900, and there made application for identification for herself and her minor children, Rubie Ross, Clyde Ross, Ruth Ross, Williard Ross, Mack Ross and Murray Ross, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto,, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application of Ollie Ross for identification for herself and her minor children, Rubie Ross, Clyde Ross, Ruth Ross, Williard Ross, Mack Ross and Murray Ross, as Mississippi Choctaws, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY,

ACTING CHAIRMAN.

H.C.
C. I. W.
W. C. B.

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

In the matter of the application of Ollie Ross, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of

Ollie Ross, et al., M C R 704
Alice M. Randall, et al., M C R 1132
Allie Hunt, et al., M C R 1467

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

The record in the above consolidated case shows that
there were, originally, three applications made separately by
the parties named at the times and places herein set forth,
to-wit:

In the matter of the application of Ollie Ross for
the identification of herself and her six minor children, Rubie,
Olyde, Ruth, Williard, Mack and Murray Ross, as Mississippi
Choctaws, taken at Muskogee, Indian Territory, September 20,
1900.

In the matter of the application of Alice M. Randall
for the identification of herself and her four minor children,
Ralph, Tommie, Needy and Vachti Randall, as Mississippi Choctaws,
taken at Nattiesburg, Mississippi, December 19, 1900.

In the matter of the application of Allie Hunt for
the identification of herself and her minor child, Louis Hunt,
as Mississippi Choctaws, taken at Atoka, Indian Territory,
March 4, 1901.

(2)

While these several applications have been consolidated and are to be considered together as a whole, yet, in view of the varied proceedings had in each, it will be necessary to consider them, in a measure, separately.

Taking them in the order above named, we find from the record in the case of Ollie Ross, et al., that on September 20, 1900, the said Ollie Ross appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of herself and her six minor children, Rubie, Clyde, Ruth, Williard, Mack and Murray Ross, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek". The principal applicant claims descent from John Graze, an alleged Choctaw Indian, (degree of blood not given), who married Sarah Graze, a person not possessed of Choctaw blood, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Ollie Ross, and her six minor children for whom application is made have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the

act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavit of W. F. P. Andrews, the joint ex parte affidavit of T. M. Murphy and E. A. Pilgreen, and two ex parte affidavits of A. Murphy. By the oral statement of the principal applicant, it is attempted to be shown that she was born in the state of Mississippi in about the year 1886, and that for six weeks prior to the making of her original application she had been a resident of Indian Territory, and claims to be an one half blood Choctaw. She attempts to trace her alleged Choctaw descent through her father to one John Crase, whom she states was living in the state of Mississippi in the year 1830 and a recognized member of the Choctaw tribe of Indians at that time, but she does not state what relation the said John Crase was to her or how he was recognized as a member of the Choctaw tribe of Indians, and there is nothing in her statement which in any way tends to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of W.F.P. Andrews it is attempted to be shown that the affiant is acquainted with the principal applicant and with her father, John A. Crase, and her grandmother, Rhoda Crase, the latter of whom acknowledged to him (the affiant) "that she was Indian in part", and that both Rhoda Crase and John A. Crase show they had Indian blood. By the joint ex parte affidavit of T.M. Murphy and E.A. Pilgreen it is attempted

to be shown that affiants are acquainted with the principal applicant, and were acquainted with her father, John A. Craze, and her grandmother, Rhoda Craze, and that from "tradition and report" they possessed Choctaw blood, and that Rhoda Craze "had every appearance of an Indian squaw." By the two ex parte affidavits of A. Murphree, (which are identical in form and substance), it is attempted to be shown that affiant was acquainted with the father and grandmother of the applicant since the year 1841, and that the latter (Rhoda Craze, nee Griffin) had the features of an Indian and was "recognized as Indian in the country where she lived." There is nothing in any of these affidavits which in any way tends to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is also filed herewith the written petition of the principal applicant, but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by her.

The next in order of the above applications is that of Alice M. Randall, et al., and the record therein shows that on December 19, 1900, the said Alice M. Randall appeared before the Commission at Hattiesburg, Mississippi, and there made personal application for the identification of herself and her four minor children, Ralph, Fannie, Needy and Vashti Randall, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government

and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek". The principal applicant claims descent from John Crase, an alleged Choctaw Indian, (degree of blood not given), who married Sarah Crase, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Alice M. Randall, and her four minor children for whom application is made have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the joint ex parte affidavit of H. A. Pillgreen and A. Murphree, and the joint ex parte affidavit of R. G. Shaw and W. G. Mathis. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Mississippi in about the year 1859, and has always resided in that state, and claims to be an one quarter blood Choctaw. She attempts to trace her alleged Choctaw descent through her father to her grandmother Rhoda Griffin, whom she states was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830, but she does not state how the said Rhoda Griffin was recognized as a member of the Choctaw tribe of Indians, and

there is nothing in her statement which tends to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the joint ex parte affidavit of E. A. Pillgreen and A. Marphree it is attempted to be shown that affiants were acquainted with the father and grandmother of the principal applicant, and that the latter, Rhoda Crase, was a Choctaw Indian. The joint ex parte affidavit of R. G. Shaw and W. G. Mathis is simply to the effect that affiants are acquainted with the principal applicant and with her sister, Mrs Ollie Ross, and that said persons "are known in the community in which they reside as part Choctaw Indians". There is nothing in any of these affidavits which in any way tends to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The last in order of the above applications is that of Allie Hunt, et al., and the record therein shows that on March 4, 1901, the said Allie Hunt appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of herself and her minor child, Louis Hunt, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the

Chectaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Ollie Ross, an alleged Chectaw woman, (degree of blood not given), who married Johnson Ross, a white man, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Allie Hunt, and her minor child for whom application is made have never been enrolled by the tribal authorities of the Chectaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Chectaw Nation in the possession of the Commission, nor have they ever been admitted to Chectaw citizenship by a duly constituted court or committee of the Chectaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of R. G. Shaw and Ollie Ross. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Mississippi in about the year 1862, and that for seven months prior to the making of her original application had been a resident of Indian Territory, and claims to be an one sixteenth blood Chectaw. She attempts to trace her alleged Chectaw descent through her mother to her grandfather, John A. Grass, whom she states was a Chectaw Indian, but she does not state how much Chectaw blood he was possessed of; and there is nothing in her statement which would in any way tend to show that any of her alleged Chectaw

ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. The ex parte affidavit of R. G. Shaw is simply to the effect that the affiant is acquainted with the principal applicant and knows her to be a daughter of Ollie Ross; and the ex parte affidavit of Ollie Ross is simply to the effect that the affiant is the mother of the principal applicant. There is nothing in either of said affidavits which in any way tends to show that the alleged Choctaw ancestors of the principal applicant were possessed of Choctaw blood or that they ever resided in the state of Mississippi and were there recognized members of the Choctaw tribe of Indians, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

Under departmental instructions of June 10, 1901, and July 25, 1901, the applications of Ollie Ross, et al., Alice M. Randall, et al., and Allie Hunt, et al., were consolidated by the Commission to the Five Civilized Tribes under the head of Ollie Ross, et al., the applicants claiming descent from the same common ancestor.

On January 24, 1902, at the office of the Commission to the Five Civilized Tribes, at Meridian, Mississippi, there appeared before the Commission J. E. Arnold, attorney for the applicants herein, and at that time and place there was heard, upon motion of the said J. E. Arnold, the testimony of William F. Andrews and Winnie E. Smith, who testified in support of all the applications consolidated herein. By the oral testimony of said witnesses it is attempted to be shown that the applicants

in this group of consolidated cases claim their Choctaw descent from Rhoda Crase, (nee Griffin), whom it is alleged by said witnesses was a part Choctaw Indian and resided in Mississippi in the year 1830 and was the head of a family at that time, but there is nothing in the testimony of these witnesses which in any way tends to show that the said Rhoda Crase (nee Griffin) was ever recognized by the Choctaw tribal authorities as a member of the Choctaw tribe of Indians in Mississippi, or that she ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The Commission, in view of the fact that the applicants in this group of consolidated cases have had sufficient time allowed them in which to present their testimony, considers these cases as closed, and the evidence offered in support thereof embraces the oral testimony of the several principals & applicants, given at the time of the making of their original applications, the several ex parte affidavits filed by them, and the additional testimony taken before the Commission to the Five Civilized Tribes at Meridian, Mississippi, on January 24, 1902. By the evidence so submitted it is attempted to be shown that the common ancestor through whom these applicants claim their Choctaw descent, and who was married and the head of a family in the year 1830, was Rhoda Crase (nee Griffin), and in order for these applicants to be identified by the Commission to the Five Civilized Tribes as Mississippi Choctaws, descendants of Choctaw Indians who complied with the provisions of article fourteen of the treaty of 1830, it would be necessary for them to show such a compliance with said article on the part of the said Rhoda Crase (nee Griffin), and this the

applicants entirely fail to do; and there is absolutely nothing in the evidence offered in support of this case which in any way tends to show that Rhoda Crase (nee Griffin), the common ancestor of these applicants, was ever recognized by the Choctaw tribal authorities as a member of the Choctaw tribe of Indians in the state of Mississippi, or that she ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830,

It does not appear from an examination of the records in the possession of the Commission of those persons who did comply or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, that any person by the name of Rhoda Crase or Rhoda Griffin ever signified her intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented her claim as a beneficiary under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837, and August 23, 1842, for the adjudication of such claims.

The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stat., 496), is as follows:

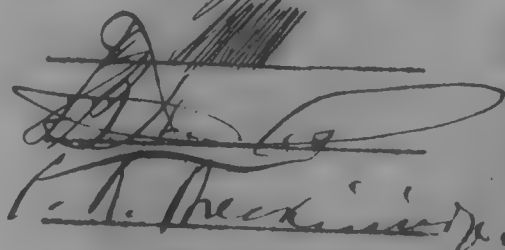
"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ollie Ross, Rubie Ross, Clyde Ross, Ruth Ross, Williard Ross, Mack

[11]

Ross, Murray Ross, Alice M. Randall, Ralph Randall, Tommie Randall, Moody Randall, Vashti Randall, Allie Hunt and Louis Hunt, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

A handwritten signature in dark ink, appearing to read "P. A. Beckwith", is written over two horizontal lines. The signature is somewhat stylized and cursive.

Commissioners.

Muskogee, Indian Territory,

APR 15 1902

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

In the matter of the application of Ollie Ross, et al., for identification as Mississippi Choctaws, consolidating the applications of

Ollie Ross, et al.,	M C R 704
Alice M. Randall, et al.,	M C R 1132
Allie Hunt, et al.,	M C R 1467

List of papers forwarded to the Secretary of the Interior with the record in above consolidated case, together with page occupied by each in said record.

	Page.
Original application of Ollie Ross, et al., for identification as Mississippi Choctaws,	1
Written petition of Ollie Ross,	4
Affidavit of W.F.P. Andrews,	7
The Joint affidavit of T.M. Murphree and E.A. Pillgreen,	8
Affidavit of A. Murphree,	9
Affidavit of A. Murphree,	10
Original application of Alice M. Randall, et al., for identification as Mississippi Choctaws,	11
Joint affidavit of E.A. Pillgreen and A. Murphree,	14
Joint affidavit of R.G. Shaw and W.G. Mathis,	15
Original application of Allie Hunt, et al., for identification as Mississippi Choctaws,	16
Affidavit of R.G. Shaw,	19
Affidavit of Ollie Ross,	20
Transcript of additional testimony taken in support of applications consolidated herein, at Meridian, Mississippi, January 24, 1902,	21
Decision of the Commission refusing the application of Ollie Ross, et al., for identification as Mississippi Choctaws,	26

REFER TO M. C. R. 704

Ellie Ross et al

Consolidated Case

John Craze Dead
Rhoda Craze Dead
nee Griffin
claim children

John H. Craze Dead
wife claim children
Sarah Craze

1862
1872

Allie Ross 44 1/2
husband
John Ross Dead

1831
1831

Abie M. Randall 41 1/4
husband
Thomas B. Randall

1867
1867

Allie Hunt 19 1/16
husband
Odie Hunt

1870
1870

Ruby Ross 20
Clyde Ross 16
Steth Ross 13
Willard Ross 8
Mack Ross 6
Murray Ross 3

1862
1862

Ralph Randall 9
Thomas Randall 7
Moody Randall 3
Vartie Randall 9m

1867
1867

Lewis Hunt 4 m

Muskogee, Indian Territory, October 12, 1900.

Hudson & Arnold,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 4th instant, enclosing petitions of Ollie Ross, Ben Howard, Celestia Hurst and William M. Foster for enrollment as members of the Choctaw Nation.

The records of this Commission show that these parties appeared before the Commission and made application for identification as Mississippi Choctaws. The papers forwarded by you have been duly filed with the records in these respective cases.

Yours truly,

Acting Chairman.

M. C. R-704
M. C. R-713
M. C. R-721
M. C. R-818

Muskogee, Indian Territory, October 27, 1900.

Hudson & Arnold,

Attorneys at Law,

Ardenok, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 19th instant enclosing the affidavits of W. V. P. Andrews, E. A. Pilgreen and A. Murphies offered by you for filing in support of the application of Ollie Ross et. al for identification as Mississippi Choctaws.

The same have been duly filed and will receive the consideration of the Commission in the determination of the rights of Ollie Ross et. al for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, November 1, 1900.

Hudson & Arnold,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 31st of October, enclosing affidavit of A. Murphree, offered for filing in the matter of the application for identification as Mississippi Choctaw of Ollie Moss et. al, and the same has been duly filed with the records of the Commission in this case.

Yours truly,

Acting Chairman.

M. C. R-904

COPY.

M C R 704

Muskogee, Indian Territory, April 17, 1902.

Mansfield, Mc Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen-

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ollie Ross, et al., embracing the following applications for identification as Mississippi Choctaws:

Ollie Ross, et al., M C R 704
Alice M. Randall, et al., M C R 1122
Allie Hunt, et al., M C R 1467

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ollie

Ross, Rubie Ross, Clyde Ross, Ruth Ross, Williard Ross, Mack Ross, Murray Ross, Alice M. Randall, Ralph Randall, Tommie Randall, Moody Randall, Vashti Randall, Allie Hunt and Louis Hunt, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNATURE)

James Dixby.

Acting Chairman

Registered.

COPY.

M O R 704

Muskogee, Indian Territory, April 17, 1902.

Ollie Ross,

Ardmore, Indian Territory.

Dear Madam-

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ollie Ross, et al., embracing the following applications for identification as Mississippi Choctaws:

Ollie Ross, et al.,	M O R 704
Alice M. Randall, et al.,	M O R 1152
Allie Hunt, et al.,	M O R 1467

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the Act of Congress of June 28, 1898, (30 Stats. 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ollie Ross, Rubie Ross, Clyde Ross, Ruth Ross, Williard Ross, Mack Ross, Murray Ross, Alice M. Randall, Ralph Randall, Fannie Randall, Moody Randall, Vashki Randall, Allie Hunt and Louis Hunt,

O R 2

as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *Tamo Bixby.*

Acting Chairman.

Registered.

COPY

M C R 704

Muskogee, Indian Territory, April 17, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Ollie Ross, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 15, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Ollie Ross, et al., M C R 704
Alice M. Randall, et al., M C R 1138
Allie Hunt, et al., M C R 1467

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by registered letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

Tam's Bixby.

Acting Chairman.

Through the Commissioner
of Indian Affairs.

1 enclosure.

D.C. 7662
Land-23514--1902.

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, April 26, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose you herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated April 17, 1902, forwarding for the Department's consideration the record relative to the consolidated case of Ollie Ross, et al. The parties to this consolidated case apply for identification as Mississippi Choctaws, entitled to rights in the Choctaw lands under the provisions of the treaty of September 27, 1830.

Ollie Ross applies for the identification of herself and her minor children, Rubie, Clyde, Ruth, Willard, Mack and Murray Ross.

Alice M. Randall applies for the identification of herself and her minor children, Ralph, Tommie, Hoody, and Vashti Randall.

Allie Hunt applies for the identification of herself and her minor child, Louis Hunt.

The parties to this consolidated case attempt to trace their descent from Rhoda Crans, nee Griffin, who, it is alleged, was of

Choctaw Indian blood.

April 15, 1902, the Commission found that the parties above named were not entitled to identification as Mississippi Choctaws.

The office has examined the record in the case and does not believe that it is sufficient in itself to warrant the identification of said parties as Mississippi Choctaws. It has also made a careful examination of its records pertaining to Choctaws who acquired rights under the provisions of the 14th article of the treaty of 1830, and no record has been found which shows that Rhoda Crase or Rhoda Griffin complied with the provisions of said article of said treaty, or that she applied to the Commissions appointed under the acts of March 3, 1837, and August 23, 1842, for an adjudication of her rights, if any she had.

It is therefore respectfully recommended that the decision of the Commission be approved.

Very respectfully,
Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G.A.W. (S)

MBR 704

D.C. 7662.
I.T.D. 2461-1902.
File 296-1898.
L.R.S.

COPY.

DEPARTMENT OF THE INTERIOR,
Washington.

May 2, 1902.

Commission to the Five Civilized Tribes,
Muskegee, I. T.

Gentlemen:

On April 17, 1902, you transmitted therewith in the consolidated case embracing the applications of the following mentioned persons for identification as Mississippi Choctaws:

- Ollie Ross et al.,
- Alice M. Randall et al.,
- Allie Hunt et al.

It appears from the record that none of these applicants has ever been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor are their names found upon any of the tribal rolls of said nation in the possession of your Commission, nor have they been admitted to Choctaw citizenship by a duly constituted court or committee of said nation, or by your Commission, or by a decree of the United States Court in Indian Territory under the provisions of act of Congress of June 10, 1896 (29 Stat. 521).

It also appears that all the applicants trace their alleged Choctaw descent to one Rhoda Cross, nee Griffin, who was married

and a resident of Mississippi in the year 1830, but it is not shown that said common ancestor was a recognized member of the Choctaw tribe of Indians in Mississippi or ever complied or attempted to comply with the fourteenth article of the treaty of 1830.

You state in your decision of April 15, 1902, rejecting said applications, that there is nothing in the evidence offered, or in the records in the possession of your Commission, tending to show that any of the alleged common ancestors of the applicants ever complied or attempted to comply with the provisions of the said fourteenth article, or presented their claims as beneficiaries under said article to either of the commissions authorized by acts of Congress approved March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513), for the adjudication of such claims. See opinion of the Assistant Attorney General of December 3, 1901, approved by the Department.

The Acting Commissioner of Indian Affairs forwarded the papers in this case on April 26, 1902, stating that a careful examination of the records in the Indian office fails to show that any of the alleged common ancestors of the applicants ever complied with the provisions of the said fourteenth article, or presented their claims to either of the commissions referred to, and he recommends that your decision be affirmed.

The Department has examined the record in this case and, no objection appearing thereto, your decision in rejecting said applications is affirmed.

A copy of the letter of the Acting Commissioner is herewith
inclosed for your information.

Respectfully,

Theo. Ryan

Acting Secretary.

1 inclosure.

M.C.R. 704

Muskogee, Indian Territory, May 10, 1902.

Ollie Ross,

Ardmore, Indian Territory.

Dear Madam:-

You are hereby advised that on the 2nd day of May, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ollie Ross, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

Yours truly,

Commissioner in Charge

M.C.R. 704

Muskogee, Indian Territory, May 10, 1902.

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

Gentlemen:-

You are hereby advised that on the 2nd day of May, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ollie Ross, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

Yours truly,

Commissioner in Charge

Muskogee, Indian Territory, April 15, 1906.

Cruce, Cruce & Elsakmore,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 10th instant, requesting to be advised the status of the Mississippi Choctaw case of Mrs. Ollie Ross.

In reply you are informed that on May 2, 1902, the Secretary of the Interior approved the Commission's decision of April 18, 1902, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Ollie Ross, et al., of which departmental action the several applicants were duly notified on May 10, 1902.

The Commission now considers this case closed and it is not believed that any of the applicants therein are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Commissioner in Charge.

M.C.R. 704.

Muskogee, Indian Territory, January 7, 1907.

J. S. Mullen,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo requesting to be advised the status of the Mississippi Choctaw application of Ruth Ross.

In reply you are informed that it appears from the records of this office that on May 2, 1902 the Secretary of Interior affirmed the decision of the Commission to the Five Civilized Tribes of April 18, 1902 refusing the application made by Ollie Ross for the identification of herself and children: Ruby, Clyde, Ruth, Willard, Mack and Murray Ross.

It does not appear that there is any motion for the rehearing in this case now pending and as the time within which such a motion could be filed expired June 25, 1906, the case is now considered closed.

Respectfully,

Commissioner.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

704

1/2

SEP 20 1900

Ollie Ross.

Ardmore, Ind. ^{HH.} Ind. Ter.

FATHER: John Craze - dead.

MOTHER: Sarah Craze - ✓

Claims through father.

HUSBAND: Johnson Ross. dead.

CHILDREN:

F	Rubie Ross	20
	Elyce	16
	Ruth	13.
	Willard	8.
	Mack	6.
	Murray	3.

COMMISSION TO THE EFFECT
SEP 20 1900

Choc. MCR 705

Eva Bryant

See MCR 711

MCR 705

Ord. Trumpet

REFUSED.

DECISION RENDERED. MAR 3 1902

NOTICE OF DECISION MAILED APPLICANT.

NOTICE OF DECISION MAR 3 1902

FORWARDED ATTORNEY MAR 3 1902
FOR APPLICANTS.

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

MAR 3 1902

RECORD FORWARDED DEPARTMENT.

MAR 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 30 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAY 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAY 9 1902

REFER TO M. C. R. 711

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., September 20, 1900

In the Matter of the Application for Identification as Mississippi Cheetaws, of Eva Bryant, on her own behalf, and on behalf of her three minor children.

Eva Bryant being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Eva Bryant.
 Q What is your age? A 24 years.
 Q What is your postoffice address? A Caddo, I. T.
 Q How long have you lived in Caddo? A I moved there about 3 months ago.
 Q Did your husband and children move there with you? A Yes, we came to the Territory six months ago.
 Q But you lived in Caddo for the past 3 months? A Yes sir.
 Q Where did you live previous to coming to the Ind. Ter.? A Texas.
 Q And how long had you lived in Texas before coming to the Territory? A About 16 years.
 Q Before that where did you live? A Mississippi.
 Q Had you lived there always? Were you born in Mississippi? A Yes.
 Q What is your father's name? A Thomas Hull.
 Q Is he living or dead? A Living.
 Q And your mother's name? A Lucy Hull.
 Q Is she living? A Yes sir.
 Q Through which one of your parents do you claim Cheetaw blood?
 A My mother.
 Q Your father was a white man? A Yes sir.
 Q How much Cheetaw blood do you claim? A 1/16.
 Q How much do you claim for the children you represent? A I don't know.
 Q 1/32? A Yes sir.
 Q How much did your mother claim? A 1/8.
 Q Did your mother ever live in the Indian Territory? A Yes, she moved up there this year.
 Q Did she ever live in the Indian Territory before this summer?
 A No sir.
 Q What time was it this year she came? A In July.
 Q Is the name of your mother on any of the tribal rolls of the Cheetaw Nation? A Yes sir.
 Q When and where was she enrolled? A She was enrolled in Petty, Tex.
 Q On what roll was she enrolled, as what? A As a Cheetaw.
 Q As a Mississippi Cheetaw? A Yes sir.
 Q Before whom? Before what Commission, or by what authority was she enrolled there? A A petition was put in there.
 Q You don't know that she was enrolled? She made a petition? A Yes.
 Q Your mother made a petition in Petty, Tex, and gave it to some attorney to take care of for her? A Yes sir.
 Q And your mother is not on any of the rolls of the Cheetaw nation, is she? You know nothing further than this petition, You don't know whether she is or is not on any roll of the Cheetaw tribal nation? What do you know about it? A I haven't knowed anything but this blood.
 Q My question is simply this: Do you know whether or not your mother's name is on any of the tribal rolls of the Cheetaw nation? A Yes, I know she is on the roll.
 Q She is on the rolls of the Cheetaw Nation as a Mississippi Cheetaw is she? A Yes sir.

2-Eva Bryant.

- Q You know that for a fact, do you? A Yes sir.
- Q Properly enrolled in good and regular standing as a Mississippi Choctaw on the rolls? Do you know anything more than that she filed a petition and gave it to a lawyer? A No.
- Q Then you don't know whether she is put upon the rolls, or do you consider that filing a petition is considered the same as being placed upon the rolls? (No answer.)
- Q Do you know anything more about it than that she made a petition? A (No answer).
- Q Do you know what the rolls of the Choctaw nation are? A I don't know.
- Q Then you never saw her name on the rolls? A No, but my husband and the rest of them did.
- Q That is all you know about it? A Yes sir.
- Q And they told you so, did they? A Yes sir.
- Q You know nothing more than that she made the petition? A No.
- Q Do you know of your own personal knowledge whether she was ever recognized in any manner by the tribal authorities of the Choctaw Nation as a citizen? A Yes sir.
- Q Except what you have heard? A No.
- Q You don't know anything more than that, do you? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A Yes sir.
- Q Did you ever see it there? Were you identified as a Choctaw citizen? Before your name could become enrolled on the tribal rolls of the Choctaw Nation as a Mississippi Choctaw, you must have become identified, and if you have been identified before, why do you come here to be identified again? When were you identified? A Not at all.
- Q And you are here for the purpose of being identified in order that you may become enrolled? A Yes sir.
- Q How you say you are enrolled? Do you mean that? A No sir.
- Q You never did make application before, did you? A No sir.
- Q Have you ever been recognized in any manner by the authorities of the Choctaw Nation as a citizen of that nation? A No sir.
- Q Did you, or did anyone in your behalf, in 1896, make application to this Commission for citizenship in the Choctaw Nation? under the Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation by a judgment of the United States court on appeal from the decision of this Commission or the tribal authorities. A No sir.
- Q Have you ever, prior to this time, made application to the authorities of the Choctaw Nation, or the United States for citizenship or enrollment as a Choctaw Indian? A No sir.
- Q What is your purpose in appearing before the Commission at this time? What are you claiming? A Injun.
- Q What kind of an Indian? A Mississippi Choctaw.
- Q Are you claiming enrollment or claiming identification? Do you know whether you are claiming to be identified as a Mississippi Choctaw or whether you are claiming to be enrolled as a Choctaw? A I don't know which.
- Q Do you know under what law, or what treaty or what act of Congress you are claiming to be identified under? (No answer)
- Q Do you know anything about the laws governing your claim? A No.
- Q Do you know anything about the laws of the treaty of 1830? A No.
- Q Do you know anything about article 14 of the treaty of 1830? What it says with reference to your application and what is required? A No sir.
- Q What is the name of this ancestor who lived in Mississippi and who was a Mississippi Choctaw, under whom you now claim a right to be identified as a Mississippi Choctaw? A Nancy Sims.
- Q She was a Mississippi Choctaw? A Yes sir.
- Q Lived in Mississippi? A Yes sir.
- Q Do you know whether she took advantage of article 14 of the treaty of 1830? A No, I don't know.
- Q Do you know whether she ever held land in Mississippi as a bene-

3-Eva Bryant.

fiary under the 14th article of the treaty of 1830, which treaty was made between the United States government and the Choctaw Nation? A No, I don't know.

Q Did you ever have land in Mississippi as one of her descendants?
A No sir.

Q And you never had land in the Indian Territory? A No sir.

Q You don't know whether she complied with the provisions of the treaty of 1830 or not? A No, I don't know.

Q Is there any other statement you wish to make at this time in reference to your application? A No sir.

Q Are there any written documents or records of any kind that you wish to file with this application? A Yes sir.

Thirty days from the date of this hearing will be given applicant to file necessary documentary proof and records to substantiate the application she makes on behalf of herself and children.

Q What is your husband's name? A Sam P. Bryant.

Q Is he living? A Yes sir.

Q How old is he? A 28 years.

Q These children for whom you apply are minors and unmarried? A Yes.

Q What are their names and ages? A Molly, 6 years, Jessie, 4 years, and Harvey 2 years.

Q Sam P. Bryant is the father of these children? A Yes sir.

Q And you are the mother? A Yes sir.

Q Their claim is identical with yours? A Yes sir.

Q And they claim through you and you claim through your mother?

A Yes sir.

Q When were you married to Sam P. Bryant? A This august will be seven years ago.

Q Have you your marriage license and certificate with you? A No. I haven't got them now.

Q Do you wish to file them? A Yes, within the time allowed.

By Mr. Poole, attorney for applicants:

Q Were you ever notified that it was necessary to file an application for citizenship before the Daves Commission in 1896? A No sir.

Q You never received any notice to that effect? A No sir.

Q Did you know, or have any knowledge, that it was necessary? A No.

The decision of the Commission as to your application and the application you make on behalf of your minor children for citizenship as Mississippi Choctaws, will be mailed to you in the near future at your present postoffice address.

Frances R. Brown having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 20th day of September, 1900, and the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 27th day of
~~September~~, A. D., 1900.

Guy L. V. Emerson
Notary Public.

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

In the matter of the application of Eva Bryant for identification for herself and her minor children, Molly, Jessie and Harvey Bryant, as Mississippi Choctaws.

D E C I S I O N.

The record in this case shows that Eva Bryant appeared before the Commission at Muskogee, Indian Territory, September 20, 1900, and there made application for identification for herself and her minor children, Molly, Jessie and Harvey Bryant, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application of Eva Bryant for identification for herself and her minor children, Molly Bryant, Jessie Bryant and Harvey Bryant, as Mississippi Choctaws, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY,

ACTING CHAIRMAN.

Muskogee, Indian Territory, March 3, 1902.

Eva Bryant,

Caddo, Indian Territory.

Dear Madam-

You are hereby advised that on the 3rd day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Cox, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Cox, et al.,	M C R	711
Mary Etta Josephine Johnson, et al.,	M C R	338
Dora Ann Cutts, et al.,	M C R	337
Mint Oswalt, et al.,	M C R	356
Eva Bryant, et al.,	M C R	705
Maggie Box, et al.,	M C R	709
John W. Cummings,	M C R	712
Daniel Jackson Johnson, et al.,	M C R	714
Lucy Hull, et al.,	M C R	922
Mollie Cummings,	M C R	926
John Franklin Hull, et al.,	M C R	930
Daniel J. Cummings, et al.,	M C R	1041
Rama Tedder, et al.,	M C R	1150
Thomas Herschel Cox,	M C R	1152

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty first section of the Act of Congress of June 23, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the

Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Andrew J. Cox, John Strong Cox, Mary Etta Josephine Johnson, Frances A. Johnson, John P. Johnson, George Wesley Johnson, Wilmer Mabel Johnson, Charles Jeff Johnson, Ruel Johnson, Dora Ann Klutts, Mary A. Klutts, Zuby Klutts, Mint Oswalt, Curtis Oswalt, Myrtle Oswalt, Lola Celesta Oswalt, Eva Bryant, Molly Bryant, Jessie Bryant, Harvey Bryant, Maggie Box, Clara May Box, John W. Cummings, Daniel Jackson Johnson, Arnold Johnson, Lucy Hull, Tip Hull, Lelar Hull, Harve Hull, Lem Hull, Dock Hull, Jerry Hull, Olley Hull, Mollie Cummings, John Franklin Hull, Willie Hull, Daniel J. Cummings, Joseph Austin Cummings, Daniel Pearle Cummings, Essie Cummings, Frankie Cummings, Grover Cummings, Archie Cummings, Henry Hudson Cummings, Emma Tedder, Reuben Tedder, Cora Tedder, Charley Tedder, Floyd Tedder and Thomas Herschel Cox, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provisions of the law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Mary Etta Josephine Johnson for the identification of her husband, Andy H. Johnson, the application made by Dora Ann Klutts for the identification of her husband, John F. Klutts, the application made by Mint Oswalt for the identification of her husband, J. S. Oswalt, the application made by Maggie Box for the identification of her husband, Rufus L. Box, and the application made by Daniel Jackson Johnson for the identification of his wife, Molly Johnson, as intermarried Mississippi Choctaws, should therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

Commissioner in Charge.

M.C.R. 708

Muskogee, Indian Territory, May 9, 1902.

Eva Bryant,

Caddo, Indian Territory.

Dear madam:-

You are hereby advised that on the 30th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Cox, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge

705

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

1/16

SEP 20 1900

Eva Bryant

24-

Caddo. I.T.

FATHER. Thomas Hull. 1.

MOTHER. Lucy Hull 1.

claims through mother

HUSBAND (No claim)

Samuel P. Bryant.

28

CHILDREN.

Mollie ^{1/32}

6.

Jessie

4

Leavy

2

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 20 1900

[Handwritten signature]

Choc. MCR 706

Elizabeth Sparks

MCR 706

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. Sept. 20th, 1900.

In the matter of the application for identification as a Mississippi Choctaw of Elizabeth Sparks and an application she makes on behalf of her husband, Felix Sparks as an intermarried Mississippi Choctaw. Elizabeth Sparks being duly sworn by the Commission testified as follows:

Examination by the Commission.

- Q Please state your name? A Elizabeth Sparks.
Q What is your age, Mrs. Sparks? A Fifty eight.
Q You apply for identification as a Mississippi Choctaw do you? A Yes sir.
Q Do you make application for anyone besides yourself?
A My husband.
Q How do you make application for him? A He is a white man.
Q What makes you think he is entitled to identification as a Mississippi Choctaw? A I reckon he is. I just apply for him because I have a right to.
Q How do you apply for him? Because he married you? A Because he married me.
Q You apply for him as a citizen by intermarriage? A Yes sir.
Q What is your post-office address, Mrs. Sparks? A Ravia, Indian Territory.
Q What Nation is that in? A I have just recently moved. I moved from Ardmore.
Q What Nation is that in, Chickasaw or Choctaw? A I don't know.
Q How long did you say you have lived at Ravia? A I have been there two weeks.
Q Where did you live just before you went to Ravia? A Ardmore
Q How long did you live at Ardmore? A Three weeks.
Q Where did you live before that? A I come from Mississippi
Q What place in Mississippi? A Clay County.
Q How long did you live there? A Thirty four years.
Q Where did you live before that? A I moved from Alabama to Mississippi.
Q How long did you live in Alabama? A I was born there.
Q Born and raised there and lived there until you moved to Mississippi? A Yes sir, I lived there until I was about ten years old.
Q Is your father living? A No sir.
Q What was his name? Ambros Foster.
Q Was he a white man or a Choctaw Indian? A He was an Indian.
Q What property on Choctaw blood did he claim to have? A My father's mother was one half.
Q That would make him one quarter then? ~~Ambrs Foster~~. His father was a white man? A Yes sir.
Q And his mother was a half breed and that would make him one quarter? A Yes sir.
Q Did he ever live in the Indian Territory? A No sir.
Q Did he ever live in Mississippi? A Yes sir.
Q He never then was recognized by the tribal authorities of the Indians out here as a citizen of the Choctaw Nation? A No sir
Q Is your mother living? A No sir.
Q Was she a white woman? A Yes sir.

Elizabeth Sparks 2---

- Q What was her name? A Hamah Foster.
- Q What proportion Choctaw blood do you claim to have?
- A One eighth.
- Q Have you ever been recognized by the Choctaw tribal authorities in the Indian Territory as a citizen of the Choctaw Nation? A No sir.
- Q Is your name to be found on any of the Choctaw tribal rolls?
- A No sir.
- Q Have you ever been before this Commission as an applicant for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw? A No sir.
- Q Did you make application to this Commission in the year 1896 for citizenship in the Choctaw Nation? A No sir.
- Q You never then have been admitted to citizenship by the Choctaw tribal authorities or this Commission or by decree of the United States Courts in the Indian Territory? A No sir.
- Q What is the name of your husband? A Felix Sparks.
- Q How old is your husband? A Seventy four.
- Q He is a white man is he? A Yes sir.
- Q You apply for him as an intermarried Mississippi Choctaw?
- A Yes sir.
- Q When and where were you married to him? A In Mississippi.
- Q When? A In 1866.
- Q You were married under the laws of the state of Mississippi were you? A Yes sir.
- Q Have you your marriage license and certificate with you at this time? A Yes sir.
- Q Do you want to file them with your case? A Yes sir, they are here but I haven't get them with me.
- Q You will want to submit them? A I will file them later.
- Q Who performed the marriage ceremony, Mrs. Sparks? A Uncle Jack Foster.
- Q A minister of the Gospel? A Yes sir.
- Q What is the name of your husband's father? A Nathaniel Sparks.
- Q Is he living? A No sir.
- Q What is the name of your husband's mother? A Levina Sparks
- Q Is she living? A No sir.
- Q Upon what do you base your claim to identification as a Mississippi Choctaw? A Under the protection of the Mississippi Choctaws.
- Q We don't exactly understand that. Can you explain just what you mean by that? A No only the right. I have a right here.
- Q Am I to understand that you mean that the mere fact that you are possessed of Choctaw Indian blood entitles you to a right in the Choctaw Nation? A Yes sir I have a right.
- Q How did you get that right? A I get it from my father and grand mother.
- Q That is, you get the Indian blood and you think consequently you have a right here? A Yes sir.
- Q You make no claim under any of the treaties between the United States and the Choctaw Indians? A No sir.
- Q You make no claim under the fifteenth article of the treaty of 1830? A No sir.
- Q Do you make any claim under the fourteenth article of the treaty of 1830? A I do.
- Q Then you were mistaken a while ago when you said you didn't claim under any of the treaties? A Well of course.
- Q Do you want to change your statement then? A Under the fourteenth.
- Q Under the fourteenth article of the treaty of 1830 A Yes sir.
- Q What makes you think you want to claim under the fourteenth article of the treaty of 1830? Do you know? A No sir.
- Q Did you ever read that article? A No sir.
- Q Ever hear it read? A No sir.
- Q Do you know anything at all it contains? A I don't.
- Q Why do you claim under it then? A I have a right to claim under it.

Elizabeth Sparks 3---

Q Did you or any of your ancestors ever take advantage of the provisions of the fourteenth article of the treaty of 1830? A I don't know.

Q Did you or any of your ancestors ever claim or receive any land under the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Indians? A No sir.

bQ You are sure of that are you? A Sure of that.

Q You know you never did? A I never did.

Q If your ancestors ever did you would likely have heard of it would you not? A Yes sir.

Q Do you know whether any of your Indian ancestors were living in Mississippi at the time that treaty was entered into?

A I don't know.

Q Have you any children? A I have four.

Q Are they of age all of them? A Yes sir.

Q You claim them only for yourself and your husband? A Yes sir.

Q Is there any additional statement in regard to your case that you desire to make at this time, Mrs. Sparks? A No sir.

Q Have you any affidavits or other papers that you desire to file at this time in support of your claim? A I want to file papers at a later date.

Q Permission is granted you to file documentary evidence in the form of affidavits, statements or other proper papers, provided same are filed within a period of thirty days from the date hereof.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for identification as a Mississippi Choctaw and of your husband, Felix Sparks, as an intermarried Mississippi Choctaw, mailed to you at your proper post-office address.

Myra Young having been first duly sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 20th day of September, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 24th day of September, 1900.

Guy L. V. Emerson
Notary Public.

Muskogee, Indian Territory, January 3, 1902.

Elizabeth Sparks,
Ravin, Indian Territory.

Dear Madam:

In the matter of the application for identification as a Mississippi Choctaw of George Duke, you are informed that under date of July 27, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such application.

It appears from our records that at Muskogee, Indian Territory on September 20, 1900 you made personal application to this Commission for identification as a Mississippi Choctaw, claiming descent from the same common ancestor and for the identification of your husband as an intermarried Mississippi Choctaw.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Meridian, Mississippi, on Thursday,

R. S. 2

February 6, 1902 at nine o'clock A. M. there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M. C. 706.

Commissioner in charge.

COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. HERDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M C R 706

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 27, 1902.

Elizabeth Sparks,

Ravia, Indian Territory.

Madam:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Joseph L. Mixon, et al., embracing the following applications for identification as Mississippi Choctaws:

Joseph L. Mixon, et al.,	M C R	788
Martin H. Duke, et al.,	M C R	332
Berge Duke,	M C R	333
Ruth Ada Duke,	M C R	334
Andrew J. Duke, et al.,	M C R	449
Mary Keziah Moore, et al.,	M C R	450
Jasper Weldon Allen, et al.,	M C R	452
Sallie A. Roberts et al.,	M C R	453
Edward E. Foster, et al.,	M C R	700
Ella C. Foster,	M C R	701
Dera F. Smith, et al.,	M C R	702
Elizabeth Sparks, et al.,	M C R	706
Turah Hughs, et al.,	M C R	708
William M. Foster et al.,	M C R	713
Thomas I. Sparks, et al.,	M C R	715
William W. Boucher, et al.,	M C R	718
Henry Tilden Smith,	M C R	753
Sidney B. Smith, et al.,	M C R	754
Rebecca Ellen Smith, et al.,	M C R	756
Sarah J. Foster, et al.,	M C R	757
Elizabeth Jones,	M C R	761
Thomas Smith,	M C R	763
M. D. Boucher, et al.,	M C R	766
Sarah White, et al.,	M C R	769
Lizzie White, et al.,	M C R	770
Artie F. Perry, et al.,	M C R	772
Mary K. Luther, et al.,	M C R	774
Sarah L. Cooper, et al.,	M C R	777
Agnes Nelson,	M C R	783
Sarah Ellmina Bryant, et al.,	M C R	785
Boulah B. Ricks, et al.,	M C R	789
Mary S. Foster, et al.,	M C R	794
Richard W. Foster,	M C R	798
Bartlett S. Duke, et al.,	M C R	816

Lycurgus Duke, et al.,	M C R	823
William S. Luther,	M C R	825
William J. A. Smith, et al.,	M C R	902
Laura Howell, et al.,	M C R	952
William A. Sparks, et al.,	M C R	954
Frank Duke,	M C R	1235
Henderson Duke, et al.,	M C R	1236
Richard M. Scott, et al.,	M C R	2593
Thomas Drue Foster,	M C R	2974
John G. Foster, et al.,	M C R	3037
Andrew J. Foster, et al.,	M C R	3038
Thomas P. Duke,	M C R	3104
Bartlett S. Duke, et al.,	M C R	3105
Braddy S. Duke, et al.,	M C R	3106
Pearl Scott,	M C R	3137
Tiff F. Scott,	M C R	3138
Lockey Virginia Perry, et al.,	M C R	941
William Wiley Perry,	M C R	944
Mary Luvenia Carlisle,	M C R	946
Washington S. Perry,	M C R	974
Thomas L. Mixon,	M C R	4922
Stephen T. Duke,	M C R	4923

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph L. Mixon, Joseph Emmett Mixon, Martin H. Duke, Alonzo H. Duke, Thomas L. Duke, Berge Duke, Ruth Ada Duke, Andrew J. Duke, Elizabeth Caroline Duke, Elsie Jane Duke, George B. Duke, Lillie G. Duke, Birdie Duke, Mary Keziah Moore, William Elmer Moore, Effie May Moore, John V. Allen, Andrew B. Allen, Sallie A. Roberts, Walter A. Roberts, Nora Odessa Roberts, Edward E. Foster, Ada B. Foster, Maud Z. Foster, Elva C. Foster, Dera F. Smith, Erin Smith, Lila Smith, Iva Smith, Elizabeth Sparks, Turah Hughs, William Claudie Hughs, William M. Foster, William Pen Foster, Milla Foster, Bettie Foster, Thomas I. Sparks, Ora T. Sparks, Richard W. Sparks, Freddie C. Sparks, Nettie E. Sparks, William W. Boucher, Sarah Ann Boucher, Jeff T. Boucher, Mary A. Boucher, Harper Duke Boucher, Flora Eunice Boucher, Henry Tilden Smith, Sidney B. Smith, Rebecca Ellen Smith, Rufus J. Smith, Sarah C. Smith, Florence King, Sarah J. Foster, Gatsy Ann Foster, Elizabeth Jones, Thomas Smith, M. D. Boucher, Edward E. Boucher, Haze D. Boucher, Arthur Eugene Boucher, James Quinton Boucher, Leon Boucher, Sarah White, Willie B. White, Ida May White, Lizzie White, Hester Lee White, Claudie White, William Jarrett White, Rena K. White, Artie F. Perry, Bradford Perry, Orion R. Perry, Harvey P. Perry, Nancy K. Luther, Jarrett H. Luther, Roy L. Luther, Roxy M. Luther, Lela Luther, Sarah L. Cooper, Nancy Jane Cooper, George Washington Cooper, James William Cooper, Mary Louisa Cooper, Calvin Hilly Cooper, Agnes Nelson, Sarah Ellmima Bryant, Lillie Bryant, Daisy Bryant, Charlie Bryant, Carl Bryant, Beulah B. Ricks, Joseph Lawrence Ricks, Thaddeus Benton Ricks, Alonza Preston Ricks, Mary S. Foster, Roscoe Foster, Everett A. Foster, Richard W. Foster, Bartlett S. Duke, Tobitha A. Duke, Andrew J. Duke, Geneva Pearl Duke, Lycurgus Duke, Parlee C. Duke, Nellie A. Duke, William S. Luther, William J. A. Smith, Thomas C. Smith, Eddie Lee Smith, Laura Howell, Gladys L.

Howell, Jimmie Howell, Stacy Howell, William A. Sparks, Harvey Sparks, Brady Sparks, David Sparks, Frank Duke, Henderson Duke, Carrie Duke, Claude Duke, Ella Duke, Richard M. Scott, Mayme Scott, Thomas Drue Foster, John G. Foster, Andrew J. Foster, Ouida Foster, Charles H. Foster, Jackson Foster, Thomas P. Duke, Bartlett S. Duke, Alfred Duke, James William Duke, Braddy S. Duke, Pearl Scott, Tiff F. Scott, Lockey Virginia Perry, Margaret Leticia Perry, Mulinda Lucretia Perry, Pearly Ophelia Perry, John Riley Jackson Perry, William Wiley Perry, Mary Luvenia Carlisle, Washington S. Perry, Thomas L. Mixon and Stephen T. Duke, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Martin H. Duke for the identification of his wife, Mary Ann Duke, that made by Andrew J. Duke for the identification of his wife, Lucinda J. Duke, that made by Elizabeth Sparks for the identification of her husband, Felix Sparks, that made by Turah Hughes for the identification of her husband, John W. Hughes, that made by Thomas I. Sparks for the identification of his wife, Dora A. Sparks, that made by William W. Boucher for the identification of his wife, Mary Elizabeth Boucher, that made by Sidney B. Smith for the identification of his wife, Dollie L. Smith, that made by John G. Foster for the identification of his wife, Jemima J. Foster, that made by Andrew J. Foster for the identification of his wife, Myrtis C. Foster, that made by Bartlett S. Duke for the identification of his wife, Rosie Duke, that made by Braddy S. Duke for the identification of his wife, Maude Duke, and that made by Jasper Weldon Allen for the identification of himself, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

CHENEY

Acting Chairman.

Register.

M. C. R. 708

Muskogee, Indian Territory, November 24, 1902.

Elizabeth Sparks,

Bavia, Indian Territory.

Dear Madam:

You are hereby notified that on the 24th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph L. Nixon, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Respectfully,

Acting Chairman

Muskogee, Indian Territory, December 7, 1903.

Elizabeth Sparks,

Ravia, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of November 25, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al., with instructions that the applicants be granted an opportunity to introduce further testimony and evidence in support of their claim.

The Secretary of the Interior in his letter states:

"October 7, 1903, you transmitted a petition for a re-hearing in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al. (M.C.R. 788). Attached to said petition are the affidavits of certain of the applicants in said case, also the affidavit of a full blood Choctaw named John Lewis, who was a resident of the old Choctaw Nation in 1830.

The applicants in this case claim their right to identification as Mississippi Choctaws by reason of their descent from Thomas and Elizabeth Foster. Thomas Foster was an one-half blood Indian who, it is alleged, was a resident of Mississippi in 1830, and complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of that year. The maiden name of Elizabeth Foster was Elizabeth Dukes.

From the affidavit of John Lewis it appears that he was acquainted with said Thomas Foster and with his three brothers, William, James and Hugh Foster; that he was with the Foster brothers in the summer of 1831 at the Union Agency, Mississippi, and that all of said brothers signified their intention to Col. Ward to remain in Mississippi and become citizens of that state.

From the records of the Government it appears that William, James and Hugh Foster were beneficiaries under article 14 of the treaty. It also appears that scrip was issued to one

Thomas Foster, under the provisions of said article, by virtue of the subsequent legislation enacted in reference thereto.

Inasmuch as the showing made in said petition and in the affidavits in support thereof, is corroborated by the records of the Government relating to persons who complied with article 14 of the treaty of 1830, it is considered that a further investigation should be had in this matter."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
 - 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).
 - 3rd. Their Choctaw as well as their English names.
 - 4th. The names and number of the persons who composed their families.
 - 5th. The names of their neighbors and immediate associates,
- and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that

such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, at any time within thirty days from the date upon which you receive this notice, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of such testimony or offering of documentary evidence being first served upon Mansfield, McFurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

R & R Dep.
Registered

Chairman.

Muskogee, Indian Territory, May 11, 1905.

Elizabeth Sparks,

Ravia, Indian Territory.

Dear Madam:

You are hereby notified that on April 28, 1905, the Secretary of the Interior affirmed the decision of this Commission of May 13, 1902, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Joseph L. Nixon et al.

You are advised that a copy of the decision of the Secretary of the Interior in this case has been furnished J. B. Horton, Attorney at Law, Durant, Indian Territory, and Messrs. Herbert, Walker & Cannon, Attorneys at Law, Ardmore, Indian Territory attorneys for the several applicants in this consolidated case.

Respectfully,

CHARLES

M.C.R. 706.

Muskogee, Indian Territory, September 26, 1906.

Elizabeth Sparks,
Care of Thomas I. Sparks,
Sulphur, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the joint letter of yourself, William Andrew Sparks and Lora D. Howell, nee Sparks, asking permission to have lands set aside for you pending final disposition of your applications for identification as Mississippi Choctaws.

It appears from the records of this office that you and the other two persons above mentioned are applicants in the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al., and the Choctaw and Chickasaw Land Offices have this day been notified to allow any or all applicants in said consolidated case to designate, in person or by petition, the lands upon which they are the owners of improvements, and which they anticipate selecting as their allottable interest in the lands of the Choctaws and Chickasaws in the event they are finally identified as Mississippi Choctaws.

Respectfully,

Commissioner.

MCR-706

Muskogee, Indian Territory, March 9, 1907.

Elisabeth Sparks,

Ravia, Indian Territory.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied the motions, filed by J. O. Pool, attorney at law, South McAlester, Indian Territory, and Gilbert & Bond, attorneys at law, Duncan, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Joseph L. Nixon et al.

Respectfully,

Commissioner.

706

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Rara

(18)

SEP 20 1900

Elizabeth Sparks 58

Ambros Foster (1/4) (dead)
Hannah " (white)

Husband Felix Sparks (1/4) white
Father Nathaniel " dead
Mother Louisa " "

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

FILED

SEP 20 1900

Choc. MCR 707

Sallie Wells

MCR 707

Callie Wells

REFUSED

DECISION RENDERED. JUL 28 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 28 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 28 1902

RECORD FORWARDED DEPARTMENT.

JUL 28 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 28 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

SEP - 5 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

SEP - 5 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, Sept., 20th 1900.
No. 707.

In the matter of the application of Sallie Wells for identification of herself as a Mississippi Choctaw.

SALLIE WELLS, being duly sworn testified as follows:

Examination by the Commission.

- Q. What is your name? A. Sallie Wells.
Q. What is your age? A. 45.
Q. What is your post office? A. Boliver, Benton, County, Texas.
Q. You reside in Texas do you? A. Yes sir.
Q. How long have you lived in Texas? A. The past few months.
Q. Where is your residence? A. I haven't any just now.
Q. Where did you come from to Texas? A. Tennessee—I was married in Tennessee.
Q. Is it your intention to move to the Indian Territory and make you a home here? A. Yes sir, that is my intention; I lived here once before.
Q. Then you have resided in the Indian Territory before this? A. Yes sir.
Q. When? A. 5 years ago last January.
Q. When you say you lived in the Territory then, did you have any personal belongings here? A. Yes sir.
Q. What was it? A. House and lot, and a farm on Hickory Creek
Q. Have you sold your farm? A. Yes sir.
Q. Where do you desire to make your home when you return to the Territory? A. I don't know.
Q. What is your husband's business? A. Farmer.
Q. How does he expect to acquire farming land in the Indian Territory? A. Because we have a right here.
Q. Are you a recognized citizen of the Choctaw Nation? A. Yes sir I have always been recognized.
Q. Is your name upon the tribal rolls of the Choctaw Nation? A. No sir.
Q. Have you ever been enrolled by the tribal authorities of the Choctaw Nation? A. No sir.
Q. Have you ever made application to the Dawes Commission for citizenship in the Choctaw Nation in 1896 acting under the act of June, 10th 1896? A. No sir I was always sick in bed when the Dawes Commission was enrolling close around.
Q. How much Choctaw blood do you claim to have? A. 1/4.
Q. What is your father's name? A. John D. Hawkins.
Q. Is he living? A. No sir.
Q. What is your mother's name? A. Nancy Hawkins.
Q. Is she living? A. No sir.
Q. Through which one of your parents do you claim your Choctaw blood? A. My father.
Q. Is your father's name upon any of the tribal rolls? A. I don't know.
Q. Was he ever recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation during his lifetime? A. I don't know.
Q. Is your name upon any of the tribal rolls of the Choctaw Nation? A. I don't know.
Q. Have you any reason to believe that it is on the rolls? A. Must be on the Choctaw rolls, yes sir.

Rolls of the Choctaw Nation in the possession of the

Commission examined and the name of Sallie Wells does not appear thereon.

- Q. Did you ever make application to the tribal authorities of the Choctaw Nation for citizenship in the Choctaw Nation? A. No sir.
- Q. Have you ever been recognized as a citizen of the Choctaw Nation by an official act of their National Council? A. No sir.
- Q. Did you or any one your behalf make application to this Commission in 1896 for citizenship in the Choctaw Nation acting under act of Congress approved June 10th 1896? A. I never did ~~make application~~ and I don't think any one did for me.
- Q. Why are you in doubt about it? A. I don't think they did.
- Q. Have you any relatives whose names are upon the rolls of the Choctaw Nation? A. No sir, my father was an only child and he died in Tennessee.
- Q. What was your name before you were married? A. Hawkins.
- Q. When was you married to your present husband? A. May 19th 1890.
- Q. What was your name in 1896? A. Kendall.

The name of Sallie Kendall does not appear upon any of the Choctaw rolls in the possession of the Commission.

- Q. Have you ever prior to this time made application to either the authorities of the Choctaw Nation or to the United States for either citizenship or enrollment in the Choctaw Nation? A. No sir.
- Q. This is your first application of any description? Yes sir.
- Q. And you now make application for identification as a Mississippi Choctaw? A. Yes sir.
- Q. Why do you believe that you are entitled to be identified by this Commission as a Mississippi Choctaw and entitled to land in the Choctaw Nation under the 14th article of the treaty of 1830? A. All the way I claim it is because I am entitled to it as a Choctaw Indian.

The only authority vested in this Commission to determine rights of applicants for identification as Mississippi Choctaws is an act of Congress which in part says: "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw Indian lands, under Article 14 of the treaty between the United States and the Choctaw Indians concluded September, 27th 1830, and to that end they may administer oaths, examine witnesses, etc."

- Q. Do you make your claim under that part of the treaty? A. Yes sir.
- Q. Did you or your ancestors ever take advantage of the 14th article of the treaty of 1830? A. No sir.
- Q. Do you or your ancestors ever claim or receive any lands in the State of Mississippi as beneficiaries under the 14th article of the treaty of 1830? A. No sir.
- Q. What was the name of your ancestor who resided in Mississippi in 1830, when the treaty was entered into by and between the United

States and the Choctaw ~~tribe~~ tribe of Indians; and who was a recognized member of the tribe at that time and who became a beneficiary under the 14th article of the treaty of 1830? A. Not any but my grand mother.

Q. What was her name? A. Libbie Hawkins.

Q. Was she a resident of the state of Mississippi in 1830? A. I cannot tell you that.

Q. Are you any evidence of the fact that she was a recognized member of the tribe in 1830? A. I can establish that she was there.

Q. Have you any documentary evidence that any of your ancestors received or claimed any land in Mississippi under the 14th article of the treaty of 1830? A. I cannot tell you that.

Q. Are you married? A. Yes sir.

Q. Do you make any claim for your husband? A. No sir.

Q. Have you any children? A. I have one daughter.

Q. Is she under 21 years old and unmarried? A. No sir.

Q. Are you making application for anyone else besides yourself? A. No sir.

Q. Is there any additional statement that you desire to make in support of your claim? A. No sir.

Q. Is there any written evidence that you desire to file in support of your case? A. Yes sir.

Here attorney for applicant asks permission to file written evidence within a period of thirty days from this date, which is granted by the Commission.

You will be furnished with a copy of the minutes of this Commission in regard to the application you make for identification as a Mississippian Choctaw, mailed to you in writing at your present post office address.

Chas. von Weise being first duly sworn, gave his oath that he is a stenographer to the Commission to the Five Civilized Tribes, a reported in all all proceedings had in the above entitled case on the 30th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, of said proceedings on said date.

Chas von Weise

Subscribed and sworn to before me this 7 day of Oct 1900.

Guy L. Emerson
Notary Public.

J. F. M.
C. O. W.

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

---o---

In the matter of the application of Sallie Wells for identification as a Mississippi Choctaw, M.C.R. 707,

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

It appears from the record herwin that application for identification as a Mississippi Choctaw was made to this Commission by Sallie Wells for herself, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the said applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Libbie Hawkins, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support

of said application, and from the records in the possession of the Commission, that the said applicant has never 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, or by the Commission to the Five Civilized Tribes, or by a decree of the United States court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

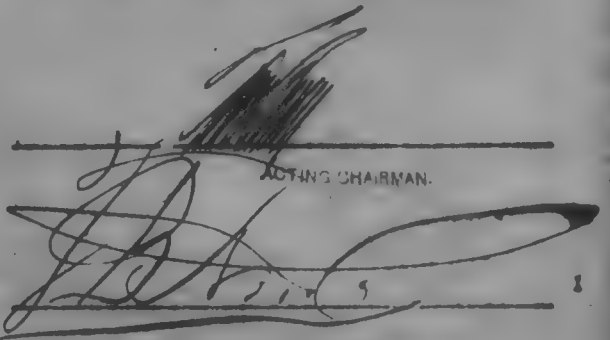
It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Libbie Hawkins, or the applicant herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sallie Wells as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for her identification as such

(3)

should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


ACTING CHAIRMAN.



Commissioners.

Muskegee, Indian Territory,

JUL 28 1902

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

---o---

In the matter of the application of Sallie Wells for
identification as a Mississippi Choctaw, M.C.R. 707.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
Sallie Wells.

	(Page)
Original application of Sallie Wells before the Dawes Commission for identification as a Mississippi Choctaw	1
Petition of Sallie Wells	4
Decision of the Commission denying the application of Sallie Wells for identification as a Mississippi Choctaw	6

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COPY.

Waskagee, Indian Territory, July 28, 1902.

Sallie Wells,

Belivar, Texas.

Dear Madam:

You are hereby advised that on the 28th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sallie Wells, an applicant for identification as a Mississippi Choctaw:

The application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sallie Wells as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for her identification as such should be refused, and it is so ordered."

S.V. #2.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNATURE)

T. B. Needles.

Commissioner in Charge.

Registered.

COPY.

MC.R. 707.

Muskegee, Indian Territory, July 28, 1902.

Mansfield, McMurray & Cernish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sallie Wells, an applicant for identification as a Mississippi Choctaw.

The application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sallie Wells as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830,

and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

T. B. Needles.

Commissioner in Charge.

Respectfully,

M.C.R. 707.

COPY.

Muskogee, Indian Territory, July 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Sallie Wells, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of July 28, 1902.

The Commission has the honor to report that the applicant and the attorneys for the Choctaw and Chickasaw Nations have been fully advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED:

I. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 inclosure.

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Land 45509-1902.

Washington, August 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 28, 1902, by the Commission to the Five Civilized Tribes forwarding the record in the matter of the application of Sallie Wells for identification as a Mississippi Choctaw.

The applicant claims descent from her father, John D. Hawkins, and grandmother, Libbie Hawkins.

A careful search of the records of this office fails to show the name of either John D. Hawkins or Libbie Hawkins as a person who received or attempted to secure the benefits of the fourteenth article of the Treaty of Dancing Rabbit Creek.

It is therefore respectfully recommended that the decision of the Commission refusing to identify Sallie Wells as a Mississippi Choctaw, be affirmed.

Very respectfully,
Your obedient servant,

WCV
D

A. C. Tenner,

3 inclosures.

Acting Commissioner.

D. C. 14087-1902.

51462

HAF.

DEPARTMENT OF THE INTERIOR.

Washington.

ITD. 4789-1902.

August 28, 1902.

L. R. S.

Commission to the Five Civilized Tribes,

Muskegee, I. T.

Gentlemen:

With your letter of July 28, 1902, you transmitted the record and your decision of that date, in the matter of the application for identification of Gallie Wells as a Mississippi Cheetaw.

Applicant endeavors to trace descent from one Libbie Hawkins, alleged to have been a full blood Cheetaw Indian residing in Mississippi in 1830.

The record fails to show that the applicant was ever admitted or enrolled as a Cheetaw citizen, or that Libbie Hawkins ever complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application.

The Acting Commissioner of Indian Affairs forwarded the papers August 5, 1902 (Land 45809), and recommended that your

-2-

decision be approved. A copy of his letter is inclosed.

Having carefully considered the whole case, the Department affirms your decision.

Respectfully,

1 inclosure.

Thos. Ryan,

Acting Secretary.

H.M.D.

M. C. N. 707

GOPI.

Muskogee, Indian Territory, September 5, 1902.

Sallie Wells,

Beliver, Texas.

Dear Madam:

You are hereby advised that on the 28th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Sallie Wells, of which decision you were duly advised by registered mail on the 28th day of July, 1902.

Yours truly,

Acting Chairman.

M. C. R. 707

COPY.

Muskogee, Indian Territory, September 5, 1902.

Mansfield, McMurtry & Cornish,

**Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.**

Gentlemen;

You are hereby advised that on the 28th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Sallie Wells, of which decision you were duly advised by mail on the 20th day of July, 1902.

Yours truly,

[Signature]
Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

SEP 20 1900

45

^{1/4}
Sallie Wells.
Bolivar, Texas.

FATHER: John W. Hawkins - dead.

MOTHER: Nancy Hawkins - dead.

Claims through father.

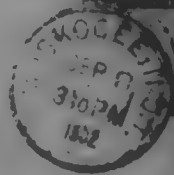
Claims for herself only.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 20 1900

[Signature]
ACTING COMMISSIONER

Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



OFFICE BUSINESS.

Postage not paid, 3000.

Sallie Wells,

~~Belle, Texas.~~

return to writer unclaimed.

Arden

J. O.

707

U.S. DEPARTMENT OF JUSTICE
DIVISION OF INVESTIGATION

FILED

SEP 13 1902

RECEIVED
SEP 13 1902
ACTING CHIEF

RECEIVED

SANCTUARY
RECEIVED
SEP 13 1902

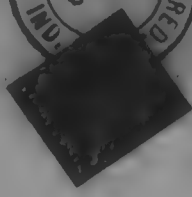
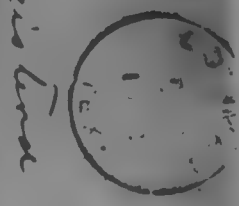
Said ... be
delivered
Returned to writer

Per Regio Linea
Aug, 30, 1902

Box No. 12.
Sallie Wells,

Bolivar,

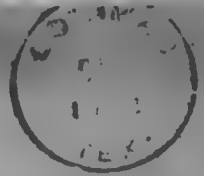
Tex.



Department of the Interior.
Commissioner to the Fire Grilled Tribes,
MUSKOGEE, IND., TEN.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

1188
669

*Said card cannot be
delivered
Returned to writer*



*Reregistered
Aug, 30, 1902*

Reg. No. $\frac{12}{12}$ Sallie Wells,
Bolivar,

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

*1188
669*

Tex.

Choc. MCR 708

Turah Hughes

MCR 708

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T. Sept. 20, 1900.

In the matter of the application for identification as Mississippi Choctaws of Turah Hughs and her minor child and her husband as an intermarried Mississippi Choctaw. Turah Hughs being duly sworn by the Commission testified as follows:

Examination by the Commission.

- Q Please state your name? A Turah Hughs.
Q What is your age? A Thirty.
Q What is your post-office address? A Ravia.
Q You apply for identification as a Mississippi Choctaw do you? A Yes sir.
Q Do you apply for anyone besides yourself? A My husband and child.
Q Where do you live? A Ravia.
Q What Nation is that in? A I really don't know. We came from Ardmore over there.
Q How long have you lived at Ravia? A Two weeks.
Q Where did you live before that? Ardmore.
Q How long did you live at Ardmore? A Three weeks.
Q Where did you live before that? A Mississippi.
Q How long did you live in Mississippi? A I was born and raised there.
Q Is your father living? A Yes sir.
Q What is his name? A Felix Sparks.
Q Is he an Indian or a white man? A A white man.
Q Is your mother living? A Yes sir.
Q What is her name? A Elisabeth Sparks.
Q Is she a white woman or a Choctaw Indian? A Choctaw Indian.
Q What proportion Choctaw blood does she claim to have? A One eighth.
Q What proportion Choctaw blood do you claim to have? A One sixteenth.
Q Has your mother ever been recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.
Q Is her name to be found upon any of the Choctaw tribal rolls of citizenship? A No sir.
Q Where does she live at this time? A She lives at Ravia with me.
Q What is the name of your husband? A John W. Hughs.
Q Is he a white man? A Yes sir.
Q How do you apply for him. What makes you think he is entitled to identification? A I don't know.
Q Just because he married you, is that it? A Yes sir, I reckon so.
Q How old is he? A Thirty eight.
Q Where does he live? A In Ravia.
Q He lives with you? A Yes sir.
Q Is his father living? A No sir.
Q What was his name? A Andrew Hughs.
Q Is his mother living? A Yes sir.
Q What is her name? A Eliza Hughs.
Q When and where were you married to John W. Hughs? A In Mississippi.
Q When? A In 1891 or '93 some where along there I think.
Q At what point in Mississippi were you married to him?
A Chickasaw County, Mississippi.

Turah Hughs 2--

- Q Married under the laws of the state of Mississippi were you? A Yes sir.
Q Have you your marriage license and certificate with you at this time? A Yes sir.
Q Do you want to file it now? A Yes sir.

The marriage license and certificate of J. W. Hughs and Miss Turah Sparks offered in evidence, identified as exhibit A, filed and made a part of the records in this case.

- Q What is the name of your child for whom you make application? A William Claudie Hughs.
Q He is the child of yourself and Jehn W. Hughs? A Yes sir.
Q How old is he? A Five years old.
Q He gets his Indian blood solely through you? A Yes sir.
Q This child is living with you is he? A Yes sir.
Q His claim has the same foundation as yours? A Yes sir.
Q Have you ever been before this Commission prior to this time? A No sir.
Q Never made any application before in any manner for enrollment or identification as a Mississippi Choctaw? A No sir.
Q Have you, your husband or your minor child for whom you make application ever been recognized by the Choctaw tribal authorities as citizens of the Choctaw Nation? A No sir.
Q Are your names to be found on any of the Choctaw tribal rolls? A No sir.
Q Did you or any one in your behalf make application to this Commission in 1896 for citizenship in the Choctaw Nation? A No sir.
Q Upon what do you base your claim to identification as a Mississippi Choctaw? A I think I have a right.
Q What makes you think you have a right? A Because my mother was a Mississippi Choctaw.
Q Then in other words you think that because you have Choctaw Indian blood, you and your child should be identified as Mississippi Choctaws? A Yes sir.
Q What makes you think your husband should be identified? A Because he is married to me.
Q Do you make any claim under any treaty between the United States and the Choctaws? A I don't know.
Q You make no claim then under the Ateka Agreement? A Yes sir.
Q You claim under that do you? A Yes sir.
Q Did you ever read that? A No sir.
Q Do you know anything that it contains at all? A No sir.
Q What makes you think you ought to claim under it then? A Because I have a right to.
Q Do you make any claim under the treaty of 1830? A Yes sir.
Q What makes you claim under that do you know? A No sir.
Q Do you claim under any particular article of that treaty or just under the treaty as a whole? A Just under the whole treaty.
Q Do you make any claim under the fifteenth article of that treaty? A No sir.
Q Do you make any claim under the fourteenth article of that treaty? A Yes sir.
Q What makes you think you claim under the fourteenth article of that treaty? A Because that is the one to claim under.
Q How do you know it is? What makes you think you ought to claim under that article? A I don't know.
Q How did you ever get the idea that you ought to claim under the fourteenth article of that treaty. Who told you to? A My lawyer.
Q You never read that article did you? A No sir.

Tarah Hughs 3---

Q You don't know anything it contains do you? A No sir.

Q Did you or any of your ancestors ever take advantage of the provisions of the fourteenth article of the treaty of 1830? A No sir.

Q Did you or any of your ancestors ever claim or receive any lands under the provisions of that article? A I don't know whether they did or not.

Q You know you never did? A Yes sir, I know I never did.

Q If any of your ancestors did you don't know it? A No sir.

Q You never heard of such a thing? A No sir.

Q As a matter of fact in your judgment do you think they ever did receive any land under that article? A No sir.

Q Is there any additional statement in regard to your claim that you desire to make at this time? A No sir.

Q Have you any papers of any kind that you desire to offer in evidence at this time? A No sir.

Q Do you desire to offer any at a later date? A Yes sir.

Q Any papers which you may offer for filing in connection with your case within a period of thirty days from this date, will be received and filed by the Commission.

You will be furnished at a later date with a copy of the decision of the Commission in reference to your application for the identification of yourself and child as Mississippi Choctaws and your husband, John W. Hughs as an intermarried Mississippi Choctaw mailed to you at your present post-office address.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings in the above entitled cause on the 20th day of September, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 25th day of September, 1900.

Myra Young
Guy L. P. Emerson
Notary public.

Muskogee, Indian Territory, January 3, 1902.

Tarah Hughes,

Ravia, Indian Territory.

Dear Madam:

In the matter of the application for identification as a Mississippi Choctaw of Berge Duke, you are informed that under date of July 27, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded, the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such application.

It appears from our records that at Muskogee, Indian Territory on September 20, 1900 you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and minor child claiming descent from the same common ancestor, and for the identification of your husband as an inter-married Mississippi Choctaw.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Meridian, Mississippi, on Thursday,

T. No. 2.

February 6, 1908 at nine o'clock A. M. there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M. C. 708.

Commissioner in charge.

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

M C R 708

ALLISON L. AYLESWORTH.
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muckegee, Indian Territory, May 27, 1902.

Turah Hughes,

Ravia, Indian Territory.

Madam:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Joseph L. Mixon, et al., embracing the following applications for identification as Mississippi Choctaws:

Joseph L. Mixon, et al.,	M C R	788
Martin H. Duke, et al.,	M C R	332
Berge Duke,	M C R	333
Ruth Ada Duke,	M C R	334
Andrew J. Duke, et al.,	M C R	449
Mary Keziah Moore, et al.,	M C R	450
Jasper Weldon Allen, et al.,	M C R	452
Sallie A. Roberts et al.,	M C R	453
Edward E. Foster, et al.,	M C R	700
Ella C. Foster,	M C R	701
Dera F. Smith, et al.,	M C R	702
Elizabeth Sparks, et al.,	M C R	706
Turah Hughes, et al.,	M C B	708
William M. Foster et al.,	M C R	713
Thomas I. Sparks, et al.,	M C B	715
William W. Boucher, et al.,	M C B	718
Henry Tilden Smith,	M C R	753
Sidney B. Smith, et al.,	M C B	754
Rebecca Ellen Smith, et al.,	M C R	756
Sarah J. Foster, et al.,	M C R	757
Elizabeth Jones,	M C B	761
Thomas Smith,	M C R	763
M. D. Boucher, et al.,	M C R	766
Sarah White, et al.,	M C R	769
Lizzie White, et al.,	M C R	770
Artie F. Perry, et al.,	M C B	772
Mary K. Luther, et al.,	M C R	774
Sarah L. Cooper, et al.,	M C B	777
Agnes Nelson,	M C B	783
Sarah Ellmina Bryant, et al.,	M C R	785
Bulah B. Ricks, et al.,	M C R	789
Mary S. Foster, et al.,	M C B	794
Richard W. Foster,	M C B	798
Bartlett S. Duke, et al.,	M C B	816

Lycurgus Duke, et al.,	M C R	823
William S. Luther,	M C R	825
William J. A. Smith, et al.,	M C R	902
Laura Howell, et al.,	M C R	952
William A. Sparks, et al.,	M C R	954
Frank Duke,	M C R	1235
Henderson Duke, et al.,	M C R	1236
Richard M. Scott, et al.,	M C R	2593
Thomas Drue Foster,	M C R	2974
John G. Foster, et al.,	M C R	3037
Andrew J. Foster, et al.,	M C R	3038
Thomas P. Duke,	M C R	3104
Bartlett S. Duke, et al.,	M C R	3105
Braddy S. Duke, et al.,	M C R	3106
Pearl Scott,	M C R	3137
Tiff F. Scott,	M C R	3138
Lockey Virginia Perry, et al.,	M C R	941
William Wiley Perry,	M C R	944
Mary Luvenia Carlisle,	M C R	946
Washington S. Perry,	M C R	974
Thomas L. Mixon,	M C R	4929
Stephen T. Duke,	M C R	4923

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph L. Mixon, Joseph Emmett Mixon, Martin H. Duke, Alonzo H. Duke, Thomas L. Duke, Berge Duke, Ruth Ada Duke, Andrew J. Duke, Elizabeth Caroline Duke, Elsie Jane Duke, George B. Duke, Lillie G. Duke, Birdie Duke, Mary Keziah Moore, William Elmer Moore, Effie May Moore, John V. Allen, Andrew B. Allen, Sallie A. Roberts, Walter A. Roberts, Nora Odessa Roberts, Edward E. Foster, Ada B. Foster, Maud Z. Foster, Elva C. Foster, Dera F. Smith, Erin Smith, Lila Smith, Iva Smith, Elizabeth Sparks, Turah Hughs, William Claudie Hughs, William M. Foster, William Pen Foster, Milla Foster, Bettie Foster, Thomas I. Sparks, Ora T. Sparks, Richard W. Sparks, Freddie C. Sparks, Nettie E. Sparks, William W. Boucher, Sarah Ann Boucher, Jeff T. Boucher, Mary A. Boucher, Harper Duke Boucher, Flora Eunice Boucher, Henry Tilden Smith, Sidney B. Smith, Rebecca Ellen Smith, Rufus J. Smith, Sarah C. Smith, Florence King, Sarah J. Foster, Gatsy Ann Foster, Elizabeth Jones, Thomas Smith, M. D. Boucher, Edward E. Boucher, Haze D. Boucher, Arthur Eugene Boucher, James Quinton Boucher, Leon Boucher, Sarah White, Willie B. White, Ida May White, Lizzie White, Hester Lee White, Claudie White, William Jarrett White, Rena K. White, Artie F. Perry, Bradford Perry, Orion R. Perry, Harvey P. Perry, Nancy K. Luther, Jarrett H. Luther, Roy L. Luther, Roxy M. Luther, Lela Luther, Sarah L. Cooper, Nancy Jane Cooper, George Washington Cooper, James William Cooper, Mary Louisa Cooper, Calvin Hilly Cooper, Agnes Nelson, Sarah Ellmina Bryant, Lillie Bryant, Daisy Bryant, Charlie Bryant, Carl Bryant, Beulah B. Ricks, Joseph Lawrence Ricks, Thaddeus Benton Ricks, Alonza Preston Ricks, Mary S. Foster, Roscoe Foster, Everett A. Foster, Richard W. Foster, Bartlett S. Duke, Tobitha A. Duke, Andrew J. Duke, Geneva Pearl Duke, Lycurgus Duke, Parlee C. Duke, Nellie A. Duke, William S. Luther, William J. A. Smith, Thomas C. Smith, Eddie Lee Smith, Laura Howell, Gladys L.

Howell, Jimmie Howell, Stacy Howell, William A. Sparks, Harvey Sparks, Brady Sparks, David Sparks, Frank Duke, Henderson Duke, Carrie Duke, Claude Duke, Ella Duke, Richard M. Scott, Mayme Scott, Thomas Drue Foster, John G. Foster, Andrew J. Foster, Ouida Foster, Charles H. Foster, Jackson Foster, Thomas P. Duke, Bartlett S. Duke, Alfred Duke, James William Duke, Braddy S. Duke, Pearl Scott, Tiff F. Scott, Lockey Virginia Perry, Margaret Leticia Perry, Malinda Lucretia Perry, Pearly Ophelia Perry, John Riley Jackson Perry, William Wiley Perry, Mary Luvenia Carlisle, Washington S. Perry, Thomas L. Mixon and Stephen T. Duke, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Martin H. Duke for the identification of his wife, Mary Ann Duke, that made by Andrew J. Duke for the identification of his wife, Lucinda J. Duke, that made by Elizabeth Sparks for the identification of her husband, Felix Sparks, that made by Turah Hughs for the identification of her husband, John W. Hughs, that made by Thomas I. Sparks for the identification of his wife, Dora A. Sparks, that made by William W. Boucher for the identification of his wife, Mary Elizabeth Boucher, that made by Sidney B. Smith for the identification of his wife, Dollie L. Smith, that made by John G. Foster for the identification of his wife, Jemima J. Foster, that made by Andrew J. Foster for the identification of his wife, Myrtis C. Foster, that made by Bartlett S. Duke for the identification of his wife, Rosie Duke, that made by Braddy S. Duke for the identification of his wife, Maude Duke, and that made by Jasper Weldon Allen for the identification of himself, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James Dickey

Acting Chairman.

Register.

H. C. R. 708

Muskogee, Indian Territory, November 24, 1902

Tarah Hughes,

Havia, Indian Territory.

Dear Madam:

You are hereby notified that on the 14th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph L. Nixon, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Respectfully,

(SIGNED)

Tame Dixby.
Acting Chairman.

Muskogee, Indian Territory, December 7, 1903.

Turah Hughes,

Ravia, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of November 25, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al., with instructions that the applicants be granted an opportunity to introduce further testimony and evidence in support of their claim.

The Secretary of the Interior in his letter states:

"October 7, 1903, you transmitted a petition for a rehearing in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al. (M.C.R. 788). Attached to said petition are the affidavits of certain of the applicants in said case, also the affidavit of a full blood Choctaw named John Lewis, who was a resident of the old Choctaw Nation in 1830.

The applicants in this case claim their right to identification as Mississippi Choctaws by reason of their descent from Thomas and Elizabeth Foster. Thomas Foster was an one-half blood Indian who, it is alleged, was a resident of Mississippi in 1830, and complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of that year. The maiden name of Elizabeth Foster was Elizabeth Dukes.

From the affidavit of John Lewis it appears that he was acquainted with said Thomas Foster and with his three brothers, William, James and Hugh Foster; that he was with the Foster brothers in the summer of 1831 at the Union Agency, Mississippi, and that all of said brothers signified their intention to Col. Ward to remain in Mississippi and become citizens of that state.

From the records of the Government it appears that William, James and Hugh Foster were beneficiaries under article 14 of the treaty. It also appears that scrip was issued to one

Thomas Foster, under the provisions of said article, by virtue of the subsequent legislation enacted in reference thereto.

Inasmuch as the showing made in said petition and in the affidavits in support thereof, is corroborated by the records of the Government relating to persons who complied with article 14 of the treaty of 1830, it is considered that a further investigation should be had in this matter."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that

such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, at any time within thirty days from the date upon which you receive this notice, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of such testimony or offering of documentary evidence being first served upon Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

R & R Dep.
Registered

Chairman.

M C R 708

Muskogee, Indian Territory, May 5, 1905.

E. S. Hurt,

Ravia, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th ultimo, by reference from the United States Indian Agent, Union Agency, Muskogee, Indian Territory. You ask to be advised the status of the Mississippi Choctaw claim of Mrs. Turah Hughes.

In reply you are informed that on August 24, 1904, the record in the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al., of which the application of Turah Hughes is a part, together with additional proceedings had since the remanding of the record on November 25, 1903, was transmitted to the Secretary of the Interior for his consideration, and up to the present time the Commission has not been advised of any departmental action thereon.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 11, 1905.

Turah Hughes,

Ravia, Indian Territory.

Dear Madam:

You are hereby notified that on April 28, 1905, the Secretary of the Interior reaffirmed the decision of this Commission of May 13, 1903, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Joseph L. Nixon et al.

You are advised that a copy of the decision of the Secretary of the Interior in this case has been furnished L. B. Horton, Attorney at Law, Durant, Indian Territory, and Messrs. Herbert, Walker & Cannon, Attorneys at Law, Ardmore, Indian Territory, attorneys for the several persons included in this consolidated case.

Respectfully,

N.C.R. 708.

Muskogee, Indian Territory, September 10, 1906.

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

Dear Sir:

This office is in receipt of a letter from John W. Hughes, husband of Turah K. Hughes, an applicant in the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al., requesting permission to have lands set aside for himself, his wife and minor children.

You are advised that it appears from the records of this office that Turah Hughes, on September 20, 1900, made application for the identification of herself and minor children as Mississippi Choctaws, and for her husband, John W. Hughes, as an intermarried Mississippi Choctaw.

The application for the identification of these persons is a part of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al., which has been determined adversely both by the Commission to the Five Civilized Tribes and the Secretary of the Interior, but in which case a motion for review is now pending before the Department.

You are, therefore, instructed to allow the persons above mentioned to designate their prospective allotments, in accordance

Choc. L. O. 2.

with instructions heretofore furnished your office relative to cases
of this character.

Respectfully,

Commissioner.

V.C.R. 708.

Muskogee, Indian Territory, September 10, 1906.

John W. Hughes,

Ravia, Indian Territory.

Dear Sir:

Replying to your letter of the 4th instant, you are advised that the Choctaw and Chickasaw Land Offices have this day been notified to permit you, your wife and minor children, to designate the lands upon which you are the actual owners of improvements, and which you anticipate taking as your allotments in the event you are finally identified as Mississippi Choctaws.

Respectfully,

Commissioner.

0

VCR-708

Muskegee, Indian Territory, March 9, 1907.

Tarah Hughes,
Bavia, Indian Territory.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied the motions filed by J. O. Pool, attorney at law, South McAlester, Indian Territory, and Gilbert & Bond, attorneys at law, Duncan, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Joseph L. Nixon et al.

Respectfully,

Commissioner.

708.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

1/4
Iwah Hughes SEP 20 1900
Age 30
Rava S.T.

Father Felix Sparks white
mother Elizabeth " 1/8

husband Jno. W. Hughes ³⁸ (white)
Father Andrew "
mother Eliza "

child of Jno. W. Hughes Aug 5

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 20 1900

[Signature]
ACTING COMMISSIONER

708
MAY 15 1902

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

1902
FORWARDED
APPLICANTS.

MAY 17 1902

FORWARDED DEPARTMENT.

FORWARDED DEPARTMENT.

MAY 17 1902

AT BUREAU OF LANDS AND MINES DEPARTMENT OF INTERIOR

FORWARDED DEPARTMENTAL ACTION
FORWARDED APPLICANT.

FORWARDED DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAY 17 1902

FORWARDED DEPARTMENTAL ACTION
FORWARDED APPLICANT.

REMANDED TO THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.
1902

RECORD FORWARDED DEPARTMENT. AUG 24 1904

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FOR ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAY 1 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT TORNEY FOR APPLICANT.

MAY 11 1905

REF TO M.C. 9 788

Choc. MCR 709

Maggie Box

See MCR 711

MCR 709

N AS R.709
A MISSISSIPPI CHOCTAW,

Maggie Boy et al.

REFUSED.

DECISION RENDERED. MAR 3 - 1902

NOTICE OF DECISION MAILED APPLICANT.
MAR 3 1902

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS. MAR 3 1902

NOTICE OF L... ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.
MAR 3 1902

RECORD FORWARDED DEPARTMENT.
MAR 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 30 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. MAY 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.
MAY 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. MAY 9 1902

REFER TO M. C. R. 711

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 Muskogee, September 20, 1900.

In the Matter of the Application for Identification as Mississippi Choctaws of Maggie Box for herself and one minor child, and on behalf of her husband Rufus L. Box as an intermarried Mississippi Choctaw.

Maggie Box, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Maggie Box.
 Q What is your age? A 18 years.
 Q What is your postoffice address? A Caddo, I. T.
 Q How long have you lived in Caddo? A We came here on the 18th of last August.
 Q Where did you live previous to coming to Caddo, I. T.?
 A Mississippi.
 Q Had you always lived there--you and your husband and child? A Yes.
 Q What is your father's name? A Andy Johnson.
 A Is he living? A Yes sir.
 Q And your mother's name? A Josephine Johnson.
 Q Is your mother living? A Yes sir.
 Q Through which one of your parents do you claim your Choctaw blood?
 A My mother.
 Q What is your mother's father's name? A Jack Cummings.
 Q And what is her mother's mother's name? A Her mother is dead.
 Q How much Indian blood do you claim? A 1/16.
 Q How much for your child? A 1/32.
 Q Is the name of your mother on any of the tribal rolls of the Choctaw nation? A I don't know.
 Q Did she ever make application to either the Choctaw tribal authorities for citizenship in the Choctaw nation? A I don't know.
 Q Did she always live in Mississippi? A Till she come here to the Indian Territory, yes.
 Q Before she come, did she ever come to make application? A No sir.
 Q And has she made application since coming? A Yes sir.
 Q You say she has made application for citizenship in the Choctaw Nation to the tribal authorities? What did she do? A She went before the Dawes Commission at Colbert.
 Q What was done with her application? A I don't know.
 Q Did you ever make application? A No sir.
 Q You never made application to the Choctaw tribal authorities for citizenship in the Choctaw nation? A No sir.
 Q Have you ever been recognized in any manner by the Choctaw tribal authorities as a citizen thereof? A No sir.
 Q Did you, or did anyone on your behalf, in 1896, make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
 Q Have you ever been admitted to citizenship in the Choctaw nation by a judgment of the United States court on appeal from the decision of this Commission or the tribal authorities? A No sir.
 Q Have you ever, prior to this time, made application to the tribal authorities or to the United States authorities for enrollment as a Choctaw? A No sir.
 Q What is the purpose of your now appearing before the Commission? To prove what? A Prove to be an Indian.
 Q What kind of an Indian? A I don't know.
 Q Seminole or Cherokee? A Choctaw.
 Q And what kind of a Choctaw? A Mississippi Choctaw.
 Q Do you make application for identification as a Mississippi Choctaw under any particular treaty? A No sir.

2-Maggie Box.

- Q Do you claim under all the treaties? A No sir.
- Q Under what treaty do you claim? A Mississippi Choctaw.
- Q Under what treaty? A I don't understand the treaties.
- Q Did you ever hear about the treaty of 1830? A No sir.
- Q Did you ever hear about article 14 of the treaty of 1830? A No.
- Q No you know the provisions of that article? A No sir.
- Q Do you know what is required of applicants by this Commission to be identified as Mississippi Choctaws? A No sir.
- Q Can you comply with the provisions of the 14th article of the treaty of 1830? A No sir.
- Q Have you any proof of the fact that any of your ancestors were recognized and enrolled citizens of the Choctaw tribe of Indians in Mississippi at the time the treaty was made between the Choctaw Indians and the United States in 1830, and that any of your ancestors received land as beneficiaries under the provisions of the 14 article of that treaty? A No sir.
- Q This Commission will require of applicants claiming right in the Choctaw lands under the 14th article of the treaty of 1830, that they exhibit proof showing compliance with the provisions of that article, either by themselves or their ancestors, and in each and every case exhibits of records and documents, properly verified, showing these facts, will be required. Have you any such documents
- A No sir.

By attorney Pool: We ask thirty days in which to prepare and file documentary evidence. Granted.

- Q What is the name of your husband? A Rufus L. Box.
- Q When were you married to Rufus L. Box? A Feb. 18, 1898.
- Q Have you any evidence of that marriage that you wish to present to the Commission? A We have turned it over to our lawyer.
- Q And it will be filed with the other documents within the limited time? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his father's name? A Jerry Box.
- Q Is he living? A Yes sir.
- Q What is his mother's name? A Kettie Box.
- Q Is she living? A Yes sir.
- Q Both white people? A Yes sir.
- Q Your husband is a white person? A Yes sir.
- Q He claims no Choctaw blood? A No sir.
- Q His claim is through you as an Intermarried Mississippi Choctaw?
- A Yes sir.
- Q What is your child's name? A Clara May Box.
- Q What is her age? A One year.
- Q How old is your husband? A 22 years.
- Q Rufus L. Box is the father of this child? A Yes sir.
- Q And you are its mother? A Yes sir.
- Q Its home is with you? A Yes sir.
- Q Its claim is identical with yours? A Yes sir.
- Q Your husband's claim is through you as being an intermarried Mississippi Choctaw? A Yes sir.
- Q Can you give the name of your ancestor who was living in Mississippi in 1830 who was a recognized member of the Choctaw tribe of Indians at the time the treaty was made between the United States and the Choctaw Indians, and who was a beneficiary under the provisions of the 14th article of the treaty of 1830? A I don't know the name.
- Q You can't tell the name nor who the ancestor is? A No sir.
- Q Why or how is it that you claim right to identification as a Mississippi Choctaw? A I have been taught it all my life.
- Q You claim because you were taught by your mother, through whom you claim, that you are a descendent of a Mississippi Choctaw? Did she never give you the name of that ancestor? A No sir.
- Q Did you ever hear that name? A No sir.
- Q Do you know whether she knows it or not? A No sir.
- Q It is simply the rumor that you get from her as a family tradition

3-Maggie Box.

that she had, that you had such an ancestor? A I don't know.

Q You know nothing further about it? A No sir.

Q Is there any other statement that you desire to make? A No sir.

By Mr. Poole, attorney for applicant:

Q Did you ever have notice from anyone, or knew that it was necessary to make application before the Dawes Commission in the year 1896, for citizenship in the Indian Territory? A No sir.

Q You knew nothing of that? A No sir.

The decision of the Commission as to your application you make on behalf of yourself and your minor child, and the application you make on behalf of your husband as an intermarried Mississippi Choctaw, will be mailed to you in writing in the near future, at your present postoffice address.

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Frances R. Brown, being first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled case on the 20th day of September, 1900, and that the above and foregoing is a full, correct and true transcript of her stenographic notes, of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this ^{27th} day of ~~October~~ ^{September}, 1900.

Guy L. V. Emerson
Notary Public.

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

In the matter of the application of Maggie Box for identification for herself and her minor child, Clara May Box, as Mississippi Choctaws, and for her husband, Rufus L. Box, as an inter-married Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Maggie Box appeared before the Commission at Muskogee, Indian Territory, September 20, 1900, and there made application for identification for herself and her minor child, Clara May Box, as Mississippi Choctaws, and for her husband, Rufus L. Box, as an inter-married Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the claimants, as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application of Maggie Box for identification for herself and her

minor child, Clara May Box, as Mississippi Choctaws, and for her husband, Rufus L. Box, as an inter-married Mississippi Choctaw, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY,

ACTING CHAIRMAN.

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.

Muskogee, Indian Territory, March 25th, 1901.

Maggie Box,

Caddo, I.T.

Dear Madam:

There is enclosed you herewith a copy of the Commission's decision refusing your application and the application made by you on behalf of your minor child for identification as Mississippi Choctaws, and also for your husband as an inter-married Mississippi Choctaw.

Yours truly,

encl. 7
REG.M.

Acting Chairman.

Muskogee, Indian Territory, November 23, 1901.

Maggie Box,

Caddo, Indian Territory.

Dear Madam:

In the matter of the application for identification as Mississippi Choctaws of Marietta J. Johnson, et al., you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses in person in support of such application.

It appears from our records that at Muskogee, Indian Territory, on September 20, 1900, you made personal application to this Commission for the identification of yourself and minor child as Mississippi Choctaws claiming descent from the same common ancestor and for the identification of your husband as an intermarried Mississippi Choctaw.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes, at Meridian, Mississippi, on January 20, 1902

M. B. 2.

at one o'clock P. M., there will be heard the testimony of
such witnesses as present themselves in person in support of your
application.

Yours truly,

M. C. 709

Acting Chairman.

Muskogee, Indian Territory, March 8, 1908.

Maggie Box,

Caddo, I. T.

Dear Madam-

You are hereby advised that on the 3rd day of March, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Cox, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Cox, et al.,	M C R	711
Mary Etta Josephine Johnson, et al.,	M C R	335
Dora Ann Cutts, et al.,	M C R	337
Mint Oswalt, et al.,	M C R	356
Eva Bryant, et al.,	M C R	705
Maggie Box, et al.,	M C R	709
John W. Cummings,	M C R	712
Daniel Jackson Johnson, et al.,	M C R	714
Lucy Hull, et al.,	M C R	922
Mollie Cummings,	M C R	926
John Franklin Hull, et al.,	M C R	930
Daniel J. Cummings, et al.,	M C R	1041
Fama Tedder, et al.,	M C R	1150
Thomas Herschel Cox,	M C R	1152

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty first section of the Act of Congress of June 28, 1898 (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the

Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Andrew J. Cox, John Strong Cox, Mary Etta Josephine Johnson, Frances A. Johnson, John P. Johnson, George Wesley Johnson, Wilmer Eabel Johnson, Charles Jeff Johnson, Euel Johnson, Dora Ann Klutts, Mary A. Klutts, Zuby Klutts, Mint Oswalt, Curtis Oswalt, Myrtle Oswalt, Lola Celesta Oswalt, Eva Bryant, Molly Bryant, Jessie Bryant, Harvey Bryant, Maggie Box, Clara May Box, John W. Cummings, Daniel Jackson Johnson, Arnold Johnson, Lucy Hull, Tip Hull, Lelar Hull, Harve Hull, Lem Hull, Dock Hull, Jerry Hull, Olley Hull, Mollie Cummings, John Franklin Hull, Willie Hull, Daniel J. Cummings, Joseph Austin Cummings, Daniel Pearle Cummings, Essie Cummings, Frankie Cummings, Grover Cummings, Archie Cummings, Henry Hudson Cummings, Emma Tedder, Peuben Tedder, Cora Tedder, Charley Tedder, Floyd Tedder and Thomas Herschel Cox, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provisions of the law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Mary Etta Josephine Johnson for the identification of her husband, Andy H. Johnson, the application made by Dora Ann Klutts for the identification of her husband, John F. Klutts, the application made by Mint Oswalt for the identification of her husband, J.S.Oswalt, the application made by Maggie Box for the identification of her husband, Rufus L. Box, and the application made by Daniel Jackson Johnson for the identification of his wife, Molly Johnson, as intermarried Mississippi Choctaws, should therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

Commissioner in Charge.

M.C.R. 709

Muskogee, Indian Territory, May 9, 1902.

Maggie Box,

Caddo, Indian Territory.

Dear Madam:-

You are hereby advised that on the 30th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Chectaws of the several persons included in the consolidated case of Andrew J. Cox, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge

709
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

416

SEP 20 1900

Maggu Boy.

18

Caddo. I. J.

FATHER, Andy Johnson L.
MOTHER, Josephine Johnson L.
Claim through mother.

HUSBAND.

Rufus L. Boy

22

Father, Jerry

Mother, Katie

CHILDREN.


Clara May

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

FILED

SEP 20 1900


Chairman

Choc. MCR 710

Jennie Cora Lewis

See MCR 133

MCR 710

A MISSISSIPPI

710

Jennie Cora Lewis

REFUSED.

DECISION RENDERED. MAR 3 - 1902

NOTICE OF DECISION MAILED APPLICANT. MAR 3 1902

NOTICE OF DECISION FORWARDED TO ATTORNEY FOR APPLICANTS. MAR 3 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. MAR 3 1902

RECORD FORWARDED DEPARTMENT. MAR 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. MAY 1 1902

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT. MAY 9 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR APPLICANT. MAY 9 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. MAY 9 1902

REFER TO M. C. R. 133

J. C. L. #2.

tribal authorities of the Choctaw Nation? A. No sir.

Q. Have you ever been recognized by the tribal authorities of the Choctaw Nation by any official act of their National Council? A. No sir.

Q. Did you or any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A. No sir.

Q. Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court for the Indian Territory? A. No sir.

Q. Have you ever prior to this time made application to either the tribal authorities of the Choctaw Nation or to the authorities of the United for either citizenship or enrollment in the Choctaw Nation? A. No sir.

Q. Then this is the first application that you have ever made? A. Yes sir.

Q. You now make application for identification as a Mississippi Choctaw? A. Yes sir.

Q. Why do you believe that you are entitled to be identified by this Commission as a Mississippi Choctaw Indian, entitled to the rights in the Choctaw Nation and lands under the provisions of the 14th article of the treaty of 1830? A. Because I came here for the protection of Mississippi Choctaws—I have a right here.

Q. Why do you think you have a right here? A. Because I was always taught that I was a Mississippi Choctaw Indian.

Q. You make your claim by reason of the fact that you have Choctaw Indian blood? A. Yes sir.

Q. Do you make any claim under the 14th article of the treaty of 1830? A. Certainly.

Q. Did any of your ancestors ever take advantage of the provisions of the 14th article of the treaty of 1830? A. I dont exactly understand that.

Q. Have you ever read that article? A. No sir.

Q. Do you know what its provisions are? A. No sir.

Q. Do you know the reason why the treaty was entered into between the United States and the Choctaw Indians in 1830? A. No sir.

Q. The treaty of 1830 provides for the removal of the Choctaw Indians in Mississippi to the Territory west of the State, all that section which is known as the Choctaw and Chickasaw Nations in the Indian Territory, but the 14th article of the treaty provided that those Indians who didnt want to come with the rest of the tribe could remain in the State of Mississippi and become residents of the State and receive an interest in certain lands and after living on that land for five years would be given a patent to that land—Now ~~many~~ did you or your ancestors ever avail themselves of the provisions of that section of the treaty? A. Yes sir, they did there.

Q. Who was your ancestor—what was the name of your ancestor who was a recognized member of the Choctaw tribe and living in the State of Mississippi at the time the treaty was made between the United States and the Choctaw Nation in 1830, and who became a beneficiary under the 14th article of that treaty? A. Nancy Rector.

Q. Have you any evidence of the fact that she was a recognized member of the Choctaw tribe in 1830? A. Yes sir.

Q. Any documentary evidence showing that she ever received or claimed any lands in Mississippi under the 14th article of the treaty of 1830? A. No sir.

Q. Do you make any claim by reason of any other provisions of the treaty of 1830? A. No sir.

Q. Are you married? A. Certainly.

Q. What is your husband's name? A. Ed. Lewis.

Q. Do you make any claim for him? A. No sir.

Q. Have you any children? A. No sir.

J. C. L. #3.

Q. Do you make any claim for any one besides yourself? A. No sir.
Q. Is there any additional statement that you desire to make in support of your application at this time? A. No sir.
Q. Is there any written evidence that you desire to offer in support of your claim? A. Yes sir.

Here attorneys for applicant ask permission to be allowed to file documentary evidence in support of the above application within a period of 30 days .

Permission is granted to the attorney for the applicant to file written evidence in support of this application if the same is done within 30 days from this date.

The decision of the Commission as to your application for identification as a Mississippian Cheyenne will be mailed to you in writing in the near future at your present post office address.

Chas. von Weise being 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 20th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Chas von Weise

Subscribed and sworn to before me this the 4 day of Oct 1900.

Guy L. Emerson
Notary Public

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

In the matter of the application of Jennie Cora Lewis for identification as a Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Jennie Cora Lewis appeared before the Commission at Muskogee, Indian Territory, September 20, 1900, and there made application for identification as a Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public-No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimant, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application of Jennie Cora Lewis for identification as a Mississippi Choctaw, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE, INDIAN TERRITORY, JUN 10 1901


ACTING CHAIRMAN.

I N D E X.

<u>WITNESSES.</u>	<u>PAGE.</u>
James O. Thomas-----	2.
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W. F. Pondron-----	22.
James O. Thomas (Re-called)---	29.

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

In the matter of the application of Robert O. Shaw, et al, for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 11, 1900, Mississippi Choctaw Card, Field No.R-133

In the matter of the application of Sarah Shaw for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 11, 1900, Mississippi Choctaw Card, Field No.R-134.

In the matter of the application of Sarah Thompson for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 11, 1900, Mississippi Choctaw Card, Field No.R-135.

In the matter of the application of Josephine Smith for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 12, 1900, Mississippi Choctaw Card, Field No.R-137.

In the matter of the application of James H. Pilkinton, et al, for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 12, 1900, Mississippi Choctaw Card, Field No.R-139.

In the matter of the application of Bessie Smith for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 12, 1900, Mississippi Choctaw Card, Field No.R-138.

In the matter of the application of Ed Thompson, et al, for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 11, 1900, Mississippi Choctaw Card, Field No.R-136.

In the matter of the application of Jennie Gera Lewis for identification as a Mississippi Choctaw, heard at Muskogee, Indian Territory, September 20, 1900, Mississippi Choctaw Card, Field No.R-710.

In the matter of the application of Amelia Terrance Kyle, et al, for identification as Mississippi Choctaws, heard at Muskogee, Indian Territory, October 24, 1900, Mississippi Choctaw Card, Field No.822.

In the matter of the application of William R. Kyle for identification as a Mississippi Choctaw, heard at Muskogee, Indian Territory September 20, 1900, Mississippi Choctaw Card Field No.R-737.

In the matter of the application of Lee Kyle for identification as a Mississippi Choctaw, heard at Muskogee, Indian Territory, October 24, 1900, Mississippi Choctaw Card, Field No.R-823.

et al
In the matter of the application of Mary E. Lee for identification as Mississippi Choctaws, heard at Muskogee, Indian Territory, September 20, 1900, Mississippi Choctaw Card, Field No. 8-734.

In the matter of the application of Caldonia Huffman for identification as a Mississippi Choctaw, heard at Muskogee, Indian Terri-

ritory, September 20, 1900, Mississippi Choctaw Card, Field No. R-728.

In the matter of the application of James W. Shaw for identification as a Mississippi Choctaw, heard at Hattiesburg, Mississippi, December 18, 1900, Mississippi Choctaw Card, Field No. R-1124.

TRANSCRIPT OF PROCEEDINGS HAD ON REMOVAL OF
ABOVE ENTITLED CAUSES, AT HATTIESBURG,
MISSISSIPPI, JULY 1st and
2nd, 1901.

APPEARANCES: The applicant Robert G. Shaw; the applicant
Beulah Smith, and Hudson & Arnold, attorneys for all of above applicants.
No appearance by Choctaw or Chickasaw Nations.

--MONDAY, JULY 1, 1901.--

JAMES O. THOMAS, called as a witness on behalf of applicants, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A James O. Thomas.
Q How old are you? A I am somewhere between seventy and seventy five years old, I hardly know exactly.
Q What is your post office address? A My post office address is Starkville.
Q Mississippi? A Yes sir.
Q What county? A Skiffbeek County.
Q What is your occupation? A I farm.
Q You are a land owner there? A No sir, renting land.
Q What is your nationality? A I am a white man.
Q How long have you lived in the state of Mississippi? A I was born here.
Q What county? A Lowndes county.
Q How long did you live in Lowndes county? A I lived there four or five years.
Q Where did you go from there? A To Skiffbeek.
Q Have you lived in Skiffbeek County ever since that time? A I have been absent may be a year or two. When I was a young man I ran around a little.
Q How long have you lived there continuously? A I have been there continuously except two or three years all my life--parts of years. I was not away from there a year at a time.
Q Are you acquainted with the applicant Sarah Shaw, who is an applicant for identification as a Mississippi Choctaw before the Commission to the Five Civilized Tribes? A I don't know whether I kept up with that or not. I don't know whether I kept up in regard to the tribe.

- Q Are you acquainted with a woman by that name? A Yes sir.
- Q Is she living at this time? A No sir.
- Q When did she die? A She died this fall or summer.
- Q This summer--this year? A Yes sir.
- Q How long did you know Sarah Shaw? A I have known her about all my life.
- Q About how old was she when she died? A I think she was somewhere between sixty and sixty five or sixty seven, or somewhere along there; I don't know exactly her age.
- Q Do you know where she resided at the time of her death? A She was in the Nation.
- Q What Nation--do you mean out in Indian Territory? A Yes sir.
- Q Do you know what town she lived in? A I think she lived at Ardmore, or somewhere near KKKKK it.
- Q Did you know her father? A Yes sir.
- Q Is he living? A No sir.
- Q What was her father's name? A His name was Thompson--they called him Rec Thompson. It was Dexter Thompson I always knowed him by. I don't know whether that was his name or not.
- Q Could you state what his given name was positively? A I say I No, sir, they always called him Dexter Thompson.
- Q Are you sure it was not Rector Thompson? A I say I don't know now.
- Q When did he die? A He has been a good while--I couldn't tell you exactly when he died.
- Q About how long ago? A I reckon it has been about thirty years--somewhere along about that.
- Q Where was he living at the time of his death? A He was living out the other side of Starkville west, in Oktibbeah county.
- Q How long had he been living in that county prior to his death? A I suppose he had been there something near fifty years.
- Q How old a man would he be if he was living at this time? A I reckon he would be close to eighty years old.
- Q How long did you know him? A I knowed him I reckon somewhere between sixty and sixty five years.
- Q He lived then in Oktibbeah County as long as you knew him? A Yes sir.
- Q Is the mother of Sarah Shaw living? A No sir.
- Q What was her name? A Her name was Nancy to my recollection.
- Q Do you know what her maiden name was? A They called her Nancy Dexter--Indian name was Washetubbee.
- Q That is your recollection of her Indian name? A Yes sir.
- Q How long has she been dead? A She has been dead I reckon about forty years--between thirty and forty years.
- Q About how old was she when she died? A I expect she was sixty odd years old.
- Q Where was she living at the time of her death? A She was out not far from the old man where all the balance of them lived--not a great ways.
- Q In Oktibbeah county, Mississippi? A Yes sir.
- Q How long did you know her? A I know her about the same time I know the balance of them--I got acquainted with them all about the same time.
- Q You have known her and her husband practically all your life? A Yes sir.
- Q Through which one of her parents did Sarah Shaw derive her Cheataw blood? A From her mother.

- Q Do you know what proportion of Choctaw blood her mother claimed to have? A Her mother claimed to be about a full blood, I think.
- Q You couldn't swear positively as to the amount of Choctaw blood she had? A No sir.
- Q Did she speak and understand the Choctaw language? A Yes, she talked the Choctaw language.
- Q Did she look like a Choctaw Indian? A Yes.
- Q Did she look like a full blood Indian? A Yes, she looked about like the balance of them.
- Q Could you swear positively that in your opinion she was a full blood Indian? A Yes, I think I can swear she was a full blood Choctaw.
- Q We are speaking now of Nancy Thompson, the mother of Sarah Shaw? A Yes, Nancy Rector.
- Q That was her maiden name? A Well, that was her name.
- Q Do you know how long she lived in Oktibbeah county, Mississippi? A About the same as the balance of them.
- Q Do you know where she was living in 1830? A I don't know, I couldn't tell exactly where she was living; she was living within some seven or eight miles all the time.
- Q That was seventy-one years ago--Do you know where she was living seventy one years ago? A She was living about where she has been living all the time.
- Q Do you know where the family came from to Oktibbeah county? A The first I knew anything about them, they lived down on Tom Bigbee river in Louisa County, Mississippi.
- Q How far ahead? A That was the first of anything I knew about them and next was they lived out west the other side of Starkville about eight or ten miles.
- Q How old were you when they lived out there? A I was only about four or five years old--I don't recollect exactly.
- Q You don't know where they came from to Louisa County, Mississippi? A No sir.
- Q Do you know the name of the father of Nancy Thompsoner Nancy Rector? A No sir, I only know what they called her.
- Q What did they call her father's name? A I don't know.
- Q Do you know her mother's name? A Her name was Washetabee.
- Q That was Nancy Rector's mother and Sarah Shaw's grandmother? A Yes sir.
- Q Did she have an English name? A Her Indian name was Washetabee.
- Q Did you ever see her? A Yes sir.
- Q When did she die? A I don't know exactly when she died.
- Q About when did she die? A I couldn't tell exactly about that.
- Q Where did she live when you knew her? A I couldn't tell you where she lived; first I knew them they was living down on Tom Bigbee River and then moved west of Starkville.
- Q Do you know where the mother of Nancy Rector lived before they came to Louisa County, Mississippi? A No sir.
- Q Did she look like an Indian? A Yes sir.
- Q Did you ever see her husband? A No sir.
- Q Do you know what nationality he was? A If she ever had any husband, nobody knew nothing about it.
- Q You don't know who the father of Nancy Rector was? A No sir.
- Q What amount of Choctaw blood did the mother of Nancy Rector have? A She claimed to be a full blood Indian.

- Q Did she speak the English language? A She could talk with r.
- Q Did she speak the English language plainly? A No sir, she didn't speak it plain.
- Q Did she talk Choctaw? A Yes sir.
- Q Did she have any brothers? A If she ever had any brothers, nobody ever heard her say anything about it.
- Q You don't know that Nancy had any brothers or sisters? A No sir.
- Q Do you know whether at the time of the making of the treaty of Dancing Rabbit Creek between the United States Government and the Choctaw tribe of Indians in 1830, either Nancy Rector or her mother, were recognized members of the Choctaw tribe of Indians? A No sir.
- Q Did they associate with the Indians entirely or with the white people? A They associated there mostly with the white people. There was only a few Indians in there then--I was quite a boy.
- Q Did Nancy Rector or her mother own any land in Lowndes County, Mississippi? A I don't know sir, but I don't think they did. I think they just stayed down there a year or two and moved from there out west.
- Q Did they live on a farm? A Yes.
- Q It didn't belong to them? A No sir.
- Q Do you know who it belonged to? A No sir.
- Q You are sure it didn't belong to them? A No sir, it didn't belong to them.
- Q Did they own any land in Oktibbeah County? A I don't think Nancy did, Old man Thompson owned land there.
- Q Did you ever know whether her husband owned any land in Oktibbeah County? A The grandmother you are speaking about--She never had no husband that anybody knowed of.
- Q I want to know whether the husband of Nancy Rector owned any land up there--Thompson, her husband? A I don't know--they lived there on a place but I don't know whether they owned it or not.
- Q Do you know whether Nancy Rector or her husband ever claimed or received any land from the government of the United States? A They never did do that.
- Q Ever got any land at all? A No sir.
- Q Are you positive of that? A Yes sir, because the time was out when they moved from down yonder up there.
- Q Did Nancy Rector or her mother ever go to the Choctaw Nation in Indian Territory? A Not as I know of.
- Q You lived nei gbers to them all the time--did they ever leave there and go to the territory? A No sir, they never did; I was never away from there a whole year as I stated before.
- Q Do you know whether Nancy Rector or her mother within six months after the treaty of Dancing Rabbit Creek was ratified signified to the United States Indian Agent of the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the states? A No sir.
- Q You never heard of their having done such a thing? as that? A My recollection is there was nothing ever came into this country to that effect. My understanding was that a man started here but never got here under that law.
- Q You never heard of them having done such a thing? A No sir, I heard about a man starting here or something of that sort but never got here.
- Q You are quite positive that neither Nancy Rector nor her husband ever owned any improvement in Lowndes County, Mississippi? A Yes, sir, I think I would be pretty certain of that.

- Q And you are equally positive that they never owned an improvement in Ostibbeah County, Mississippi? A No sir, without they bought it and paid their own money for it--they might have done that.
- Q Do you know whether they owned any land anywhere else in the state of Mississippi? A No, they never owned any land anywhere else.
- Q You never heard of them having gotten a patent to land either of them from the governments here in Mississippi? A No sir.
- Q Do you think you would be likely to have known it if they had gotten it? A Yes sir, I would likely have known it.
- Q Did you ever hear of them getting scrip from the government? A No sir, I have heard my father and old man Thompson speak about-- I have heard them speak about something of that sort, but I don't think they ever got anything. They both belonged to Jackson's army.
- Q I am speaking about getting scrip under the act of Congress of August 23, 1842--You are quite positive that neither of them got any scrip under that? A I think may be they might have made application through Con men who was the representative.
- Q When was that? A That was away back yonder about 1842 or 1844.
- Q Do you know who this man Gannon was? A Yes sir, he was a representative of this county.
- Q You mean that he was a government representative? A No sir, a representative in the legislature.
- Q Do you know whether Nancy Rector or her mother appeared before the Commission ~~under the act of Congress of March 3, 1837~~ appointed under the act of Congress of March 3, 1837, or the act of Congress of August 23, 1842, and made an effort to establish their rights under the provisions of the fourteenth article of the treaty of Dancing Rabbit creek? A No sir.
- Q You are certain of that? A I am certain of that--if they had I would have heard of it.
- Q Did Nancy have an Indian name? A I don't know whether you would call Rector an Indian name or not; the old lady had an Indian name they call Washetubbee, but white people called her Rector.
- Q As long as these people lived, they maintained a continuous residence in either Lowndes or Ostibbeah County, Mississippi, from the time you first knew them over sixty years ago? A Yes sir.
- Q Never lived anywhere else? A No, from the time they moved down on the river, they lived there until they died.
-
- Q Are you acquainted with the applicant Robert G. Shaw? A Yes, we called him Bid Shaw.
- Q How long have you known him? A I have known him a long time, I couldn't tell exactly how long I have known him.
- Q How old is he? A I reckon he is about forty five.
- Q Where does he reside at this time? A He is at Ardmore, I suppose in the Indian Nation.
- Q Is his father living? A No sir.
- Q What was his father's name? A His father was named Shaw.
- Q His given name? A I have heard of it, but I can't think of it now.
- Q How long have you known Robert G. Shaw? A I have known Bid I reckon twenty five years.
- Q You said you had known his mother for sixty years? A Yes.
- Q How does it happen that you have not known him longer? A I have known his mother a heap longer than I knew him.
- Q Is his mother living? A No sir.
- Q What was her name? A Sarah Shaw.

Q Through which one of his parents does Robert G. Shaw derive his Chectaw blood? A From his Mother.

Q What amount of Chectaw blood did his mother have? A About one fourth or one fifth.

Q She is the same Sarah Shaw about whom you have just testified? A Yes sir, the daughter of Nancy Rector or Nancy Thompson.

Q Are you acquainted with the applicant James V. Shaw? A Yes.

Q What relation is he to Robert G. Shaw? A A brother.

Q Full brother? A Yes sir.

Q Where does he live at this time? A About seven miles west from Starkville in Oktibbeah County, Mississippi.

Q How long has he lived there? A About four years.

Q Where did he live before that? A In the same county fifteen miles from Starkville--It was called Webster county.

Q How long did he live there? A I couldn't tell you.

Q Was he born and raised out there in that vicinity? A Yes sir.

Q Has he lived in the state of Mississippi all his life? A Yes sir.

Q He is also the son of Sarah Shaw about whom you have testified? A Yes sir.

Q And gets his Indian blood solely through her? A Yes sir.

Q Are you acquainted with the applicant Galdonia Huffman? A Yes sir, we call her Donie Huffman.

Q What relation is she to Robert G. Shaw? A She is a sister.

Q Same father and mother? A Yes sir.

Q She is a daughter of Sarah Shaw about whom you have just testified? A Yes sir.

Q How long have you known Galdonia Huffman? A I reckon I have known her the best part of my life.

Q Is she living? A Yes sir.

Q Where does she live? A She lives I think out in the Indian Nation now.

Q Until she moved out there, did she live continuously in the state of Mississippi? A Yes sir.

Q She was born in Mississippi? A Yes sir.

Q How long ago did she move out to the territory? A I don't recollect exactly when she left Mississippi.

Q Are you acquainted with the applicant Josephine Smith? A Yes sir.

Q How long have you known Josephine Smith? A I have known her about all my life.

Q Where was she born? A She was born down near Mayhew.

Q In the state of Mississippi? A Yes sir.

Q What county? A I don't know whether she was born in Lowndes county or Oktibbeah county.

Q How long did she live in the state of Mississippi? A She was born here and I don't know exactly her age. I think last year she went to the territory.

Q She lived here all her life until she went to the Indian Territory last year? A Yes sir.

Q About how old is she? A I reckon she is about thirty or thirty-five years old,--between thirty five and forty, she had been married twice.

Q Is her father living? A No sir.

Q What was his name? A His name was Thompson.

Q Full name? A Inf Thompson.

- Q Did he have any middle name? A I don't know his middle name.
- Q Is Josephine Smith's mother living? A No sir.
- Q What was her name? A I don't know her name--I have known it but I couldn't be positive.
- Q Through which one of her parents does Josephine Smith derive her Chectaw blood? A From her father.
- Q Through Lud Thompson? A Yes.
- Q When did Lud Thompson die? A He died about three years ago, I think.
- Q Where did he live at the time of his death? A Lowndes County, Mississippi.
- Q How long had he been there? A He had been there about eight years.
- Q Where did he live before that? A Naylor or near there. He had been living there since directly after the war.
- Q Where did he live before that? A He lived out west in Oktibbeah county.
- Q Where was he raised? A In Oktibbeah County, Mississippi.
- Q How old was he when he died? A About sixty five or seventy.
- Q Had you known him all your life? A Yes, about all my life.
- Q How much Chectaw blood did he have? A I couldn't tell exactly how much--It goes from the family down.
- Q Did you know his mother? A Yes sir.
- Q What was her name? A I think they called her Nancy.
- Q Nancy what? A Nancy Thompson.
- Q What was her maiden name? A Nancy Rector.
- Q Lud Thompson was a brother of Sarah Shaw about whom you have testified? A Yes sir.
- Q What was the name of Lud Thompson's father? A As I have told you his name was Dexter Thompson--I never heard any other name.
- Q Lud Thompson was a full brother of Sarah Shaw? A Yes.
- Q Did you ever hear of Dexter Thompson being called John Thompson? A I might have done it.
- Q You don't remember it if you did? A No sir, he was known that way as a nickname.
- Q Did you ever hear what his initials were? A I reckon his initials were John Thompson.
- Q What makes you think that? A Since the thing has been mentioned, I think he signed his name, being at a sale--and he signed his name John Thompson. Everybody that met him would say "Howdy Dexter."
-
- Q Are you acquainted with the applicant Beulah Smith? A Yes sir.
- Q How long have you known her? A I have known her since she was very small.
- Q What is her mother's name? A I knew it, but I couldn't call it now.
- Q Was not it Josephine Smith about whom you have testified now? A Yes sir.
- Q She is the daughter of Josephine Smith? A Yes.
- Q What is the name of the father of Beulah Smith? A Olive Smith.
- Q Where does Beulah Smith reside at this time? A I think she is here at Meridian now, but her right home I think would be near Naylor.
- Q Didn't you say her mother had moved to the Indian Territory? A Yes, she went but I don't know whether she came back or not.
- Q Up until the time she moved to the Indian Territory, had she lived continuously in the state of Mississippi? A Yes sir.
-
- Q Are you acquainted with the applicant James H. Pilkinton? A Yes, sir.

Q How long have you known him? A About all his life.
Q Where does he live at this time? A I think he lives near May-
hew Mississippi.
Q Did he ever move to the Indian Territory? A He went out there
but I don't think he moved there.
Q About how old a man is he? A I reckon between twenty five and
thirty.
Q Has he lived in Mississippi all his life? A Yes.
Q And have you known him practically all his life? A Yes.
Q Is his mother living? A I think she is.
Q What is her name? A I don't know sir--I knew the boy.
Q Is he any relation to Beulah Smith about whom you have just test-
ified? A Yes, he is half brother.
Q Then their mother is the same woman--Josephine Smith is his mother
A Yes, Beulah Smith's mother first married a Pilkinton.
Q What was the name of James H. Pilkinton's father? A His name was
Pilkinton of course.
Q His given name? A I can't recollect it, but I knew he
married Josephine Smith. That is my recollection of it. There was
a difference when she married Pilkinton. Pilkinton and Smith were
both in love with her and she married Pilkinton and after he died
she married Smith.

Q Are you acquainted with the applicant Mary E. Leaf? A Yes.
Q How long have you known her? A I have known her ~~since~~ since she
was a child.
Q Where does she live at this time? A I think she lives near Os-
borne in Oktibbeah County.
Q How long has she lived in Oktibbeah County? A She lived there
all her life. I don't reckon she has ever been out of the county,
hardly.
Q Did she ever move out to the Choctaw Nation in Indian Territory?
A No sir.
Q About how old a woman is she? A Thirty or thirty five.
Q Is her father living? A No sir.
Q What was his name? A His name was Lud Thompson.
Q Is her mother living? A No sir.
Q What was her name? A Her name I believe was Mary but I couldn't
say for certain.
Q You know the family well? A Yes.
Q Is Mary EL ee a sister of Josephine Smith about whom you have
heretofore testified? A Yes, I think so.

Here Hudson & Arnold, attorneys for applicants, ask leave to
dismiss the case of Sarah Thompson, N.O.C. B-136, the record
showing that she is not possessed of Indian blood, but simply
claim as an intermarried citizen, the application being made
for herself alone, and here ask that no testimony be taken
in support of said application at this time.

Q Are you acquainted with the applicant Sarah Thompson, the widow
of Reeter Thompson? A Yes sir.
Q How long have you known her? A I have known her since before
she was near grown.
Q Where does she live at this time? A She is in the Indian Nation
I think.

Q How long did she live in Mississippi? A She was born and raised here.
Q And lived here until she went to the Nation? A Yes sir.
Q And she went out there last year? A Yes sir.
Q Did she have any Indian blood? A I couldn't say that she did.
Q Did you ever hear her claim that she had any Indian blood? A No sir.

Q Are you acquainted with the applicant, Amelia Terressa Kyle?
A Yes sir.
Q How long have you known her? A I have knowed her the best part of her life.
Q Where does she live at this time? A I think she lives in about Mayhew, in Lowndes County, Mississippi.
Q How long has she lived there? A She has lived there all her life.
Q How old is she at this time? A Between twenty five and thirty.
Q How long since you have seen her? A I have ~~was~~ seen her last year. I have not seen her this year.
Q You don't know whether she moved to the Indian Territory or not?
A No sir, she didn't go. If she did, I didn't know anything about it.
Q Is her father living? A No sir.
Q What was his name? A His name was Rector Thompson.
Q Is he living at this time? A No sir.
Q What is the name of Amelia Terressa Kyle's mother? A I don't know her mother's name, I don't recollect.
Q When did Rector Thompson die? A I think he died somewhere along about 1855.
Q The applicant Amelia Terressa Kyle, does she get her Choctaw blood through her father or mother? A She gets her Indian blood from Rector Thompson.
Q How much Indian blood did Rector Thompson have? A About one sixth or one fifth I reckon.
Q He was a Choctaw? A Yes he was the same as the balance of them.
Q The whole family were Choctaws? A Yes sir.
Q Did he ever go to the Indian Territory? A No sir.
Q Always lived in the state of Mississippi? A Yes sir.
Q How old a man would he be if he were living today? A He would be between seventy five and eighty years old--he was, I think, seven years older than me.
Q How long did you know him? A I knew him ever since he was a boy.
Q Did he ever own any land in Mississippi? A I don't think he did. He followed in these days everseeing. He always done business for somebody else.
Q He was an overseer on plantations? A Yes sir, and I don't think he ever bought any land.
Q Do you know where he was living in 1830 when the treaty of Dancing Rabbit Creek was made? A No sir.
Q You don't know whether he ever got any land from the government?
Q Yes I know he never got any land.
Q Do you know whether he ever appeared before the Commission appointed under the act of Congress of March 3, 1857, or the Commission appointed under the act of Congress of August 25, 1842, and attempted to establish his rights as a beneficiary under the provisions of the fourteen article of the treaty of Dancing Rabbit Creek?
A No sir, he wouldn't feel with such as thing as that then. His business was worth more to him.

- Q Do you know whether within six months after the ratification of the treaty of Dancing Rabbit creek he signified to the United States Indian Agent of the Choctaws here in Mississippi his intention to remain in Mississippi and become a citizen of the states? A No, he didn't go.
- Q If he ever did, you never heard of it? A No, I never heard of it.
- Q Do you know whether he was ever in the Indian Territory? A I am satisfied he was not. I know he was not--he never left this state.
- Q What was Rector Thompson's father's name? A John Thompson or Dexter Thompson.
- Q He was sometimes called Dexter and sometimes called John? A Yes.
- Q Do you know the name of Rector Thompson's mother? A Her name was Nancy Thompson.
- Q What was her maiden name? A Her maiden name was Nancy Rector.
- Q Rector Thompson was a full brother of Lud Thompson and Sarah Shaw? A Yes sir.
-
- Q Are you acquainted with the applicant William R. Kyle, a son of Amelia Terrason Kyle? A Yes sir.
- Q How long have you known him? A I have known him all his life.
- Q How old is he? A I reckon he is about thirty years old.
- Q Do you know where he is now? A He is in the Nation now I think.
- Q When did he go there? A Last summer or fall.
- Q Did he live in Mississippi all his life until he went to the territory? A Yes sir.
- Q Where did he live? A In Oktibbeah county, Mississippi.
- Q What was his father's name? A His father was named Thomas Kyle.
- Q Through which one of his parents does William R. Kyle derive his Choctaw blood? A Through both I think to some extent. Kyle I think has some Indian blood and the Thompsons had.
- Q You couldn't swear positively that Thomas Kyle has Choctaw blood? A I think I could, he showed it.
- Q William R. Kyle is a grandson of Rector Thompson and a great grand son of Nancy Rector or Thompson? A Yes sir.
- Q How much Choctaw blood did William R. Kyle's father have? A He looked like he had about one sixth.
- Q You couldn't swear positively as to the amount of Choctaw blood? A No, he had high cheek bones, and showed it in his countenance.
- Q How long did you know him? A He was a cousin of mine that raised him. He was an orphan child.
- Q Where did his parents live? A Below Columbus in Lowndes county.
- Q What were the names of Thomas R. Kyle's father and mother? A I don't know, he was brought over here by a cousin of mine.
- Q He was brought from where to Oktibbeah county? A From Lowndes county.
- Q You don't know anything about his the parentage of Thomas Kyle? A No, sir, only his appearance.
- Q You don't know that he had Choctaw blood except from his personal appearance? A No sir.
- Q Do you know anything of Thomas Kyle's grandparents? A No sir, they brought him over here and he stayed at his home until he was married.
- Q When did he die? A Nobody don't know where he died or what went with him. He went to Starkville with a load of cotton and he sold it and came up missing and nobody has ever heard of him.

Q Are you acquainted with the applicant Lee Kyle? A Yes sir.
Q Where does he live? A He is in the nation.
Q Do you know what town? A He is farming I think now.
Q You don't know what town he is in or near? A No.
Q How long has he been out there? A He went out there last year.
Q About how old a man is he? A About twenty three or twenty four
I reckon.
Q Where did he live before he went to the territory? A In Oktib-
beah county.
Q Have you known this boy all your life? A Yes from a baby.
Q What is the name of his mother? A I don't remember.
Q What relation is he to William R. Kyle, about whom you have tes-
tified? A Brother.
Q Full brother? A Yes sir.
Q What was his father's name? A Thomas Kyle.
Q Do you remember his mother's name? A No sir.
Q You testified that Amelia Terressa Kyle is the mother of William
R. Kyle? A It is the same one.

Q Are you acquainted with the applicant, Ed Thompson? A Yes sir.
Q How long have you known him? A All his life.
Q How old is he? A About forty.
Q Where is he at this time? A In the nation.
Q When did he go out there? A Last year.
Q Where did he live before he went there? A In Oktibbeah County.
Q How long did he live there? A Born and raised there and I reckon
stayed there might near nigh all his life-might have went off a year.
Q You think he has lived there all his life until last year? A I
think may be he was off a year, but outside of that he was there all
his life.
Q He lived in Mississippi all his life? A Yes sir.
Q Is his father living? A No sir.
Q What was his father's name? A Rector Thompson.
Q How long has Rector Thompson been dead? A He has been dead I
reckon about thirty years.
Q Is the mother of Ed Thompson living? A She is living.
Q Through which one of his parents does Ed Thompson derive his
choctaw blood? A From his father's side.
Q Through Rector Thompson? A Yes sir.
Q His mother has no Indian Blood? A I think not.
Q Rector Thompson is a brother of Led Thompson and Sarah Shaw? A Yes
sir.
Q And they are children of Nancy Rector? A Yes sir.

Q Are you acquainted with the applicant Jennie Gera Lewis? A Yes
sir.
Q How long have you known her? A I have known her all her life.
Q How old is she? A She is I reckon about eighteen.
Q Is she married? A Yes sir.
Q What is her husband's name? A Lewis.
Q Where does she live at this time? A In the nation.
Q When did she go out there? A Last fall.
Q Where did she live before that? A Near Starkville.
Q In Oktibbeah County, Mississippi? A Yes sir.
Q Did she live there all her life until she went to the Indian Ter-
ritory? A Yes sir.
Q Is her father living? A Yes sir.
Q What is his name? A Ed Thompson.

Q What is her mother's name? A Jennie Thompson.
Q Is she living? A Yes sir.
Q Through which one of her parents does Jennie Cora Lewis derive her Choctaw blood? A Her father, Ed Thompson.
Q He is the same Ed Thompson about whom you have just testified as being the son of Rector Thompson? A Yes sir.

Q Do you know whether John Thompson and Nancy Rector were lawfully married? A I couldn't swear positively, but I think they were.
Q You were not present at their marriage? A No sir.
Q How long did they live together as man and wife? A All their days since I first knew them.
Q And raised a family? A Yes sir.
Q And their family included Lud Thompson, Rector Thompson and Sarah Shaw? A Yes.
Q Is that all? A There were other children.

Q Do you know whether Rector Thompson and Sarah Thompson were lawfully married? A Yes sir.
Q Were you present at their marriage? A No sir, but I have seen persons who were present.
Q Where were they married? A They were married in Oktibbeah county west of Starkville.
Q Do you know who performed the marriage ceremony? A No sir, but I know they were married.
Q Married under a license? A Yes sir.
Q Who do you know was present at the marriage? A I don't remember the names but I would be willing to swear they were married.

Q Do you know whether Lud Thompson and his wife Mary Thompson, the mother of certain of the applicants in this case, were lawfully married? A Yes sir, I couldn't swear exactly, but I am certain they were married.

Q You were not present at their marriage? A No, but I know they were married.
Q Where were they married? A West of Starkville in Oktibbeah county.
Q Do you know anybody who was present at their marriage? A We were all talking about it the other day and there were two persons there, but I can't think who they were.
Q How long did they live together as man and wife? A All their lives from the time they were married.
Q And raised a family? A Yes.
Q How long did Rector Thompson and Sarah live together? A All their lives.

Q Do you know whether Ed Thompson and Jennie were lawfully married?
Q I knew the night they were married, but I didn't go to the wedding.
Q Where were they married? A Not far from Starkville.
Q In Oktibbeah county? A Yes sir.
Q Do you know who were present at the marriage? A Yes, her brothers were there.
Q Anybody else? A Yes I know several if I could think.
Q What were her brothers' names? A Jim, Lou and Henry Lemmons.

Q Do you know whether Amelia Terrassa Kyle and Thomas Kyle were lawfully married? A Yes sir.

- Q Were you present at their marriage? A No, but I had some cousins who were there.
- Q Where were they married? A Married at her home.
- Q What county? A Oktibbeah county, Mississippi; I started to the wedding.
- Q What were the names of your cousins who were there? A Jim and Tom Scott and Bill Scott.
- Q Do you know the name of the minister who performed the ceremony?
- Q Married by a magistrate I think. I don't know if old man Thompson didn't marry him--he was a magistrate at that time.
-
- Q Do you know whether Mary E. Lee and Herbert Lee were lawfully married? A Yes, I was not at the wedding but I know others who were there.
- Q Do you know who married them? A I think Burgin married them.
- Q What official position does he hold? A He was a magistrate.
- Q She was married twice? A Yes sir.
- Q Were you present at her first marriage? A No sir.
- Q What was her first husband's name? A His name was Hodnett.
- Q Given name? A Charley Hodnett.
- Q Where were they married? A Down near Mayhew.
- Q In Oktibbeah county? A Yes sir.
- Q Do you know who performed the marriage ceremony? A I think probably Burgin married them.
-
- Q Do you know whether James H. Pilkinton and his wife Candy were lawfully married? A Yes, I was not present but I know they were lawfully married--they ran away and married.
- Q Where were they married? A They were married down near Mayhew.
- Q You don't know who performed the marriage ceremony? A No.
- Q Do you know ~~was~~ anybody who was there when they were married? A No I don't suppose there were but a few there, because my understanding is they ran away and married.
-
- Q Is James W. Shaw married? A Yes.
- Q What is his wife's name? A Mary, I believe.
- Q Has he been married more than once? A No sir.
- Q Were you present at his marriage? A No sir.
- Q Where was he married? A Down below Starkville in Oktibbeah county. He married a woman by name of Hawkins.
- Q Do you know who performed the marriage ceremony? A No sir.
- Q Do you know who was present at the marriage? A No, only may be his brother Robert G. Shaw.
- Q Are you sure his wife's name is Mary? A No, her name is Julia.
- Q You were mistaken about it when you said Mary? A Yes.

(Witness Excused.)

JOSEPH A. PIERCE, called as a witness on behalf of applicants, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Joseph A. Pierce.
- Q How old are you? A Sixty two.

- Q Where do you reside? A Choctaw county, Mississippi.
- Q What town? A Mathiston.
- Q What is your occupation? A I sell merchandise and farm some and mill some.
- Q How long have you lived in Choctaw county, Mississippi? A My father went there in 1847.
- Q You have lived there continuously ever since 1847? A Yes sir.
- Q Where did you go from to Choctaw county? A Tuscaloosa, Alabama.
- Q Are you acquainted with the applicant Sarah Shaw? A Yes sir.
- Q Is she living? A No sir, I suppose not.
- Q When did she die? A I suppose she died in the territory probably this spring or last winter, that is what I learned.
- Q How long did she live in the Territory? A I suppose ten or twelve months; she went there last fall.
- Q Where did she go from to the territory? A She lived with her sons I believe when she went to the territory from Oktibbeah county.
- Q Oktibbeah county, Mississippi? A Yes sir.
- Q How long did she live in Oktibbeah county? A I think two or three years. She and her husband lived over in Webster County, Mississippi, until a year or two ago.
- Q How long did they live in Webster county? A Several years.
- Q How long did you know her? A I have known her about forty two years I reckon.
- Q Was she possessed of Indian blood? A I don't know sir, it was said that they had Indian blood in them; I don't know as to the amount of blood.
- Q Do you know whether she lived in the state of Mississippi all her life until she moved to the Indian Territory? A She lived there all her life until she went to the territory from the time I knew her.
- Q Is her father living? A No sir.
- Q What was his name? A John Thompson.
- Q Did he have any Indian blood? A I don't know sir, it was said that old Mrs Thompson had Indian blood.
- Q Is Sarah Shaw's mother living? A No sir.
- Q What was her name? A I believe Nancy Thompson.
- Q Do you know what her maiden name was? A No.
- Q Were you acquainted with her personally? A Yes sir.
- Q How long did you know her? A About eight or ten years, she has been dead some time.
- Q Do you know how much Indian blood she had? A No.
- Q Do you know what kind of Indians she was? A No.
- Q You do not know where she was living in 1830? A No sir.
- Q Did she ever own any land in Mississippi during your acquaintance with her? A No sir, I don't know whether she did or not. Her husband had land.
- Q Did you ever hear of Nancy Thompson getting any land from the government of the United States? A No sir.
- Q Do you know what the name of Nancy Thompson's father or mother was? A No sir.
- Q Did you know Nancy's mother? A No sir.
- Q You do not know whether she or any of her ancestors owned any improvement on land in Mississippi in 1830 when the treaty of Dancing Rabbit creek was made? A No sir.
- Q Do you know whether she or any of her ancestors within six months after the treaty of Dancing Rabbit creek declared to the United States Indian Agent of the Choctaws in Mississippi an intention to remain in Mississippi and become citizens of the United States? A No sir.

Q Do you know whether she or any of her ancestors ever claimed or received any land in Mississippi from the government of the United States under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know.

Q Do you know whether she or her mother ever appeared before the government commission appointed under the act of Congress of March 3rd, 1837, or the Commission appointed under the act of Congress of August 23rd, 1842, and attempted to establish rights under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir, I don't know. I don't suppose they did.

Q Do you know whether she or any of her ancestors ever received any scrip from the government under the provisions of the act of Congress of August 23, 1842? A I don't know.

Q Are you acquainted with the applicant, Robert G. Shaw? A Yes.

Q How long have you known him? A All his life nearly.

Q Where does he live at this time? A In the Indian Territory.

Q How long has he lived out there? A I suppose he has lived there twelve or fifteen months.

Q Where did he live immediately prior to removing to the Indian Territory? A In Oktibbeah county, Mississippi.

Q How long did he live there? A I don't think he lived there more than two or three years.

Q Where did he live immediately prior to his removal to Oktibbeah county? A Webster county.

Q How long did he live in Webster county? A I don't know--several years.

Q He lived in Mississippi all his life until he removed to the Indian Territory? A Yes sir.

Q Is his mother living? A I suppose not.

Q What was her name? A Sarah Shaw.

Q The Sarah Shaw about whom you have just testified? A Yes.

Q Is the father of Robert G. Shaw living? A No sir.

Q What was his name? A Sam Shaw.

Q Is Robert G. Shaw married? A Yes.

Q Do you know the name of his wife? A No.

Q Are you acquainted with the applicant James W. Shaw? A Yes sir.

Q What relation is he to Robert G. Shaw? A Brother.

Q Full brother? A Yes sir.

Q Father and mother were the same? A Yes sir.

Q Is James W. Shaw married? A Yes sir.

Q Do you know the name of his wife? A No sir, her father's name was Hawkins.

Q Are you acquainted with the applicant Caldonia Huffman? A Yes. I used to know her by name of Dencie Shaw. She married Huffman.

Q About how old a woman is she? A She is I reckon thirty five or forty.

Q Where does she live at this time? A I don't know sir, I believe she lives in the territory.

Q How long has she been out there? A I don't know.

Q Where did she live before she went to the territory? A I don't know, my recollection is she lived in Arkansas.

Q How long since you have seen her? A It has been eight or ten years.

- Q Did she ever live in Mississippi? A Yes, she was born and raised here.
- Q How long have you known her? A I have known her all her life.
- Q Up until the time she went to Arkansas about ten years ago, she lived in Mississippi? A Yes sir.
- Q Is her father living? A No sir.
- Q What was his name? A Sam Shaw.
- Q Is her mother living? A No sir.
- Q What is her name? A Sarah Shaw.
- Q She is a full sister of Robert G. Shaw and James W. Shaw.
- A Yes.
- Q James W. Shaw lives in the state of Mississippi at this time?
- A Yes.
- Q How long has he lived here? A All of his life .
-
- Q Are you acquainted with the applicant Josephine Smith? A I knew her when she was a girl about grown. Her father lived near neighbor to me and moved off--I have not met her since.
- Q About how old a woman is she? A About thirty five or forty years old.
- Q Where does she live now? A I have been told she lives in the territory.
- Q How long has she lived there? A About twelve or fifteen months.
- Q Where did she live before she went to the territory? A Near Mayhaw or Hickory grove.
- Q In what county? A In Oktibbeah county or Lowndes county.
- Q Did she live in Mississippi all her life until removing to the Indian Territory? A Yes sir, as far as I know.
- Q How long have you known her? A I have known her ever since she was a girl, I suppose thirty years.
- Q Is her father living? A No.
- Q What was his name? A Lud Thompson or J. L. Thompson.
- Q Commonly known as Lud Thompson? A Yes sir.
- Q Is her mother living? A No sir.
- Q What was her name? A Mary.
- Q You were acquainted with Lud and his wife well? A Yes sir, very well.
- Q Where did they live during your acquaintance with them? A They lived in Choctaw county, Mississippi, about two or three miles north west of Double Springs.
- Q How long did they live in Choctaw county? A I don't know--several years--I don't know how long.
- Q Do you know where they lived before going there? A No sir, I supposed Lud lived with his father ever in Oktibbeah County. I don't know whether they lived together anywhere until they settled there or not.
- Q Which one of Josephine's parents had Choctaw blood? A I don't know, I suppose her father.
- Q Do you know the amount of Choctaw blood he had? A No.
- Q Was it generally understood that he was possessed of Choctaw blood? A It was generally understood that the Thompsons had Indian in them or it was said that.
- Q How old was Lud Thompson when you first became acquainted with him? A I suppose about thirty. He was quite a young man.
- Q Did he ever own any land in Mississippi? A Yes sir, I suppose he did.

- Q Do you know how much? A No sir.
- Q Do you know whether he got that land by purchase from an individual or received it from the government of the United States? A I suppose he purchased it from an individual; I don't suppose he ever got any government land.
- Q What was his father's name? A John Thompson.
- Q Were you well acquainted with him? A Yes sir.
- Q What was Lud Thompson's mother's name? A My recollection is her name was Nancy Thompson.
- Q What was her maiden name? A Don't know that.
- Q Then Lud Thompson and Sarah Shaw were full brother and sister? A Yes sir, said to be.
- Q How old would Lud Thompson be if he were living today? A About seventy five years old I reckon--he was older than me.
- Q Through which one of his parents did he derive his Choctaw blood? A I suppose through his mother, I don't know.
- Q Was she generally understood to be an Indian? A I think they said it was generally understood that the Indian blood came from the mother.
- Q Did you know her well? A Yes, tolerably well.
- Q Did she look like an Indian? A Well, she had dark skin, black hair--black-eyed woman.
- Q Did she speak or understand the Choctaw language? A No, I don't know that she did.
- Q Do you know either way? A No, I don't know whether she did or did not.
- Q Do you know whether Lud Thompson was living in the old Choctaw Nation in Mississippi and Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A No, I was not born then.
- Q You do not know whether he or any one for him signified his intention to the Indian Agent within six months after the ratification of the treaty of Dancing Rabbit Creek to remain and become a citizen of the United States? A No sir, I don't know.
- Q If he ever got any land from the government under article fourteen you never heard of it? A No sir.
- Q Did you ever hear of him getting any scrip from the government under the act of August 23, 1842? A No sir.
- Q Do you know whether when the government commission appointed under the act of March 3, 1837 or the government commission appointed under the act of Congress of August 23, 1842, were in Mississippi, he appeared before them and attempted to establish his claim under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir, I don't know anything about that.
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- Q Are you acquainted with the applicant Beulah Smith? A Yes sir, I have met her a few times. She was born and raised out of my neighborhood.
- Q Do you know her father's name? A No sir.
- Q Do you know her mother's name? A Josephine Smith.
- Q She is the Josephine Smith about whom you have just testified? A Yes sir.
- Q Do you know whether Lud Thompson and the mother of Josephine Smith were lawfully married? A No sir, I don't know, I suppose they were.
- Q You were not present at their marriage? A No sir.
- Q Do you know whether they were married? A No sir.
- Q Do you know how long they lived together as man and wife? A No, sir, I don't know.

- Q About how long? A About fifteen or twenty years, their oldest child was about grown.
- Q They lived together until the death of Mrs Thompson? A Yes sir.
-
- Q Are you acquainted with the applicant James H. Pilkinton? A I met him about a year ago.
- Q Do you know his mother's name? A No sir---Yes, Josephine Thompson was his mother.
- Q Now her name is Smith? A Yes.
- Q Do you know she is his mother? A Yes sir.
- Q He was a son of Josephine Smith by a former husband? A Yes, I suppose so.
- Q You don't know definitely? A No sir.
-
- Q Are you acquainted with the applicant Mary E. Lee? A No sir.
- Q You don't know who her father and mother were? A No.
-
- Q Are you acquainted with the applicant Sarah Thompson, wife of Rector Thompson? A Yes I had some acquaintance with her.
- Q Do you know whether she has any Indian blood? A No, I don't know
- Q You never heard she had? A No sir.
- Q Are you acquainted with the applicant Amelia Terressa Kyle?
- A I suppose I have met her.
- Q Do you know her father's name? A Her father's name Rector Thompson I suppose.
- Q Do you know her mother's name? A Her mother's name Sarah.
- Q Were you well acquainted with Rector Thompson? A Yes.
- Q When did he die? A Several years ago he was killed.
- Q Where? A Over in Oktibbeah County.
- Q Did he have any Indian blood? A I suppose so, it was generally said that the Thompsons had Indian blood; I don't know.
- Q What was his father's name? A John Thompson.
- Q What was his mother's name? A They say her name was Nancy.
- Q Rector was a full brother to Lud Thompson and Sarah Shaw? A Yes sir.
- Q Do you know whether Rector Thompson ever owned any land in Mississippi? A No sir, I don't know. I suppose he did.
- Q Where did he live when you knew him? A Down in Oktibbeah county east of Double Springs, between Double Springs and Starkville.
- Q Do you know how long he lived there? A No, he lived there several years.
- Q How old was he when you first met him? A He was a young man, probably twenty five or thirty years old.
- Q Was he older than you? A Yes sir.
- Q Was he much older than you? A May be ten or fifteen years--may be twenty.
- Q He was older than Lud Thompson? A Yes.
- Q You don't know whether he ever got any land in Mississippi from the government of the United States? A No sir, I don't know.
- Q Do you know whether he ever got any scrip from the government under the act of Congress of August 23, 1842? A I don't know; I never heard of it.
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Q Are you acquainted with the applicant William R. Kyle? A No sir.
Q Do you know the names of his father and mother? A No sir.

Q Are you acquainted with the applicant Lee Kyle? A No.

Q Are you acquainted with the applicant Ed Thompson? A No, I have no acquaintance with him. I sort of know of him.
Q Do you know the names of his father and mother? A No.

Q Are you acquainted with the applicant Jennie Gera Lewis? A No sir.

Q You don't know the names of her father and mother? A No sir, I knew all of the old g folks but these children as they grewed up moved away. They used to call old man Thompson Dexter but his name was John.

Q You refer now to the husband of Nancy Thompson and the mother of Rector, Lud Thompson, and Sarah Shaw? A Yes.

Q He was commonly known as Dexter Thompson? A Yes, we called him old man Dexter Thompson--it was a nickname I suppose.

W i t n e s s E x c u s e d .

And now the hour of adjournment having arrived, the further hearing of testimony in the above entitled causes, is continued until Tuesday morning, July 2nd, 1901, at nine o'clock.

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T U E S D A Y, July 2, 1901.

And now on this 2nd day of July, 1901, at nine o'clock a.m., pursuant to adjournment, the further hearing of testimony in the above entitled causes is had, as follows, to-wit:

ROBERT G. SHAW, called as a witness on behalf of applicants, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Robert G. Shaw.
Q What is your age? A About forty one.
Q What is your post office address? A Ardmore, Indian Territory.
Q You are an applicant for identification as a Mississippi Choctaw?
A Yes sir.
Q Are you the person referred to in the testimony of witnesses yesterday as Old Shaw? A Yes sir.
Q What is your middle name? A Gideon--always go by that name.
Q Are you the identical Robert G. Shaw who appeared before the Commission to the Five Civilized Tribes at Colbert, Indian Territory, June 11, 1900, and made application for the identification of yourself, and minor children as Mississippi Choctaws and your wife and an intermarried Mississippi Choctaw? A Yes sir.

By L.P.Hudson, counsel for applicants:

Q In that examination you refer to at Colbert, where you were asked the amount of Choctaw blood you claim, your answer appears to be one sixteenth--Is that correct? A No sir.

Q What amount of blood do you claim? A One eighth.
Q Your mother was one quarter was she? A Yes sir and grandmother one half.

By the Commission:

Q You get your Choctaw blood through your mother? A Yes sir.
Q What is her name? A Sarah C. Shaw.
Q Is she living? A No sir.
Q When did she die? A Some time in March 1901.
Q Where did she die? A Died in Chickasaw Nation near Province.
Q You claim she was a quarter blood Choctaw? A Yes sir.
Q Did she get her Choctaw blood through her father or mother? A Mother.
Q What was her mother's name? A Nancy Thompson.
Q What was her mother's maiden name? A Nancy Rector.
Q And you claim she was a half blood Choctaw Indian? A Yes sir.
Q Did you ever see her? A Yes sir.
Q When did she die? A I think in 1875 or 1876 as well as I remember
Q Do you remember her personal appearance? A Yes sir.
Q Did she have the appearance of an Indian? A Yes sir.
Q Did she look as if she possessed one half Indian blood? A Yes I think she did; she was copper colored; had long straight hair, black eyes and high cheek bones.
Q You claim she was a half blood? A Yes sir.
Q Did she speak or understand the Choctaw language? A My understanding is that she could talk it.
Q You couldn't swear positively that she could? A No, I don't know of my own knowledge about that; but I have heard other people--my mother and others--say she could talk it--used to know it.
Q Where did she live immediately prior to her death in 1875?
A In Oktibbeah County, Mississippi.
Q How long had she lived in that county? A She was in the same house where she died when I was born; All my life until she died she lived in the same place.
Q Do you know whether she ever received any land from the government under the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaws? A No, I don't know whether she did or not.
Q Do you know whether she ever made any effort to take advantage of the provisions of that article? A No sir, not to my own knowledge.
Q Do you know whether she ever received any scrip from the government under the act of Congress of August 23, 1842? A She might have received it, I don't know.
Q Through which one of her parents did Nancy Rector get her Indian blood? A Her mother.
Q Did you know her? A No sir.
Q Did you ever see her? A No sir.
Q What was her name? A Nancy---Nancy Rector was named for her mother.
Q Did she have any Indian name? A My grandmother's Indian name was known as Washetubbee, but her mother I never heard anything except Nancy.

Witness Excused.

W. P. PONDREN, called as a witness on behalf of applicants, having been first duly sworn, upon his oath testifies as follows:

Examination by the Court as follows:

- Q What is your name? A W. P. Pondren .
- Q How old are you? A Fifty two years old.
- Q What is your post office address? A Starkville, Mississippi.
- Q Oktibbeah County, Mississippi? A Yes sir.
- Q What is your occupation? A Farming.
- Q Are you interested in any way in this case? A None on earth.
- Q In none of the cases in which you are to testify? A No sir.
- Q Are you any relation to any of the applicants? A No sir.
- Q What is your nationality? A White.
- Q How long have you lived in Oktibbeah County, Mississippi? A I have lived there about twenty years.
- Q continuously? A Yes sir.
- Q Where did you live before going to Oktibbeah County? A Choctaw county--born and raised there.
- Q Lived in Choctaw county up until the time you moved to Oktibbeah county, twenty years ago? A Yes, except two years I was in the Mississippi bottoms in 1874 and 1875.
- Q Are you acquainted with the applicant Sarah Shaw? A Yes sir.
- Q Is she living? A No sir.
- Q When did she die? A I couldn't tell the exact date, along in the winter some time. She died in the territory.
- Q She was living in the Indian Territory at the time of her death? A Yes sir.
- Q About how old a woman was she when she died? A I don't know, I would suppose she was somewhere about sixty five years old--may be a little older--may be seventy.
- Q How long have you known her? A Ever since I can recollect.
- Q Do you know whether she was possessed of Indian blood? A Yes she was. She claim it and people all around claimed it.
- Q Generally understood? A Yes, generally understood she was part Indian.
- Q Before she removed to the territory she lived in what county in Mississippi? A Oktibbeah County.
- Q How long did she live there? A I reckon she lived there all her life. She was born and raised there I reckon. I don't reckon nothing about it, because I know it.
- Q Do you know how much Choctaw blood she had? A I think she claimed one quarter--that is what I recollect.
- Q Is her father living? A No sir.
- Q Were you acquainted with him during his life time? A Yes sir.
- Q What was his name? A Johnnie Thompson--people generally called him old uncle Johnnie.
- Q Is her mother living? A No sir.
- Q Were you acquainted with her mother during her lifetime? A Yes I was a small boy.
- Q What was her name? A Nancy.
- Q Through which one of her parents did Sarah Shaw derive her Choctaw blood? A Her mother.
- Q Her father was a white man? A Yes sir.
- Q When did her mother Nancy die? A In 1875 I think/ I was living in the Mississippi bottoms when I heard of her death.

- Q You remember her do you distinctly? A Yes sir, I remember her face just the same as if I had seen her yesterday.
- Q Did she have the appearance of being an Indian? A When she was and other Indian women were together, you could hardly discriminate about them. When I was a boy I was afraid of the Indians. I was acquainted with old man Thompson and they all had the favor.
- Q Do you know whether Nancy Thompson could understand and speak the Choctaw language? A Yes, she could talk with the Indians.
- Q You are sure she talked the Choctaw language? A Yes, I know she spoke the same as the Indians.
- Q Give us a description of her personal appearance? A She was tall, but not heavy set woman, not like Sarah Shaw her daughter. She was bright copper colored, high cheek bones, black hair and black eyes. She had really a long nose, kind of hook nose. I can remember face the same as yesterday. She had ~~short~~ a long coarse black hair.
- Q Do you know what her maiden name was? A She was a Rector--This is old man John Thompson's wife. I heard her called--and I have heard the old man call her sometimes when they get up a little argument, he would call her old Wadotubbee.
- Q That was her Indian name? A I suppose so was.
- Q Do you know how long she lived in Oktibbeah county, Mississippi. A As far as I recollect, if she ever lived anywhere else I don't know. She was old when I was a boy, I don't suppose I was over ten or twelve years old when I first knew her.
- Q Did you ever hear of her having received any land from the Government of the United States? A No, if she ever did, I never heard it. I heard something talked along about that time that there was a probability of old Johnnie Thompson getting a lift somewhere along that line, but I don't think he did. If he did, he never showed it afterwards.
- Q Do you know whether Nancy Thompson ever received any scrip from the government under the act of Congress of August 23, 1842? A I don't know, but I don't suppose she did, I couldn't say.
- Q Were you acquainted with the father and mother of Nancy Rector? A No sir.
- Q You don't know who they were? A No sir.
- Q How much Choctaw blood did Nancy Rector claim to have? A I think she claim to be half.
- Q You think her personal appearance would bear out that claim? A Yes sir.
- Q Did Nancy Rector during her life time associate with the Choctaw Indians in this country or entirely with the white people? A Mixed up, but more with the white people. The Indians visited her but I don't know whether she visited them or not. I know she did with the white people.
- Q How old would Nancy Rector be if she were living at this time? A She would be getting away up about eighty or nigh ninety years old. She was an old woman when I was a little boy at any rate.
- Q Did Nancy Rector ever own an improvement in Mississippi--any land with improvements on it? A I declare I couldn't tell you. I was small and don't know. They made one little move but not out of sight of the old place, but whether they owned land or not I couldn't tell you. My opinion is that they did not but I couldn't tell.
- Q Are you acquainted with the applicant Robert S. Shaw? A Yes sir.
- Q Where does he live at this time? A Ardmore, Indian Territory.
- Q How long have you known him? A Ever since he was born.

Q About how old a man is he? A He is somewhere about forty, may be something over forty.
Q Is his father living? A No sir.
Q What was his father's name? A Sam Shaw.
Q What is his mother's name? A Sarah Shaw.
Q Is she living? A No sir.
Q Is she the Sarah Shaw about whom you have just testified as being the daughter of Nancy Rector and John Thompson? A Yes sir.

Q Are you acquainted with the applicant James W. Shaw? A Yes sir.
Q About how old a man is he? A He is near my age, I suppose may be he is a year older than me.
Q You have known him all your life? A Yes.
Q Where does he live? A In Oktibeha county.
Q Has he a family? A Yes sir.
Q What relation is he to the applicant Robert G. Shaw? A Brother.
Q Full brother? A Yes sir.
Q His mother was Sarah Shaw the daughter of Nancy Rector? A Yes, sir.

Q Are you acquainted with the applicant Galdonia Huffman? A Yes sir.
Q How long have you known her? A I have known her ever since she was born.
Q About how old is she? A I have forgotten. We were small children together. She must be about forty five years old.
Q Where does she live at this time? A I don't know, she is in the territory or Texas, she is somewhere west.
Q Is her father living? A No sir.
Q What was her father's name? A Sam Shaw.
Q What is her mother's name? A Sarah Shaw.
Q Is she living? A No sir.
Q She is a full sister of Robert G. Shaw and James W. Shaw? A Yes sir.

Q Are you acquainted with the applicant Josephine Smith? A Yes sir.
Q How long have you known her? A Ever since she has been Josephine Smith.
Q What was her maiden name? A Always called her Joe--her name was Thompson.
Q Was she married more than once? A Yes sir, she was married more than once. first
Q What was her husband's name? A Pilkinton--I don't know everything as you would like to have it. They lived in the east part of the county and I lived in the extreme west end.
Q Is the father of Josephine Smith living? A No sir.
Q Were you acquainted with him during his lifetime? A Yes sir.
Q What was his name? A Lud Thompson -- I think he signed his name J.L.Thompson.
Q Do you know what his first name was? A James I think.
Q Commonly known as Lud? A Yes sir.
Q Is the mother of Josephine Smith living? A No sir.
Q What was her name? A Mary.
Q Through which one of her parents does Josephine Smith derive her Choctaw blood? A Through Lud Thompson.
Q About how much Choctaw blood has Josephine Smith? A I couldn't

hardly get at it. About one eighth I reckon--her father claimed to be one quarter.

Q Do you know whether Lud Thompson and Mary Thompson were lawfully married or not? A I don't know, only I know they were good responsible people and good citizens.

Q You were not present at their marriage and don't know anything about it? A No sir.

Q They lived together and raised a family? A Yes sir.

Q How long ago did Lud Thompson die? A I suppose about twelve years ago.

Q About how old was he when he died? A He must have been about sixty five years old I reckon.

Q Through which one of his parents did Lud Thompson get his Chectaw blood? A Through his mother.

Q What was his mother's name? A Nancy Thompson---Nancy Pector.

Q What was the name of the father of Lud Thompson? A John Thompson.

Q Is Nancy Thompson the identical Nancy Thompson about whom you have testified as the mother of Sarah Shaw? A Yes sir.

Q Then Lud Thompson and Sarah Shaw are full brother and sister? A Yes sir.

Q Do you know whether Lud Thompson ever received any scrip from the government under the act of Congress of August 23, 1842? A No sir, I don't know.

Q Do you know whether he ever received any land in Mississippi from the government of the United States? A No sir, I couldn't tell you.

Q Did you ever hear of his having received any? A No sir.

Q Did he ever go to the Indian Territory? A I don't think he did. If he ever did I never heard of it.

Q Did his mother Nancy Pector ever go to the Indian Territory? A I reckon not, if she ever did I never heard of it.

Q Are you acquainted with the applicant Beulah Smith? A Yes sir.

Q How long have you known her? A Ever since she was born.

Q Where does she live at this time? A I think Ardmore, Indian Territory is her home.

Q About how old is she? A She is I reckon twenty two or twenty three, perhaps a little over. Along there somewhere.

Q Do you know how much Indian blood she has? A I don't know whether I could enumerate it or not. About one twelfth or one sixteenth. Her mother claimed one sixteenth eighth.

Q But you don't know? A No sir.

Q Is her mother living? A Yes sir!

Q What is her name? A I always did know her by Joe Thompson.

Q What is her name besides Joe? A Her name now is Smith.

Q Was Joe a nickname? A I suppose it was, I don't know.

Q Was her full name Josephine? A I reckon it was, they always called her Joe.

Q Is the father of Beulah Smith living? A No sir.

Q What was his name? A I don't know.

Q Through which one of her parents does Beulah Smith derive her Chectaw blood? A Mother.

Q Is her mother the identical Josephine Smith about whom you have testified? A Yes sir.

Q Beulah Smith is the granddaughter of Lud Thompson and the great granddaughter of Nancy Pector? A Yes sir.

- Q Are you acquainted with the applicant James H. Pilkinton? A Yes sir, I have met him a good many times.
- Q Where does he live at this time? A He is in the territory in my understanding, at Ardmore.
- Q How long has he lived there? A Only about a year; probably he has been there two years.
- Q Where did he live prior to that time? A Oktibbeah county, Mississippi.
- Q How long did he live there? A All his life--born and raised there.
- Q How long have you known James H. Pilkinton? A I have been knowing of him ever since he was born.
- Q Has he any Indian blood? A I suppose he must have a little, but I couldn't designate it.
- Q You couldn't swear to it either way? A No sir, but he must have some.
- Q About how old a man is he? A I suppose he is about twenty two or twenty three.
- Q Is his mother living? A Yes sir.
- Q What is her name? A Josephine Smith.
- Q He is a son of Josephine Smith by a former husband? A Yes sir.
- Q Is James H. Pilkinton's father living? A No sir.
- Q What was his name? A Couldn't tell you except Pilkinton.
- Q Did you know him? A I knew him when I saw him.
- Q Was he a white man? A Yes sir.
- Q Had no Indian blood? A No sir, never heard of any.
- Q James H. Pilkinton gets his Indian blood solely through his mother Josephine Smith? A Yes, I think so.
- Q Is she the identical Josephine Smith about whom you have just testified? A Yes sir.
- Q James H. Pilkinton is a half brother of Houlah Smith about whom you have just testified? A Yes sir.
-
- Q Are you acquainted with the applicant Mary E. Lee? A Yes sir.
- Q Where does she live at this time? A She is in Oktibbeah county. She went to the Territory some time during the fall about a year ago.
- Q Has she moved back to Oktibbeah county permanently? A She is back here and my understanding is that she moved back. I have not seen her but that is my understanding.
- Q When did she move to the territory? A About a year ago.
- Q Where did she live prior to that time? A Oktibbeah county, Mississippi, is where she was born and raised, and she never lived anywhere else until she went to the territory.
- Q You have known her all your life? A Yes sir.
- Q Has she any Indian blood? A Claims it, yes sir.
- Q Is her father living? A No sir.
- Q What was his name? A Lud Thompson, J. L. Thompson.
- Q James L. Thompson, commonly known as Lud Thompson? A Yes sir.
- Q Is her mother living? A No sir.
- Q What was her mother's name? A Mary.
- Q Were you well acquainted with this family? A Yes sir.
- Q Does Mary E. Lee get her Indian blood through her father or mother? A Father.
- Q Is he the identical Lud Thompson about whom you have testified here before? A Yes sir.

Q Mary E. Lee is a full sister of Josephine Smith about whom you have just testified? A Yes sir.

Q Are you acquainted with the applicant Sarah Thompson? A Yes sir.

Q Is her husband living? A No sir.

Q What was his name? A I knew him as Rec Thompson---Rector Thompson.

Q Did he have any Indian blood? A Yes sir.

Q Does Sarah Thompson have any Indian blood? A No sir, I never heard of any.

Q Are you acquainted with the applicant Amelia Terressa Kyle?
A Yes sir.

Q How long have you known her? A Ever since she was born.

Q About how old is she? A She is right about fifty years old I suppose.

Q Where does she live at this time? A In Indian Territory about Ardmore.

Q How long has she lived there? A About a year.

Q Where did she live immediately prior to going to the territory?
A Oktibbeah County, Mississippi.

Q How long did she live there? A All her life, born and raised there.

Q Has she any Indian blood? A Yes sir.

Q Could you swear positively that she has? A Only through representations.

Q Is her father living? A No sir, he was killed in 1878.

Q What was his name? A Rec Thompson.

Q How old a man was he when he was killed? A I reckon he was sixty five years old somewhere in that neighborhood.

Q Is her mother living? A Yes sir, she is living.

Q What is her name? A Sarah.

Q Has Sarah any Indian blood? A None at all.

Q The applicant, Amelia Terressa Kyle, gets her Indian blood solely through her father, Rec Thompson? A Yes sir.

Q How much Indian blood did he have? A I think he claimed to be about one half or one quarter.

Q You don't know anything about it except what you have heard?
A No sir.

Q Did he have the appearance of being an Indian? A Yes sir.

Q Did he speak or understand the Choctaw language? A I don't know about that.

Q How long did you know Rec Thompson? A I knew him ever since I could recollect. He was a good big boy when I was a little boy-- he was older than I was about fifteen years.

Q Do you know whether he ever got any land from the government?
A No sir, I don't know.

Q Do you know whether he ever received any scrip from the government?
A I don't suppose he ever did. They were mighty poor people.

Q Were you acquainted with his father and mother? A Yes sir.

Q What was the name of his father? A John Thompson.

Q What was the name of his mother? A Nancy.

Q What was her maiden name? A Nancy Rector.

Q She is the identical Nancy Rector about whom you have testified as the mother of Sarah Shaw and Ind Thompson? A Yes sir.

Q Sarah Shaw, Ind Thompson and Rector Thompson were therefore full brothers and sisters? A Yes sir.

Q Did Rector Thompson ever go to the Indian Territory? A No sir.
I don't think he ever did. He was killed in 1875.

Q Sarah Shaw never went out there until the last year? A No sir.

Q And Lud Thompson never went out there? A No sir.

Q Are you acquainted with the applicant William F. Kyle? A Yes sir.

Q About how old a man is he? A He is about twenty years old I reckon. I partly raised the boy.

Q Where does he live at this time? A In the territory.

Q How long has he lived out there? A He has been there a year.

Q Where did he live immediately prior to his moving to the territory?

A In Oktibbeah county.

Q Mississippi? A Yes sir.

Q Did he live there all his life until a year ago? A Yes sir.

Q Is his mother living? A Yes sir.

Q What is her name? A Terresa Kyle.

Q Anelia Terresa Kyle the same woman about whom you have just testified? A Yes sir. I made the statement that I partly raised the boy. I took his mother and him--it was supposed that his father was killed.

Q What was his father's name? A Tom Kyle.

Q Did he have any Indian blood? A It was said he did, I don't know. Only hearsay--he never claimed it.

Q Are you acquainted with the applicant Lee Kyle? A Yes sir.

Q How long have you known him? A Ever since he was born.

Q How old is he? A I reckon about eighteen years old.

Q Where does he live? A In the territory near Ardmore.

Q How long has he lived there? A About a year.

Q Where did he live immediately prior to removing to the Indian Territory? A Oktibbeah county, Mississippi.

Q He lived there all his life until a year ago? A Yes sir.

Q Is his father living? A I could n't tell you about that; it was reported he was murdered in Stark ville. The general supposition was he was murdered there.

Q What was his name? A Tom Kyle.

Q Is the mother of Lee Kyle living? A Yes sir.

Q What is her name? A Terresa Kyle.

Q Lee Kyle is a full brother of William R. Kyle about whom you have just testified? A Yes sir.

Q Are you acquainted with the applicant Ed Thompson? A Yes sir.

Q How long have you known him? A All his life.

Q About how old is he? A I reckon he must be about forty years old.

Q Where does he live at this time? A Indian Territory.

Q How long has he lived there? A About a year.

Q Where did he live immediately prior to removing to the territory?

A Oktibbeah county, Mississippi.

Q How long did he live in Oktibbeah county? A All his life, he went one year to Alabama and back to Oktibbeah county.

Q Has he any Indian blood? A Yes sir.

Q Do you know how much? A He is a son of Rector Thompson and he claimed to be one quarter that would make him about one eighth.

Q Is Ed Thompson's mother living? A Yes sir.

Q What is her name? A Sarah.

Q She has no Indian blood? A No sir.

- Q Ed Thompson and Amelia Terrassa Kyle about whom you have testified are full brother and sister? A Yes sir.
- Q And Ed Thompson is a grandson of Nancy Doctor? A Yes sir.
-
- Q Are you acquainted with the applicant Jennie Cora Lewis? A Yes sir.
- Q How long have you known her? A Four since she was born.
- Q About how old is she? A I reckon sixteen or seventeen years old.
- Q Where does she live at this time? A In Indian Territory.
- Q How long has she lived there? A About a year.
- Q Where did she live immediately prior to removing to the territory? A Oktibbeah county, Mississippi.
- Q Did she live there all her life until she removed there? A Yes.
- Q Is her father living? A Yes sir.
- Q What is her father's name? A Ed Thompson.
- Q Is he the identical Ed Thompson about whom you have just testified? A Yes sir.
- Q Is her mother living? A Yes sir.
- Q What is her mother's name? A She was a Lemmons before she married.
- Q What is her given name? A Jennie.
- Q She then is a granddaughter of Hector Thompson and a great grand daughter of Nancy Thompson nee Doctor? A Yes sir.

W i t n e s s E x c u s e d .

JAMES O. THOMAS, Re-called for further examination:

Examination by the Commission:

- Q Are you interested in any way in any of these cases? A No sir, no interest in them.
- Q Are you related to any of the applicants in any way? A No sir.

W i t n e s s E x c u s e d .

H.C. Risteen, having been 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 rehearing of the cases set forth in the caption, on the first and second days of July, 1901, at Meridian, Mississippi, and that the above and foregoing is a full true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian Mississippi, this 10th day of July, 1901.

[Signature]

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE IV. MISSISSIPPI CHIEFS.

In the matter of the application of Robert G. Snow et al., for identification as Mississippi Choctaws, originally heard at Colbert, I.T. June 11, 1900. Mississippi Choctaw Card, Field No. B-131.

In the matter of the application of Sarah Snow for identification as a Mississippi Choctaw, originally heard at Colbert, I.T. June 11, 1900. Mississippi Choctaw Card, Field No. B-134.

In the matter of the application of Sarah Thompson for identification as a Mississippi Choctaw, originally heard at Colbert, I.T. June 11, 1900. Mississippi Choctaw Card, Field No. B-135.

In the matter of the application of Josephine Smith for identification as a Mississippi Choctaw, originally heard at Colbert, I.T. June 11, 1900. Mississippi Choctaw Card, Field No. B-137.

In the matter of the application of James E. Wilkinson et al., for identification as Mississippi Choctaws, originally heard at Colbert, I.T. June 11, 1900. Mississippi Choctaw Card, Field No. B-138.

In the matter of the application of Beulah Smith for identification as a Mississippi Choctaw, originally heard at Colbert, I.T. June 11, 1900. Mississippi Choctaw Card, Field No. B-133.

In the matter of the application of Ed. Thompson et al., for identification as Mississippi Choctaws, originally heard at Colbert, I.T. June 11, 1900. Mississippi Choctaw Card, Field No. B-136.

In the matter of the application of Jennie Cara Lewis for identification as a Mississippi Choctaw, originally heard at Muskogee, I.T. September 20, 1900. Mississippi Choctaw Card, Field No. B-710.

In the matter of the application of Amelia Terrence Kyle et al. for identification as Mississippi Choctaws, originally heard at Muskogee, I.T. October 24, 1900. Mississippi Choctaw Card, Field No. B-702.

In the matter of the application of William R. Kyle for identification as a Mississippi Choctaw, originally heard at Muskogee, I.T. September 20, 1900. Mississippi Choctaw Card, Field No. B-737.

In the matter of the application of Lee Kyle for identification as a Mississippi Choctaw, originally heard at Muskogee, I.T. October 24, 1900. Mississippi Choctaw Card, Field No. B-733.

In the matter of the application of Mary E. Lee et al. for identification as Mississippi Choctaws, originally heard at Muskogee, I.T. September 20, 1900. Mississippi Choctaw Card, Field No. B-734.

In the matter of the application of Galdonia Ma Fran for identification as a Mississippi Choctaw, originally heard at Muskogee, I.T. September 20, 1900. Mississippi Choctaw Card, Field No. B-735.

In the matter of the application of James W. Shaw for identification as a Mississippi Choctaw, originally heard at Natick, I.T. December 18, 1900. Mississippi Choctaw Card, Field No. B-1124.

In the matter of the application of Mary I. Shaw for identification as a Mississippi Choctaw, originally heard at Atoka, I.T. July 9, 1901. Mississippi Choctaw Card, Field No. B-2091.

At the office of the Commission to the Five Civilized Tribes at Atoka, Choctaw Nation, Indian Territory, on Tuesday, August 20, 1901, these several cases being called for the hearing of additional testimony of witnesses in person; no appearance was made on behalf of the Choctaw Nation by its attorneys, and the applicants being represented by J. E. Arnold, their attorney, the following motion was made by said Arnold:

"On account of witnesses being sick that the applicants were desiring to use I ask that said cases be continued to some date in the future that will best suit the convenience of the Commission."

Upon motion and showing made by attorney for the applicants the further hearing of testimony of witnesses in person in these several cases is continued to Monday, October the 7th, 1901 at the office of the Commission at Atoka, Choctaw Nation, Indian Territory, at 9:00 o'clock A.M.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 7, 1901.

In the matter of the application of Robert G. Shaw et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 11, 1900. N.C.R.133.

In the matter of the application of Sarah Shaw, for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 11, 1900. N.C.R.134.

In the matter of the application of Sarah Thompson, for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 11, 1900. N.C.R.135.

In the matter of the application of Ed Thompson et al. for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 11, 1900. N.C.R.136.

In the matter of the application of Josephine Smith for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 12, 1900. N.C.R.137.

In the matter of the application of Louisa Smith for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 11, 1900. N.C.R.138.

(2).

In the matter of the application of James H. Pilkinton et al.; for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 18, 1900. N.C.R. 129.

In the matter of the application of Jennie Gera Lewis for identification as a Mississippi Choctaw, heard at Muskogee, Indian Territory, September 20, 1900. N.C.R. 710.

In the matter of the application of Saldonia Wuffman for identification as a Mississippi Choctaw, heard at Muskogee, Indian Territory, September 20, 1900. N.C.R. 722.

In the matter of the application of Mary B. Lee et al. for identification as Mississippi Choctaws, heard at Muskogee, Indian Territory, September 20, 1900. N.C.R. 724.

In the matter of the application of William R. Kyle for identification as a Mississippi Choctaw, heard at Muskogee, Indian Territory, September 20, 1900. N.C.R. 727.

In the matter of the application of Amelia Terrence Kyle et al., for identification as Mississippi Choctaws, heard at Muskogee, Indian Territory, October 24, 1900. N.C.R. 922.

In the matter of the application of Leo Kyle for identification as a Mississippi Choctaw, heard at Muskogee, Indian Territory, October 24, 1900. N.C.R. 922.

In the matter of the application of James V. Shaw for identification as a Mississippi Choctaw, heard at Hattiesburg, Mississippi, December 12, 1900. N.C.R. 1121.

(3).

In the matter of the application of Mary I. Shaw, for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 9, 1901. V.C.R. 2891.

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TRANSCRIPT OF PROCEEDINGS HAD ON RE-HEARING OF ABOVE ENTITLED CAUSES, HELD AT ATOKA, INDIAN TERRITORY, OCTOBER 7, 1901.

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APPEARANCES:-

Alington Telle.

Sarah A. Thompson.

J. E. Arnold, Attorney for above applicants.

No appearance by Choctaw or Chickasaw Nation.

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--: MONDAY, OCTOBER 7, 1901 :--

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ALINGTON TELLE, being called as a witness in the above entitled causes, having been first duly sworn, upon his oath testifies as follows:-

Examination by the Commission.

- Q What is your name; your full name? A A. Telle, Alington Telle.
Q How old are you Mr. Telle? A I am forty-two years old.
Q What is your Post Office address? A Atoka, Indian Territory.
Q How long have you lived in Atoka? A For the last---about eight-
teen or twenty years.
Q Where were you born? A I was born in Depts Hole County, Choctaw
Nation.
Q Have you always lived in the Choctaw Nation, Indian Territory?
A Yes, sir, have always lived here.
Q What is your occupation? A I am an attorney.
Q Are you a full blood Choctaw Indian? A Yes, sir.
Q Are you acquainted with Robert S. Shaw? A No, sir, I am not that
I know of.

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- Q Sarah Shaw or Sarah Thompson, Ed Thompson, Josephine Smith, Beulah Smith, James H. Pilkinton, Jennie Gera Lewis, Caldonia Huffman, Mary E. Lee, William R. Kyle, Amelia Terressa Kyle, Lee Kyle, Mary I. Shaw: Are you acquainted with any of the so persons?
A No sir.
- Q Have you any interest whatever, one way or another, in their applications for identification as Mississippi Choctaws before the Commission? A No sir.
- Q You can give fair and unprejudiced testimony can you, in these cases? A Yes sir.
- Q I want to ask you, Mr. Telle, in reference to the names, the Indian names, of Choctaw Indians. Can you tell me the termination of male names, and the custom of the Choctaw people with reference to giving names showing sex termination? A Yes sir.
- Q Then if you will, please state whether or not the termination u-b-b-e, or u-b-b-e-e, is a male or female termination? A That is a male termination. However, you will find that in the old records that word ubbe is spelled u-b-i or -u-b-b-i. That is in accordance with the Choctaw language system of spelling, and the term ubbe is a male ending of names signifying some characteristic connected with hunting.
- Q Does it define the warlike or manly characteristic of the person who has that termination to his name? A Yes sir.
- Q It is sometimes spelled u-b-b-e or u-b-b-e-e? A Yes sir, especially with those unacquainted with the language, spelling by sound.
- Q Do you know, as a matter of fact, in Volume 1, of the Choctaw Nation vs. the United States Government, in the lists made out there not only by Colonel Ward, but also by the Commissioners of 1837 and 1842, it is spelled u-b-b-e or u-b-b-e-e? A Yes sir.
- Q And that is the same termination you speak of as being properly spelled now? A U-b-i or u-b-b-i.
- Q What is the exact interpretation of that word standing alone? A Ubbi means to kill.
- Q It means to kill? A Yes sir.
- Q In connection with, as a suffix, I suppose you would call it, to another group of words giving the name of a person, how would it apply? A It applies to the manner of killing, or what he kills. Now for instance, you take the name Hi-ee-yat-ubbi or Hi-ka-ubbi, it means----

By attorney J. E. Arnold.

- Q Prouse me, but what is the purpose of this examination?

By the Commission.

The purpose is this: In the re-hearing held in Meridian, on July 1st and 2nd, the witness James O. Thomas, testified that the common ancestor of Robert G. Shaw and all of these other claimants who are dependent upon his testimony----claimed that the common ancestor was a woman, Nancy Dexter, whose Indian name was Wachtotube; and the purpose of this witness is to show that Wachtotube

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is not a female name, but a male name. You will be allowed to cross examine Mr. Telle.

By Attorney J. E. Arnold.

Q Did you solicit Mr. Telle.

By the Commission.

The Commission requested Mr. Telle to come before it for the purpose of giving his testimony in regard to the matters of inquiry gone into here.

- Q Now, Mr. Telle? A It means he stands up to kill----stands up and kills.
- Q That is what that word means. Can you think of any other? A Hi-ca-ya means to stand---to stand up. And let me see, I know just lots of names. Take the word A-pe-tan-tubbi means he goes by the side of him to kill---he kills from the side---from one side.
- Q And wherever you have a name that has got the termination Ubbi it means always some manly quality, or the quality of a hunter? A Quality of a hunter.
- Q And therefore has become, has it, a sex termination of names? A The sex termination of names, indicating that it is a male.
- Q Did you ever know, as a termination---ubbi being used as the termination of a female name? A No, sir.
- Q Do you know what the name Washetubbe means, W-a-s-h-e-t-u-b-b-e ? A No, sir, I do not.
- Q You know of no such word in the Choctaw language or combination of words? A No, sir, I do not at present. Right there I will explain that there are too many names that are attempted to be pronounced by people that really to tell the truth do not understand the name, and in that form I do not know of a Choctaw word that corresponds to it.
- Q Is it the Choctaw custom and usage, and was it always the Choctaw practice in giving Indian names to give names the different parts of which had some meaning? A There is hardly a name but what has some meaning, and possibly all have, but they are words that are obsolete at this time, so that people at this are do not understand them.
- Q When you say that you know of no word that has any meaning, such as Washetubbe, what do you mean exactly---that this was a mispronounced or an obsolete word? A I do not know that it is either. There is just simply no Choctaw word that I know of that it could mean, and I claim to be as well versed in the Choctaw language as any man in the Choctaw Nation.
- Q What is your father's name? Is he living, Mr. Telle? A No, sir he's dead.
- Q What was his name? A His name was Imaselubbi.
- Q Spell that? A I-m-a-s-e-l-u-b-b-i .
- Q What is the meaning of that name? A The meaning of that is--- or more properly would mean that he gives information first and then kills, and in contraction and Anglicising possibly was the origin of my name Telle, T-e-l-l-e .

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- Q What was your mother's name? A My mother's name---she had an English name. Her English name was Kate. Her Choctaw name, as shown by the records in the book which is the Choctaw Nation vs. the United States, is Pisahotema.
- Q Spell that? A It is spelled P-i-s-a-h-o-t-e-m-a . It should be i-m-a .
- Q What does that mean? A It means that she sees and hunts up the article to give. Of course, I don't know whether you want it in that record or not, but it carries with it the idea that there is something she wants to hand to a person, and on seeing him, she hunts it up and gives it to him.
- Q Now, what is the usual termination denoting the feminine Choctaw, in feminine names? A In feminine names the general ending is "a", generally combined with the letters m-a or o-n-a, ona, all pertaining to household cares.
- Q And the same rule pertains in regard to female names that all parts of a female name have some meaning? A Have some meaning, yes sir. And always end with the letter "a", but there is one exception. Sometimes they use the letter "e" in place of "a", like the word Ho-ke. It has the sound of "a", though.
- Q What have been your opportunities of studying and having a knowledge of the Choctaw language? A Why, wide and varied, you might say. At one time I was employed by the Chickasaw Government to translate their laws, and I published a book of six or seven hundred pages.
- Q In the Choctaw language? A In the Choctaw language. All the statute laws of the Chickasaw Nation, and also read the proof and attended to the publishing of the laws of the Choctaw Nation, and my experience in handling matters of the Choctaw language extends from about the year 1880.
- Q Did your father speak the Choctaw language? A Yes, sir.
- Q Did he speak the English language? A No sir.
- Q Did your mother speak the Choctaw language? A No sir.
- Q I mean Choctaw? A I meant she didn't speak the English.
- Q In your home you were brought up to speak the Choctaw language? A Yes, sir, I never heard a word of English until I was eight years old.
- Q Your present occupation is that of an attorney at law? A Yes, sir.
- Q When and where were you admitted to practice? A I was admitted to practice first in the State of New York.
- Q In the State of New York. What Institution? A On graduating at the Albany Law School.
- Q How long were you at that school? A I finished up there in only one year---the last year.
- Q When and where did you study the English language? A Different places. At Beesville, Missouri, and attended college at Clarksville, Tennessee, and read law there too.
- Q How long were you there? A I was there four years.
- Q And then you were admitted to practice? A After graduating at the Law School at Albany, New York, I was admitted to practice in the State of New York.
- Q How long did you practice there? A I was only there a short time.
- Q Where then were you admitted? A At the General Term in Albany.
- Q Did you practice in Albany? A I only stayed there a short time and then came to Fort Smith.
- Q Then you removed to where? A Boggy Depot.

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- Q How long did you remain at Boggy Depot? A From there I went to Fort Smith and practised in the United States Court two years and came to Atoka and been here since.
- Q What years were you in Fort Smith, practising before that Court? A I was there in 1881 and 1882, I was Interpreter for the United States Court during that time, too.
- Q How long were you interpreter there? A All the while I was there.
- Q Then, with your knowledge in full of the Choctaw language, and also your knowledge of the English language, you would say in reference to the use of the male termination ubbi, that it would pertain exclusively to male names? A Yes, sir.

Cross-examination by J. E. Arnold Attorney for Applicants.

- Q What is your name? A A. Telle.
- Q What is your age? A Forty-two.
- Q What is your place of residence? A Atoka.
- Q Where was you born? A In Pontotoc County, Choctaw Nation.
- Q Did you ever have a residence in the State of Mississippi? A No, sir.
- Q Never lived in Mississippi? A No, sir.
- Q You are acquainted with no Choctaw Indians in the State of Mississippi? A I know some, yes sir.
- Q Were you perfectly familiar with the characteristics of the Choctaw Indians from 1800 to 1836 or 1840, along there? A I think I know it as well as anybody. Simply a matter of information gained from reading, and traditions and customs of the Tribe.
- Q You never knew this Nancy Dexter, did you? A No, sir.
- Q Never knew anything about her? A No, sir.
- Q What official position do you hold now? A None.
- Q Have you ever held any official positions with the Choctaw Nation? A Yes, sir.
- Q Name them please? A Why, I have had a good many. I have been National Secretary.
- Q When? Give us the dates. A About 1885 I think, I was appointed first, and then I was elected for the next term of two years. I was elected in 1887 I think.
- Q Have you held any other official positions? A I have been on the citizenship commission of the Choctaw Nation, on several occasions. I helped to make up the roll of 1885 and the roll of 1896.
- Q Where did you get that appointment? Did you get it from the authorities of the Choctaw Nation or the United States Government? A The Choctaw Nation.
- Q The Authorities of the Choctaw Nation? A Yes, sir.
- Q Since 1896, you say? A '93 and '96.
- Q '93 and '96? A Yes, sir, those two years.
- Q You haven't been a member of that Commission since 1896, though, have you? A Yes, I worked on the Commission up through '96. I was with the Choctaw Commission, and the Senate Commission when doing their field work.
- Q What years was that in? A '93 and '96.

-- Witness Examined --

(8).

SARAH A. THOMPSON, being called as a witness in the above entitled causes, having been first duly sworn, upon her oath testifies as follows:-

By J. E. Arnold, Attorney for Applicants.

I introduce Mrs. Thompson for the purpose of proving, showing by her that she was personally acquainted with Nancy Thompson, whose maiden name was Nancy Rester, and that she was acquainted with the members of her family, among the rest Rec. Thompson a son of hers, and that she and Rec. Thompson were duly married, and that there was born to them Ida Thompson, who is now Ida Shaw, and a first cousin to Robert G. Shaw.

Examination by the Commission.

- Q What is your name? A Sarah Thompson.
Q Sarah Thompson? A Yes, Sarah A., is the way I always sign my name---Thompson.
Q What is your age? A Sixty-nine.
Q What is your Post Office address? A Ardmore.
Q How long have you lived at Ardmore? A Ever since last April a year ago.
Q A year ago last April? A Yes.
Q Where were you born? A Mississippi.
Q In Mississippi? A Yes.
Q What place in Mississippi? A Oktibbech County, is where I was born.
Q How long did you live in Mississippi before you left that State? A I lived there until I came here.
Q When was that? A Last April a year ago.
Q Lived most all your life there? A Yes, sir.
Q In that County? A Well, and in Chester.
Q What is your nationality? A It's---I was---my mother was a Dutch.
Q Your mother was a white woman then? A Yes, sir, white woman.
Q And of the German nationality, and what was your father? A He was an Englishman.
Q Englishman? A Yes.
Q You don't claim any Chester blood yourself then? A No, sir.
Q Now what do you know in reference to this matter of the application of Robert G. Shaw and others, for identification as Mis-

(9).

- ippi Chestaws? A Well, they claim the Indian blood from the Mississippi Chestas.
- Q They claim that? A Yes, sir, through their mother who was an Indian.
- Q Whose mother was an Indian? A Old Shaw's mother.
- Q Old. Is that Robert G. Shaw, that you speak of as Old? A Yes, sir.
- Q He was sometimes called Old? His middle name was Gideon, was it? A He was all the time called Old among his acquaintances.
- Q Where did he live? A In Mississippi.
- Q Where in Mississippi? A Choctaw County and Webster, and Oktibbeah County.
- Q You knew him personally? A Yes sir.
- Q How long did you know him? A I have knowed him all his life.
- Q All his life from the time he was small? A Yes sir, from the time he was a baby.
- Q How old is he now? A Well, he's somewhere between thirty and forty. I reckon he's about forty years old.
- Q Where does he live now? A Lives in Ardmore.
- Q How long has he lived in Ardmore? A He's been there ever since last April a year ago, when I come.
- Q What do you know about his having Choctaw blood? A I know that his mother had the blood and his grandmother.
- Q What was his mother's name? A Sarah Shaw.
- Q Where did she live when you knew her? A She lived in Oktibbeah County.
- Q How near to you did she live? A She was within a mile of me.
- Q For how long a time did she live within a mile of you? A Well, for several years.
- Q About how many? Ten or fifteen or more? A Yes, more than that. We never have lived more than twenty miles apart since we were children.
- Q Is she living now? A No sir, she died last March.
- Q How old was she when she died? A Well, she was one year younger than myself.
- Q What knowledge had you of the fact that she had Choctaw blood? A Well, because her mother looked like it, and she looked like it, and they all had black hair and was very dark complected, black eyes, and they was always called Indians. Most I knew about it, everybody that saw her said she was Indian.
- Q Did she speak the Choctaw language? A I don't know sir. If she did I don't know it.
- Q Did she have any white blood? A Yes sir, her father was a white man.
- Q Was her mother a full blood Choctaw Indian? A No sir, I don't think she was. She was called half.
- Q Her mother was called half. That is Robert Shaw's grandmother? A Yes sir.
- Q What was her name? A Nancy.
- Q Nancy what? A Nancy Thompson.
- Q What was her maiden name? A I do not know, sir---Nancy Rector.
- Q Nancy Rector was her maiden name? A Yes, sir.
- Q Now Nancy Rector had how much Choctaw blood to your knowledge? A Half is all I knew. I never heard her say how much.
- Q Did you hear anybody else say how much? A Yes sir, I have heard she was half.
- Q Your knowledge then, of how much Choctaw blood she had, depends upon what you heard in the neighborhood? A Yes, sir.
- Q She herself never told you? A No sir.

(10).

- Q And Sarah, her daughter, never told you? A No sir. They all talked about the Indian blood, but I never did hear them say how much.
- Q How well did you know Nancy Thompson, or Nancy Rector? A Mrs. Shaw's mother?
- Q Yes, Sarah Shaw's mother? A I knew her very well.
- Q Well, how well is that? A Well, I married her son.
- Q You married her son, did you? A Yes sir.

By Attorney.

- Q Whose son was it you married? A Nancy Thompson's.

By the Commission.

- Q That is Sarah Shaw's mother? A Yes, sir.
- Q And Robert Shaw's grandmother? A Yes, sir.
- Q And so, in that way, by inter-marriage, you became a member of the family? A Yes sir.
- Q And in the family, and in the neighborhood, you have heard that Nancy Rector, or Nancy Thompson, whose maiden name was Nancy Rector, had some Indian blood? A Yes sir.
- Q What was her husband's name? A Thompson. John Thompson.
- Q Did he have any Choctaw blood? A No, sir.
- Q He was a white man was he? A Yes, sir.
- Q What was Nancy Rector's personal appearance? A She had all the appearance of Indian that ever anybody had, not to be a full blood.
- Q What were those. Just describe her complexion, and her hair and eyes? A Well, she was dark complexioned, black eyes, very straight black hair. Her hair was black when she died. Never did turn gray. Had very high cheek bones, and was very erect and straight.
- Q What was her Indian name, if you know whether she had any? A I do not know.
- Q You don't know then, whether she had an Indian name? A No, sir, I don't.
- Q You knew her very well, didn't you? A Yes, sir.
- Q But never heard her Indian name? A No sir.
- Q You are a member of the family by inter-marriage? A Yes sir.
- Q Did she speak the Choctaw language? That is, Nancy Thompson, whose maiden name was Rector? A No, I never heard her.
- Q Did you know Sarah Shaw? A Yes sir.
- Q Sarah Thompson? A Well, she was a Thompson before she married Shaw. Her name was Sarah Thompson.
- Q Ed Thompson? A That's my son. Rec. Thompson's son.
- Q Josephine Smith? A Yes sir.
- Q Beulah Smith? A Yes, sir, I knew her.
- Q James H. Pilkinton? A Yes sir.
- Q Jennie Vera Lewis? A Yes sir.
- Q Caldonia Wuffman? A Yes, sir.
- Q Mary I. Lee? A Yes sir.
- Q William R. Kyle? A Yes sir.
- Q Amelia Terrence Kyle? A Yes sir.
- Q Lee Kyle? A Yes sir.

(11).

- Q James W. Shaw? A Yes sir.
- Q Mary I. Shaw? A Yes sir.
- Q Are those all descendants of the same common ancestor, Nancy Thompson, whose maiden name was Nancy Rector? A Yes, sir, every one of them.
- Q Whatever Choctaw blood they possess they claim through her? A Yes sir.
- Q Right in that line? A Yes sir.
- Q Then all these names that I have read to you, are all descended as you state, from the same common ancestor? A Yes sir, all come from the same family.
- Q And their right to be identified is identical with the right of Robert G. Shaw, or Gid, as you call him? A Yes sir.
- Q Are any of those parties dead whose names I have read to you? A Well, Sarah Shaw is dead.
- Q When did she die? A She died last March.
- Q Where did she die? A She died here in the Territory.
- Q What place? A Not far from Ardmore.
- Q What age was she when she died? A She was sixty-eight years old.
- Q Are the rest living? All the rest living? A Yes sir.
- Q Do you know James O. Thomas? A In Mississippi?
- Q Yes? A Yes sir.
- Q Who is he? A Well, he's older than I am, I expect, some.
- Q Is he a white man? A Yes sir.
- Q And where did he live? A He lived in Oktibbeah County, in Mississippi.
- Q In Starkville? A Near Starkville.
- Q What is his occupation, or was it when you knew him? A Farming.
- Q What particular knowledge had he of Nancy Thompson? A Well, he had more knowledge of them than I had, for he knew them longer. He knew pretty well all about 'em.
- Q In his testimony, given at Meridian, on Monday, July 1, 1901, he has given the name of the person whom you say was Nancy Thompson, and whose maiden name was Nancy Rector, as Nancy Dexter. Is that a mistake? A Well, they often called him Dexter.
- Q They, in the neighborhood, called her Dexter? A No, called him. His name was John Thompson. Some of them called him Dexter John. That was a nickname.
- Q Well, I wanted to straighten out why they called her Nancy Dexter when her name was Nancy Rector. A He just called her by the nickname.
- Q He means Nancy Rector when he says Nancy Dexter? A Yes, he made a mistake.
- Q And that was a nickname and it applied to Nancy? A Yes sir. They ought not to give the name that way, but it's what he was called.
- Q He also says that her Indian name was Washotubbe. You say you have no knowledge of any Indian name? A No, sir, I didn't know it.
- Q In the application made by E. G. Shaw, or Robert G. Shaw, for a re-hearing, he states that he will be able to prove the Indian name of his ancestors, and also that that ancestor appeared before the Indian Agent in the State of Mississippi within six months from the ratification of the treaty of 1830, and gave the Indian Agent their name Washitube, he has it in his application, and that they signified their intention of taking land and remaining in the State of Mississippi as the fourteenth article provides. In his application he further states "This we are now able to prove." Now, I will ask you, as a witness in his behalf, if you

(12).

- know whether Nancy Thompson, whose maiden name was Nancy Rector, did appear before Colonel Ward, who was the Indian Agent in Mississippi in 1830, and did declare to him her intention to remain in Mississippi and take land there, and become a citizen of the United States? A I don't know.
- Q Did you ever hear from any member of the family, or hear in any other way from any other source, that she or her son Dexter Thompson, or any other ancestor of Robert G. Shaw, and these other parties who claim through the same common ancestor, ever went to the United States Indian Agent, whose name was Colonel Ward, and told him that they wanted to stay in Mississippi and take land there and become citizens of the United States? A No.
- Q Do you know of any person in the world who would be likely to know anything in reference to that matter? A No, sir, I do not.
- Q Do you know whether Nancy Thompson, or her son Dexter, or Rector Thompson rather, or any other ancestor of Robert G. Shaw and of these other applicants, ever held any improvement on land in Mississippi in 1830? A No, sir, I don't know that they did.
- Q What was the name of the ancestor of Robert G. Shaw, and these other parties who claim through the same common ancestor, who lived in the state of Mississippi in the year 1830? A Well, Nancy Rector was her name---Nancy Thompson was.
- Q Did Nancy Thompson live in Mississippi in 1830, seventy-one years ago? A The old ancestor didn't I don't think. I don't know that she did, but Sarah Shaw's mother did.
- Q Then, as I understand you, this Nancy Thompson, whose maiden name was Nancy Rector, lived in Mississippi in 1830? A Yes sir, I think so. That's been my understanding.
- Q Do you know what the name of her father was? A No, sir.
- Q Or the name of her mother? A Nancy is all that I ever heard.
- Q Her mother's name was Nancy? A Yes sir.
- Q Through which parent did she claim her Choctaw blood, do you know? A Her mother.
- Q Her mother Nancy? A Yes sir.
- Q Her father was a white man? A Yes sir.
- Q And her mother was how much Choctaw Indian? A I don't know.
- Q Did Nancy Thompson have children living in Mississippi in the year 1830? A Yes, sir.
- Q Do you know any of them or know who they were? A Yes, sir my husband was one of them.
- Q Is he dead now? A Yes, sir.
- Q When did he die? A He died in '75.
- Q In '75? A Yes, sir.
- Q Twenty-six years ago? A Yes sir.
- Q How old was he when he died? A He was fifty-three years old.
- Q Fifty-three, and died in '75. He was living then in 1830? A Yes sir.
- Q Born a little before that? A Yes sir.
- Q In Mississippi? A Yes, sir.
- Q His mother was living at that time---that is for sometime after that. For two years after that? A Yes sir.
- Q Did he have any elder brothers and sisters? A No sir, he was the oldest child.
- Q Then according to your statement that you have made, Nancy Rector who afterwards married John Thompson, lived in Mississippi in 1830, and had one child at least, who was your husband. A Yes, sir, I don't know how many. That was before I got acquainted with them.
- Q What was your husband's name? A Rector---Rector Thompson.

(13).

- Q Do you know whether Nancy Thompson, or any of the Choctaw ancestors of Robert G. Shaw and these others that claim through the same common ancestor, whose cases are consolidated with his, ever claimed or received any land in Mississippi from the United States Government as Choctaw Indians under the provisions of Article fourteen of the treaty of 1830? A I do not.
- Q You were born two years after that treaty was ratified? A '32.
- Q Did you ever hear about the treaty? Did they use to talk about it so that you heard about it? A Yes, sir, they talked about it but very little against I grew up to think anything and know anything about it, it wasn't talked about a great deal.
- Q Do you know where that treaty was made? A No, sir.
- Q Did you ever hear it was made at Dancing Rabbit Creek? A No sir.
- Q Did you ever hear what it was made for? That it was made for the purpose of having the Indians who lived in Mississippi and Alabama come to the Choctaw Nation Indian Territory? A Yes sir.
- Q Did any of your Choctaw ancestors, or did any of Robert G. Shaw's ancestors come from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1836 do you know? A No sir, I don't know.
- Q Did you ever hear when that treaty was talked about, when you get old enough to understand, did you ever hear anything about the United States Indian Agent, Colonel Ward? A No sir.
- Q Never any talk about him in the family at all? A No sir.
- Q Never any talk about any of your husband's ancestors and Robert G. Shaw's ancestors going to him either? A No sir.

By Attorney.

- Q To the motion for re-hearing in this case allege that Robert G. Shaw's common ancestor was enrolled by Colonel Ward? The applicants has---have never alleged that Colonel Ward was the Agent that identified the Indians in 1830.

By the Commission.

In answer to the question of the Attorney who represented the applicants in this case, the Commission states that:

"Robert G. Shaw, who is the applicant Robert G. Shaw, in his letter to the Honorable Secretary of the Interior, Washington, D. C., dated at Ardmore, I. T. April 10, 1901, upon which letter and the statements contained therein his application for a re-hearing was granted, made the statement in part:

"We have learned that our ancestor who we claim our Indian blood through had an Indian name. This we did not know when we appeared before the Commission in the Month

(14)

of June, 1900, and our ancestor in this Indian name appeared before the Indian Agent in the State of Mississippi within six months from the ratification of the treaty of 1820, and give the Indian Agent their name and signified their intentions of taking land and remaining in the State of Mississippi as the fourteenth article provides. This we are now able to prove, and we now wish you to advise us whether we can at this date introduce this evidence for we did not know it at the time we appeared before the Commission and have only learned of it in the last few days. Please advise us whether we can submit this evidence in the form of affidavits or whether we will be required to present these witnesses in person and if we are to bring these witnesses in person advise us when we must take them before the Commission."

Now as I understand it, Mr. Arnold, this witness is introduced here in order to substantiate the statements made in this letter of R. G. Shaw's.

By Attorney.

No, sir, that witness isn't introduced for that.

By the Commission.

Well, why do you bring this witness here then at a continuing of a case that was re-opened as this case?

By Attorney.

I didn't bring this witness here for the re-opening of the case in question.

By the Commission.

The records show-----.

By Attorney.

The records show that this case was booked for to-day, Mrs. Shaw being one of the parties. The object of this witness is to show that she is the mother of this applicant, and this applicant is a daughter of Reester Thompson.

By the Commission.

Well, that is all you expect to show, but don't you suppose the Commission has a duty to perform here? A

By Attorney.

Certainly.

(15).

By the Commission.

You are representing this client. You will see from the quotation from this application here why the case was re-opened and why it was heard in Meridian, Mississippi, July 1 and 2, and then it was continued from there here at this date for the purpose of going into the subject mentioned here in this letter.

By Attorney.

I have no objection to your asking this witness any question that you want to as often as you want to. Just go ahead.

By the Commission.

I know you have no objection, but I wanted to know your position. That is all you expect to prove by this witness?

By Attorney.

Yes, sir.

By the Commission.

Now you would like to have a continuance you said. Will you make your motion now so it can be put in the record?

By Attorney.

I would like to have a continuance, a reasonable time for the purpose of refuting W. A. Telle's testimony.

By the Commission.

This motion will be taken under advisement of the Commission. You will be notified as to whether it will be granted, and if granted at what time. It is admitted by you then is it, that this witness knows nothing in reference to the statements here made as to a compliance of the ancestors of Robert G. Shaw with Article fourteen of the Treaty of 1830, and is not brought here for that purpose?

By Attorney.

It is submitted by me that I preferred the witness and the witness has not claimed any knowledge of the ancestors of Robert G. Shaw having complied with the provisions of the fourteenth article of the Treaty of 1830. That she has no knowledge of it. She had never claimed it to me.

By the Commission.

As far as the purpose of this witness on this date is concerned in this case of Robert G. Shaw et al., and of those other cases that are consolidated therewith, no testimony can be given on that point. Is that right?

By Attorney.

further than has been brought out.

(16).

By the Commission.

Do you wish to cross-examine the witness?

By Attorney.

No, sir. I would like to have the case set for re-hearing first at Meridian and then here, to refute A. Tello's testimony.

By the Commission.

After the Commission has taken the matter of a continuance asked for at Meridian and Atoka into consideration, a date will be fixed upon for the hearing, and W. Arnold, counsel for these parties will then be notified as to the time and place set for the re-hearing.

Witness excused.

Hal Welford, 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 causes, in the re-hearing of the same at Atoka, Indian Territory, October 7, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said causes on the said day of October, 1901.

Hal Welford

Subscribed and sworn to before me this 9th day of November, 1901.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, October 5, 1900.

Hudson & Arnold,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 3rd instant enclosing papers offered for filing in the matter of the application for identification as a Mississippi Choctaw of Cera Lewis.

You are informed that the same have been duly filed and made a part of the record in this case.

Yours truly,

Acting Chairman.

M. C. R-710.

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.

Muskogee, Indian Territory, June 10, 1901.

Mrs. Jennie Cora Lewis,

Ardmore, Indian Territory.

Dear Madam:

There is enclosed you herewith a copy of the Commission's decision refusing your application for identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

M.C.R. 710.
Enc-Dec-No. 5

Waskagee, Indian Territory, August 22, 1901.

Jennie Cora Lewis,
Ardmore, Indian Territory.

Dear Madam:-

At the office of the Commission to the Five Civilized Tribes at Atoka, Choctaw Nation, Indian Territory, on Tuesday, August 20th, 1901, upon a motion duly made by ~~the~~ Attorney for the several applicants in the cases of Robert G. Shaw, et al., for identification as Mississippi Choctaws, the hearing of further testimony of ~~the~~ witnesses in person was continued until Monday, October 7th, 1901, at 9:00 o'clock A. M., at the office of the Commission at Atoka, Choctaw Nation, Indian Territory.

Yours truly,

M.C.R.710.

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES.
C. R. BRACKINRIDGE

ALLISON L. AVLESWORTH,
SECRETARY

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

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ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

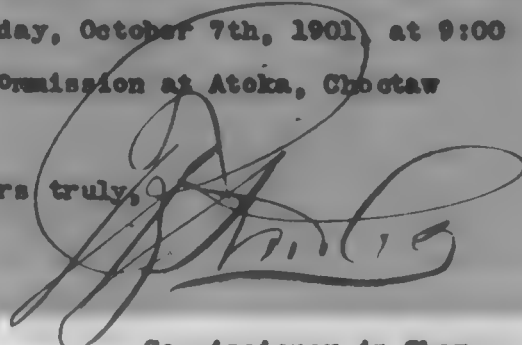
Muskogee, Indian Territory, August 23, 1901.

Jennie Cora Lewis,
Afdmore, Indian Territory.

Dear Madam:-

At the office of the Commission to the Five Civilized Tribes at Atoka, Choctaw Nation, Indian Territory, on Tuesday August 20th, 1901, upon a motion duly made by attorney for the several applicants in the cases of Robert G. Shaw et al., for identification as Mississippi Choctaws, the hearing of further testimony of witnesses in person was continued until Monday, October 7th, 1901, at 9:00 o'clock A.M., at the office of the Commission at Atoka, Choctaw Nation, Indian Territory.

Yours truly,



Commissioner in Charge.

M.C.R.710.

COPY.

M C R 710

Muskogee, Indian Territory, March 3, 1902.

Jennie Cora Lewis,

Ardmore, I. T.

Dear Madam-

You are hereby advised that on the 3rd day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Robert G. Shaw, et al., embracing the following applications for identification as Mississippi Choctaws:

Robert G. Shaw, et al.,	M.C.R. 133
Sarah Shaw,	M.C.R. 134
Sarah Thompson,	M.C.R. 135
Josephine Smith,	M.C.R. 137
James H. Pilkinton, et al.,	M.C.R. 139
Beulah Smith,	M.C.R. 138
Ed Thompson, et al.,	M.C.R. 136
Jennie Cora Lewis,	M.C.R. 710
Anelia Terressa Kyle, et al.,	M.C.R. 932
William R. Kyle,	M.C.R. 737
Lee Kyle,	M.C.R. 933
Mary E. Lee, et al.,	M.C.R. 734
Caldonia Huffman, et al.,	M.C.R. 728
James W. Shaw, et al.,	M.C.R. 1124
Mary I. Shaw,	M.C.R. 2891

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 26, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

J. C. L. -----2.

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Robert G. Shaw, Velmer Shaw, Ola B. Shaw, Loring Shaw, Sarah Shaw, Josephine Smith, James H. Pilkinton, Annie Pilkinton, Willie Pilkinton, James A. Pilkinton, Beulah Smith, Ed Thompson, Prince Thompson, Rector Thompson, Henry Thompson, Georgia Thompson, Nellie Thompson, Jennie Cora Lewis, Amelia Terressa Kyle, Chalmers Guy Kyle, Thomas Robert Kyle, William R. Kyle, Lee Kyle, Mary E. Lee, Velma Hodnett, Lud Hodnett, Estella Lee, Talmidge Lee, Willie Esten Lee, Caldonia Huffman, Oscar Chilcote, Ulie Huffman, James W. Shaw, Joe Shaw, Tom Shaw, Robert Shaw, William Shaw, Arizona Shaw, Clark Shaw, John Shaw, Frank Shaw, Lester Shelley Shaw and Mary I. Shaw as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicant Sarah Thompson, withdrawing the application which she made for the identification of herself as an intermarried Mississippi Choctaw, no further consideration of her case is necessary.

"It is further the opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Robert G. Shaw for the identification of his wife Ida M. Shaw, and the application made by James H. Pilkinton for the identification of his wife Cannie Pilkinton, and the application made by Ed Thompson for the identification of his wife Jennie Thompson, and the application made by Mary E. Lee for the identification of her husband Herbert Lee, and the application made by Caldonia Huffman for the identification of her husband Albert Huffman, as intermarried Mississippi Choctaws should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tams Dixey

Commissioner in Charge.

Registered.

M. C. R. 710

Muskogee, Indian Territory, May 9, 1902.

Jennie Cora Lewis,
Ardmore, Indian Territory.

Dear Madam:-

You are hereby advised that on the 1st day of May, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert G. Shaw, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

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SEP 20 1900

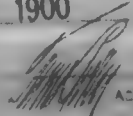
Jennie Cora Lewis. 19.
Ardmore, Ind. Per.

FATHER: Ed. Thompson - ✓
MOTHER: Jennie Thompson - ✓
Claims through father.

Claims for herself only.

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

FILED
SEP 20 1900


ACTING CHAIRMAN.

MCR # 710.

Original testimony and
exhibits in this case
forwarded to Muskogee
for the reason that
further hearing has
been granted at Me-
ridian, Miss.

ATB.

JUN 7- 1901

R# 710

IDENTIFICATION AS
MISSISSIPPI CHOCTAW.


REFUSED.

Eric Corn Lewis.

WRITTEN FEB. 23, 1901, H.H.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

JUN. 10 1901


ACTING CHAIRMAN

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

R #710.

REFUSED.

Jennie Cora Lewis.

Judgment written Feb. 23, 1901. H. H.

6/7/1901
Further hearing to be given in this
case at Meridian Miss

3 25 Recd

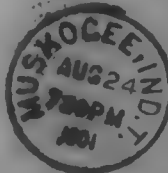
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Jennie Cora Lewis
~~Admora~~

Unclaimed.

Jess Lee



me R 710

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THE INDIAN
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 2 1901

[Signature]
ACTING COMMISSIONER

Choc. MCR 711

Andrew J. Cox

MCR 711

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 Muskogee, I. T., September 20, 1900.

In the Matter of the Application for Identification as Mississippi Choctaws of Andrew J. Cox, for him self and one minor child.

Andrew J. Cox, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Andrew J. Cox.
 Q What is your age? A 68 years.
 Q What is your postoffice address? A Caddo, I. T.
 Q How long have you lived in Caddo? A About 3 months.
 Q Where did you live previous to coming to Caddo? A Mississippi.
 Q Had you always lived in Mississippi previous to coming to Caddo, I. T.
 A Yes, I was raised there.
 Q What is your father's name? A Daniel Cox.
 Q Is he living or dead? A Dead.
 Q What is your mother's name? A Nancy.
 Q Is she living? A No, she is dead.
 Q Through whom do you claim your Choctaw blood? A My father.
 Q Is your mother a white woman? A Yes sir.
 Q How much Choctaw blood do you claim your fether had? A He claimed 1/2.
 Q And you claim how much? A 1/4
 Q Was the name of your father on any of the tribal rolls of the Choctaw Nation? A I don't know; I don't reckon it is
 Q Did he ever make application to the Choctaw tribal authorities for citizenship? A If he did, I don't know it.
 Q Has he ever been recognized in any manner by the tribal authorities of the Choctaw Nation as a citizen? A I don's suppose so.
 Q Is your name on any of the tribal rolls of the Choctaw Nation?
 A No sir.
 Q Did you ever make application to the tribal authorities for citizenship in the Choctaw Nation? A No sir.
 Q Have you ever been recognized in any manner by the authorities of the Choctaw Nation as a citizen thereof? A Not as I know of.
 Q Did you, or did anyone for you, in the year 1896, make application to this commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States court on appeal from the decision of this Commission, or the tribal authorities? A No sir.
 Q Have you ever, prior to this time, made application to the auctorities of the Choctaw Nation or of the United States, for citizenship or enrollment as a Choctaw? A No sir.
 Q What is your purpose in making this application; to become identified as a Mississippi Choctaw, or enrolled as a Choctaw?
 A Identification as a Mississippi Choctaw.
 Q Under what law do you claim identification as a Mississippi Choctaw? A The 14th article of the treaty of 1830.
 Q Are you familiar with the provisions of that treaty? A No sir.
 Q Have you ever read that article? A No, very little of it; I read a little of it.
 Q Do you claim under any other portion of the treaty of 1830 besides the 14th article? A No sir.
 Q Do you claim under any other treaty that that treaty of 1830?
 A I don't know that I do.
 Q Have you any proof of the fact that any of your ancestors were ever

2-Andrew J. Cox.

recognized or enrolled citizens of the Choctaw tribe of Indians at the time the treaty was made between the United States and the Choctaw Indians in 1830, and that any of your ancestors received any lands in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1900? A No sir.

Q I will read what the Commission requires: That they exhibit proofs showing compliance with the provisions of that article either by themselves or their ancestors; and that in each and every case, exhibits of records and documents, properly verified, showing these facts. Have you any such documents? A No sir.

Q Have you any documentary evidence or affidavits that you want to file at this time in support of your application for identification as a Mississippi Choctaw? A Yes sir.

By Attorney Poole: We ask thirty days in which to prepare and file documentary evidence. Granted.

Q Are you married? A No, I am a widower.

Q What was your wife's name? A The last wife was named Mary S. Cox

Q That the mother of this son you are making application for? A Yes

Q She is dead, you say? A Yes sir.

Q When were you married to Mary S. Cox? A In '71.

Q Was she a white woman? A Yes sir.

Q What is the name of the son for whom you claim? A John Strong Cox

Q How old is he? A 19 years.

Q Have you your marriage license and certificate? A No, unless I go back for proof.

Q Do you wish an opportunity to file it with the evidence? A Yes.

Q Is there any additional statement that you desire to make? A No.

By Mr. Poole, attorney for applicant:

Q Did you ever have any notice, or did you know in any other way, that it was necessary for you to make application to the Dawes Commission in the year 1896 for citizenship in the Choctaw Nation in the Indian Territory? A No sir.

Q You knew nothing of that requirement? A No sir.

The decision of the Commission as to your application on your own behalf, and on behalf of your minor son after identification as Mississippi Choctaws, will be mailed to you in writing in the near future to your present postoffice address.

-----o-----

Frances R. Brown, being first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 20th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this ^{27th} day of ~~October~~ ^{September}, 1900.

Guy L. Emerson
Notary Public.

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

In the matter of the application of Andrew J. Cox for identification for himself and his minor child, John Strong Cox, as Mississippi Choctaws.

D E C I S I O N

The record in this case shows that Andrew J. Cox appeared before the Commission at Muskogee, Indian Territory, September 20, 1900, and there made application for identification for himself and his minor child, John Strong Cox, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No. 162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application of Andrew J. Cox for identification for himself and his minor child, John Strong Cox, as Mississippi Choctaws, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY,

ACTING CHAIRMAN.

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

In the matter of the application of Mary Etta Josephine Johnson for the identification of herself and minor children as Mississippi Choctaws and for the identification of her husband as an intermarried Mississippi Choctaw heard at Colbert Indian Territory June 19, 1900, M. C. R. 335.

In the matter of the application of Dora Ann Cutts for the identification of herself and minor children as Mississippi Choctaws and for the identification of her husband as an intermarried Mississippi Choctaw heard at Colbert, Indian Territory, June 19, 1900 M. C. R. 337.

In the matter of the application of Mint Aswalt for identification of himself and minor children as Mississippi Choctaws and for the identification of her husband as an intermarried Mississippi Choctaw heard at Colbert, Indian Territory June 19, 1900, M. C. P. 356.

In the matter of the application of Maggie Box for the identification of herself and minor child as Mississippi Choctaws and for the identification of her husband as an intermarried Mississippi Choctaw heard at Muskogee, Indian Territory September 20, 1900 M. C. R. 709.

In the matter of the application of Andrew J. Cox for the identification of himself and minor child as Mississippi Choctaws heard at Muskogee, Indian Territory September 20, 1900 M. C. R. 711.

In the matter of the application of John W. Cummings for identification as a Mississippi Choctaw heard at Muskogee, Indian Territory September 20, 1900, M. C. R. 712.

In the matter of the application of Daniel J. Johnson for the identification as Mississippi Choctaws of himself and minor child and for the identification of his wife as an intermarried Mississippi Choctaw heard at Muskogee, Indian Territory September 20, 1900 M. C. R. 714.

In the matter of the application of Lucy Hull for the identification of herself and minor children as Mississippi Choctaws heard at Muskogee, Indian Territory, October 24, 1900, M. C. R. 922

In the matter of the application of Mollie Cummings for identification as a Mississippi Choctaw heard at Muskogee, Indian Territory October 24, 1900 M. C. R. 926.

In the matter of the application of Charles A. Cummings for identification as a Mississippi Choctaw heard at Muskogee, Indian Territory October 24, 1900, M. C. R. 928.

In the matter of the application of John Franklin Hull for the identification as Mississippi Choctaws of himself and minor child ~~and for the identification of his wife as an intermarried Mississippi Choctaw~~ heard at Muskogee, Indian Territory October 24, 1900.

In the matter of the application of Daniel J. Cummings for the identification as Mississippi Choctaws of himself and minor children heard at Muskogee, Indian Territory November 16, 1900, M. C. R. 1041.

In the matter of the application for identification as Mississippi Choctaws of Emma Tedder and her minor children heard at Hattiesburg Mississippi December 19, 1900 M. C. R. 1150.

In the matter of the application for identification as a Mississippi Choctaw of Thomas H. Cox heard at Hattiesburg Mississippi December 19, 1900 M. C. R. 1152.

Andrew J. Cox the principal applicant and all the other applicants except the applicants for identification as intermarried Mississippi Choctaws and hereinafter specifically named apply for identification as Mississippi Choctaws by blood, claiming descent from Daniel J. or Daniel Cox, deceased, who was possessed of one half Choctaw Indian blood, and who married Nancy Cox a white woman, also deceased.

Daniel J. or Daniel Cox deceased was the father of Andrew J. Cox the principal applicant and Martha Ann Cummings nee Cox deceased.

The following descendants of the common ancestor Daniel J. or Daniel Cox deceased appear of record as applicants for identification as Mississippi Choctaws by blood:

Andrew J. Cox, his children
grandchildren and great
grandchildren.

(Lucy Hull nee Cox
and her children and
grandchildren
John F. Hull
and his child
Willie Hull
Mellie Cummings nee Hull.
Tip Hull
Lelar Hull
Harve Hull
Len Hull
Dock Hull
Jerry Hull
Olley Hull.

(Emma Tedder nee Cox
and her children
Reuben Tedder
Cora Tedder
Charley Tedder
Floyd Tedder
Thomas H. Cox
George Strong Cox

(Mary Etta Josephine Johnson
 nee Cummings
 and her children and
 grandchildren

(Dora Ann Cutts nee Johnson
 and her children

(Mary A. Cutts
 (Zuby Cutts

(Daniel J. Johnson and his
 children

(Arnold Johnson

(Mint Oswald nee Johnson
 and her children

(Curtis Oswald

(Myrtle Oswald

(Lola C. Oswald

(Maggie Box nee Johnson
 and her child

(Clara May Box

(Frances A. Johnson

(~~George P.~~ Johnson

(George W. Johnson

(Wilmer H. Johnson

(Charles J. Johnson

(Euel Johnson

(Child of William H. Cummings

(Charles A. Cummings

(John W. Cummings

(Daniel J. Cummings and his chil-
 dren

(Joseph A. Cummings

(Daniel P. Cummings

(Essie Cummings

(Frankie Cummings

(Grever Cummings

(Archie Cummings

(Henry H. Cummings.

Children, grandchildren
 and great grandchildren
 of Martha Ann Cummings
 nee Cox deceased.

William H. Cummings who it is shown is a descendant of the
 common ancestor Daniel J. or Daniel Cox has failed to enter appear-
 ance or in any manner prosecute before this Commission any rights
 which he may have as a Mississippi Choctaw.

R e s i d e n c e .

The proof shows that all of the applicants were born in the
 state of Mississippi. Applicants in cases , M. C. R. 335, M. C. R. 3
 337, M. C. R. 356, M. C. R. 709, M. C. R. 711, M. C. R. 712, M. C. R.
 714 and M. C. R. 1041 have resided in the Indian Territory for period
 of time from ten days to three weeks prior to the dates of applica-
 tions. All of the other applicants are residents of the state of

Texas.

The proof of Indian descent consists of affidavits of Car Harpole, John Williams and W. M. Capp, who depose that they were well acquainted with Daniel Cox, Andrew J. Cox and Martha Ann Cummings nee Cox, and that they were Choctaw Indians by blood and they had the physical appearance and features of Choctaw Indians and were so recognized by all their neighbors and acquaintances. There are also filed the affidavits of Sarah C. Shaw, Donie Hoffman, Robert G. Shaw and Ed Thompson, who depose that they knew Martha Cummings, the mother of Josephine Johnson and that she was recognized by all her neighbors and acquaintances in the state of Mississippi as being part Choctaw Indian by blood.. Affiants Car Harpole John Williams and William Capp reside in the state of Mississippi. Affiants Sarah G. Shaw, Donie Hoffman and Robert G. Shaw reside in the Indian Territory.

The applicants testify orally that they are descendants of Daniel J. or Daniel Cox; that they have no knowledge of compliance on part of the said Daniel Cox with any of the provisions of the 14th article of the treaty of 1830. No evidence has been offered either oral or documentary, to prove that the ancestors through whom applicants claim were recognized members of the Choctaw tribe of Indians in the old Choctaw Nation Mississippi and Alabama at the time of the conclusion of the treaty between the United States government and the Choctaw tribe of Indians in 1830, nor is there any evidence offered to prove that ancestors of applicants ever complied with or attempted to comply with any of the provisions of the 14th article of said treaty of 1830.

Note: Case M. C. R. 335 Mary Etta J. Johnson remanded by the Department August 1, 1901 for further hearing under instructions contained in Departmental letter of July 25, 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 20th, 1902.

Andrew J. Cox et al, M.C.R.711
Marietta J. Johnson et al, M.C.R.336
Dora Ann Cutts et al, M.C.R.337
Mint Oswalt et al, M.C.R.356
Maggie Box et al, M.C.R.709
John W. Cummings, M.C.R.712
Daniel J. Johnson et al, M.C.R.714
Lucy Hull et al, M.C.R.922
Mollie Cummings, M.C.R.926
Charles A. Cummings, M.C.R.928
John F. Hull et al, M.C.R.930
Daniel J. Cummings et al, M.C.R.1041
Ema Tedder et al, M.C.R.1150
Thomas H. Cox, M.C.R.1152

vs

The Choctaw and Chickasaw Nations.

APPEARANCES: J. E. Arnold, attorney for applicants;
no appearance for either the Choctaw or the Chickasaw Nation.

Testimony taken at Meridian, Mississippi, on the 20th day
of January 1902, on rehearing of the above styled and numbered cases.

Daniel J. Cummings, being first duly sworn, testified as
follows:-

Examination by the Commission.

- Q What is your name? A Daniel J. Cummings.
Q What is your age? A I am forty-five years old.
Q What is your postoffice address? A Ravia, Indian Territory.
Q Where did you live on the 16th day of November, 1900? A Caddo,
Choctaw Nation, Indian Territory.
Q Are you the Daniel J. Cummings who appeared before the Commission
at Muskegee, Indian Territory, on the 16th day of November, 1900, and
made application for the identification of yourself and seven minor
children as Mississippi Choctaws? A Yes sir.

By the Commission:

Mr. Arnold, what do you expect to prove by this witness?

Statement by Mr. J. E. Arnold:

I expect to prove by this witness that he is acquainted
with the relationship of the several different applicants
embraced in this hearing and to make the necessary correc-
tions in his statements made by him at the time he made his
application for identification; also to make some correc-
tions in the names of some of the applicants. There is
one member of this family, Eva Bryant, whose name is not
shown on the list of these cases in which additional tes-
timony is to be taken and we will ask that the testimony
of the witnesses taken here today be made to apply in

her case. She appeared before the Commission at Muskogee about the 20th day of September, 1900, and made application for the identification of herself and three minor children as Mississippi Choctaws. This witness does not know whether any of the ancestors of any of the applicants in these cases ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek.

Examination by the Commission.

- Q Mr. Cummings, what statement made by you on the 16th day of November, 1900, is it that you desire to correct at this time? A For one thing, the transcript of my testimony given the Commission at that time shows that I stated that the name of my wife is Mary Caroline Cox. Her name is, of course, Mary Caroline Cummings and her maiden name was Pierce. My testimony given before the Commission on the 16th day of November, 1900, shows that I claim to get my Choctaw blood only through my grandfather, Daniel J. Cox, when I told them there at the same time that I also got it through my grandmother, Nancy Cox. Her maiden name was Nancy Sims.
- Q Through which one of her parents did she get her Choctaw blood? A I don't know.
- Q Do you know the name of either of her parents? A No sir. I made a statement at the time I appeared before the Commission in 1900 that I had no recollection of seeing my grandfather Cox but I did my grandmother. She died at about eighty or eighty-one years of age. She died about '79.
- Q The transcript of your testimony taken at that time, Mr. Cummings, fails to show that any such statement was made at that time. How do you account for that? A I gave this information after my application was made-I didn't think of giving it at the time of my examination. I told Mr. Bell after I got up from the chair and I don't think any minute was made of it.
- Q You claim that your grandfather, Daniel Cox, was a half blood too, do you? A Yes sir.
- Q Then that would have made your mother, Martha Ann, a half blood Choctaw? A Yes sir.
- Q And you a quarter blood instead of an eighth blood? A Yes sir, well I only claimed an eighth.
- Q At the time you appeared before the Commission when asked the question "How much Choctaw blood do you claim", your answer was "one-eighth". If you were at that time possessed of information that your grandfather was a half blood and your grandmother a half blood, making your mother a half blood, how could you have testified that you were only an eighth? A You see I hadn't thought of my grandmother at that time and the question wasn't asked and after this all occurred I thought of it and I told him then that I had forgot to tell him as he hadn't put the question in regard to what my grandmother claimed. As to my grandfather I didn't remember seeing him but my grandmother claimed half.
- Q Do you know the name of the father or mother of Daniel Cox, your grandfather? A No sir.
- Q Was he older or younger than your grandmother, Nancy? A I don't know.
- Q Are you acquainted with Andrew J. Cox? A Yes sir.
- Q Where does he live? A At Ravia, Indian Territory.

Andrew J. Cox et al---3

- Q Is he any relation to you? A My uncle, my mother's brother.
- Q Is he married? A He has been married three times and is a widower.
- Q Did he have any children by his third wife? A Yes sir.
- Q What are the names of those children by his third wife? A T. H. Cox and Priscilla.
- Q Is Priscilla married? A No sir.
- Q Next one? A Jennie Cox, she is married, I think, now.
- Q To whom? A To a man by the name of Love.
- Q Any others? A Yes, John Strong Cox.
- Q How old is Priscilla? A I think she is twenty-five or about that.
- Q Has she made personal application to the Commission? A No sir.
- Q Has Jennie Love made application to the Commission? A No sir.
- Q What is the full first name of T.H.Cox? A Thomas, I think.
- Then he has a daughter by the name of Emma Tedder.
- Q Is she married? A Yes sir.
- Q What is her husband's name? A Alex Tedder.
- Q Is he a white man? A Yes sir.
- Q No Choctaw blood? A No.
- Q Is Emma Tedder by the first or second wife of Andrew Cox?
- A Second, I believe.
- Q What is Emma's mother's name? A I believe her name was Mollie; I am not positive about that.
- Q What was the name of Andrew Cox's third wife? A Her name was, her maiden name was Smith.
- Q What was her given name? A I couldn't tell you.
- Q Has Andrew any other children living? A Yes sir.
- Q How many? A He has-Lucy Hull.
- Q What is her husband's name? A Thomas H. Hull.
- Q A white man? A Yes sir.
- Q No Choctaw blood? A No.
- Q What is the name of Lucy Hull's mother? A I believe her name was Lucy.
- Q Is that all the children? A No, he has another child-a son by the name of Benjamin Franklin Cox, I believe.
- Q Has he ever been before the Commission? A No sir.
- Q Where does he live? A He lives I reckon in Leflore County, Mississippi.
- Q About how old a man is he? A I think he must be thirty-three or thirty-four.
- Q Is he married? A He has been married. I think his wife at this date is dead.
- Q Where does Jennie Love live? A She lives in Choctaw County, Mississippi.
- Q Where does Priscilla Cox live? A She lives with her father at Ravia, Indian Territory.
- Q Is that all the children of Andrew J. Cox? A I believe so. I believe that is all that are living.
- Q Do you remember the names of the children of Lucy Hull who are living? A I do part of them, there is Mollie.
- Q Is she married? A Yes sir.
- Q What is her husband's name? A Charlie Cummings.
- Q Next one? A John F. Hull, and Willie Hull.
- Q What are the names of the rest of these children? A Eva Bryant.
- Q What is her husband's name? A Sam Bryant.

- Q Is he a white man? A Yes sir.
- Q Where do they live? A At Matoy, Indian Territory.
- Q What Nation? A Choctaw Nation.
- Q Has she been before the Commission? A Yes sir, she appeared there in September, 1900.
- Q How many children has she? A Three.
- Q Do you remember their names? A No, I don't remember their names. I never saw the children but once.
- Q How many children are there? A I don't know that either.
- Q Do you know the names of the children of Emma Tedder? A No sir.
- Q Are you acquainted with one Mary Etta Josephine Johnson? A Yes sir.
- Q What relationship does she bear to you? A She is my full sister.
- Q Has she appeared before this Commission as an applicant for identification as a Mississippi Choctaw? A Yes sir.
- Q Has she any children living? A Yes sir.
- Q What are their names? A Dora Ann Klutts.
- Q How do you spell that? A K-l-u-t-t-s.
- Q Are you sure that is the correct spelling of this name? A Yes sir, Klutts.
- Q What is her husband's name? A John Klutts.
- Q Has he any Choctaw blood? A No sir.
- Q How many children have they? A They have two.
- Q Do you know their names? A No sir, I don't remember their names and they only live two or three miles from me.
- Q What is the name of the next one of your sister's children? A Daniel J. Johnson.
- Q Is he married? A Yes sir.
- Q What is his wife's name? A Mollie.
- Q How many children have they? A Two boys.
- Q What is the oldest one's name? A Ollon Arnold Johnson.
- Q Has Daniel's wife any Choctaw blood? A No sir.
- Q What is the name of the next one of your sister's children? A Mint Oswalt.
- Q Has her husband any Choctaw blood? A No sir.
- Q Have they any children? A Yes sir.
- Q How many? A They have three now.
- Q What is the name of the oldest one? A I couldn't tell you to save my life.
- Q What is the name of the next one of your sister Josephine's children? A Maggie Box.
- Q What is the name of her husband? A R. L. Box.
- Q What does that "R" stand for, do you know? A No sir.
- Q Has he any Choctaw blood? A No sir.
- Q Have they any children? A One-a girl-I don't know her name.
- Q How many more children has your sister Josephine, living? A Frances Alice.
- Q Next one? A John Thomas.
- Q Next one? A George Wesley.
- Q Next one? A Wilmer M., a girl .
- Q Next one? A Jeff.
- Q Is that Jeff or Charles? A Jeff.
- Q You never heard him called Charles? A No.
- Q About how old is he now? A About seven or eight years old.
- Q Next one? A Euel.
- Q Boy or girl? A Boy.

Andrew J. Cox et al---5

- Q Are any of these last six children married? A Yes, Alice married this last Summer.
- Q What is her husband's name? A Tom Hathcock.
- Q Has application been made to the Commission for all of the children of your sister Josephine whose names you have given? A Yes sir.
- Q Are you acquainted with William H. Cummings? A Yes sir.
- Q What relation is he to you? A He is my second cousin-he gets his Choctaw blood through a different common ancestor than the one through whom I get my Choctaw blood.
- Q Has he a son by the name of Charles A. Cummings? A Yes sir.
- Q The same Charles A. Cummings who is the son-in-law of Lucy Hull? A Yes sir.
- Q Are you acquainted with John W. Cummings? A Yes sir.
- Q What relation is he to you? A Full brother.
- Q Is he married? A No sir.
- Q He has been before the Commission, has he? A Yes sir.
- Q What was the name of your father? A Andrew J. Cummings.
- Q Is there any further statement you want to make at this time? A No sir, I don't know of anything more I want to say.

(Witness excused).

William M. Copp, witness in behalf of the applicants, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A William M. Copp.
- Q What is your age? A I will soon be fifty-seven years old.
- Q What is your postoffice address? A Ackerman, Mississippi.
- Q Choctaw County? A Yes sir.
- Q How long have you lived in Choctaw County? A About twenty years.
- Q Where did you live before that? A Winston County.
- Q How long did you live there? A I was there thirty-six or thirty-seven years.
- Q Were you born there? A Yes sir.
- Q What is your occupation? A Carpentering.
- Q Are you an applicant before this Commission for identification as a Mississippi Choctaw? A No sir.
- Q You have no Choctaw blood? A No sir, none that I know of.
- Q Are you acquainted with the applicant Andrew J. Cox? A Yes sir.
- Q Are you acquainted with the applicant Lucy Hull? A No sir.
- Q Are you acquainted with Rama Tedder? A Yes sir.
- Q Are you acquainted with Thomas H. Cox? A No sir.
- Q John Strong Cox? A Yes sir, I am with John Cox, a son of Andrew J. Cox. I know another son of Andrew J. Cox about five or six years older than John whom I have always known as Buster. I am informed that his name is Thomas.
- Q Are you acquainted with Mary Etta Josephine Johnson? A No sir, not personally. I have heard of her.
- Q Are you acquainted with John W. Cummings? A Yes sir.
- Q Are you acquainted with Daniel J. Cummings? A Yes sir.

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Q Are you acquainted with Charles A. Cummings? A Not personally acquainted with him.

Q Or with Maggie Box? A No sir.

Q Mint Oswalt? A Not personally acquainted with him.

Q Daniel J. Johnson? A Not personally acquainted with him. I have seen him a few times.

Q Dora Ann Klutts? A Never heard of her and I have never seen her.

Q Are you acquainted with John F. Hull? A No sir.

Q With Mollie Cummings? A No sir.

Q Are you related in any way to any of these applicants whom I have named? A No sir.

Q Are you interested in any way in the result of their applications? A No sir.

By the Commission:

Mr. Arnold, what do you expect to prove by this witness?

Mr. Arnold:-

I expect to prove by this witness that he is acquainted with Daniel Cox and his wife Nancy and that his wife Nancy was a half breed Choctaw Indian and that she is the mother of Martha Cummings and that she was a Choctaw Indian also and that Martha Cummings is the mother of Dan Cummings and Mary Rtta Josephine Johnson and John W. Cummings.

By the Commission:

Does this witness know whether any of the ancestors of any of these applicants ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek?

Mr. Arnold:

No, this witness does not know anything about whether they complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek, not any more than he heard Nancy Cox say that when the Indians were registering here in 1830, she tried to get her name in also. Just something like that.

By the Commission:

Then he does not know whether any of them ever complied or attempted to comply with the provisions of this 14th article of the treaty, or not? A No

Mr. Arnold:

No sir.

Examination by the Commission.

Q Were you ever acquainted with a woman by the name of Martha Ann Cummings? A No sir, I wasn't personally acquainted with her.

Q Do you know the name of her husband? A Andrew Cummings.

Q Were you acquainted with him? A Yes sir.

Q Did he have any Choctaw blood? A I don't know.

Q Did his wife have any Choctaw blood? A Yes sir.

Q How much did she have? A Well, old people tell me she was half.

Q You don't know of your own knowledge anything about that, do you? A No sir.

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- Q How much Choctaw blood has Andrew J. Cox? A He looked like he might be a quarter-I don't know.
- Q Was he any kin to Martha Ann Cummings, the wife of Andrew J. Cummings? A I reckon he was. I don't know what kin.
- Q Were you well acquainted with Andrew J. Cox? A Yes sir.
- Q Do you know the name of the father of Andrew J. Cox? A Daniel.
- Q Were you acquainted with Daniel? A No sir, I wasn't personally acquainted with him.
- Q Never saw him? A No sir.
- Q Do you know the name of Andrew J. Cox's mother? A I cant think now what her name was. It was Nancy I think.
- Q Were you acquainted with her personally? A I have seen her when I was a little boy.
- Q Do you remember that that was her name? A Nancy-Yes sir, she came to our house once or twice.
- Q Do you know the name of the father of Martha Ann Cummings, the wife of Andrew J. Cummings? A No sir, I don't remember her father's name.
- Q Do you know the name of the mother of Martha Ann Cummings, the wife of Andrew J. Cummings? A Nancy.
- Q Are you sure of that? A Yes sir, I am pretty sure of that.
- Q Is that the same Nancy that you have been testifying about? A The same woman, that is my understanding.
- Q Then Andrew J. Cox and Martha Ann Cummings were brother and sister, is that right? A I reckon so, I don't know.
- Q You never heard that they were, did you? A No sir, I never asked questions much about people.
- Q You spoke a while ago about Nancy being at your house? A Yes sir, she was at my house and she said that she was looking for land and that she was a Mississippi Choctaw. I thought she had Choctaw blood.
- Q When did you come to that conclusion? A A good while back. The reason I got to a studying on this thing I was asked by some of the old people if I knew any of these folks and I says, well-maybe I could recollect some things and I got to studying over the matter and I recollect that this woman came to our house and they called her Aunt Nancy and they said she was an Indian woman. I don't know.
- Q Do you know for certain that she was the mother of Andrew J. Cox? A From information I do. I don't with my own knowledge know it; from information from others, though-old people.
- Q Did they live anywhere near you at that time? A No sir, not at that time.
- Q But you learned afterwards that she was the mother of Andrew J. Cox? A Yes sir.
- Q Do you know whether Andrew J. Cox or any of his ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir, I don't know.
- Q Do you know the name of the father or of the mother of Daniel J. Cox? A No sir.
- Q Do you know the name of the father or mother of Nancy Cox? A No sir, I don't know.
- Q Do you know how much Choctaw blood Nancy Cox had? A No sir, only from hearsay.
- Q Do you know how much Choctaw blood Daniel Cox had? A I think he claimed a half.
- Q How much did Nancy claim? A She was a half. She looked dark.
- Q Are there any further statements you want to make? A No sir.
- (Witness excused).

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By J. E. Arnold:

We request that we be furnished with a copy of this testimony.

By the Commission:

This witness is a white man of average intelligence.

The hearing of further testimony in this case is continued from this, 4:30 P.M., January 20th, 1902, until tomorrow morning at nine o'clock A.M.

MERIDIAN, MISSISSIPPI, JANUARY 21st, 1902- 9 o'clock A.M.

Philip W. Fulgham, witness on behalf of the applicants, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Philip W. Fulgham.
Q What is your age? A I am sixty-three years old.
Q What is your postoffice address? A Double Springs, Oktibbeha County, Mississippi.
Q How long have you lived in Oktibbeha County? A I have lived there fifty-one or fifty-two years.
Q Where did you live before that? A In Alabama.
Q What place? A Bibb County, Alabama.
Q What is your occupation? A I am a farmer.
Q Are you related in any way to any of the applicants in this case?
A No sir.
Q Are you interested in any manner in the result of their applications? A No sir, not a bit.

By the Commission:

Mr. Arnold, what do you expect to prove by this man?

Mr. Arnold:

I expect to prove by Mr. Fulgham that he is acquainted with Daniel Cox and his wife Nancy and that they were Choctaw Indians and that he is also acquainted with their son Andrew J. Cox and with their daughter Martha Cox who married Andrew J. Cummings; that he is also acquainted with Daniel Cummings and that they are Choctaws. This witness does not know whether any of the ancestors of any of these applicants ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek.

Examination by the Commission.

- Q Are you acquainted with the applicant Lucy Hull? A No sir.
Q Are you acquainted with the applicant John P. Hull? A No sir.

- Q With the applicant Mollie Cummings? A I don't know whether I am acquainted with her or not.
- Q The wife of Charles A. Cummings? A No sir, I don't think I am acquainted with her.
- Q Are you acquainted with the applicant Eva Bryant? A No sir.
- Q Are you acquainted with the applicant Emma Tedder? A No sir.
- Q With the applicant Thomas H. Cox? A No sir.
- Q With the applicant John Strong Cox? A No sir.
- Q Are you acquainted with the applicant Mary Etta Josephine Johnson? A No sir.
- Q With the applicant John W. Cummings? A I don't know whether I am or not. I am acquainted with a good many of the Cummings. I am acquainted with one John Cummings but I don't know the other part of his name.
- Q Are you acquainted with the applicant Daniel J. Cummings, a brother of John Cummings? A Yes sir.
- Q Are you acquainted with the applicant Dora Ann Klutts? A No sir, I reckon not.
- Q With the applicant Daniel J. Johnson? A No sir.
- Q With the applicant Mint Oswald? A No sir.
- Q With the applicant Maggie Box? A I know Jerry Box, lives close to me, but I don't know his wife's name.
- Q Are you acquainted with the applicant Andrew J. Cox? A Yes sir, I am acquainted with him.
- Q Where does he live? A I don't know where he lives now-he used to live in Oktibbeha County.
- Q About how old a man is Andrew J. Cox? A I would suppose him to be sixty or sixty-five, may be seventy.
- Q When did you first meet him? A I first met him in Oktibbeha County.
- Q When? A I couldn't tell you exactly; it has been a good many years ago.
- Q Can you give us an idea when it was? A It has been between forty and fifty years ago, I reckon.
- Q Is he a Choctaw Indian? A He was, I think, a half breed.
- Q Could you swear positively that he is a half Choctaw? A I couldn't swear positively but that was the understanding that he was.
- Q Did he ever have any brothers or sisters? A He had a sister, I think her name was Polly Ann, if I am not mistaken.
- Q Do you know what her husband's name was? A She married Jack Cummings, I think. He was known by that name in our neighborhood.
- Q Was she a full sister of Andrew J. Cox? A I suppose she was.
- Q Were you well acquainted with her? A Only tolerable, I met her several times.
- Q Do you know the name of the father of these two people? A Daniel Cox.
- Q Do you know the name of their mother? A Nancy Cox.
- Q Were you acquainted with these two people, Daniel and Nancy Cox? A Yes sir, personally-I never knew much about them-they lived about five miles from me.
- Q In Oktibbeha County? A Yes sir.
- Q When did they die? A I couldn't tell you.
- Q About when? A They have been dead a good smart while. They were tolerable old people when I knew them. It has been I expect forty years ago.
- Q Were they Choctaw Indians? A They had some Choctaw blood in them.
- Q Do you know how much? A No sir, I do not, I suppose about half.

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Q Did they speak or understand the Choctaw language? A I don't know that I ever heard them speak the language.

Q You don't know, then? A No sir.

Q Did any of the ancestors of any of these applicants ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A It was my understanding that they complied.

Q Do you understand what I mean-did they ever comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know that I understand you yet.

Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A I don't know that I do.

This treaty was made here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. The object of the treaty was to get these Indians to leave this country and go out to the Choctaw Nation, Indian Territory, and this 14th article was put in there for the benefit of those Choctaws who wanted to stay here and not go out west. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the 14th article of the treaty of Dancing Rabbit Creek-now, did any of the ancestors of anyone of these applicants comply with the provisions or attempt to comply with the provisions of that 14th article here 71 years ago? A Not that I know of-I couldn't tell.

By Mr. Arnold:

I want to make a correction. In answer to the question as to who Andrew Cox's sister was, the witness said Polly Ann, her name was Martha Ann.

Examination by the Commission.

Q Do you remember whether her name was Polly Ann or Martha Ann?

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I think it was Martha. It has been a long time back.

By the Commission:

This witness is a white man of average intelligence.

This is all the evidence offered by either party.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, January 20th and 21st, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 22nd day of January, 1902, at Meridian, Mississippi.

L. B. Mosley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *J. M. [unclear]* Deputy.

V. F.
H. C. K.
C. F. W.
W. C. B.

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

In the matter of the application of Andrew J. Cox, et al., for identification as Mississippi Choctaws, consolidating the applications of

Andrew J. Cox, et al.,	M C R 711
Mary Etta Josephine Johnson, et al.,	M C R 835
Dora Ann Gatta, et al.,	M C R 837
Mint Oswalt, et al.,	M C R 856
Eva Bryant, et al.,	M C R 708
Maggie Box, et al.,	M C R 709
John W. Cummings,	M C R 712
Daniel Jackson Johnson, et al.,	M C R 714
Lucy Hull, et al.,	M C R 922
Mellie Cummings,	M C R 926
John Franklin Hull, et al.,	M C R 930
Daniel J. Cummings, et al.,	M C R 1041
Emma Tedder, et al.,	M C R 1150
Thomas Herschel Cox,	M C R 1152

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

The record in the above consolidated case shows that there were originally fourteen applications made separately by the parties named, at the times and places herein set forth, to-wit:

In the matter of the application of Andrew J. Cox, for the identification of himself, and his minor child, John Strong Cox, as Mississippi Choctaws, taken at Muskogee, Indian Territory, September 20, 1900.

In the matter of the application of Mary Etta Josephine Johnson, for the identification of herself, and her six minor children, Frances A., John P., George Wesley, Wilmer Nabel, Charles Jeff, and Paul Johnson, as Mississippi Choctaws, and for

the identification of her husband, Andy H. Johnson, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 19, 1900.

In the matter of the application of Dora Ann Cutts, for the identification of herself, and her two minor children, Mary A. and Zuby Cutts, as Mississippi Choctaws, and for the identification of her husband, John F. Cutts, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 19, 1900.

In the matter of the application of Mint Oswalt, for the identification of herself, and her two minor children, Curtis and Myrtle Oswalt, as Mississippi Choctaws, and for the identification of her husband, J. S. Oswalt, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 19, 1900.

In the matter of the application of Eva Bryant, for the identification of herself, and her three minor children, Molly, Jessie, and Harvey, as Mississippi Choctaws, taken at Muskogee, Indian Territory, September 20, 1900.

In the matter of the application of Maggie Box, for the identification of herself, and her minor child, Clara May Box, as Mississippi Choctaws, and for the identification of her husband, Rufus L. Box, as an intermarried Mississippi Choctaw, taken at Muskogee, Indian Territory, September 20, 1900.

In the matter of the application of John W. Cummings, for the identification of himself as a Mississippi Choctaw, taken at Muskogee, Indian Territory, September 20, 1900.

In the matter of the application of Daniel Jackson Johnson, for the identification of himself, and his minor child, Arnold Johnson, as Mississippi Choctaws, and for the identification of his wife, Molly Johnson, as an intermarried Mississippi

Cheetaw, taken at Muskogee, Indian Territory, September 20, 1900.

In the matter of the application of Lucy Hull, for the identification of herself, and her seven minor children, Tip, Lelar, Harve, Lem, Deek, Jerry, and Olley Hull, as Mississippi Cheetaws, taken at Muskogee, Indian Territory, October 24, 1900.

In the matter of the application of Mollie Cummings, for the identification of herself as a Mississippi Cheetaw, taken at Muskogee, Indian Territory, October 24, 1900.

In the matter of the application of John Franklin Hull, for the identification of himself and his minor child, Willie Hull, as Mississippi Cheetaws, taken at Muskogee, Indian Territory, October 24, 1900.

In the matter of the application of Daniel J. Cummings, for the identification of himself, and his seven minor children, Joseph Austin, Daniel Pearle, Essie, Frankie, Grover, Archie, and Henry Nelson Cummings, as Mississippi Cheetaws, taken at Muskogee, Indian Territory, November 16, 1900.

In the matter of the application of Emma Tedder, for the identification of herself, and her four minor children, Reuben, Gera, Charley, and Floyd Tedder, as Mississippi Cheetaws, taken at Hattiesburg, Mississippi, December 19, 1900.

In the matter of the application of Thomas Herschel Cox, for the identification of himself as a Mississippi Cheetaw, taken at Hattiesburg, Mississippi, December 19, 1900.

While these several applications have been consolidated, and are to be considered together as a whole, yet, in view of the varied proceedings had in each, it will be necessary to consider them, in a measure, separately.

Taking them in the order above named, we find from the record in the case of Andrew J. Cox, et al., that on September 20, 1900, the said Andrew J. Cox appeared before the Commission, at Muskogee, Indian Territory, and there made personal application for the identification of himself and his minor child, John Strong Cox, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians, who resided in the State of Mississippi in 1830, and took advantage of the provisions of article fourteen, of the treaty made between the United States government and the Choctaw Tribe of Indians, concluded September 27, 1830, and known as the Treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Daniel Cox, an alleged one half blood Choctaw, who married Nancy Cox, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Andrew J. Cox, and his minor child, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation, in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship, by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress of June 10, 1896. (29 Stats., 321.)

The only evidence offered in support of this application is the unsupported oral testimony of the principal applicant, wherein it is attempted to be shown that he was born in the State of Mississippi, in about the year 1852, and that at the time of

the making of his original application, he had been a resident of Indian Territory for about three months, and claims to be an one quarter blood Choctaw. He does not attempt to trace his alleged Choctaw descent any farther back than to his father, and there is nothing in his testimony which in any way tends to show that any of his alleged Choctaw ancestors were ever recognized members of the Choctaw Tribe of Indians in the State of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen, of the treaty of 1830.

The next in order of the above applications is that of Mary Etta Josephine Johnson, et al., and the record therein shows that on June 19, 1900, the said Mary Etta Josephine Johnson appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and her six minor children, Frances A., John P., George Wesley, Wilmer Mabel, Charles Jeff, and Euel Johnson, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians, who resided in the State of Mississippi in 1830 and took advantage of the provisions of article fourteen, of the treaty made between the United States government and the Choctaw Tribe of Indians, concluded September 27, 1830, and known as the Treaty of "Dancing Rabbit Creek", and for the identification of her husband, Andy H. Johnson, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Martha A. Cox, an alleged one half blood Choctaw woman, who married Jack Cummings, a white man, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Mary Etta Josephine Johnson, and her six minor children,

for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress of June 10, 1896. (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral testimony of the principal applicant, embraces the ex parte affidavits of W. C. Harpole, John Williams, W. M. Cope, Sarah C. Shaw, and Denis Hoffman. By the oral statement of the principal applicant it is attempted to be shown that she was born in the State of Mississippi in about the year 1854, and that for three months prior to the making of her original application, she had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. She does not attempt to trace her alleged Choctaw descent any farther back than to her mother, and there is nothing in her statement which tends to show that any of her alleged Choctaw ancestors were ever recognized members of the Choctaw Tribe of Indians in the State of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen, of the treaty of 1830, -- in fact, the applicant states positively that her ancestors never did comply with the provisions of that article. By the several ex parte affidavits filed herein, it is attempted to be shown that affiants were acquainted with the mother and grandfather of the principal applicant herein in the State of Mississippi, and that said persons were considered by

their neighbors and acquaintances in that State as being part Choctaw by blood; but there is nothing in said affidavits which in any way tends to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw Tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The next in order of the above applications is that of Dora Ann Cutts, et al., and the record therein shows that on June 19, 1900, the said Dora Ann Cutts appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and her two minor children, Mary A. and Zuby Cutts, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the State of Mississippi in 1830 and took advantage of the provisions of article fourteen, of the treaty made between the United States government and the Choctaw Tribe of Indians, concluded September 27, 1830, and known as the Treaty of "Dancing Rabbit Creek", and for the identification of her husband, John F. Cutts, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Mary E. Johnson, an alleged one eighth blood Choctaw, who married Andrew H. Johnson, a white man, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Dora Ann Cutts, and her husband and two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they

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ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress of June 10, 1896. (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of Robert G. Shaw, Ed Thompson, Donie Hoffman, and Sarah C. Shaw, and certified copies of the ex parte affidavits of W. C. Harpole, W. V. Cepp, and John Williams. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Mississippi in about the year 1872, and that for three months prior to the making of her original application she had been a resident of Indian Territory, and claims to be an one sixteenth blood Choctaw. She does not attempt to trace her alleged Choctaw descent any farther back than to her mother, and there is nothing in her statement which tends to show that any of her alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavits of Robert G. Shaw and Ed Thompson it is attempted to be shown that affiants are acquainted with one Josephine Johnson, whom they allege is the mother of Dora Klutts, and by the ex parte affidavits of Donie Hoffman and Sarah C. Shaw it is attempted to be shown that affiants were acquainted with one Josephine Johnson, nee Cummings, and with her mother, Martha Cummings, whom they allege was known

and recognized by all her neighbors and acquaintances in the State of Mississippi as being part Choctaw Indian.

NOTE.-- The affiants, Robert G. Shaw, Ed Thompson, Denis Hoffman, and Sarah C. Shaw are all applicants for identification as Mississippi Choctaws in the consolidated case of Susan Jane Tippit, et al., M C R 703.

By certified copies of the separate affidavits of W. C. Harpole, V. M. Copp, and John Williams it is attempted to be shown that affiants were acquainted with Daniel Cox, Andrew Cox, and Martha Cummings, nee Cox, in the State of Mississippi, whom they allege were known and recognized by their neighbors and acquaintances, as part Choctaw Indians by blood, but there is nothing in said affidavits which in any way tends to show the relationship of the persons mentioned with the principal applicant herein. There is nothing in the affidavits and certified copies of affidavits filed herewith which in any way tends to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw Tribe of Indians in the State of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The next in order of the above applications is that of Mint Gault, et al., and the record therein shows that on June 19, 1900, the said Mint Gault appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and her two minor children, Curtis and Myrtle Gault, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the State of Mississippi in 1830 and took advantage of the provisions of article

fourteen of the treaty made between the United States government and the Choctaw Tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek", and for the identification of her husband, J. B. Oswalt, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Jessie Johnson, an alleged one eighth blood Choctaw who married Andrew Johnson, a white man, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Mint Oswalt, and her husband and two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress of June 10, 1896. (26 Stats., 381.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of Robert G. Shaw, Ed Thompson, Louis Hoffman and Sarah G. Shaw, and certified copies of the ex parte affidavits of W. C. Harpole, W. H. Cupp and John Williams. By the oral statement of the principal applicant it is attempted to be shown that she was born in the State of Mississippi in about the year 1877, and that for three months prior to the making of

her original application she had been a resident of Indian Territory, and claims to be an one sixteenth blood Choctaw. She does not attempt to trace her alleged Choctaw descent any farther back than to her mother, and there is nothing in her testimony which in any way tends to show that any of her alleged Choctaw ancestors were ever recognized members of the Choctaw Tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, -- in fact, she states positively that her ancestors did not comply with that article. By the experts affidavits of Robert G. Shaw and M Thompson it is attempted to be shown that affiants are acquainted with one Josephine Johnson, whom they allege is the mother of Mint Gault, and by the affidavits of Donie Hoffman and Sarah C. Shaw it is attempted to be shown that affiants were acquainted with one Josephine Johnson, nee Cummings, and with her mother, Martha Cummings, whom they allege was known and recognized by all her neighbors and acquaintances in the State of Mississippi as being part Choctaw Indian.

NOTE.-- The affiants, Robert G. Shaw, M Thompson, Donie Hoffman, and Sarah C. Shaw are all applicants for identification as Mississippi Choctaws, in the consolidated case of Susan Jane Tippit, et al., M C R 785.

By the certified copies of the experts affidavits of V. C. Harpals, V. M. Copp, and John Williams it is attempted to be shown that affiants were acquainted with Daniel Cox, Andrew Cox, and Martha Cummings, nee Cox, in the State of Mississippi, whom they allege were known and recognized by their neighbors and acquaintances as part Choctaw Indian by blood, but there is nothing in said affidavits which in any way tends to show the relationship of the persons mentioned with the principal applicant herein.

There is nothing in any of the affidavits and certified copies of affidavits filed herewith which in any way tends to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. The record in this case further shows that on December 6, 1900, there was filed with the Commission a certificate of birth of Lola Celesta Oswalt, the infant child of the principal applicant and her husband, J. E. Oswalt, which child it is alleged was born on the fourth day of September, 1900. Said certificate is filed with and made a part of the original application of Mint Oswalt, et al., for identification as Mississippi Choctaws.

The next in order of the above applications is that of Eva Bryant, et al., and the record therein shows that on September 20, 1900, the said Eva Bryant appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of herself and her three minor children, Mally, Jennie and Harvey Bryant, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Sensing Rabbit Creek." The principal applicant claims descent from Lucy Hill, an alleged one eighth blood Choctaw woman who married Thomas Hill, a white man, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Eva Bryant, and her three minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress of June 10, 1896. (29 Stats., 321.)

The only evidence offered in this case is the unsupported oral testimony of the principal applicant, wherein it is attempted to be shown that she was born in the state of Mississippi in about the year 1876, and that for six months prior to the making of her original application she had been a resident of Indian Territory and claims to be an one sixteenth blood Choctaw. She attempts to trace her alleged Choctaw descent through her mother to one Nancy Simms, but she does not attempt to show the relationship between herself and the said Nancy Simms, and there is nothing in her statement which in any way tends to show that any of her alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The next in order of the above application is that of Maggie Box, et al., and the record therein shows that on September 20, 1900, the said Maggie Box appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of herself and her minor child, Clara May Box, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw Tribe of Indians, concluded September 27, 1830, and known as the Treaty of "Dancing Rabbit Creek", and for the identification of her husband, Rufus L. Box, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Josephine Johnson, an alleged Choctaw woman, (degree of blood not given), who married Andy Johnson, a white man, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Maggie Box, and her husband and minor child, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress of June 10, 1896. (29 Stat., 321.)

The only evidence offered in this case is the unsupported oral statement of the principal applicant, wherein it is attempted

to be shown that she was born in the State of Mississippi in about the year 1882, and that for one month prior to the making of her original application she had been a resident of Indian Territory, and claims to be an one sixteenth blood Cheetaw. She does not attempt to trace her alleged Cheetaw descent any farther back than to her mother, and there is nothing in her statement which in any way tends to show that any of her alleged Cheetaw ancestors were ever recognized members of the Cheetaw Tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The next in order of the above applications is that of John W. Cummings, and the record therein shows that on September 20, 1900, the said John W. Cummings appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of himself as a Mississippi Cheetaw, claiming to be a descendant of Cheetaw Indians who resided in the State of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Cheetaw Tribe of Indians, concluded September 27, 1830, and known as the Treaty of "Dancing Rabbit Creek." The applicant claims descent from Martha Ann Cummings, an alleged one-fourth blood Cheetaw, who married Andrew J. Cummings, a white man, and who are the parents of this applicant.

NOTE.— The testimony of the applicant does not disclose the name of his mother, but from a memorandum, made at the time of the taking of the original application herein, it is found that her name is Martha Ann Cummings.

The record in this case further shows that the applicant, John W. Cummings, has never been enrolled by the tribal authorities.

of the Choctaw Nation as a citizen of that tribe, nor is his name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has he ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress of June 10, 1896. (29 Stats., 321.)

The only evidence offered in this case is the unsupported oral testimony of the applicant, wherein it is attempted to be shown that he was born in the State of Mississippi in about the year 1861, and that for about four months prior to the making of his original application he had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. While he attempts to trace his alleged Choctaw descent through his mother to his grandfather, whom he states was an one half blood Choctaw, and resided in Mississippi, he does not give the name of his said grandfather, and there is nothing in his testimony which in any way tends to show that his grandfather, or any other of his alleged Choctaw ancestors, were ever recognized members of the Choctaw Tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, -- in fact, he states positively that his grandfather never did comply with the provisions of that article.

The next in order of the above applications is that of Daniel Jackson Johnson, et al., and the record therein shows that

on September 20, 1900, the said Daniel Jackson Johnson appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of himself and his minor child, Arnold Johnson, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the State of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw Tribe of Indians, concluded September 27, 1830, and known as the Treaty of "Dancing Rabbit Creek", and for the identification of his wife Kelly Johnson, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Josephine Johnson, an alleged one eighth blood Choctaw, who married Andy Johnson, a white man, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Daniel Jackson Johnson and his wife and minor child, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress of June 10, 1896. (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of J. S. Gwalt and Robert G. Shaw. By the

eral statement of the principal applicant it is attempted to be shown that he was born in the State of Mississippi in about the year 1875, and that for one month prior to the making of his original application, he had been a resident of Indian Territory, and claims to be an one sixteenth blood Choctaw. He attempts to trace his alleged Choctaw descent through his mother to his grandmother, Martha Cox, whom he alleges was an one fourth blood Choctaw Indian, and lived in Mississippi in the year 1830, but there is nothing in his statement which in any way tends to show that Martha Cox or any other of his alleged Choctaw ancestors were ever recognized members of the Choctaw Tribe of Indians in the State of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavits of J. S. Gwalt (who is himself an applicant in this group of consolidated cases) and Robert G. Shaw it is attempted to be shown that affiants were acquainted with one Josephine Johnson, whom they allege was the mother of the principal applicant herein, but there is nothing in either of these affidavits which tends to show that the applicant and her said mother are possessed of Choctaw blood, or that any of the alleged Choctaw ancestors of the principal applicant were ever recognized members of the Choctaw Tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The next in order of the above applications is that of Lucy Hull, et al., and the record therein shows that on October 24, 1900, the said Lucy Hull appeared before the Commission at

Muskogee, Indian Territory, and there made personal application for the identification of herself and her seven minor children, Tip, Lelar, Harve, Lem, Dock, Jerry, and Olley Hull, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the State of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw Tribe of Indians, concluded September 27, 1830, and known as the Treaty of "Dancing Rabbit Creek". The principal applicant claims descent from Andrew Jackson Cox, an alleged Choctaw Indian (degree of blood not given) who married Lucy Cox, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Lucy Hull, and her seven minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress of June 10, 1896. (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of John V. Cummings and E. R. Hull, and the certificate of E. B. Debbis, circuit clerk of Choctaw County, Mississippi. By the oral statement of the principal applicant

it is attempted to be shown that she was born in the state of Mississippi in about the year 1857, and has never resided in Indian Territory, and claims to be an one eighth blood Choctaw. She does not attempt to trace her alleged Choctaw descent any farther back than to her father, and there is nothing in her testimony which tends to show that any of her alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. The ex parte affidavits filed herewith are simply to the effect that affiants saw the marriage between the principal applicant and her husband, and the certificate of S. B. Debbs is to the effect that the court house of Choctaw County, Mississippi, together with all marriage and other records therein, was destroyed by fire in the year 1881, but there is nothing in these affidavits and certificate which in any way tends to show that the alleged Choctaw ancestors of the principal applicant were possessed of Choctaw blood, or that they were ever recognized members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The next in order of the above applications is that of Nellie Cummings, and the record therein shows that on October 24, 1900, the said Nellie Cummings appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government

and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek". The applicant claims descent from Lucy Hull, an alleged Choctaw woman (degree of blood not given) who married Thomas Hull, a white man, and who are the parents of this applicant.

The record in this case further shows that the applicant, Mollie Cummings, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is her name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has she ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress of June 10, 1896. (29 Stats., 321.)

The only evidence offered in this case is the unsupported oral statement of the applicant, wherein it is attempted to be shown that she was born in the State of Mississippi in about the year 1870, and has never resided in Indian Territory, and claims to be an one sixteenth blood Choctaw. She does not attempt to trace her alleged Choctaw descent any farther back than to her mother, and there is nothing in her statement which in any way tends to show that any of her alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The next in order of the above applications is that of John Franklin Hull, et al., and the record therein shows that on

October 24, 1900, the said John Franklin Hull appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of himself and his minor child, Willie Hull, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the State of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek". The principal applicant claims descent from Lucy Hull, an alleged Choctaw woman (degree of blood not given) who married Thomas Hull, a white man, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, John Franklin Hull, and his minor child, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces a certified copy of the marriage record between Frank Hull and Dora Daniels. By the oral statement of the principal applicant

it is attempted to be shown that he was born in the State of Mississippi in about the year 1874, and that he has never resided in Indian Territory, and claims to be an one sixteenth blood Choctaw. He does not attempt to trace his alleged Choctaw descent any farther back than to his mother, and there is nothing in his testimony which tends to show that any of his alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in the State of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. The certified copy of the marriage record, filed herewith, is simply evidence of the marriage between the principal applicant and his wife and of the legitimacy of the issue of said marriage.

The next in order of the above applications is that of Daniel J. Cummings, et al., and the record therein shows that on November 16, 1900, the said Daniel J. Cummings appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of himself and his seven minor children, Joseph Austin, Daniel Pearle, Essie, Frankie, Grover, Archie and Henry Hudson Cummings, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the State of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek". The principal applicant claims descent from Martha Ann Cummings, an alleged Choctaw woman (degree of blood not given) who married Andrew J. Cummings, a white man, and who are

the parents of this applicant.

The record in this case further shows that the principal applicant, Daniel J. Cummings, and his seven minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress of June 10, 1896. (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces a certified copy of the marriage record between D. J. Cummings and Mrs. M. C. Hassis. By the oral statement of the principal applicant it is attempted to be shown that he was born in the State of Mississippi in about the year 1856, and that for ten days prior to the making of his original application he had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. He attempts to trace his alleged Choctaw descent through his mother to one Daniel J. Cox, whom he states was a member of the Choctaw tribe of Indians in Mississippi in 1850, but he does not state what relation said Daniel J. Cox was to him, or how he was recognized as a member of the Choctaw tribe of Indians, and there is nothing in his statement which in any way tends to show that said Daniel J. Cox, or any other of his alleged Choctaw ancestors, were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever

complied or attempted to comply with the provisions or article fourteen of the treaty of 1830. The certified copy of the marriage record filed herewith is simply evidence of the marriage between the principal applicant and his wife, and of the legitimacy of the issue thereof.

The next in order of the above applications is that of Emma Tedder, et al., and the record therein shows that on December 19, 1900, the said Emma Tedder appeared before the Commission at Hattiesburg, Mississippi, and there made personal application for the identification of herself and her four minor children, Reuben, Cera, Charley and Floyd Tedder, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 26, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Jack Cox, an alleged one quarter blood Choctaw, who married Mary Cox, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Emma Tedder, and her four minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian

Territory under the provisions of the Act of Congress of June 10, 1896. (29 Stats., 321.)

The only evidence offered in this case is the unsupported oral statement of the principal applicant, wherein it is attempted to be shown that she was born in the State of Mississippi in about the year 1868, and has always resided in that state, and claims to be an one eighth blood Choctaw. She attempts to trace her alleged Choctaw descent through her father to her grandfather, Daniel Cox, whom she alleges was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830, but she does not state how he was recognized as a member of the Choctaw tribe of Indians in Mississippi, and there is nothing in her statement which in any way tends to show that the said Daniel Cox, or any other of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The last in order of the above application is that of Thomas Herschel Cox, and the record therein shows that on December 19, 1900, the said Thomas Herschel Cox appeared before the Commission at Hattiesburg, Mississippi, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the State of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States Government and the Choctaw Tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing

Rabbit Creek". The applicant claims descent from Andrew Jackson Cox, an alleged one quarter blood Choctaw, who married Marcelina Cox, a white woman, and who are the parents of this applicant.

The record in this case further shows that the applicant, Thomas Herschel Cox, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is his name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has he ever been admitted to Choctaw citizenship by a duly constituted court or Committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress of June 10, 1896. (29 Stats., 321.)

The only evidence offered in this case is the unsupported oral statement of the applicant, wherein it is attempted to be shown that he was born in the State of Mississippi in about the year 1875, and that he has always resided in that state, and claims to be an one eighth blood Choctaw. He attempts to trace his alleged Choctaw descent to his grandfather, Daniel Cox, whom he alleges was a recognized member of the Choctaw tribe of Indians in Mississippi in the year 1830, but he does not state how the said Daniel Cox was a recognized member of the Choctaw tribe of Indians, and there is nothing in his statement which in any way tends to show that the said Daniel Cox, or any other of his alleged Choctaw ancestors, were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The records in these cases show that on September 8, 1900, there was forwarded by the Commission to the applicant, Mary Etta Josephine Johnson, a written decision refusing the application which she had made, for the identification of herself and her minor child, as Mississippi Choctaws, and for her husband as an intermarried Mississippi Choctaw; that on February 26, 1901, there was forwarded by the Commission to Dora Ann Cutts, a written decision, refusing the application which she had made for the identification of herself and her minor children as Mississippi Choctaws, and for the identification of her husband as an intermarried Mississippi Choctaw; that on February 19, 1901, there was forwarded by the Commission to the applicant, Mint Oswalt, a written decision, refusing the application which she had made for the identification of herself and her two minor children, as Mississippi Choctaws; and that on February 26, 1901, there was forwarded by the Commission to Mint Oswalt, a supplementary decision, refusing the application for the identification of her infant child, Lela Celesta Oswalt, as a Mississippi Choctaw.

On December 3, 1900, the record in the case of Mary Etta Josephine Johnson, et al., was forwarded to the Secretary of the Interior.

On August 1, 1901, the Commissioner of Indian Affairs, acting under the instruction of the Secretary of the Interior, remanded to this Commission the record theretofore forwarded to the Secretary of the Interior, in the case of Mary Etta Josephine Johnson, et al., for a further hearing.

In accordance with the instructions of the Commissioner

of Indian Affairs, the Commission to the Five Civilized Tribes, on November 23, 1901, notified Mary Etta Josephine Johnson, the principal applicant in the case so remanded, and also Dora Ann Cutts, Maggie Box, Mint Oswald, John W. Cummings, Daniel Jackson Johnson, Lucy Hull, Mollie Cummings, Charles A. Cummings, John F. Hull, Emma Tedder, Thomas H. Cox, Andrew J. Cox, and Daniel J. Cummings, who had made application for identification as Mississippi Choctaws, claiming their descent from the same common ancestor, that at the office of the Commission to the Five Civilized Tribes, at Meridian, Mississippi, at one o'clock, P. M., there would be heard the testimony of such witnesses as might present themselves in person before the Commission in support of said applications. Notice to the same effect was, on the same day, given to the attorneys of record for the several applicants herein, and to Messrs. Mansfield, Meltarray and Cornish, attorneys for the Choctaw and Chickasaw Nations.

In accordance with the instructions of the Commissioner of Indian Affairs of July 28, 1901, the applications of Andrew J. Cox, et al., Mary Etta Josephine Johnson, et al., Dora Ann Cutts, et al., Mint Oswald, et al., Maggie Box, et al., John W. Cummings, Daniel Jackson Johnson, et al., Lucy Hull, et al., Mollie Cummings, et al., Charles A. Cummings, John Franklin Hull, et al., Daniel J. Cummings, et al., Emma Tedder, et al., and Thomas Herschel Cox were consolidated under the head of Andrew J. Cox, et al., the applicants claiming descent from the same common ancestor.

On January 20, 1902, at one o'clock, P. M., at the office of the Commission to the Five Civilized Tribes at Meridian,

Mississippi, the consolidated case of Andrew J. Cox, et al., was called for hearing and at that time and place, personal appearance was made by Daniel J. Cummings, one of the applicants in this group of consolidated cases, and by J. E. Arnold, attorney of record for all the applicants herein. No appearance was made on behalf of the Choctaw and Chickasaw Nations. Before the taking of the testimony, J. E. Arnold, attorney for the applicants, made a motion to have the case of Eva Bryant, et al., M. C. R. 705, considered with these applications, as the applicant claims descent from the same common ancestor as the other applicants herein, and in accordance with said motion the case of Eva Bryant, et al., was added to this group of consolidated cases. At this rehearing there was submitted the oral testimony of Daniel J. Cummings, William M. Copp, and Philip W. Fulgham on behalf of all the applicants herein, and by the testimony of said witnesses, it was attempted to be shown that the applicants in this group of consolidated cases claim their Choctaw descent from Daniel Cox and his wife, Nancy Cox, both of whom it is alleged by said witnesses were one half blood Choctaw Indians, and resided in Mississippi in the year 1830, but there is nothing in the testimony of these witnesses, which in any way tends to show that the said Daniel Cox and his wife, Nancy Cox, were ever recognized by the tribal authorities of the Choctaw Nation as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

NOTE.-- During the examination of the witness, Daniel J. Cummings, at this rehearing, it developed that the applicant, Charles A. Cummings, whose application has been consolidated with the other cases herein, was not an applicant for identification as a Mississippi Choctaw, claiming descent from the same common ancestor as the other applicants herein, and his application was therefore withdrawn from this group of cases.

NOTE.--From the examination of the witness, Daniel J. Cummings, as well as from the documentary evidence filed in the original application, it appears that the surname of the applicants in M. C. R. 337, is Klutts, instead of Cutts, as it appeared upon the records of the Commission.

The Commission, in view of the fact, that the applicants in this group of consolidated cases had had sufficient time allowed them in which to present their testimony, considers these cases as closed; the evidence offered in support of said applications embraces the oral testimony of the several principal applicants, the ex parte affidavits and other documentary evidence filed by them, and the testimony taken at the time of the rehearing of this case on January 20, 1902. By the evidence so submitted it is attempted to be shown that the common ancestor through whom these applicants claim their descent, and their right to identification as Mississippi Choctaws, and who was married and the head of a family in the year 1830, is Daniel or Daniel J. Cox, although some attempt was made at the rehearing of these cases to show that Nancy Cox, alleged wife of said Daniel or Daniel J. Cox, was also possessed of Choctaw blood. This testimony, however, is in direct conflict with that given by Andrew J. Cox, the principal applicant in this group of consolidated cases, at the making of his original application, inasmuch as he states that his mother (the Nancy Cox referred to) was a white woman, and he is presumably in a better position to know whether his mother had Choctaw blood, than these witness, the eldest of whom, is several years younger

than himself. There was absolutely nothing in any of the evidence offered in this case which in any way tends to show that Daniel Cox, the alleged Choctaw ancestor of the applicants herein, was ever recognized by the Choctaw tribal authorities as a member of the Choctaw tribe of Indians in the State of Mississippi, or that he ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. It does not appear from the examination of the records in the possession of the Commission of those persons who did comply or attempted to comply with the provisions of article fourteen of the treaty of 1830, that any person by the name of Daniel Cox, or Daniel J. Cox, ever signified his intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented his claim as a beneficiary under that article to either of the Commissions duly authorized by the Acts of Congress of March 3, 1837, and August 23, 1842, for the adjudication of such claims.

The authority vested in the Commission by the twenty first section of the Act of Congress of June 26, 1898, (30 Stat., 498.) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Andrew J. Cox, John Strong Cox, Mary Etta Josephine Johnson, Frances A. Johnson, John P. Johnson, George Wesley Johnson, Wilmer Mabel Johnson, Charles Jeff Johnson, Neal Johnson, Dora Ann Elliott,

Mary A. Klutts, Zuby Klutts, Mint Oswalt, Curtis Oswalt, Myrtle Oswalt, Lola Celesta Oswalt, Eva Bryant, Molly Bryant, Jessie Bryant, Harvey Bryant, Maggie Box, Clara Kay Box, John W. Cummings, Daniel Jackson Johnson, Arnold Johnson, Lucy Hull, Tip Hull, Lelar Hull, Harge Hull, Lem Hull, Deck Hull, Jerry Hull, Olley Hull, Vellie Cummings, John Franklin Hull, Willie Hull, Daniel J. Cummings, Joseph Austin Cummings, Daniel Pearle Cummings, Essie Cummings, Frankie Cummings, Grover Cummings, Archie Cummings, Henry Hudson Cummings, Emma Tedder, Reuben Tedder, Cora Tedder, Charley Tedder, Floyd Tedder and Thomas Herschel Cox, as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of the law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provisions of the law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Mary Etta Josephine Johnson for the identification of her husband, Andy H. Johnson, the application made by Dora Ann Klutts for the identification of her husband, John F. Klutts, the application made by Mint Oswalt for the identification of her husband, J. S. Oswalt, the application made by Maggie Box for the identification of her husband, Rufus L. Box, and the application made by Daniel Jackson Johnson for the identification of his wife, Molly Johnson, as intermarried Mississippi Choctaws, should therefore, be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

MAR 2 1902


Commissioners.

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

-----:-----

In the matter of the application of Andrew J. Cox, et al, for identification as Mississippi Choctaws, consolidating the applications of

Andrew J. Cox, et al,	M. C. R. 711.
Mary Etta Josephine Johnson, et al,	M. C. R. 335.
Dora Ann Cutts, et al,	M. C. R. 337.
Mint Oswald, et al,	M. C. R. 356.
Eva Bryant, et al,	M. C. R. 705.
Maggie Box, et al,	M. C. R. 709.
John Wesley Cummings,	M. C. R. 712.
Daniel Jackson Johnson, et al,	M. C. R. 714.
Lucy Hull, et al,	M. C. R. 922.
Mollie Cummings,	M. C. R. 926.
John Franklin Hull, et al,	M. C. R. 930.
Daniel J. Cummings, et al,	M. C. R. 1041.
Emma Tedder, et al, 1176.	M. C. R. 1150.
Thomas Herschel Cox,	M. C. R. 1152.

List of Papers forwarded to the Secretary
of the Interior with the record
in above case, with page
occupied by each.

	Page.
Original application of Andrew J. Cox, et al, for identification as Mississippi Choctaws.	1.
Original application of Mary Etta Josephine Johnson, et al, for identification as Mississippi Choctaws.	3.
Affidavit of W. C. Harpole.	5.
Affidavit of John Williams.	6.
Affidavit of W. M. Cepp.	7.
Affidavit of Sarah C. Shaw.	8.
Affidavit of Denie Hoffman.	9.
Written decision of the Commission, refusing the application of Mary Etta Josephine John- son, et al, for identification as Mississippi Choctaws.	10.
Copy of letter from the Commission, transmitting decision to Mary Etta Josephine Johnson.	12.
Registry receipt.	13.

Original application of Dora Ann Cutts, et al, for identification as Mississippi Choctaws.	Page. 14.
Affidavit of Robert G. Shaw.	17.
Affidavit of Ed Thompson.	18.
Affidavit of Denie Hoffman.	19.
Affidavit of Sarah C. Shaw.	20.
Certified copy of affidavit of W. C. Harpole.	21.
Certified copy of affidavit of W. M. Cogg.	22.
Certified Copy of affidavit of John Williams.	23.
Decision of the Commission, refusing the application of Dora Ann Cutts, et al, for identification as Mississippi Choctaws,	24.
Copy of the letter from the Commission to Dora Ann Cutts, transmitting decision.	26.
Registry receipt.	27.
Written request of Dora Ann Klutts that the records in her case, be forwarded to the Secretary of the Interior.	28.
Original application of Mint Oswalt, et al, for identification as Mississippi Choctaws.	29.
Affidavit of Robert G. Shaw.	32.
Affidavit of Ed Thompson.	33.
Affidavit of Denie Hoffman.	34.
Affidavit of Sarah C. Shaw.	35.
Certified copy of affidavit of W. C. Harpole.	36.
Certified copy of affidavit of W. M. Cogg.	37.
Certified copy of affidavit of John Williams.	38.
Decision of the Commission, refusing the application of Mint Oswalt, et al, for identification as Mississippi Choctaws.	39.
Copy of letter from the Commission, to Mint Oswalt, transmitting decision.	41.

	Page.
Registry receipt.	42.
Birth affidavit of Lola C. Oswald.	43.
Supplementary decision, refusing application for the identification of Lola C. Oswald as a Mississippi Choctaw.	44.
Copy of letter from the Commission to Mint Oswald, transmitting decision.	45.
Registry receipt.	46.
Written request of Mint Oswald that the records in her case be forwarded to the Secretary of the Interior.	46 1/2.
Original application of Eva Bryant, et al, for identification as Mississippi Choctaws.	47.
Original application of Mag'ie Box, et al, for identification as Mississippi Choctaws.	50.
Original application of John W. Cummings, for identification as a Mississippi Choctaw.	53.
Copy of memorandum slip.	55.
Original application of Daniel Jackson Johnson, et al, for identification as Mississippi Choctaws.	56.
Affidavit of J. S. Oswald.	59.
Affidavit of Robert G. Shaw.	60.
Original application of Lucy Hull, et al, for identification as Mississippi Choctaws.	61.
Affidavit of John W. Cummings.	64.
Affidavit of D. R. Hull.	65.
Certificate of S. B. Debbs.	66.
Original application of Mollie Cummings, for identification as a Mississippi Choctaw.	67.
Original application of John Franklin Hull, et al, for identification as Mississippi Choctaws.	70.
Certified copy of marriage record between Frank Hull and Miss Dora Daniels.	73.

	Page.
Original application of Daniel J. Cummings, et al, for identification as Mississippi Cheetaws.	74.
Certified copy of the marriage record between D. J. Cummings and Mrs. M. C. Hassis.	77.
Original application of Emma Tedder, et al, for identification as Mississippi Cheetaws.	78.
Original application of Thomas Herschel Cox, for identification as a Mississippi Cheetaw.	81.
Copy of Departmental letter, remanding the application of Mary Etta Josephine Johnson, et al, to the Commission for re-hearing.	83.
Copy of letter from the Commission to the Commissioner of Indian Affairs, notifying him of the date of re-hearing of within cases.	84.
Copy of letter from the Commission to L. P. Hudson, attorney for applicants, of like import.	86.
Copy of letter from the Commission to J. E. Arnold, attorney for applicants, of like import.	87.
Copy of letter from the Commission to Mansfield, McMurray, and Gernish, attorneys for the Cheetaw Nation, of like import.	88.
Copy of letter from the Commission to Mary Etta Joe- sophine Johnson, one of the applicants, of like import.	89.
Copy of letter from the Commission to Dora Ann Cutts, one of the applicants, of like import.	90.
Copy of letter from the Commission to Maggie Box, one of the applicants, of like import.	92.
Copy of letter from the Commission to Mint Oswalt, one of the applicants, of like import.	94.

Copy of letter from the Commission to John Wesley Cummings, one of the applicants, of like import.	96.
Copy of letter from the Commission to Daniel J. Johnson, one of the applicants, of like import.	98.
Copy of the letter from the Commission to Lucy Hull, one of the applicants, of like import.	100.
Copy of letter from the Commission to Mollie Cummings, one of the applicants, of like import.	102.
Copy of letter from the Commission to Charles A. Cummings, one of the applicants, of like import.	104.
Copy of letter from the Commission to John F. Hull, one of the applicants, of like import.	106.
Copy of letter from the Commission to Emma Tetter, one of the applicants, of like import.	108.
Copy of letter from the Commission to Thomas Herschel Cox, one of the applicants, of like import.	110.
Copy of letter from the Commission to Andrew J. Cox, one of the applicants, of like import.	112.
Copy of letter from the Commission to Daniel J. Cummings, one of the applicants, of like import.	114.
Transcript of proceedings had on re-hearing of the consolidated application of Andrew J. Cox, et al, at Meridian, Mississippi, on January 20, 1902.	116.

6.
Final decision of the Commission, in the
consolidated application of Andrew J. Cox, et al,
for identification as Mississippi Choctaws,
refusing said application.

127.

Daniel J Cummings applicant in case MCR 10241
 at the relaying of the Amos-Laird Case. Beliefs that
 his grand-uncle Nancy Lair was also present of one
 boy Abner Blair and that he is present of one grand
 Charles Blair, see his evidence. This evidence is in
 conflict with the evidence of the principal applicant (Andrew)
 on grounds at Memphis TN Sept 20 '900 who believed that
 his mother Nancy Lair was a white woman

Sister wife Mary E Cox white
 head

Alex Fadder white
 husband

Charley Fadder 2
 Floyd Fadder 6 mos

R 152 / Thomas N Cox 25 / 8

R 711 / John Strong Cox 19

Daniel J
 or
 Daniel Cox, 1/2 head
 Nancy Cox, white, head

R 337 / Ava Ann ^{Waltts} ~~Cox~~ 28 / 8
 re Johnson
 John F. ~~Cox~~ white, husband

R 337 / Mary A. ^{Waltts} ~~Cox~~ 8
 " Zuby ^{Schultz} ~~Cox~~ 3

R 714 / Daniel J Johnson 25 / 16
 Mally Johnson, white wife

R 714 / Arnold Johnson 1

R 335 / Mary Etta Josephine Johnson ^{4th 1/8}
 re Cummings
 Andy H Johnson white
 husband

R 356 / Mint Dewalt 28 / 8
 re Johnson
 J. C. Dewalt, white
 husband

R 356 / Curtis Dewalt 3
 " Myrtle Dewalt 2
 " * * * * *
 * Born since filing of application

Martha Ann Cummings head
 re Cox
 Andrew J Cummings
 white, husband

R 709 / Maggie Box 18 / 16
 re Johnson
 Rufus L Box white
 husband

R 709 / Clara May Box

- R 335 / Frances A. Johnson 20 married Tom Hathcock
- " John P. Johnson 16
- " George W. Johnson 13
- " Wilmer M. Johnson 9
- " Charles J. Johnson 8
- " Earl Johnson 4

~~William H Cummings~~
~~Luc Cummings white~~
~~wife~~

~~R 338 / Charles A Cummings 22 / 8~~
~~Mollie Cummings wife~~
~~first name in table~~

R 712 / John W Cummings 39 / 8

R 704 / Daniel J Cummings ^{1st}
 Mary Caroline Cummings
 white wife

- R 704 / Joseph A Cummings 14
- + Daniel P. Cummings 12
- + Eerie Cummings 11
- + Frankie Cummings 9
- + Brown Cummings 9
- + Archie Cummings 5
- + Henry H Cummings 3

FRAME 2

Claimants as intermarried
Mississippi Choctaws

FRAME 3

R 930 ~~Anna Stud~~
~~wife of John Stud~~

R 335 Andy H Johnson
husband of Mary Ann Josephine Johnson

R 709 Rufus L Box
husband of Maggie Box

R 714 Molly Johnson
wife of Daniel J. Johnson

R 337 John F Cutts
husband of Nora Ann Cutts

R 356 J. S. Oswalt
husband of Mint Oswalt

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.

Muskogee, Indian Territory, March 27th, 1901.

Andrew J. Cox,

Caddo, I.T.

Dear Sir:

There is enclosed you herewith a copy of the Commission's decision refusing your application and the application made by you on behalf of your minor child for identification as Mississippi Choctaw.

Yours truly,

Encl.
REG.M.

M.C.R. 711

Acting Chairman.

Muskogee, Indian Territory, November 23, 1901.

The Commissioner
of Indian Affairs.

Sir:

In the matter of the application for identification as Mississippi Choctaws of Marietta J. Johnson, et al., record of which was returned with letter of your office dated August 1, 1901, with instructions for further hearing, you are informed that this case will be considered together with the cases of

Andrew J. Cox, et al.,
Dora Ann Cutts, et al.,
Mint Oswald, et al.,
Maggie Box, et al.,
John W. Cummings,
Daniel J. Johnson, et al.,
Lucy Hull, et al.,
Nollie Cummings, et al.,
Charles A. Cummings,
John F. Hull, et al.,
Daniel J. Cummings, et al.,
Fama Tedder, et al.,
Thomas H. Cox,

applicants to this Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestor.

The Commission to the Five Civilized Tribes has notified the interested parties in these several applications, their attorneys and the attorneys for the Choctaw Nation, that additional evidence of witnesses in person will be heard at the office of the

Commission at Meridian, Mississippi on Monday, January 20, 1902 at
one o'clock P. M.

Yours truly,

M. C. 711.

Acting Chairman.

Muskogee, Indian Territory, November 23, 1901.

Andrew J. Cox,
Caddo, Indian Territory.

Dear Sir:

In the matter of the application for identification as Mississippi Choctaws of Marietta J. Johnson, et al., you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses in person in support of such application.

It appears from our records that at Muskogee, Indian Territory on September 30, 1900 you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and minor child claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes, at Meridian, Mississippi, on January 20, 1902

A. J. C. 2.

at one o'clock P. M., there will be heard the testimony of
such witnesses as present themselves in person in support of your
application.

Yours truly,

M. C. 711

Acting Chairman.

Muskogee, Indian Territory, November 23, 1901.

Mansfield, McMurray & Cornish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, on Monday, January 20, 1902 at one o'clock P. M. at the office of the Commission to the Five Civilized Tribes at Meridian, Mississippi, there will be heard the testimony of such witnesses as present themselves in person in the cases of

Maryada J. Johnson et al.
Andrew J. Cox, et al.,
Dora Ann Cutts, et al.,
Mint Oswalt, et al.,
Maggie Box, et al.,
John W. Cummings,
Daniel J. Johnson, et al.,
Lucy Hull, et al.,
Mollie Cummings, et al.,
Charles A. Cummings,
John B. Hull, et al.,
Daniel J. Cummings, et al.,
Emma Tedder, et al.,
Thomas H. Cox,

Yours truly,

M. C. 711.

Acting Chairman.

Muskogee, Indian Territory, November 23, 1901.

L. P. Hudson,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs on Monday, January 30, 1902 at one o'clock P. M. at the office of the Commission to the Five Civilized Tribes at Meridian, Mississippi, there will be heard the testimony of such witnesses as present themselves in ^{per} ~~per~~

~~cases~~ in the cases of

Maryetta Johnson et al
Andrew J. Cox, et al.,
Dora Ann Cutts, et al.,
Mint Oswald, et al.,
Maggie Box, et al.,
John F. Cummings,
Daniel J. Johnson, et al.,
Lucy Hull, et al.,
Mollie Cummings et al.,
Charles A. Cummings,
John F. Hull, et al.,
Daniel J. Cummings, et al.,
Emma Tedder, et al.,
Thomas H. Cox.

Yours truly,

M. C. 711

Acting Chairman.

Muskogee, Indian Territory, November 23, 1901.

J. P. Arnold,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, on Monday, January 20, 1902 at one o'clock P. M. at the office of the Commission to the Five Civilized Tribes at Meridian, Mississippi, there will be heard the testimony of such witnesses as present themselves in person in the cases of

Marinda J. Johnson et al
Andrew J. Cox, et al.,
Dora Ann Cutts, et al.,
Mint Oswald, et al.,
Vergie Box, et al.,
John W. Cummings,
Daniel J. Johnson, et al.,
Lucy Hull, et al.,
Mollie Cummings, et al.,
Charles A. Cummings,
John P. Hull, et al.,
Daniel J. Cummings, et al.,
Emma Tedder, et al.,
Thomas H. Cox,

Yours truly,

W. C. 711

Acting Chairman.

Muskogee, Indian Territory, March 3, 1902.

Andrew J. Cox,

Caddo, Indian Territory.

Dear Sir-

You are hereby advised that on the 3rd day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Cox, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Cox, et al.,	M C R 711
Mary Etta Josephine Johnson, et al.,	M C R 335
Dora Ann Cutts, et al.,	M C R 337
Mint Oswalt, et al.,	M C R 356
Eva Bryant, et al.,	M C R 705
Maggie Box, et al.,	M C R 709
John W. Cummings,	M C R 712
Daniel Jackson Johnson, et al.,	M C R 714
Lucy Hull, et al.,	M C R 922
Mollie Cummings,	M C R 926
John Franklin Hull, et al.,	M C R 930
Daniel J. Cummings, et al.,	M C R 1041
Ema Tedder, et al.,	M C R 1150
Thomas Herschel Cox,	M C R 1152

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty first section of the Act of Congress of June 28, 1898 (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the

Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Andrew J. Cox, John Strong Cox, Mary Etta Josephine Johnson, Frances A. Johnson, John P. Johnson, George Wesley Johnson, Wilmer Mabel Johnson, Charles Jeff Johnson, Euel Johnson, Dora Ann Klutts, Mary A. Klutts, Zuby Klutts, Mint Oswalt, Curtis Oswalt, Myrtle Oswalt, Lola Celesta Oswalt, Eva Bryant, Molly Bryant, Jessie Bryant, Harvey Bryant, Maggie Box, Clara May Box, John W. Cummings, Daniel Jackson Johnson, Arnold Johnson, Lucy Hull, Tip Hull, Lelar Hull, Harve Hull, Lem Hull, Dock Hull, Jerry Hull, Olley Hull, Mollie Cummings, John Franklin Hull, Willie Hull, Daniel J. Cummings, Joseph Austin Cummings, Daniel Pearle Cummings, Essie Cummings, Frankie Cummings, Grover Cummings, Archie Cummings, Henry Hudson Cummings, Emma Tedder, Reuben Tedder, Cera Tedder, Charley Tedder, Floyd Tedder and Thomas Herschel Cox, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provisions of the law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Mary Etta Josephine Johnson for the identification of her husband, Andy H. Johnson, the application made by Dora Ann Klutts for the identification of her husband, John F. Klutts, the application made by Mint Oswalt for the identification of her husband, J. S. Oswalt, the application made by Maggie Box for the identification of her husband, Rufus L. Box, and the application made by Daniel Jackson Johnson for the identification of his wife, Molly Johnson, as intermarried Mississippi Choctaws, should therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

Commissioner in Charge.

Muskogee, Indian Territory, March 3, 1902.

J. H. Arnold,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir-

You are hereby advised that on the 3rd day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Cox, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Cox, et al.,	M C R 711
Mary Etta Josephine Johnson, et al.,	M C R 335
Bora Ann Cutts, et al.,	M C R 337
Mint Oswalt, et al.,	M C R 356
Eva Bryant, et al.,	M C R 705
Maggie Box, et al.,	M C R 709
John W. Cummings,	M C R 712
Daniel Jackson Johnson, et al.,	M C R 714
Lucy Hull, et al.,	M C R 922
Mollie Cummings,	M C R 926
John Franklin Hull, et al.,	M C R 930
Daniel J. Cummings, et al.,	M C R 1041
Emma Tedder, et al.,	M C R 1150
Thomas Herschel Cox,	M C R 1152

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty first section of the Act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end

may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Andrew J. Cox, John Strong Cox, Mary Etta Josephine Johnson, Frances A. Johnson, John P. Johnson, George Wesley Johnson, Wilmer Nabel Johnson, Charles Jeff Johnson, Ruel Johnson, Dora Ann Klutts, Mary A. Klutts, Zuby Klutts, Mint Oswald, Curtis Oswald, Myrtle Oswald, Lola Geslesta Oswald, Eva Bryant, Molly Bryant, Jessie Bryant, Harvey Bryant, Maggie Box, Clara May Box, John W. Cummings, Daniel Jackson Johnson, Arhold Johnson, Jacy Hull, Tip Hull, Lelar Hull, Harve Hull, Lem Hull, Dock Hull, Jarcy Hull, Olley Hull, Mollie Cummings, John Franklin Hull, Willie Hull, Daniel J. Cummings, Joseph Austin Cummings, Daniel Pearle Cummings, Essie Cummings, Frankie Cummings, Grover Cummings, Archie Cummings, Henry Hudson Cummings, Emma Tedder, Reuben Tedder, Coga Tedder, Charley Tedder, Floyd Tedder and Thomas Herschel Cox, as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of the law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provisions of the law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Mary Etta Josephine Johnson for the identification of her husband, Andy H. Johnson, the application made by Dora Ann Klutts for the identification of her husband, John F. Klutts, the application made by Mint Oswald for the identification of her husband, J. S. Oswald, the application made by Maggie Box for the identification of her husband, Rufus L. Box, and the application made by Daniel Jackson Johnson for the identification of his wife, Molly Johnson, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be advised in due time of such action as may be taken by him.

Yours truly,

Registered.

Commissioner in Charge.

Muskogee, Indian Territory, March 3, 1902.

L. P. Hudson,

Attorney at Law,

Muskogee, I. T.

Dear Sir-

You are hereby advised that on the 3rd day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Cox, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Cox, et al.,	M C R 711
Mary Etta Josephine Johnson, et al.,	M C R 335
Dora Ann Cutts, et al.,	M C R 337
Mint Oswalt, et al.,	M C R 356
Eva Bryant, et al.,	M C R 705
Maggie Box, et al.,	M C R 709
John W. Cummings,	M C R 712
Daniel Jackson Johnson, et al.,	M C R 714
Jacy Hull, et al.,	M C R 922
Hollie Cummings,	M C R 926
John Franklin Hull, et al.,	M C R 930
Daniel J. Cummings, et al.,	M C R 1041
Emma Tedder, et al.,	M C R 1160
Thomas Herschel Cox,	M C R 1158

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty first section of the Act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the

United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Andrew J. Cox, John Strong Cox, Mary Etta Josephine Johnson, Frances A. Johnson, John P. Johnson, George Wesley Johnson, Wilmer Mabel Johnson, Charles Jeff Johnson, Euel Johnson, Dora Ann Klutts, Mary A. Klutts, Zuby Klutts, Mint Oswald, Curtis Oswald, Myrtle Oswald, Lola Celesta Oswald, Eva Bryant, Molly Bryant, Jessie Bryant, Harvey Bryant, Maggie Box, Clara May Box, John W. Cummings, Daniel Jackson Johnson, Arnold Johnson, Lucy Hull, Tip Hull, Lelar Hull, Harve Hull, Lem Hull, Dock Hull, Jerry Hull, Olney Hull, Mollie Cummings, John Franklin Hull, Willie Hull, Daniel J. Cummings, Joseph Austin Cummings, Daniel Pearle Cummings, Essie Cummings, Frankie Cummings, Grover Cummings, Archie Cummings, Henry Hudson Cummings, Rama Tedder, Reuben Tedder, Cora Tedder, Charley Tedder, Floyd Tedder and Thomas Herschel Cox, as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of the law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provisions of the law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Mary Etta Josephine Johnson for the identification of her husband, Andy H. Johnson, the application made by Dora Ann Klutts for the identification of her husband, John F. Klutts, the application made by Mint Oswald for the identification of her husband, J. S. Oswald, the application made by Maggie Box for the identification of her husband, Rufus L. Box, and the application made by Daniel Jackson Johnson for the identification of his wife, Molly Johnson, as intermarried Mississippi Choctaws, should therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such

L P H 3

ation as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, March 3, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen--

You are hereby advised that on the 3rd day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Cox, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Cox, et al.,	N C R 711
Mary Etta Josephine Johnson, et al.,	N C R 335
Dora Ann Outts, et al.,	N C R 337
Mint Oswalt, et al.,	N C R 356
Eva Bryant, et al.,	N C R 705
Maggie Box, et al.,	N C R 709
John W. Cummings,	N C R 712
Daniel Jackson Johnson, et al.,	N C R 714
Lucy Hull, et al.,	N C R 922
Hollie Cummings,	N C R 926
John Franklin Hull, et al.,	N C R 930
Daniel J. Cummings, et al.,	N C R 1041
Russ Teader, et al.,	N C R 1150
Thomas Herschel Cox,	N C R 1152

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty first section of the Act of Congress of June 25, 1900, (30 Stats., 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw

lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Andrew J. Cox, John Strong Cox, Mary Etta Josephine Johnson, Frances A. Johnson, John P. Johnson, George Wesley Johnson, Wilmer Label Johnson, Charles Jeff Johnson, Ruel Johnson, Dora Ann Klutts, Mary A. Klutts, Zubu Klutts, Mint Oswalt, Curtis Oswalt, Myrtle Oswalt, Lola Celesta Oswalt, Eva Bryant, Molly Bryant, Jessie Bryant, Harvey Bryant, Maggie Box, Clara May Box, John W. Cummings, Daniel Jackson Johnson, Arnold Johnson, Lucy Hull, Tip Hull, Lelar Hull, Harve Hull, Lem Hull, Dock Hull, Jerry Hull, Olley Hull, Mollie Cummings, John Franklin Hull, Willie Hull, Daniel J. Cummings, Joseph Austin Cummings, Daniel Pearle Cummings, Essie Cummings, Frankie Cummings, Grover Cummings, Archie Cummings, Henry Hudson Cummings, Emma Tedder, Reuben Tedder, Cora Tedder, Charley Tedder, Floyd Tedder and Thomas Herschel Cox, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provisions of the law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Mary Etta Josephine Johnson for the identification of her husband, Andy R. Johnson, the application made by Dora Ann Klutts for the identification of her husband, John F. Klutts, the application made by Mint Oswalt for the identification of her husband, J. S. Oswalt, the application made by Maggie Box for the identification of her husband, Rufus L. Box, and the application made by Daniel Jackson Johnson for the identification of his wife, Molly Johnson, as intermarried Mississippi Choctaws, should therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such

H. M. & C. 3

action as may be taken by him.

yours truly,

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, March 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Andrew J. Cox, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 3, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Andrew J. Cox, et al.,	M C R 711
Mary Etta Josephine Johnson, et al.,	M C R 335
Dora Ann Cutts, et al.,	M C R 357
Mint Oswalt, et al.,	M C R 366
Eva Bryant, et al.,	M C R 708
Maggie Box, et al.,	M C R 709
John W. Cummings,	M C R 712
Daniel Jackson Johnson, et al.,	M C R 714
Lucy Hull, et al.,	M C R 922
Mollie Cummings,	M C R 926
John Franklin Hull, et al.,	M C R 930
Daniel J. Cummings, et al.,	M C R 1041
Rama Tedder, et al.,	M C R 1150
Thomas Herschel Cox,	M C R 1152

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have

(2)

been duly advised by registered letter of the action of the Commission
copies of said letters being attached to the record.

Respectfully,

Commissioner in Charge.

Through the Commissioner of
Indian Affairs.

1 enclosure.

D.C. 7589.

Land 18093-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, April 21, 1902.

The Honorable

The Secretary of the Interior,

Sir:

There is inclosed herewith a report dated March 3, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarded for the Department's consideration the record in the consolidated Mississippi Choctaw case of Andrew J. Cox, et al.

The applicants in this case claim rights in the Choctaw lands by virtue of the provisions of the fourteenth article of the treaty of September 27, 1830.

Andrew J. Cox applies for the identification of himself and his minor child, John Strong Cox, as Mississippi Choctaws.

Mary Etta Josephine Johnson, applies for the identification of herself and her six minor children, Frances A., John P. George Wesley, Wilmer Mabel, Charles Jeff, and Buel Johnson, as Mississippi Choctaws, and for the identification of her husband, Andy H. Johnson, as an intermarried Mississippi Choctaw.

Dora Ann Cutts, applies for the identification of herself, and her two minor children, Mary A. and Ruby Cutts, as Mississippi Choctaws, and for the identification of her husband, John F. Cutts, as an intermarried Mississippi Choctaw.

Mint Oswalt applies for the identification of herself, and her two minor children, Cuttis and Myrtle Oswalt, as Mississippi Choctaws, and for the identification of her husband, J.S.Oswalt, as an intermarried Mississippi Choctaw.

Eva Bryant, applies for the identification of herself and her three minor children, Molly, Jessie and Harvey, as Mississippi Choctaws.

Maggie Box applies for the identification of herself and her minor child, Clara May Box, as Mississippi Choctaws, and for the identification of her husband, Rufus L. Box, as an intermarried Mississippi Choctaw.

John W. Cummings, applies for the identification of himself as a Mississippi Choctaw.

Daniel Jackson Johnson, applies for the identification of himself and his minor child, Arnold Johnson, as Mississippi Choctaws, and for the identification of his wife, Molly Johnson as an intermarried Mississippi Choctaw.

Lucy Hull applies for the identification of herself and her seven minor children, Tip, Lelar, Harve, Len, Deek, Jerry and

Olley Hull, as Mississippi Choctaws.

Mollie Cummings applies for the identification of herself as a Mississippi Choctaw.

John Franklin Hull applies for the identification of himself and his minor child, Willie Hull, as Mississippi Choctaws.

Daniel J. Cummings applies for the identification of himself, and his seven minor children, Joseph Austin, Daniel Pearle, Essie, Frankie, Brever, Archie, and Henry Hudson Cummings, as Mississippi Choctaws.

Emma Tedder applies for the identification of herself and her four minor children, Reuben, Cora, Charley, and Floyd Tedder, as Mississippi Choctaws.

Thomas Herschel Cox applies for the identification of himself as a Mississippi Choctaw.

Each of the principal applicants claim descent from the same alleged common ancestors, Daniel Cox, and his wife Nancy Cox, both of whom, it is alleged, were half-blood Choctaw Indians and resided in Mississippi in 1830.

December 6, 1900, a certificate was filed with the Commission showing that Lola G. Oswalt was born September 4, 1900. This infant child is considered as an applicant by the office under the application of its mother Mint Oswalt.

The Commission found that those who applied for identification by reason of the provisions of the fourteenth article of the treaty of 1830, and those who applied for identification as intermarried Mississippi Choctaws, were not entitled to such identification. On March 3, 1902, each of the principal applicants, their attorneys, and the attorneys for the Choctaw and Chickasaw Nations, were duly notified of the decision of the Commission and of the fact that the record would be forwarded to the Department for review.

The office has carefully considered the record in this case and does not believe that it is sufficient to warrant the identification of those who applied as Mississippi Choctaws or those who applied as intermarried Mississippi Choctaws.

A careful search among the records of this office fails to show that either Daniel Cox or Nancy Cox, the alleged ancestors, complied with the provisions of the fourteenth article of the treaty of 1830, or that they had their rights, (if any they had) adjudicated by the Commissions appointed under the Acts of March 3, 1837 and August 23, 1842.

It is therefore respectfully recommended that the decision of the Commission of March 3, 1902, refusing identification to the applicants in this consolidated case, be affirmed.

-5-

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

GAW
D

3 inclosures.

Mar 7 11

25969.

L.R.S.

DEPARTMENT OF THE INTERIOR.

R

I.T.D.2551-1902.
File 896-1898.

Washington.

April 30, 1902.

Commission to the Five Civilized Tribes,
Muskegee, I.T.

Gentlemen:

On March 3, 1902, you transmitted the record in the consolidated case, embracing the applications of the following mentioned persons for identification as Mississippi Choctaws :

Andrew J. Cox, et al.,
Marietta Josephine Johnson et al.,
Dora Ann Klutts (Cutts) et al.,
Mint Oswalt et al.,
Eva Bryant et al.,
Maggie Box et al.,
John W. Cummings,
Daniel Jackson Johnson et al.,
Lucy Hull et al.,
Mollie Cummings,
John Franklin Hull, et al.,
Daniel J. Cummings et al.,
Emma Tedder et al.,
Thomas Herschel Cox.

It appears from the record that none of these applicants has ever been enrolled by the tribal authorities of the Choctaw Nation as a member of that tribe, nor are their names found upon any of the ~~tribe's~~ tribal rolls of said nation in the possession of your commission, nor have they ever been admitted to Choctaw citi-

zenship by a duly constituted court or committee of said nation, or by your Commission, or by a decree of the United States Court in Indian Territory, under the provisions of act of Congress of June 10, 1896 (29 Stat., 321).

It also appears that all these applicants, except those who claim by intermarriage, trace their alleged Choctaw descent to one Daniel Cox, an alleged half-blood Choctaw Indian, who was married and the head of a family in 1830 and a resident of Mississippi. Some of the witnesses also state that the wife of Daniel Cox, Nancy Cox, was also a half-blood Choctaw Indian, but this is not clearly shown.

In your decision of March 3, 1902, rejecting said applications, you state that there is nothing in the evidence produced or in the records in the possession of your Commission tending to show that either the applicants themselves or any of their common ancestors were ever recognized by the tribal authorities as members of the Choctaw Nation in Mississippi, or complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or presented their claims as beneficiaries under said article to either of the commissions authorized by acts of Congress approved March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513), for the adjudication of such claims. See opinion of the Assistant Attorney General of December 3, 1901, approved by

the Department.

You further state that in your opinion under the provisions of law no person is entitled to identification as a Mississippi Choctaw by marriage, and therefore you refuse the application of Marietta Josephine Johnson for the identification of her husband, Andy H. Johnson, the application of Dora Ann Klutts for the identification of her husband, John F. Klutts, the application of Mint Oswalt for the identification of her husband, J.S. Oswalt, the application of Maggie Box for the identification of her husband, Rufus L. Box, and the application of Daniel Jackson Johnson for the identification of his wife, Molly Johnson, as intermarried Mississippi Choctaws.

The Acting Commissioner of Indian Affairs forwarded the papers in this case on April 21, 1902, stating that a careful examination of the records in the Indian office fails to show that any of the alleged common ancestors of said applicants ever complied with the provisions of the said fourteenth article, or that they had their rights, if any they had, adjudicated by either of the commissions above referred to, and he recommends that your decision be affirmed.

The Department has examined the record in this case and, no objection appearing thereto, your decision in rejecting said

applications is affirmed.

A copy of the Acting Commissioner's letter is
inclosed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 711.

Muskogee, Indian Territory, May 9, 1902.

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

Gentlemen:-

You are hereby advised that on the 30th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Cox, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge

W. O. B.

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
M.C.R. 711

ALLISON L. AYLESWORTH.
SECRETARY

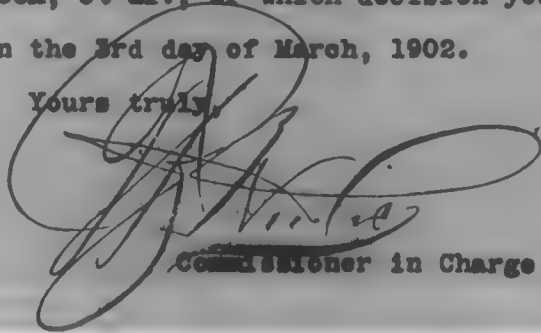
Muskogee, Indian Territory, May 9, 1902.

Andrew J. Cox,
Caddo, Indian Territory.

Dear Sir:-

You are hereby advised that on the 30th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Cox, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,



Commissioner in Charge

M.C.R. 711

Muskogee, Indian Territory, May 9, 1902.

L. P. Hudson,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 30th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Cox, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge

H.C.R. 711
H.C.R. 1041

Muskogee, Indian Territory, June 6, 1904.

D. J. Cummins,

Sulphur, Indian Territory.

Receipt is heroby acknowledged of your letter of the 28th ultimo, in which you ask to be advised the status of the consolidated Mississippi Choctaw case of Andrew J. Cox, et al.,

In reply to your letter you are informed that it appears from our records that on April 30, 1902, the Secretary of the Interior approved the decision of the Commission refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Andrew J. Cox, et al., of which your application is a part, and of which Departmental action each of the principal applicants were duly notified on May 9, 1902.

The Commission now considers this case closed, and it is not believed that any of the applicants in the above mentioned case are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

Muskogee, Indian Territory, August 27, 1904.

T. L. Wright,
Attorney at Law,
Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, giving the names of certain persons whose applications for identification as Mississippi Choctaws are included in the consolidated case of Andrew J. Cox, et al. You ask to be advised the status of the claims of the persons mentioned in your letter.

In reply you are informed that on April 30, 1902, the Secretary of the Interior approved the decision of the Commission refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Andrew J. Cox, et al., of which departmental action the several principal applicants were duly notified on May 9, 1902.

The Commission now considers this case closed, and it is not believed that any of the applicants therein are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Chairman.

M C R 711

Muskogee, Indian Territory, March 3, 1906.

D. J. Cummings,
Juanita, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 26th, requesting to be informed the status of the Mississippi Choctaw claim of Andrew J. Cox.

In reply you are informed that the Commission to the Five Civilized Tribes rendered a decision on March 3, 1902, refusing to identify as Mississippi Choctaws the several persons in the consolidated Mississippi Choctaw case of Andrew J. Cox, et al. This decision was affirmed by the Secretary of the Interior on April 30, 1902, since which time it does not appear that any further action has been taken in the case.

Respectfully,

Acting Commissioner.

Muskogee, Oklahoma, June 22, 1908.

Mr. Andrew J. Cox,
Bromide, Oklahoma.

Sir:

Replying to your letter of May 10th, referred to this office by the Commissioner of Indian Affairs, Washington, D. C., you are advised it appears from the records of this office that your application for identification as a Mississippi Choctaw was refused both by the Commission to the Five Civilized Tribes and the Secretary of the Interior, and as the rolls of citizenship of the Five Civilized Tribes were closed March 4, 1907, no further consideration can be given your claim to enrollment as a member of the Mississippi Choctaw tribe of Indians.

This office cannot undertake to advise you as to what disposition you should make of improvements placed on land heretofore claimed by you in the Choctaw-Chickasaw country.

The copy of contract and power of attorney enclosed with your letter is herewith returned.

Respectfully,

McM 22/1

Commissioner.

M. L. R. 920

Charles A. Cunningham

With reference to the case,

In the Evidence taken at Meridian
Miss. Jan'y 20 1862 it is shown
that he is not a claimant & that
the same Commission Agents as
the applicants in the Const. Lab.
Com.

2/11/02

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

711

^{1/4} SEP 20 1900
Andrew J. Cox 68
beddo. I. T.

FATHER. Daniel Cox ^{1/2} d
MOTHER. Nancy Cox d
claim through father.

WIFE. MARY SALINA COX. d

Children.

John Strong Cox - 19

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CHIEF OF THE CHOCTAW TRIBES.
FILED
SEP 20 1900

Corcoran Anastro

Daniel Cox

Andrew J. Cox,
Martha Cunningham Cox
835-

Marietta J. [unclear] [unclear]
add [unclear]

337.

356

709

712

714

922

926

928

930

1041

1150

1152

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

P. 11

REFUSED.

Andrew J. Cox, et al.

JUDGMENT WRITTEN FEB. 25, 1901. H.H.

REFER TO M. C. R.

No 335

Andrew J. Cox et al

REFUSED.

DECISION RENDERED. **MAR 2 - 1902**

NOTICE OF DECISION MAILED APPLICANT
MAR 3 1902

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS **MAR 3 1902**

NOTICE OF DECISION ATTORNEYS
FOR CHOCTAW AND CHICKSAW NATIONS.
MAR 3 1902

RECORD FORWARDED SECRETARY.
MAR 3 1902

ACTION APPROVED SECRETARY OF INTERIOR.
APR 30 1902

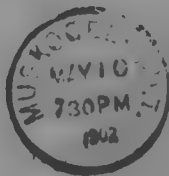
NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. **MAY 9 1902**

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.
MAY 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKSAW NATIONS.
MAY 9 1902

REFER TO M. C. R. 325 337 356 708
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INDIAN TRIBES



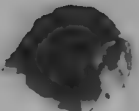
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Andrew J. Cox

Comptroller

J. J. [unclear]

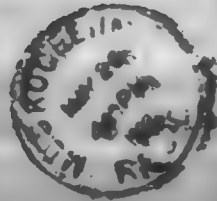
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

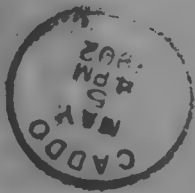
FILED

MAY 27 1902



ACTING CHAIRMAN





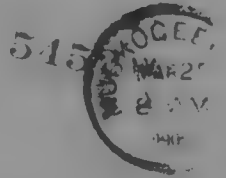
Aug 14/8
14/8

Andrew J. Cox,

*Could not be delivered whereabouts
of address not known*



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Commission to th
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OFFICIA
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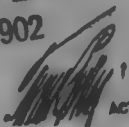


~~C A D D O,~~

~~Ind. Ter.~~

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

FILED
MAY 6 1902



ACTING CHAIRMAN

2041

2042

Choc. MCR 712

John W. Cummings

See MCR 711

MCR 712

CHICKASAW
NATIONS

John W. Cummings

REFUSED.

DECISION RENDERED. MAR 3 1902

**NOTICE OF DECISION MAILED APPLICANT.
MAR 3 1902**

**NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS. MAR 3 1902**

**NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.
MAR 3 1902**

**RECORD FORWARDED DEPARTMENT.
MAR 3 1902**

**ACTION APPROVED BY SECRETARY OF INTERIOR.
APR 30 1902**

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.
MAY 9 1902**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.
MAY 9 1902**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. MAY 9 1902**

REFER TO M. C. R. 711

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. Sept^r 20, 1900.

In the matter of the application for identification as a Mississippi Choctaw of Jehn W. Cummings. John W. Cummins being duly sworn by the Commission, testified as follows:

Examination by the Commission.

- Q Please state your name? A John W. Cummings.
Q What is your age, Mr. Cummings? A Thirty nine.
Q What is your post-office address? A Caddo, I. T.
Q Do you live at Caddo? A Yes sir.
Q How long have you lived there? A Some two or three weeks.
Q Where did you live just before you ~~we~~ moved to Caddo?
A Tishominge and Ravia.
Q How long did you live at Ravia? A Something near three
months.
Q Where did you live before that? A Mississippi?
Q How long did you live in Mississippi? A All my life.
Q Born and raised there? A Yes sir.
Q You apply for identification as a Mississippi Choctaw do
you? A Yes sir.
Q Do you apply for any one besides yourself? A No sir.
Q Are you married? A No sir.
Q Is your father living? A Yes sir.
Q What is his name? A Andrew J. Cummings.
Q Is he an Indian or white man? A White man.
Q Is your mother living? A No sir.
Q Was she an Indian or white woman? A She was a one quarter
Choctaw.
Q Did she ever live in the Indian Territory? A No sir.
Q What proportion Choctaw blood do you claim? A One eighth.
Q Was your mother ever recognized by the Choctaw tribal
authorities as a citizen of the Choctaw Nation? A No sir.
Q Is her name to be found upon any of the Choctaw tribal
rolls? A No sir.
Q Have you ever been recognized by the Choctaw tribal
authorities as a citizen of the Choctaw Nation? A No sir.
Q Is your name to be found on any of the Choctaw tribal rolls?
A No sir.
Q Have you ever been before this Commission before as an
applicant for enrollment as a citizen of the Choctaw Nation or for
identification as a Mississippi Choctaw? A No sir.
Q Did you ever apply for such an enrollment or identification to this
Commission?
Q On what do you base your claim for identification as a
Mississippi Choctaw? A My parents never received any of the
benefits due the Mississippi Choctaws.
Q You think then that simply because you are possessed of
Choctaw blood that you are entitled to benefits as a Mississippi
Choctaw? Is that right? A Yes sir.
Q Do you claim by reason of any of the treaties between
the United States and the Choctaw Indians? A I am not posted as
to the treaties.
Q Do you claim by reason of the Atoka Agreement? A I don't
understand it.
Q Do you make any claim by reason of the treaty of 1830?
A No sir, I never did until now. I think the treaty of 1830
is the one that gives the Mississippi Choctaws the right.
Q Do you claim under that treaty then? A Yes sir.
Q Do you claim under any particular article of that treaty?

John W. Cummings 2--

A I don't know.

Q Do you make any claim under the nineteenth article of the treaty of 1830? A I don't understand the nineteenth.

Q Do you make any claim under the fourteenth article of the treaty of 1830. A I think it is the fourteenth.

Q What makes you think that is the article you claim under Mr. Cummings? A Any article that gives the Mississippi Choctaws a claim - a right.

Q Did you or any of your ancestors ever take advantage of the provisions of the fourteenth article of the treaty of 1830? A No sir.

Q You are sure of that are you? A Yes sir.

Q Did you or any of your ancestors ever claim or receive any land under the provisions of the fourteenth article of the treaty of 1830? A No sir.

Q You are sure of that are you? A Yes sir.

Q Which one of your ancestors was living in the state of Mississippi in the year 1830? A Well, my parents and grand parents lived there all their lives and I suppose my parents you have reference to.

Q Was your grand father a Choctaw by blood? A Yes sir, a Mississippi Choctaw..

Q What proportion Choctaw blood did he claim to have? A One half.

Q Was he living in 1830? A I think so.

Q You are quite sure that he did not take advantage of the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

Q He never did receive any land down there? A No sir.

Q Is there any additional statement in regard to your claim that you want to make? A No sir, I don't know as there is.

Q Have you any papers of any kind that you desire to offer in evidence at this time? A Yes sir we have some good evidence.

Q Do you want to file it now or at a later date? A We will file it later.

Q Any statements, affidavits or other proper papers you may desire to offer in support of your application for identification as a Mississippi Choctaw if filed within a period of thirty days from this date, will be received and filed by the Commission and considered in connection with this application.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you for identification as a Mississippi Choctaw mailed to you at your present post-office address.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings in the above entitled cause on the 20th day of September, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 26th day of September, 1900.

Guys L. Emerson
Notary public.

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

In the matter of the application of John W. Cummings for identification as a Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that John W. Cummings appeared before the Commission at Muskogee, Indian Territory, September 20, 1900, and there made application for identification as a Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimant, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application of John W. Cummings for identification as a Mississippi Choctaw, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

ACTING CHAIPMAN.

MUSKOGEE; INDIAN TERRITORY,

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.

Muskogee, Indian Territory, March 27th, 1901.

John W. Cummings,

Caddo, I.T.

Dear Sir:

There is enclosed you herewith a copy of the Commission's decision refusing your application for identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

encl.
REG. M.

M.C.R. 712

Muskogee, Indian Territory, November 23, 1901.

John Wesley Cummings,
Caddo, Indian Territory.

Dear Sir:

In the matter of the application for identification as Mississippi Choctaws of Marietta J. Johnson, et al., you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses in person in support of such application.

It appears from our records that at Muskogee, Indian Territory, on September 20, 1900, you made personal application to this Commission for identification as a Mississippi Choctaw claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes, at Meridian, Mississippi, on January 20, 1902

J. W. C. 2.

at one o'clock P. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M. C. 712.

Acting Chairman.

Muskogee, Indian Territory, March 3, 1902.

John W. Cummings,

Caddo, Indian Territory.

Dear Sir-

You are hereby advised that on the 3rd day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Cox, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Cox, et al.,	M C R 711
Mary Etta Josephine Johnson, et al.,	M C R 335
Dora Ann Gutts, et al.,	M C R 337
Mint Oswalt, et al.,	M C R 356
Eva Bryant, et al.,	M C R 708
Maggie Box, et al.,	M C R 709
John W. Cummings,	M C R 712
Daniel Jackson Johnson, et al.,	M C R 714
Lucy Hull, et al.,	M C R 922
Hollie Cummings,	M C R 926
John Franklin Hull, et al.,	M C R 930
Daniel J. Cummings, et al.,	M C R 1041
Emma Tedder, et al.,	M C R 1180
Thomas Herschel Cox,	M C R 1182

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty first section of the act of Congress of June 28, 1898 (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the

Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Andrew J. Cox, John Strong Cox, Mary Etta Josephine Johnson, Frances A. Johnson, John P. Johnson, George Wesley Johnson, Wilmer Kabel Johnson, Charles Jeff Johnson, Euel Johnson, Dora Ann Klutts, Mary A. Klutts, Zubby Klutts, Mint Oswald, Curtis Oswald, Myrtle Oswald, Lola Celesta Oswald, Eva Bryant, Molly Bryant, Jessie Bryant, Harvey Bryant, Maggie Box, Ulara May Box, John W. Cummings, Daniel Jackson Johnson, Arnold Johnson, Lucy Hull, Tip Hull, Leelar Hull, Harve Hull, Lem Hull, Dock Hull, Jerry Hull, Olley Hull, Mollie Cummings, John Franklin Hull, Willie Hull, Daniel J. Cummings, Joseph Austin Cummings, Daniel Pearle Cummings, Essie Cummings, Frankie Cummings, Grover Cummings, Archie Cummings, Henry Hudson Cummings, Emma Tedder, Reuben Tedder, Cora Tedder, Charley Tedder, Floyd Tedder and Thomas Herschel Cox, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provisions of the law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Mary Etta Josephine Johnson for the identification of her husband, Andy H. Johnson, the application made by Dora Ann Klutts for the identification of her husband, John F. Klutts, the application made by Mint Oswald for the identification of her husband, J. S. Oswald, the application made by Maggie Box for the identification of her husband, Rufus L. Box, and the application made by Daniel Jackson Johnson for the identification of his wife, Molly Johnson, as intermarried Mississippi Choctaws, should therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

Commissioner in Charge.

M.C.R. 712

Muskogee, Indian Territory, May 9, 1902.

John Wesley Cummings,

Caddo, Indian Territory.

Dear Sir:

You are hereby advised that on the 30 th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Cox, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

712

⁽¹⁸⁾
John Wesley Cummings ⁽³⁹⁾
(self only) Caddo II

Father Andrew J. Cummings ^(white)
mother Martha Ann Cummings ^(1/2)

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

FILED

SEP 20 1900

Choc. MCR 713

William M. Foster

MCR 713

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. September, 20th 1900.

In the matter of the application for identification of William M. Foster and his three minor children as Mississippi Choctaws. William M. Foster being duly sworn testified as follows—

Examination by the Commission:

- Q. What is your name? A. William M. Foster.
Q. What is your age? A. 57—
Q. What is your post office address? A. Alba, Wood County, Texas.
Q. You are a resident of the State of Texas? A. For the present I am.
Q. Have you ever resided in the Indian Territory? A. Have not.
Q. Is it your intention to remove to the Indian Territory? A. Yes sir.
Q. For what purpose do you intend to remove to the Indian Territory?
A. For the purpose of becoming a citizen of the Territory.
Q. Where do you expect to locate in the Indian Territory? A. I desire to locate in the Choctaw Nation. I am a minister of the M. E. Church and the reason that I am not a resident of the Indian Territory now is that I feel that I am morally obligated to complete the work that I have in the part of Texas in which I live; I cannot come here to live until I have completed that work; when I do come I think I shall reside at or near Cado.
Q. What is your profession? A. I am a Pastor in the Methodist Church
Q. Is it your intention in removing in to the Territory to select land from the Public Domain of the Choctaw Nation? A. Yes sir that is my intention; that is the reason that I make this application.
Q. How much Choctaw blood do you claim? A. Well I have the tradition of my grand-mother—
Q. We want to know how much Choctaw blood you claim. A. 1/8 is how I count it.
Q. What was your father's name? A. Moses Duke Foster
Q. Is he living? A. No sir he is dead.
Q. What is your mother's name? A. Nancy Duke Foster.
Q. Is she living? A. No sir.
Q. Through which one of your parents do you claim your Choctaw blood? A. My father.
Q. Is his name on any of the tribal rolls of the Choctaw Nation? A. Not that I know of.
Q. Was your father ever recognized by the tribal authorities of the Choctaw Nation as a citizen of the Choctaw Nation? A. Not that I know of.
Q. Is your name on any of the tribal rolls of the Choctaw Nation? A. No sir.
Q. Have you ever made application to the tribal authorities of the Choctaw Nation as a citizen of that Nation? A. No sir.
Q. Did you or any one on your behalf make application to this Commission in 1896 for citizenship in the Choctaw Nation? A. No sir.
Q. Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Indian Territory? A. No sir.
Q. Have you ever prior to this time made application to either the Choctaw tribal authorities or to the United States authorities for either citizenship or enrollment as a citizen in the Choctaw Nation? A. No sir I have not.

- Q. Is this the first application that you have ever made? A. Yes sir.
- Q. You are now making application for identification as a Mississippi Choctaw? A. I am.
- Q. Why do you believe that you are entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830? A. Because I have it from my older relations that my grand mother Foster was a Choctaw Indian and a member of the Choctaw tribe.
- Q. What was her full given name? A. Elizebeth Duke.
- Q. Do you make any claim under the 14th article of the treaty of 1830? A. I dont know that I understand it except it was the treaty made between the United States and the Choctaw Indians.
- Q. Yes sir that is the treaty—the 14th article of that treaty contains provisions as to Indians who did not move to the country west of Mississippi—did any of your ancestors ever take advantage of that article of the treaty of 1830? A. I dont know.
- Q. Did any of your ancestors ever receive or claim any lands as beneficiaries under the 14th article of the treaty of 1830? A. If they did I dont know it.
- This Commission will require of applicants for identification as Mississippi Choctaws documentary proof showing that either they or their ancestors complied with the provisions of the 14th article of the treaty of 1830, and that either they or their ancestors received or claimed lands under that provision of the treaty.
- Q. Was the name of your grandmother Elizebeth Duke on the rolls of the Choctaw tribe and recognized by the tribal authorities of the Choctaw Indians in the state of Mississippi in 1830 when the treaty was entered into between the United States and the Choctaw Indians? A. I dont know.
- Q. Have you any evidence of the fact that she was a recognized member of the Choctaw Tribe at that time? A. Nothing that I know of.
- Q. Have you any documentary evidence tending to show that any of your ancestors ever claimed or received any land in the state of Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A. No sir.
- Q. Do you make your claim to identification as a Mississippi Choctaw by reason of any of the other provisions of the treaty of 1830? A. ~~No~~ I dont know that I understand those provisions.
- Q. Are you married? A. I am.
- Q. What is your wifes name? A. Mattie R. Foster.
- Q. Is she a white woman? A. Yes sir.
- Q. Do you make any claim for her? A. No sir.
- Q. How old is she? A. 53 years old.
- Q. Where did you marry her? A. In Choctaw County, Mississippi.
- Q. When? A. In 1866.
- Q. You were married in accordance with the laws of the state of Mississippi? A. Yes sir.
- Q. Have you ever been married to her in accordance with the laws of the Choctaw Nation? A. No sir not if there is any seperate laws than getting a license and having a preacher marry us.
- Q. Have you any minor children who are unmarried for whom you desire to make application? A. Yes sir three.
- Q. What are their names and ages? A. William Pen age 20; Milla age 17; and Bettie age 15.
- Q. Are you the father of these three minor children? A. Yes sir.
- Q. Is Mattie R. Foster the mother of them? A. Yes sir.
- Q. Do they live with you at your home? A. Yes sir.
- Q. Their claim to identification is identical with yours is it not? A. Yes sir.
- Q. Is there any additional statement that you desire to make in support of your claim at this time? A. No sir.
- Q. Is there any written evidence that you desire to offer to the Commission for its consideration and in support of your claim? A. Yes

5.

sir.

Here attorney for Applicants asks permission to file additional written evidence in support of this application within thirty days from this date.

Permission is granted attorney for applicants to file written evidence in support of this application if the same is done within 30 days from this date.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you at your present post office address.

Chas. von Weise, having been 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 20th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Chas von Weise

Subscribed and sworn to before me this the 4 day of Oct 1900.

Guy L. Emswiler
Notary Public

Muskogee, Indian Territory, October 12, 1900.

Hudson & Arnold,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 4th instant, enclosing petitions of Ollie Ross, Ben Howard, Celestia Hurst and William M. Foster for enrollment as members of the Choctaw Nation.

The records of this Commission show that these parties appeared before the Commission and made application for identification as Mississippi Choctaws. The papers forwarded by you have been duly filed with the records in these respective cases.

Yours truly,

Acting Chairman.

M. C. R-704
M. C. R-713
M. C. R-721
M. C. R-818

Muskogee, Indian Territory, September 9, 1901.

Mr. William M. Foster,
Alba,
Wood County, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 4th, in which you state that unless you are rightfully entitled to identification as a Mississippi Choctaw you do not desire to be so identified.

You are advised that it appears from our record that on September 20th, 1900, William M. Foster appeared before the Commission at Muskogee, Indian Territory, and applied for the identification of himself and three minor children as Mississippi Choctaws. No decision has yet been rendered in regard to this application. When this case is determined a copy of the decision, stating fully therein the reason for any action taken by the Commission, will be mailed to you at your present address.

No documentary evidence has been filed in this case, except the written application of William M. Foster. If you now desire to offer any further evidence in support of this application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be permitted to do so and same will be

W. M. F. #2.

made a part of the record in your case.

Yours truly,

M.C. 723

Muskogee, Indian Territory, January 3, 1902.

William M. Foster,
Alba, Texas.

Dear Sir:

In the matter of the application for identification as a Mississippi Choctaw of Berge Duke, you are informed that under date of July 27, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant and witnesses in person in support of such application.

It appears from our records that at Muskogee, Indian Territory on September 20, 1900 you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and two minor children, claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Meridian, Mississippi, on Thursday, February 6, 1902 at nine o'clock A. M. there will be heard the

W. M. F. 2.

testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M. C. 713.

Commissioner in charge.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M C R 713

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 27, 1902.

William M. Foster,
Alba, Texas.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Joseph L. Mixon, et al., embracing the following applications for identification as Mississippi Choctaws:

Joseph L. Mixon, et al.,	M C R	788
Martin H. Duke, et al.,	M C R	332
Berge Duke,	M C R	333
Ruth Ada Duke,	M C R	334
Andrew J. Duke, et al.,	M C R	449
Mary Keziah Moore, et al.,	M C R	450
Jasper Weldon Allen, et al.,	M C R	452
Sallie A. Roberts et al.,	M C R	453
Edward E. Foster, et al.,	M C R	700
Ella C. Foster,	M C R	701
Dera F. Smith, et al.,	M C R	702
Elizabeth Sparks, et al.,	M C R	706
Turah Hughs, et al.,	M C R	708
William M. Foster et al.,	M C R	713
Thomas I. Sparks, et al.,	M C R	715
William W. Boucher, et al.,	M C R	718
Henry Tilden Smith,	M C R	753
Sidney B. Smith, et al.,	M C R	754
Rebecca Ellen Smith, et al.,	M C R	756
Sarah J. Foster, et al.,	M C R	757
Elizabeth Jones,	M C R	761
Thomas Smith,	M C R	763
M. D. Boucher, et al.,	M C R	766
Sarah White, et al.,	M C R	769
Lizzie White, et al.,	M C R	770
Artie F. Perry, et al.,	M C R	772
Mary K. Luther, et al.,	M C R	774
Sarah L. Cooper, et al.,	M C R	777
Agnes Nelson,	M C R	783
Sarah Ellmina Bryant, et al.,	M C R	785
Beulah B. Ricks, et al.,	M C R	789
Mary S. Foster, et al.,	M C R	794
Richard W. Foster,	M C R	798
Bartlett S. Duke, et al.,	M C R	816

Lycurgus Duke, et al.,	M C R	823
William S. Luther,	M C R	825
William J. A. Smith, et al.,	M C R	902
Laura Howell, et al.,	M C R	952
William A. Sparks, et al.,	M C R	954
Frank Duke,	M C R	1235
Henderson Duke, et al.,	M C R	1236
Richard M. Scott, et al.,	M C R	2593
Thomas Drue Foster,	M C R	2974
John G. Foster, et al.,	M C R	3037
Andrew J. Foster, et al.,	M C R	3038
Thomas P. Duke,	M C R	3104
Bartlett S. Duke, et al.,	M C R	3105
Braddy S. Duke, et al.,	M C R	3106
Pearl Scott,	M C R	3137
Tiff F. Scott,	M C R	3138
Lockey Virginia Perry, et al.,	M C R	941
William Wiley Perry,	M C R	944
Mary Luvenia Carlisle,	M C R	946
Washington S. Perry,	M C R	974
Thomas L. Mixon,	M C R	4922
Stephen T. Duke,	M C R	4923

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph L. Mixon, Joseph Emmett Mixon, Martin H. Duke, Alonzo H. Duke, Thomas L. Duke, Berge Duke, Ruth Ada Duke, Andrew J. Duke, Elizabeth Caroline Duke, Elsie Jane Duke, George B. Duke, Lillie G. Duke, Birdie Duke, Mary Keziah Moore, William Elmer Moore, Effie May Moore, John V. Allen, Andrew B. Allen, Sallie A. Roberts, Walter A. Roberts, Nora Odessa Roberts, Edward E. Foster, Ada B. Foster, Maud Z. Foster, Ella C. Foster, Dera F. Smith, Erin Smith, Lila Smith, Iva Smith, Elizabeth Sparks, Turah Hughs, William Claudie Hughs, William M. Foster, William Pen Foster, Milla Foster, Bettie Foster, Thomas I. Sparks, Ora T. Sparks, Richard W. Sparks, Freddie C. Sparks, Nettie E. Sparks, William W. Boucher, Sarah Ann Boucher, Jeff T. Boucher, Mary A. Boucher, Harper Duke Boucher, Flora Eunice Boucher, Henry Tilden Smith, Sidney B. Smith, Rebecca Ellen Smith, Rufus J. Smith, Sarah C. Smith, Florence King, Sarah J. Foster, Gatsy Ann Foster, Elizabeth Jones, Thomas Smith, M. D. Boucher, Edward E. Boucher, Haze D. Boucher, Arthur Eugene Boucher, James Quinton Boucher, Leon Boucher, Sarah White, Willie B. White, Ida May White, Lizzie White, Hester Lee White, Claudie White, William Jarrett White, Rena K. White, Artie F. Perry, Bradford Perry, Orion R. Perry, Harvey P. Perry, Nancy K. Luther, Jurrett H. Luther, Roy L. Luther, Roxv M. Luther, Lela Luther, Sarah L. Cooper, Nancy Jane Cooper, George Washington Cooper, James William Cooper, Mary Louisa Cooper, Calvin Hilly Cooper, Agnes Nelson, Sarah Ellmina Bryant, Lillie Bryant, Daisy Bryant, Charlie Bryant, Carl Bryant, Beulah B. Ricks, Joseph Lawrence Ricks, Thuddeus Benton Ricks, Alonza Preston Ricks, Mary S. Foster, Roscoe Foster, Everett A. Foster, Richard W. Foster, Bartlett S. Duke, Tobitha A. Duke, Andrew J. Duke, Geneva Pearl Duke, Lycurgus Duke, Parlee C. Duke, Nellie A. Duke, William S. Luther, William J. A. Smith, Thomas C. Smith, Eddie Lee Smith, Laura Howell, Gladys L.

Howell, Jimmie Howell, Stacy Howell, William A. Sparks, Harvey Sparks, Brady Sparks, David Sparks, Frank Duke, Henderson Duke, Carrie Duke, Claude Duke, Ella Duke, Richard M. Scott, Maymee Scott, Thomas Drue Foster, John G. Foster, Andrew J. Foster, Ouida Foster, Charles H. Foster, Jackson Foster, Thomas P. Duke, Bartlett S. Duke, Alfred Duke, James William Duke, Braddy S. Duke, Pearl Scott, Tiff F. Scott, Lockey Virginia Perry, Margaret Leticia Perry, Malinda Lucretia Perry, Pearly Ophelia Perry, John Riley Jackson Perry, William Wiley Perry, Mary Luvenia Carlisle, Washington S. Perry, Thomas L. Mixon and Stephen T. Duke, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Martin H. Duke for the identification of his wife, Mary Ann Duke, that made by Andrew J. Duke for the identification of his wife, Lucinda J. Duke, that made by Elizabeth Sparks for the identification of her husband, Felix Sparks, that made by Turah Hughs for the identification of her husband, John W. Hughs, that made by Thomas I. Sparks for the identification of his wife, Dora A. Sparks, that made by William W. Boucher for the identification of his wife, Mary Elizabeth Boucher, that made by Sidney B. Smith for the identification of his wife, Dollie L. Smith, that made by John G. Foster for the identification of his wife, Jemima J. Foster, that made by Andrew J. Foster for the identification of his wife, Myrtis C. Foster, that made by Bartlett S. Duke for the identification of his wife, Rosie Duke, that made by Braddy S. Duke for the identification of his wife, Maude Duke, and that made by Jasper Weldon Allen for the identification of himself, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

M. O. R. 713

Muskogee, Indian Territory, November 24, 1902.

William M. Foster,
Alba, Texas.

Dear Sir:

You are hereby notified that on the 14th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph L. Mixon, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Respectfully,

James D. Diney
Acting Chairman.

Muskogee, Indian Territory, December 7, 1903.

William M. Foster,
Alba, Texas.

Dear Sir:

The Secretary of the Interior with his letter of November 25, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al., with instructions that the applicants be granted an opportunity to introduce further testimony and evidence in support of their claim.

The Secretary of the Interior in his letter states:

"October 7, 1903, you transmitted a petition for a rehearing in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al. (M.C.R. 788). Attached to said petition are the affidavits of certain of the applicants in said case, also the affidavit of a full blood Choctaw named John Lewis, who was a resident of the old Choctaw Nation in 1830.

The applicants in this case claim their right to identification as Mississippi Choctaws by reason of their descent from Thomas and Elizabeth Foster. Thomas Foster was an one-half blood Indian who, it is alleged, was a resident of Mississippi in 1830, and complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of that year. The maiden name of Elizabeth Foster was Elizabeth Dukes.

From the affidavit of John Lewis it appears that he was acquainted with said Thomas Foster and with his three brothers, William, James and Hugh Foster; that he was with the Foster brothers in the summer of 1831 at the Union Agency, Mississippi, and that all of said brothers signified their intention to Col. Ward to remain in Mississippi and become citizens of that state.

From the records of the Government it appears that William, James and Hugh Foster were beneficiaries under article 14 of the treaty. It also appears that entry was issued to one

Thomas Foster, under the provisions of said article, by virtue of the subsequent legislation enacted in reference thereto.

Inasmuch as the showing made in said petition and in the affidavits in support thereof, is corroborated by the records of the Government relating to persons who complied with article 14 of the treaty of 1830, it is considered that a further investigation should be had in this matter."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
- 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).
- 3rd. Their Choctaw as well as their English names.
- 4th. The names and number of the persons who composed their families.
- 5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that

Such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, at any time within thirty days from the date upon which you receive this notice, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of such testimony or offering of documentary evidence being first served upon Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

Chairman.

R & R Dep.
Registered

101 CB

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

WM. O. BEALL,
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:

M. C. A. 713

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory May 11, 1905.

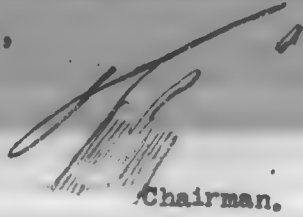
William M. Foster,
Alba, Indian Territory,

Dear Sir:

You are hereby notified that on April 28, 1905, the Secretary of the Interior reaffirmed the decision of this Commission of May 13, 1902, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph L. Nixon et al.

You are advised that a copy of the decision of the Secretary of the Interior in this case has been furnished L. B. Horton, Attorney at Law, Durant, Indian Territory, and Messrs. Herbert, Walker & Cannon, Attorneys at Law, Ardmore, Indian Territory, attorneys for the several applicants in this consolidated case.

Respectfully,



Chairman.

MCR-713

Muskogee, Indian Territory, March 9, 1907.

William M. Foster,
Alba, Texas.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied the motions filed by J. O. Pool, attorney at law, South McAlester, Indian Territory, and Gilbert & Bond, attorneys at law, Duncan, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case, of Joseph L. Nixon et al.

Respectfully,

Commissioner.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

713

$\frac{1}{8}$ SEP 20 1900
William M. Foster. 57.
Alba, Texas.

FATHER: Moses N. Foster - dead
MOTHER: Nancy Foster - dead.
Claims through father.

WIFE: Mattie R. Foster - 53.

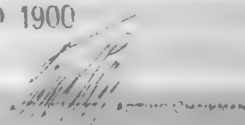
CHILDREN:

William P. Foster . 20.
F Millie " " 17.
Betty " " 15.

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

FILED

SEP 20 1900



William M. Foster et al

WORLD APPLICANT:

RECORD FORWARDED DEPARTMENT OF THE INTERIOR FOR HEARING

RECORD FORWARDED DEPARTMENT, AUG 24 1904

ACTION APPROVED BY SECRETARY OF INTERIOR, APR 28 1905

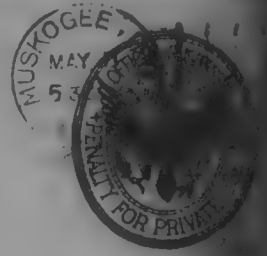
ACTION MAILED APPLICANT, MAY 11 1905

NOTICE OF DEPARTMENTAL ACTION FORWARD DATION YREON CHOCTAW CHICKASAW NATIONS, MAY 11 1905

NOTICE OF DEPARTMENTAL ACTION FORWARD DATION NEY OH APPLICANT, MAY 11 1905

OPER TO... 758

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

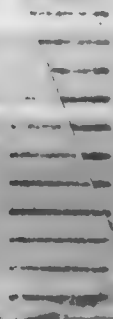


713
Return to
writer

~~William M. Foster,~~
~~Alba, Indian Territory.~~

FILED
JUN 16 1905
MUSKOGEE COUNTY FIVE CENTS

MUSKOGEE
JUN 11 11 AM '05
INDIAN



Choc. MCR 714

Daniel J. Johnson

See MCR 711

MCR 714

ON AS
A MISSIONARY CHOCTAW. R. 714

Daniel J. Johnson et al

REFUSED.

DECISION RENDERED. MAR 3- 1902

NOTICE OF DECISION MAILED APPLICANT.

MAR 3 1902

FORWARDED TO ATTORNEY

FOR APPLICANTS. MAR 3 1902

NOTICE OF DECISION
FOR CHOCTAW NATIONS.

MAR 3 1902

RECORD FORWARDED DEPARTMENT.

MAR 3 1902

ACTION APPROVED SECRETARY OF INTERIOR.

APR 30 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. MAY 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO ATTORNEY FOR APPLICANT.

MAY 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAY 9 1902

REFER TO M. C. R. 711

4

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T. Sept. 20, 1900.

In the matter of the application for identification as Mississippi Choctaws of Daniel Jackson Johnson and his minor child and his wife as an intermarried Mississippi Choctaw. Daniel Jackson Johnson being duly sworn by the Commission, testified as follows:

Examination by the Commission.

- Q Please state your name? A Daniel Jackson Johnson.
- Q You apply for identification as a Mississippi Choctaw do you?
A Yes sir.
- Q What is your age? A Twenty five.
- Q What is your post-office address? A Ravia, Indian Territory.
- Q How long have you lived at Ravia? A A month.
- Q What Nation is Ravia in? A Chickasaw.
- Q Where did you live before you went to Ravia? A Mississippi.
- Q Came direct from Mississippi to Ravia? A Yes sir.
- Q Were you born in Mississippi? A Yes sir.
- Q And lived there all your life until you came here?
A Well, I lived in Arkansas ten years.
- Q When? A We went there when I was five and staid unt'l I
was fifteen and then went back to Mississippi.
- Q You apply for identification as a Mississippi Choctaw?
A Yes sir.
- Q Do you apply for any one besides yourself? A My wife and
child.
- Q Is your father living? A Yes sir.
- Q What is his name? A Andy Johnson.
- Q White man? A Yes sir.
- Q Is your mother living? A Yes sir.
- Q What is her name? A Josephine Johnson.
- Q Is she a white woman or Choctaw? A Choctaw.
- Q What proportion Choctaw blood does she claim to have?
A One eighth.
- Q What proportion of Choctaw blood do you claim to have? A
One sixteenth.
- Q You claim for your wife as an intermarried Mississippi
Choctaw, is that right? A Yes sir.
- Q What is her name? A Molly Johnson.
- Q She is a white woman is she? A Yes sir.
- Q She has no Indian blood? A Well they never proved up
any yet.
- Q Is her father living? A Yes sir.
- Q What is his name? A Howard McClain.
- Q Is her mother living? A Yes sir.
- Q What is her name? A Susan McClain.
- Q How old is your wife? A Twenty four years old.
- Q What is the name of your child for whom you make applica-
tion? A Arnold Johnson.
- Q A boy I suppose? A Yes sir.
- Q How old is Arnold? A A year old the seventh of this
month.
- Q He is the child of yourself and Mollie Johnson is he?
A Yes sir.
- Q He gets his Indian blood solely through you? A Yes sir.
- Q His claim has the same foundation then as yours? A Yes
sir.

Daniel J. Johnson 2---

- Q His claim has the same foundation then as yours? A Yes sir.
- Q This child is living with you is he? A Yes sir.
- Q When and where were you married to Mollie Johnson? A In Choctaw County, Mississippi.
- Q When? A December 4th, 1898.
- Q Married under the laws of the state of Mississippi were you? A Yes, sir.
- Q Have you your marriage license and certificate with you at this time? A Yes sir.
- Q Do you desire to offer it in evidence? A My Hudson has them.
- Q Your lawyer? A Yes sir.
- Q Who performed your marriage ceremony? A Squire Pierce.
- Q A justice of the Peace? A Yes sir.
- Q Where did you get your marriage license? A Chester, the county seat of Choctaw County, Mississippi.
- Q You desire to offer this marriage license and certificate at a later date do you? A Yes sir. Mr. Hudson said he would take them in.
- Q Was your mother ever recognized by the Choctaw tribal authorities here in the Indian Territory? A I don't suppose she was.
- Q Her name doesn't appear upon any of the Choctaw tribal rolls does it? A No sir.
- Q Have you ever been before this Commission before as an applicant for enrollment or identification as a Mississippi Choctaw? A No sir.
- Q Have you ever been recognized by the Indian authorities as a citizen of the Choctaw Nation? A No sir.
- Q Is your name to be found on any of the Choctaw tribal rolls? A No sir.
- Q The same state of facts exists as to your wife and your minor child does it? A Yes sir.
- Q Upon what do you base the claim made by you at this time for the identification of yourself and your minor child as Mississippi Choctaws and your wife as an intermarried Mississippi Choctaw? A Because I have always been taught by my mother that I have the right.
- Q Simply because you have Choctaw blood; is that it? A Yes sir.
- Q Do you base your claim upon any treaty between the United States and the Choctaw Indians? A Yes sir.
- Q What treaty? A The fourteenth.
- Q The fourteenth treaty? A I think so.
- Q Is that right? A I don't know.
- Q You make no claim under the Atoka Agreement do you? A No sir.
- Q Do you make any claim under the treaty of 1830? A I think that is the treaty I claim under.
- Q Do you claim under any particular article of that treaty? A Well, I could not answer positive.
- Q Do you make any claim under the nineteenth article of that treaty? A I don't know.
- Q Do you make any claim under the fourteenth article of that treaty? A I could not answer positive.
- Q Did you ever read any part of the treaty of 1830? A No sir.
- Q Ever hear it read? A No sir.
- Q Don't know anything it contains then? A No sir.
- Q Did you or any of your ancestors ever take advantage of the fourteenth article of the treaty of 1830? A No sir.
- Q Did any of your ancestors ever receive or claim any land under the fourteenth article of the treaty of 1830? A No sir never did.
- Q You are sure of that now, are you? A Yes sir.
- Q What one of your ancestors was living in Mississippi at the

Daniel J. Johnson 3---

time the treaty was made in 1830? A Martha Cox, my grandmother.

Q Was she a Choctaw Indian? A Yes sir.

Q What proportion of Choctaw blood did she claim? A One quarter I think.

Q She was living in Mississippi when this treaty was made, was she? A I think so.

Q You are sure she never received any land down there A No sir.

Q Is there any additional statement you wish to make in regard to your claim? A No sir.

Q Any papers that you want to file at this time? A No sir, my papers is all in my attorney's hands.

Q You want to file them at a later date do you? A Yes sir.

Q Any statements, affidavits, or other papers which you may offer for filing within thirty days from this date will be received and filed by the Commission in the matter of your application for identification of yourself and minor child as Mississippi Choctaws and your wife as an intermarried Mississippi Choctaw.

You will be furnished at a later date with a copy of the decision of the Commission with ~~the~~ reference to the application made by you at this time for the identification of yourself and your minor child as Mississippi Choctaws and your wife as an intermarried Mississippi Choctaw, mailed to you at your present post-office address.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings in the above entitled cause on the 20th day of September, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 26th day of September, 1900:

Guy L. Emerson
Notary Public.

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

In the matter of the application of Daniel Jackson Johnson for identification for himself and his minor child, Arnold Johnson, as Mississippi Choctaws, and for his wife, Molly Johnson, as an inter-married Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Daniel Jackson Johnson appeared before the Commission at Muskogee, Indian Territory, September 20, 1900, and there made application for identification for himself and his minor child, Arnold Johnson, as Mississippi Choctaws, and for his wife, Molly Johnson, as an inter-married Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application of Daniel Jackson Johnson for identification for himself and his minor child, Arnold Johnson, as Mississippi Choctaws, and for his wife, Molly Johnson, as an inter-married Mississippi Choctaw, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY

ACTING CHAIRMAN.

Muskogee, Indian Territory, October 12, 1900.

Hudson & Arnold,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 4th instant enclosing petitions of John Jones et. al and Charles P. Holden, et. al, applications for identification as Mississippi Choctaws, and Affidavit of J. S. Oswalt in the matter of the application of D. J. Johnson et. al for identification as Mississippi Choctaws, and the affidavit of Robert G. Shaw to be filed in the matter of the application of Mary M. Box, (nee Johnson, for enrollment as a member of the Choctaw tribe of Indians.

The petitions of John Jones et. al and Charles P. Holder et. al have been duly filed with the records in those cases. The affidavit offered in support of the claim of D. J. Johnson has been duly filed with the records in that case.

The affidavit offered for filing in the matter of the claim of Mary M. Box (nee Johnson) for enrollment as a member of the Choctaw tribe of Indians is returned to you herewith for the reason that the records of the Commission do not show that this party has ever appeared before the Commission and made application for enrollment as a citizen of the Choctaw Nation or identification as a Mississippi Choctaw.

You are advised that the records of the Commission do show, however, that Maggie Box, the daughter of Andy and Josephine

H. & A. 2--

Johnson, appeared before the Commission at Muskegee on September 20th, 1900 and made application for the identification of herself and her minor child, Clara May Box, as Mississippi Choctaws and her husband Rufus L. Box, as an intermarried Mississippi Choctaw.

Yours truly,

Acting Chairman.

M. C. R-709
M. C. R-714
M. C. R-697
M. C. R-751

A handwritten signature in cursive script, appearing to be 'R. L. Box', is written in the center of the page.

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.

Muskogee, Indian Territory, March 27th, 1901.

Daniel Jackson Johnson,

Ravia, I.T.

Dear Sir:

There is enclosed you herewith a copy of the Commission's decision refusing your application and the application made by you on behalf of your minor child for identification as Mississippi Choctaws, and also for your wife as an inter-married Mississippi Choctaw.

Yours truly,

encl.
REG.M.

M.C.R. 714

Acting Chairman.

Muskogee, Indian Territory, November 23, 1901.

Daniel J. Johnson,
Ravia, Indian Territory.

Dear Sir:

In the matter of the application for identification as Mississippi Choctaws of Marietta J. Johnson, et al., you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses in person in support of such application.

It appears from our records that at Muskogee, Indian Territory on September 20, 1900 you made personal application to this Commission for the identification of yourself and minor child as Mississippi Choctaws claiming descent from the same common ancestor and for the identification of your wife as an intermarried Mississippi Choctaw.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes, at Meridian, Mississippi, on January 20, 1902

D. J. J. 2.

at one o'clock P. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M. C. 714.

Acting Chairman.

Muskogee, Indian Territory, March 3 1902.

Daniel Jackson Johnson,

Ravia, Indian Territory.

Dear Sir-

You are hereby advised that on the 3rd day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Cox, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Cox, et al.,	M C R 711
Mary Etta Josephine Johnson, et al.	M C R 335
Dora Ann Cutts, et al.,	M C R 337
Hint Oswald, et al.,	M C R 356
Eva Bryant, et al.,	M C R 705
Maggie Box, et al.,	M C R 709
John W. Cummings,	M C R 712
Daniel Jackson Johnson, et al.,	M C R 714
Lucy Hull, et al.,	M C R 922
Mollie Cummings,	M C R 926
John Franklin Hull, et al.,	M C R 930
Daniel J. Cummings, et al.,	M C R 1041
Rosa Tedder, et al.,	M C R 1150
Thomas Herschel Cox,	M C R 1152

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty first section of the act of Congress of June 28, 1898 (30 Stats., 425), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Andrew J. Cox, John Strong Cox, Mary Etta Josephine Johnson, Frances A. Johnson, John P. Johnson, George Wesley Johnson, Wilmer Mabel Johnson, Charles Jeff Johnson, Euel Johnson, Dora Ann Klutts, Mary A. Klutts, Zubby Klutts, Mint Oswalt, Curtis Oswalt, Myrtle Oswalt, Lola Celesta Oswalt, Eva Bryant, Molly Bryant, Jessie Bryant, Harvey Bryant, Maggie Box, Clara May Box, John W. Cummings, Daniel Jackson Johnson, Arnold Johnson, Lucy Hull, Tip Hull, Lelar Hull, Harve Hull, Lem Hull, Dock Hull, Jerry Hull, Daniel J. Cummings, Joseph Austin Cummings, Daniel Pearle Cummings, Essie Cummings, Frankie Cummings, Grover Cummings, Archie Cummings, Henry Hudson Cummings, Emma Tedder, Reuben Redder, Cora Tedder, Charley Tedder, Floyd Tedder and Thomas Herschel Cox, as Choctaw Indians entitled to rights in the Choctaw lands under

the provisions of the law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provisions of the law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Mary Etta Josephine Johnson for the identification of her husband, Andy H. Johnson, the application made by Dora Ann Klutts for the identification of her husband, John F. Klutts, the application made by Mint Oswalt for the identification of her husband, J. S. Oswalt, the application made by Maggie Box for the identification of her husband, Rufus L. Box, and the application made by Daniel Jackson Johnson for the identification of his wife, Molly Johnson, as intermarried Mississippi Choctaws, should therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

M.C.R. 714

Muskogee, Indian Territory, May 9, 1902.

Daniel J. Johnson,
Ravia, Indian Territory.

Dear Sir:-

You are hereby advised that on the 30th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Cox, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge .

A MISSISSIPPI CHOCTAW

SEP 0 1900

(116) *Samuel Johnson* 25
Ravia J.J.

Father *Andy Johnson* (white)
Mother *Josephine* " (1/8)

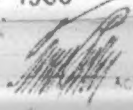
Wife *Mollie Johnson* (24) (white)
Father *Howard McClain* "
Mother *Susan McClain*

Child *Arnold Johnson* (1)

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

FILED

SEP 20 1900


ACTING CHAIRMAN

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OF
ROLL

