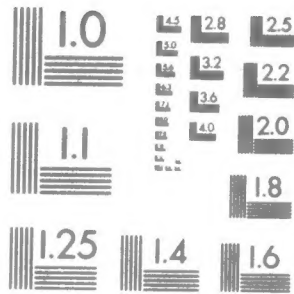
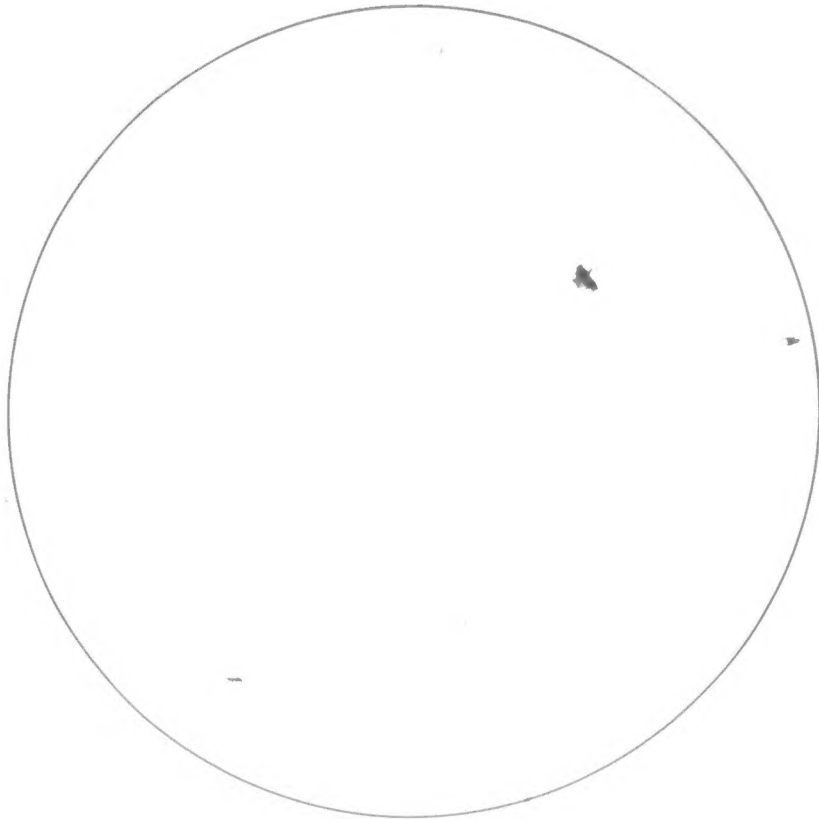
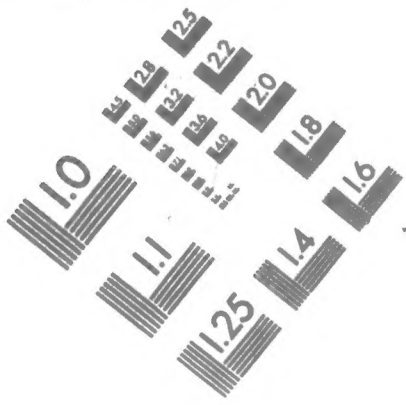


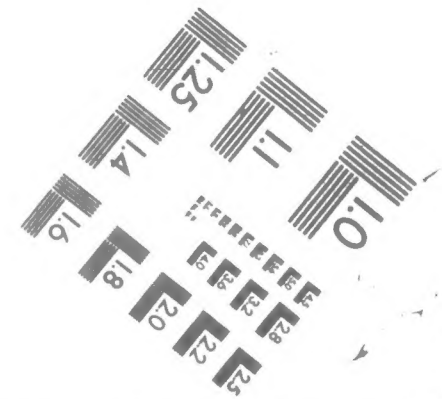
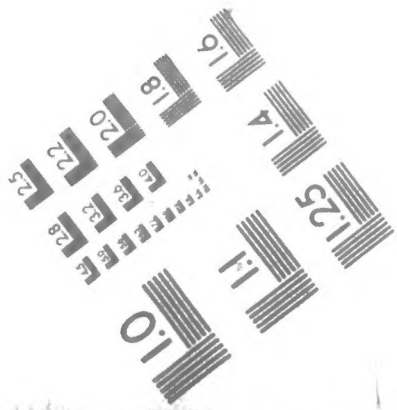


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**APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES**

1898 - 1914

ROLL 99

MISSISSIPPI CHOCTAW MCR 1154 - MCR 1245

**THE NATIONAL ARCHIVES
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WASHINGTON: 1983

Choc MCR 1154 Sallie Washington

MCR 1154

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Sallie Washington
et al., for identification as Mississippi Choctaws
M.C.R. 1154

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Hattiesburg, Miss. Dec. 19, 1900.

In the matter of the application for identification as Mississippi Choctaws of Sallie Washington and her two children. Sallie Washington being duly sworn by Acting Chairman Bixby testified as follows:

Examination by the Commission.

- Q What is your name? A Sallie Washington.
Q How old are you? A I don't know. When I was little girl my mother died.
Q About how old are you. About fifty? A Yes sir, I reckon.
Q What is your post-office address? A Paulding.
Q Mississippi? A Yes sir.
Q Do you live in Mississippi? A Yes sir.
Q How long have you lived here? A Always.
Q Born in Mississippi? A Yes sir.
Q What is your father's name? A More his white name. Indian name Lahilah.
Q Is he dead? A Laid down and died.
Q What is your mother's name? A Liza.
Q Got any Indian name? A I have forgotten.
Q Is she dead? A Yes sir.
Q Your mother and father both full blood Choctaws? A Yes sir.
Q Have you a husband? A Dead.
Q What is his name? A George Washington.
Q He a full blood? A Yes sir.
Q Any children? A Two little ones.
Q What are their names? A Mary a girl.
Q How old is Mary? A Six.
Q Got another one? A Noble, ten.
Q Is that all? A Yes sir.
Q Is your name or the names of your children on any of the tribal rolls of the Choctaws in the Indian Territory? A No sir.
Q Did you ever make application, did you ever ask the Choctaws in the Indian Territory to enroll you? A No.
Q Did you ever make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of June 10th, 1896? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian Territory on appeal from the decision of the Choctaw authorities or the decision of this Commission? A Did not.
Q Did you ever make an application before this? A No sir.
Q How about Decatur a year ago? A My husband gave my name at Decatur.
Q George Washington died since then? A Yes sir.
Q George Washington an old man? A Yes sir.
Q Dead now? A Yes sir.

The name of this applicant appears with that of her husband, George Washington on Mississippi Choctaw card No. 369 an application having been made at Decatur, Mississippi, February 2, 1899. They also appear upon the schedule attached to the Commission report of March 10th, 1900, nos. 1309 and 1310.

- Q Who are Lewis' children? A Webb, Mary and Noble.
Q They are named Lewis are they? A Yes sir. He ran away.
Q They are not named Mary Washington and Noble Washington. Their name is Lewis, isn't that right? A Yes sir.

Sallie Washington 2

- Q Where is Webb Lewis? A Long ways off.
Q Married? A No sir.
Q How old? A He is grown, fully twenty.
Q Who is the father of these children? A Ilahotubbee.
Q Is that Jim Lewis? A Yes sir.
Q How old is Webb? A About twenty.
Q How old is Mary? A Five.
Q Isn't she fifteen? Isn't Mary older than Noble? A Mary is six.

The names of these children also appear upon Mississippi Choctaw card 389.

- Q You are claiming under the fourteenth article of the treaty of 1830 are you? A Yes sir.
Q Do you know your father's father's name? A Pealoh.
Q What was your grand ~~father's~~ mother's name? A I have forgotten it.
Q What was your mother's father's name? A Don't know. Never saw him.
Q Do you know your mother's mother's name? A Don't know. Never saw her.
Q Did your mothers and fathers people go out to the Indian Territory when the Indians moved there? A Didn't go.
Q Did you ever hear about them going out there? A Some of them went out there.
Q Some of your father's and mother's people? A No they never went.
Q Did they ever go to the Indian Agent of the Choctaws here in 1830, 70 years ago, did they ever tell the Indian Agent they wanted to stay here? A Don't know.
Q Did any of your people, your mother's people, or your father's people ever receive or claim any land here in Mississippi under this treaty? A No sir.
Q Did the government ever give them any land here? A No.
Q Have you ever been out of Mississippi? A No sir.
Q Your father and mother ever out of Mississippi? A No sir.
Q Born here? A Yes sir.
Q Lived here all their lives? A Yes sir.
Q Is there anything more you want to say? A No.
Q Any papers, any writing, any documentary evidence you want to give the Commission? A No sir.
Q In the event that the Commission is enabled to identify you as a Mississippi Choctaw is it the intention of you and your children to go to the Indian Territory? A No.
Q Not going to the Indian Territory? A No.
Q You understand that if you are identified it does not do you any good unless you go there. You have to go to the Indian Territory. Don't you want to go to the Indian Territory? A No sir.
Q Wouldn't go? A No.
Q Do you own any property here? A No don't own any property at all.

The decision of the Commission as to your application and the application you make on behalf of your children will be mailed to you in writing to your present post-office address.

This woman is to all appearances a full blood Choctaw Indian, unable to speak or understand the English language. Has always resided in the state of Mississippi and has never derived any benefits as a Choctaw Indian from the Choctaw Nation in the 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 19th day of December, 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 10th, day of January, 1901.

July L. Emerson
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Hattiesburg, Miss. Dec. 19, 1900.

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

Examination by the Commission.
Through Interpreter H. S. Halbert.

- Q What is your name? A Lizzie Boston.
Q How old are you? A About thirty.
Q What is your post-office? A Hayrow, Jasper County.
Q How long have you lived in Mississippi? A Born, raised and lived in Mississippi.
Q Never have been any where else? A Just lived in Jasper County.
Q What is your father's name? A Jim Lewis his white name.
Q What is his Indian name? A Ilahotubbee.
Q Is your father living? A Yes sir.
Q What is your mother's name? A Sally.
Q Sally Lewis? A Sally Washington.
Q Is she living? A Yes sir. My mother's here.
Q They are both full blood Choctaws? A Yes sir.
Q Are you married? A Yes sir, my old man dead.
Q What is his name? A I had a husband by the name of Wiley Johnson but he ran away.
Q Have you any children? A Yes sir.
Q How many? A Three.
Q What are the names of your children? A Bennie Boston.
Q How old is Bennie? A Ten.
Q Get another one? A Dera Boston.
Q How old? A Eight.
Q Who was the father of these children? A Lewis Boston.
Q Is Lewis Boston living? A Dead.
Q Get another child? A Lucy.
Q Lucy what? A Lucy Johnson.
Q How old? A Four months.
Q Who is the father of this child? A Wiley Johnson.
Q Where is he? A He has run away.
Q Is Wiley Johnson a full blood? A Yes sir.
Q Lewis Boston a full blood Choctaw? A Yes sir.
Q All the children full bloods? A Yes sir.
Q Is your name on any of the rolls of the Choctaws in the Indian Territory? A No sir.
Q Did you ever apply to the Choctaw people in the Indian Territory to be enrolled as a Choctaw? A Did not.
Q Did you make application to the Commission, to the Dawes Commission four years ago for citizenship in the Choctaw Nation in the Indian Territory? A Did 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 Did not.
Q This is the first time you have ever made any application?
A I made it before.
Q Where was it? A Decatur.
Q When? A About two years ago I think I sent it in.
Q The last time you made application did you say your name was Melissa or Lizzie? A I gave it as Lizzie.

Lizzie Boston 2

The applicant is the identical person who appears as Malissa Boston together with her two children Bennie and Dera Boston in Mississippi Choctaw roll card No. 370 having been placed thereon at Decatur, Mississippi, February 7th, 1899 and also appear in the schedule annexed to the Commission's report of March 10th, 1900, page 85, numbers 1814, 1815, and 1816.

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

Q You claim under the fourteenth article of the treaty of 1830? A Yes sir.

Q What was your grand father's name? A Don't know. So long ago I don't know.

Q Do you know any of your grand parents names. Either your father or mother's parents names? A Don't know.

Q Do you know anything about them? A No.

Q Do you know whether they ever went to the Indian Territory?

Q I don't know anything about it.

Q Do you remember any of them? A Don't know.

Q Did any of them ever receive any land here in Mississippi from the United States government? A None. Get none.

Q Have you ever received any benefits from the Choctaw Indians in the Indian Territory? A Did not.

Q Never got any money from them? A No.

Q Any of your people ever draw any money from the Choctaw Nation in the Indian Territory? A No sir.

Q If the Commission is enabled to identify you as a Mississippi Choctaw is it your intention to remove with your children to the Indian Territory? A Yes sir.

Q Move out there? A Yes sir.

Q Have you any papers to show that your ancestors ever received any benefits as Choctaw Indians or were ever recognized? A None.

Q Anything more you want to say? A Nothing else.

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 at your present post-office.

This applicant is to all appearances a full blood Choctaw Indian. Unable to speak the English language and understands but little English that is spoken to her. She has no knowledge of her ancestors further back than her father and mother and knows nothing of their residence in Mississippi or the Indian Territory. She has always lived in Mississippi and has never derived any benefits from the Choctaw Nation in the 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 19th day of December, 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 20th day of December, 1900

Myra Young

Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Sallie Washington,
et al., for identification as Mississippi Choctaws,

M.C.R. 1154

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

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 19, 1900, by Sallie Washington for herself and her three minor children, Webb, Noble and Mary Lewis, 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."

From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902, (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw -Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Sallie Washington, Webb Lewis, Noble Lewis and Mary Lewis should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman

Commissioner


Commissioner

Muskogee, Indian Territory

COPY!

Muskegee, Indian Territory, April 22, 1903.

Manfield, Murray & Gornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find copy of the decision of the Commission rendered April 22, 1903, identifying Sallie Washington and her minor children, Webb, Noble and Mary Lewis as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Sallie Washington and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

James B. ...
Chairman.

Registered.
Enclosure. 1154.

E. O. D. 1154

COPY.

Muskogee, Indian Territory, May 6, 1903.

Sallie Washington,
Beading, Mississippi.

Remailed. Burnwood, I. T. Nov. 24, 1903.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 22, 1903, identifying yourself and minor children, Webb Lewis, Noble Lewis and Mary Lewis as Mississippi Choctaw Indians under the provisions of section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 541).

If you remove to the Choctaw-Chickasaw country, Indian Territory before October 22, 1903, you will have six months from that date, or until April 22, 1904, within which to make proof of such removal and settlement, at the office of the Commission at Atoka, Choctaw Nation, or Elishomingo, Chickasaw Nation.

Respectfully,

THOMAS

Thomas Bixby
Chairman.

Registered

No. 1154.

K C R 1154

Mustagee, Indian Territory, August 15, 1908.

J. A. Tippit,

Ardeners, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you ask if Sallie Lewis or Washington has been identified as a Mississippi Choctaw.

In reply you are informed that it appears from our records that on April 22, 1908, the Commission rendered its decision identifying Sallie Washington and her minor children as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations, of which notice she was duly advised on May 6, 1908, at Paulding, Mississippi, her last known post office address, and the same has been returned to this office marked "undelivered."

Respectfully,

Commissioner in Charge.

No. 1154

For Identification as a Mississippi Choctaw.

Date DEC 19 1900

Name Sallie Washington.

Age 50 Blood Full.

Post Office, Paulding, Mississippi

Father: Nose - (Fahilak) - dead.

Mother: Liza - dead.

Claims through both parents

HUSBAND:

George Washington - dead.

Children:

Mary Lewis in 6

Noble " " 10

Webb " " 20

Stenographer:

Myra Young.

Althe Washington, et al

IDENTIFIED

SECTION REFERRED TO BY NAME

COPY OF DEC
ORNEY'S
KASAW VA

COPY OF DEC

MAY 1903

Choc mCR 1155 maggie miller

see mCR 1211

3/28/1901 Judgment NOT WRITTEN. Testimony
can not be found. A.B.

mCR 1155

REFUSED.

Maggie Miller et al

3/21

2

ca.

Cancelled.

See MCR #1211.

Atoka, Indian Territory, April 1, 1901.

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

Gentlemen:

Will you please look through the records of your office and see if you can find the testimony in the application of Maggie Miller, et al. for identification as Mississippi Choctaws. The slip does not indicate on what date this testimony was taken but the card bears the date December 11, 1900, and the slip shows that the testimony was taken by Mr. Wellshear. It is evident that this application was heard the day before we left Atoka in December, 1900. We have had no occasion to look for this testimony until now, and I am of the opinion that it has never been in the files of this office. Please advise us in regard to this matter.

Yours truly,

MC 1155

Miss Choctaw.

Maggie Miller.

Age. 23.

P.O. Norton. D.D.

Father Charlie Goodson
Mother Mary E Goodson
Claim through mother
Tom Bullard

Husband. ~~Wm. Miller~~

Children.

Annie Miller 5

W. A. Wellstham

Steu

Dec 11, 1900

Choa mCR 1156 Tilman S. Conerly

see mCR 480

mCR 1156

AS
A MISSISSIPPI CHOCTAW. R. 110
Silman S. Courly et al

REFUSED

RENDERED
JUN 19 1902

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT

NOTICE OF DEPARTMENTAL ACTION FORWARDED
ATTORNEYS FOR APPLICANTS

JUN 19 1902

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

REMANDED BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.

RECORD FORWARDED DEPARTMENT.

REMANDED BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.

RECORD FORWARDED DEPARTMENT.

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

JUN 27 1905

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

JUL 15 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUL 15 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUL 15 1905

U.S. DEPT. OF INTERIOR
BUREAU OF LANDS
WASHINGTON, D.C.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
HATTIESBURG, MISSISSIPPI, DECEMBER 19 1900.

In the matter of the application for identification as Mississippi Choctaws of Tilman S. Conerly and his four minor children

Tilman S. Conerly, having been first duly sworn by Acting Chairman Tams Rixby, testifies as follows:

Examination by the Commission.

- Q What is your name? A Tilman S. Conerly.
Q How old are you? A Thirty seven.
Q What is your post office address? A Bald Town , Louisiana.
Q Do you live in Louisiana? A Yes sir.
Q How long have you lived there? A I have only been there since '89; 11 years.
Q Maintained a continuous residence there for the past eleven years?
A No, not continuously either, I was out twelve months.
Q Where were you then? A Osyoa, Mississippi.
Q where did you live before your residence in Louisiana? A Lived in Mississippi.
Q How long did you live in Mississippi? A All my life.
Q Born here? A Yes sir.
Q What is your father's name? A James Conerly.
Q Is he living? A ~~Yes~~ He is not; no sir.
Q What is your mother's name? A Mary Conerly
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A An eighth.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for enrollment as a Choctaw Indian? A No sir.
Q Did you, or did any one in your behalf, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896?
A Not that I know of.
Q Did you make application? A No sir.
Q Did you authorize any one to make any application for you? A No sir
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the 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 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 under the provisions of the fourteenth article of the treaty of 1830? A I don't believe I get that question.
Q Why do you believe that you are entitled to the rights of a Choctaw Indian under the fourteenth article of the treaty of 1830?
A Well, I don't know; just because I possess the Indian blood, the Mississippi Choctaw.
Q You claim the right to identification as a Mississippi Choctaw?
A Yes sir.
Q Are you claiming under the fourteenth article of the treaty of

- of 1830? A I don't believe I understand all of that. As a matter of course; why certainly.
- Q You claim under the fourteenth article? A Yes sir.
- Q What is the name of your ancestor who was a resident of the state of Mississippi and a recognized member of the Choctaw tribe of Indians in 1830 at the time the treaty was entered into between the United States and the Choctaw Nation? A You mean my father?
- Q I don't know whether it is your father or not? A How is that question?
- Q What is the name of your ancestor who was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830 at the time the treaty was entered into between the United States and the Choctaw Nation? A James Conerly.
- Q Is that your father? A Yes sir.
- Q How old is he? A He is dead.
- Q How old would he be if he were living? A He would be about seventy odd years old.
- Q About seventy? A Yes sir.
- Q He would not have been over twenty one years of age in 1830 then would he? A No.
- Q What was his father's and mother's name? A Owen and Pelly.
- Q Well, which one of them was an Indian? A Owen, his father.
- Q What was his full given name? A Owen Conerly.
- Q Was he a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A Yes.
- Q Have you any evidence of that fact? A I don't know.
- Q How do you know he was a recognized member? A Only by the affidavits I have.
- Q Affidavits of whom? A Of Mr. Forbes and Mrs. Forbes.
- Q What do they show? affidavits showing what?
- A Showing that we were recognized as Choctaw Indians.
- Q I am not talking about you, I am talking about your grandfather. What evidence have you that he was a recognized Choctaw Indian in Mississippi in 1830? A Well, I have no evidence at all as to that; that is a pretty hard matter you might say, if I understand the question.
- Q What is the name of your ancestor who was a recognized Choctaw Indian in Mississippi in 1830; that is plain, isn't it? A Yes sir.
- Q Who was it? A That was my father.
- Q Your father was under age then? A Oh, under age; we have none then, if that is the case.
- Q What are you making this claim for; what is the basis of your claim?
- A The basis is my grandfather-- he was dead at that time; it was handed down by his son.
- Q You don't seem to answer my question at all; I am not talking about now. I am talking about seventy years ago in 1830; what evidence have you of the fact that your grandfather was a Choctaw Indian; how do you know that he was a Choctaw and enjoyed the privileges of Choctaw citizenship? A No sir.
- Q Did he ever receive any benefits as a Choctaw Indian? A No sir, not that I know of.
- Q Where did your grandfather die? A I don't know.
- Q Is he a resident of the state of Mississippi? A He was.
- Q Did he ever remove from Mississippi? A Not that I know of.
- Q Did any of your ancestors ever signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to remain and become citizens of the United States within six months after the ratification 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 I don't know that they did.

- Q Are you making any claim under any other treaty stipulations between the United States and the Choctaw Indians? A Any other claim?
- Q Under any other treaty provisions? A No sir.
- Q You base your claim solely on the fourteenth article of the treaty of 1830? A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Courtney Cenerly
- Q Is she a white woman? A Yes sir.
- Q Making any claim for her? A No sir.
- Q Where did you marry her? A China Grove, Mississippi.
- Q When? A January 8, '91.
- Q Have you your marriage license and certificate? A Not with me.
It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in the matter of the application for identification of your children.
- Q How many children have? A Four
- Q Do you want to make application for them? A Yes sir.
- Q What are their names and ages? A Myrtis.
- Q How old? A She is seven years old.
- Q The next one? A Alvin B.
- Q How old? A Six years; James R. is four years.
- Q The last one? A Margie.
- Q How old? A She is not a year old; six months.
- Q You are the father of these four children? A Yes sir.
- Q Is Courtney Cenerly the mother of all four of them? A Yes sir.
- Q And they all live with you at your home? A Yes sir.
- Q Is there any additional statement that you desire to make in support of this application? A No sir, none that I know of.
- Q Have you any written evidence, documentary evidence that your ancestors were ever Choctaw Indians that you desire to file?

Here L. P. Hudson, attorney for application, asks leave to file written evidence in support of this claim, making the showing required, within thirty days from this date.

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

(This applicant is to all appearance a white man and speaks the English language without any difficulty.)

Anna Bell, having been first duly sworn by Acting Chairman Tams Bixby, 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 19th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Subscribed and sworn to before me this 20 day of December, 1900.

Anna Bell

Acting Chairman.

Muskogee, Indian Territory, January 16, 1901.

Messrs Hudson & Arnold,
 Armore, Indian Territory,
Gentlemen:

The Commission is in receipt of your letter of January 14, inclosing affidavits to be filed in support of the following applications for identification as Mississippi Choctaws:

1180, Robert A. Conerly
1187, Walter W. Conerly
1188, Mary A. Walker
1214, Florence A. Harvey.
1118, Rufus Dixon
1186, Tilman H. Conerly.

In reply to your request for fifty blank applications for enrollment of infant children, you are advised that the Commission has no forms for the enrollment of infant applicants for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

AD

Muskogee, Indian Territory, January 21, 1901.

Messrs Hudson & Arnold,

Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of January 16, enclosing affidavits to be filed in support of the following applications for identification as Mississippi Choctaws:

1159, Ella J. Pecky.
1158, Robert A. Conerly
1157, Walter W. Conerly
1156, Tilman S. Conerly,
1214, Floy Narvey.

The same have been duly filed with the records in the respective cases.

Yours truly,

Acting Chairman.

AB

COPY.

H.C.R. 1156

Muskogee, Indian Territory, June 16, 1902.

Wilman S. Conerly,
Balltown, Louisiana.

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 Mary R. Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary R. Johnson, et al.,	H.C.R.	499
Emma F. Black, et al.,	H.C.R.	418
Wilman S. Conerly, et al.,	H.C.R.	1156
Walter W. Conerly, et al.,	H.C.R.	1157
Robert Arthur Conerly, et al.,	H.C.R.	1158
Ellis J. Focky,	H.C.R.	1159
Wiley Harvey, et al.,	H.C.R.	1214
Stephen Maurice Conerly, et al.,	H.C.R.	1229
James J. Ball,	H.C.R.	1237
William H. Conerly, et al.,	H.C.R.	1256
Mark R. Conerly, et al.,	H.C.R.	1229

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 20, 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

T.S.C.-----2.

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 Mary R. Johnson, Rufus Johnson, Eva Johnson, Charley Johnson, Lucama Johnson, Emma F. Black, John D. Black, Molly Black, Clay Black, Tillman S. Conerly, Myrtis Conerly, Alvin B. Conerly, James R. Conerly, Margie Conerly, Walter V. Conerly, Clara P. Conerly, Carl S. Conerly, Laurence J. Conerly, Emma Conerly, Arthur P. Conerly, Laura Conerly, Robert Arthur Conerly, Mary H. Conerly, Lucy B. Conerly, S. Belle Conerly, Thomas T. Conerly, Jerome Conerly, Ella W. Conerly, James L. Conerly, Lucile Conerly, Ella J. Fosby, Floy Harvey, James Harvey, Clarence Harvey, Prentice Harvey, Grady Harvey, Maria Harvey, May Harvey, Cecil Harvey, Stephen Monroe Conerly, Ephraim Conerly, Ophelia Conerly, John D. Conerly, Willis Conerly, Hazel Conerly Lular Conerly, Beulah Conerly, James J. Ball, William H. Conerly, Helen H. Conerly, Aline W. Conerly, Mark R. Conerly, Willie Marie Conerly and Olive Conerly, 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)

T. B. Needles.

Registered.

Commissioner in Charge.

M.C.N. 1156.

COPY:

Muskogee, Indian Territory, November 11, 1902.

Filman S. Conerly,
Balltown, Louisiana.

Dear Sir:

You are hereby advised that on the 31st 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 Mary R. Johnson, et al., of which decision you were advised by registered mail on the 19th day of June, 1902.

The Commission is directed to advise the applicants that the decision of the Secretary of the Interior is subject to their inspection.

Respectfully,

SIGNED

Wm. D. Kirby
Acting Chairman.

COPY. X C R 1154

McAlester, Indian Territory, April 10, 1903.

Tilman S. Conerly,
Balltown, Louisiana.

Dear Sir:

The Secretary of the Interior with his letter of April 2, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary R. Johnson, et al., with instructions that in accordance with a petition submitted February 13, 1903, by Mary R. Johnson and Raza F. Black, applicants therein, praying that said case be reopened and the several applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Ispia. The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, show that one Ispia was a beneficiary under said article 14.

The Secretary of the Interior in his letter states:

"In view of the fact that they claim descent from the person whose name appears upon the records of the government as a beneficiary under said article 14, it is deemed reasonable and proper, in accordance with the practice followed in other cases of like nature, to grant a re-hearing."

T S C S

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 applicant's 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

T E C S

submission of depositions in support of applications of Mississippi
Choctaw applicants, a copy of which rules and regulations is here-
with 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, up to
and inclusive of Monday, May 11, 1903, hear the testimony of such
witnesses as may present themselves in person and receive for con-
sideration such documentary evidence as may be offered in support
of this case.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

R & R Dep.

Registered.

Muskegee, Indian Territory, October 8, 1903.

Tilman S. Cenerly,
Balltown, Louisiana.

Dear Sir:

The Secretary of the Interior, with his letter of September 25, 1903, returned to this Commission, the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary R. Johnson, et al., with instructions that in accordance with the petition submitted by J. O. Pool, attorney for applicants, praying that the time for the taking of additional testimony in said case be extended 90 days from May 11, 1903, the applicants and their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations, be notified that the applicants have been allowed 60 days from date hereof within which to submit additional testimony in support of their claim.

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Ispia. The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, show that one Ispia was a beneficiary under said article 14.

The Secretary of the Interior in his letter states:

T S C 2

"In view of the fact that they claim descent from the person whose name appears upon the records of the government as a beneficiary under said article 14, it is deemed reasonable and proper, in accordance with the practice followed in other cases of like nature, to grant a re-hearing."

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 name 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 applicant's 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

T B C 3

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, up to and inclusive of Monday December 7, 1903, 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,

R & R Dep.
Register.

Chairman.

M.O.R. 1156

Waskogee, Indian Territory, July 15, 1905.

Tilman S. Conerly,
Balltown, Louisiana.

Dear Sir:

You are hereby notified that on the 21st day of June, 1905, the Secretary of the Interior reaffirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary R. Johnson et al., of which decision you were advised by registered mail on the 19th day of June, 1902.

Respectfully,

Commissioner.

MCR-1156.

Muskogee, Indian Territory, March 19, 1907.

Tilman S. Conerly,
Balltown, Louisiana.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 25, 1907, denied a motion filed with the Department February 10, 1906, for a review of Departmental decision of October 31, 1902, and June 21, 1903, affirming and reaffirming the decision of the Commission to the Five Civilized Tribes of June 10, 1902, denying the applications of Mary R. Johnson et al, and Emma F. Black et al, for identification as Mississippi Choctaws; also denied a motion filed with the Department July 19, 1906, by J. C. Peal on behalf of the applicants for a transfer of said case to some more competent official, a copy of which motion was filed with the Department July 3, 1906, addressed to the President.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date **DEC 19 1900**Name *William S. Boverly.*Age *37* Blood *1/8*Post Office, *Balltown, Louisiana.*Father: *James Boverly. dead.*Mother: *Mary Boverly. ✓*Claims through *father*

WIFE:

*Courtney Boverly.**(no claim for wife).*

Children:

*Myrtis Boverly 7.**Alvin B. " " 6.**James A. " " 4.**Margie " " 1.**Stenographer,**Annie Bell.*

Choc MCR 1157 Walter W. Conerly

see MCR 480

MCR 1157

Walter W. Conerly, et al

REFUSED

DECISION RENDERED
JUN 10 1902

NOTICE OF DECISION MAILED APPLICANT.

JUN 19 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS

JUN 19 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHICKASAW AND CHOCOTAW NATIONS.

JUN 19 1902

RECORD FORWARDED DEPARTMENT.

JUN 19 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 21 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOV 11 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANTS.

NOV 11 1902

FORWARDED ATTORNEYS FOR CHOCOTAW
AND CHICKASAW NATIONS

NOV 11 1902

REMAINED BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.

APR 2 1903

RECORD FORWARDED DEPARTMENT.

MAY 12 1903

REMAINED BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.

SEP 25 1903

RECORD FORWARDED DEPARTMENT.

DEC 30 1903

ACTION APPROVED BY SECRETARY OF INTERIOR. JUN 21 1905

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

JUL 15 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANTS

JUL 15 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANTS

SEP 15 1905

RECEIVED M. C. T. 780

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
HATTIESBURG, MISSISSIPPI, DECEMBER 19, 1900.

In the matter of the application for identification as
Mississippi Choctaws of Walter W. Conerly and his six minor children.

Walter W. Conerly, having been first duly sworn by Acting
Chairman Tams Bixby, testifies as follows:

Examination by the Commission.

- Q What is your name? A Walter W. Conerly.
Q How old are you? A Borty three
Q What is your post office address? A Ball Town, Louisiana.
Q Do you live in Louisiana? A Yes sir.
Q How long have you lived there? A I have been living there fifteen
years; about fifteen years I believe it is.
Q Have you maintained a continuous residence there for the past fif-
teen years? A Yes sir.
Q Where did you live before that time? A Pike County Mississippi
Q How long did you live in Mississippi? A All my life.
Q Born in Mississippi? A Yes sir.
Q Lived here all your life until you moved to Louisiana? A Yes sir
Q What is your father's name? A James Conerly.
Q Is he living? A No sir.
Q What is your mother's name? A Mary Conerly.
Q Is your mother living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood?
A Father.
Q How much Choctaw blood do you claim? A One eighth.
Q Is your name on any of the tribal rolls of the Choctaw Nation in
Indian Territory? A I think not; I don't know that it is.
Q You don't have any doubt about it? A I never heard of it.
Q Did you ever live in the Indian Territory? A No sir.
Q Ever make application to the Choctaw tribal authorities for enroll-
ment? A No sir.
Q Why do you have any doubt about your name being on the tribal rolls
A Well, I don't know that it is ; it is not, but I have never heard
of it.
Q You have no reason in the world to believe that it is, A I have no
reason to believe that it is but I have no reason to believe that
it is not; no special reason; we have got a whole lot of relatives
over there who have lived in that country and it may be that some
of them have gone over.
Q You are not familiar with the customs of the Choctaw tribe? A No sir
Q You don't know that they would not recognize you unless you were a
resident? A No sir.
Q Have you ever been recognized in any manner by the Choctaw tribe of
Indians? A No sir, not that I know of.
Q Have you ever been recognized by the Choctaw tribal authorities?
A No sir.
Q Did you , or did any one in your behalf, make application for citi-
zenship in the Choctaw Nation under the Act of Congress of June 10,
1896? A I don't know sir
Q Did you make any application? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation
by a judgment of the United States Court in Indian Territory on
appeal from the decision of the Choctaw tribal authorities or the
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 authorities of

- 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 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 Because I know this Indian blood that exists in us-- I know that from-- I know of the family and have heard of the family all the way through, we are entitled to it.
- Q Entitled to what? A I say that I know that we are entitled to it; that we have this per cent of Indian blood.
- Q Does that entitle you to anything? A I suppose it does.
- Q Are you making your claim as a beneficiary under the fourteenth article? A I don't know what that is, the treaty of 1830.
- Q Well, what are you claiming? A The treaty for Mississippi Choctaws?
- Q Yes? A Oh yes, certainly under the treaty of 1830 as Mississippi Choctaws.
- Q You are then making your claim under the fourteenth article of the treaty of 1830? A Yes sir.
- Q What is the name of your ancestor who was a recognized Choctaw Indian in Mississippi? A Well it is our grandfather was Owen Conerly
- Q Is he the party from whom you claim this right to identification,
A Yes sir.
- Q Have you any evidence showing that he was a Choctaw Indian?
A Well, we have got no evidence to the effect that he was a Choctaw Indian from the fact more than circumstantial evidence, from the fact that he died really before I was born.
- Q I am not talking about you now, I am talking about your grandfather
A We have got affidavits from parties who have known the family all the way through.
- Q Affidavits to what? What do they show? A To the effect that we have been recognized as that, it has been generally understood.
- Q You have? A Yes sir.
- Q Recognized as how? A It has been generally understood.
- Q Generally understood how? A By the community in which we live that we are Choctaws.
- Q Did Owen Conerly, if a recognized Choctaw, signify to the United States Indian Agent his intention to remain and become a citizen of the United States within six months after the ratification of the treaty of 1830? A I don't know sir.
- Q Did Owen Conerly remove from Mississippi to the Indian Territory when the Choctaw Indians went there? A No sir.
- Q Why didn't he? A I don't know sir.
- Q He was a Choctaw Indian? A He died in Mississippi
- Q Why didn't he remove to the Indian Territory? A I don't know sir.
- Q Did he ever exercise any of the privileges of a Choctaw citizen?
A I really don't know.
- Q Did he ever receive or claim any lands in Mississippi as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A I don't know sir.
- Q Do you make any claim under any other treaty stipulations between the United States and the Choctaw tribe of Indians? A How is that?
- Q Do you make any claim under any other treaty stipulations between the United States and the Choctaw tribe of Indians? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Laura
- Q Is she a white woman? A Yes sir.
- Q Making any claim for her? A No sir.

- Q Where did you marry her? A In Washington Parish, Louisiana
- Q When? A December '79
- Q Have you your marriage license and certificate? A I have at home.
It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in the matter of the application for identification of your children.
- Q Have you any children for whom you desire to make application?
A Yes sir.
- Q What are their names and ages? A The first one is Clara P.
- Q How old is she? A Twenty.
- Q All right sir? A The next one is Carl S.
- Q All right? A Seventeen. Laurence J.
- Q How old is Laurence? A Laurence is eleven; the next one is Emma, nine. The next one is Arthur P. seven; the next one is Laura, three.
- Q You are the father of these six children? A Yes sir.
- Q Laura Conerly is the mother? A Yes sir.
- Q These children have always lived with you at your home? A Yes sir
- Q You and your wife living together? A Yes sir.
- Q Is there any additional statement that you desire to make in support of this application? A No sir.
- Q Have you any written evidence that you desire to submit to the Commission for consideration in support of this application?

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this application, including marriage license, within thirty days.

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 to your present post office address.

Anna Bell, having been first duly sworn, on her oath, states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause, on said date.

Anna Bell

Subscribed and sworn to before me this 20th day of December, 1900.


Notary Public.

Muskogee, Indian Territory, January 16, 1901.

Messrs Hudson & Arnold,

Araders, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of January 14, inclosing affidavits to be filed in support of the following applications for identification as Mississippi Choctaws:

1156, Robert A. Conerly
1157, Walter W. Conerly
1120, Mary A. Walker
1214, Florence A. Harvey.
1110, Rufus Dixon
1156, Tilman S. Conerly.

In reply to your request for fifty blank applications for enrollment of infant childrop, you are advised that the Commission has no forms for the enrollment of infant applicants for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, January 21, 1901.

Messrs Hudson & Arnold,

Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of January 16, inclosing affidavits to be filed in support of the following applications for identification as Mississippi Choctaws:

1159, Ella J. Fosby.
1166, Robert A. Conerly
1187, Walter W. Conerly
1186, Filman S. Conerly,
1214, Floy Harvey.

The same have been duly filed with the records in the respective cases.

Yours truly,

- Acting Chairman.

AB

COPY

H.C.R. 1167

Muskogee, Indian Territory, June 19, 1902.

Walter W. Conerly,
Balltown, Louisiana.

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 Mary R. Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary R. Johnson, et al.,	H.C.R.	460
Hanna F. Black, et al.,	H.C.R.	615
Tilman S. Conerly, et al.,	H.C.R.	1156
Walter W. Conerly, et al.,	H.C.R.	1157
Robert Arthur Conerly, et al.,	H.C.R.	1158
Ellis J. Pobby,	H.C.R.	1159
Floy Harvey, et al.,	H.C.R.	1214
Stephen Monroe Conerly, et al.,	H.C.R.	1229
James J. Hall,	H.C.R.	1237
William M. Conerly, et al.,	H.C.R.	1256
Mark R. Conerly, et al.,	H.C.R.	1259

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, 20, 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

W.V.C.-----2.

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 Mary R. Johnson, Rufus Johnson, Eva Johnson, Charley Johnson, Luesma Johnson, Emma F. Black, John D. Black, Molly Black, Clay Black, Tilman S. Conerly, Myrtis Conerly, Alvin B. Conerly, James R. Conerly, Margie Conerly, Walter W. Conerly, Clara P. Conerly, Carl S. Conerly, Laurence J. Conerly, Emma Conerly, Arthur P. Conerly, Laura Conerly, Robert Arthur Conerly, Mary H. Conerly, Lucy E. Conerly, S. Belle Conerly, Thomas T. Conerly, Jerome Conerly, Ella H. Conerly, James E. Conerly, Lucille Conerly, Ella J. Fosby, Floy Harvey, James Harvey, Clarence Harvey, Prentice Harvey, Grady Harvey, Edwin Harvey, May Harvey, Cecil Harvey, Stephen Monroe Conerly, Ephraim Conerly, Ophelia Conerly, John D. Conerly, Willis Conerly, Ezell Conerly, Lula Conerly, Beulah Conerly, James J. Hall, William H. Conerly, Helen H. Conerly, Aline W. Conerly, Mark R. Conerly, Willie Marie Conerly and Olive Conerly, 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)

I. D. Woodcock

Registered.

Commissioner in Charge.

M.O.R. 1157.

COPY.

Mustang, Indian Territory, November 11, 1908.

Walter W. Cokerly,
Baldwin, Louisiana.

Dear Sir:

You are hereby advised that on the 31st day of October, 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 Mary R. Johnson, et al., of which decision you were advised by registered mail on the 19th day of June, 1908.

The Commission is directed to advise the applicants that the decision of the Secretary of the Interior is subject to their inspection.

Respectfully,

(SIGNED)

Tams Dixby.
Acting Chairman.

COPY. M. C. R. 1167

Muskogee, Indian Territory, April 10, 1905.

Walter W. Conerly,
Baltimore, Louisiana.

Dear Sir:

The Secretary of the Interior with his letter of April 2, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary R. Johnson, et al., with instructions that in accordance with a petition submitted February 13, 1903, by Mary R. Johnson and Emma F. Black, applicants therein, praying that said case be reopened and the several applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Ispia. The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, show that one Ispia was a beneficiary under said article 14.

The Secretary of the Interior in his letter states:

"In view of the fact that they claim descent from the person whose name appears upon the records of the government as a beneficiary under said article 14, it is deemed reasonable and proper, in accordance with the practice followed in other cases of like nature, to grant a re-hearing."

Walter W. Conerly, --3

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 applicant's 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

Walter W. Conerly, --3

submission of depositions in support of applications for identification as Miscreant Shooters, 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, up to and inclusive of Monday, May 11, 1903, 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,

(SIGNED)

James B. Kirby
Chairman.

R & R Dep.
Registered.

Muskogee, Indian Territory, October 8, 1903.

Walter W. Conerly,
Balltown, Louisiana.

Dear Sir:

The Secretary of the Interior, with his letter of September 25, 1903, returned to this Commission, the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary R. Johnson, et al., with instructions that in accordance with the petition submitted by J. O. Pool attorney for applicants, praying that the time for the taking of additional testimony in said case be extended 90 days from May 11, 1903, the applicants and their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations, be notified that the applicants have been allowed 60 days from date hereof within which to submit additional testimony in support of their claim.

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Ispia. The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, show that one Ispia was a beneficiary under said article 14.

The Secretary of the Interior in his letter states:

W W C 2

"In view of the fact that they claim descent from the person whose name appears upon the records of the government as a beneficiary under said article 14, it is deemed reasonable and proper, in accordance with the practice followed in other cases of like nature, to grant a re-hearing."

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 applicant's 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

W W C 3

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, up to and inclusive of Monday December 7, 1903, 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,

R & R Dep.
Register.

Chairman.

M.C.R. 1157

Muskogee, Indian Territory, July 15, 1905.

Walter W. Cokerly,
Baltimore, Louisiana.

Dear Sir:

You are hereby notified that on the 21st day of June, 1905, the Secretary of the Interior reaffirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary R. Johnson et al., of which decision you were advised by registered mail on the 14th day of June, 1902.

Respectfully,

Commissioner.

MCR-1157.

Muskogee, Indian Territory, March 19, 1907.

Walter W. Conerly,
Balltown, Louisiana.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 28, 1907, denied a motion filed with the Department February 10, 1906, for a review of Departmental decision of October 31, 1902, and June 21, 1905, affirming and reaffirming the decision of the Commission to the Five Civilized Tribes of June 10, 1902, denying the applications of Mary R. Johnson et al, and Emma F. Black et al, for identification as Mississippi Choctaws; also denied a motion filed with the Department July 19, 1906, by J. O. Pool on behalf of the applicants for a transfer of said case to some more competent official, a copy of which motion was filed with the Department July 3, 1906, addressed to the President.

Respectfully,

Commissioner.

No. 1157

For Identification as a Mississippi Choctaw.

Date DEC 19 1900

Name Walter W. Conerly.

Age 17.9 Blood 1/8

Post Office, Balltown, Louisiana

Father: James Conerly - dead

Mother: Mary Conerly. ✓

Claims through father

WIFE: Laura Conerly -

(No claim for wife)

Children:

- Clara P. Conerly 20.
- Carl S. " " 17.
- Laurence J. " " 11.
- Emma " " 9.
- Arthur P. " " 7.
- Laura " " 3.

Stenographer:

Anna Bell.

Choc MCR 1158 Robert A. Conerly

see MCR 480

MCR 1158

Robert A. Gomerly, et al

REFUSED

DECISION RENDERED.

JUN 10 1902

DECISION MAILED TO APPLICANT.

JUN 19 1902

NOTICE OF DECISION FORWARDED

ATTORNEY FOR APPLICANT

JUN 30 1902

NOTICE OF DECISION FORWARDED TO APPLICANTS

FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 1 1902

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL ACTION

FORWARDED ATTORNEY.

NOV 11 1902

NOTICE OF DECISION FORWARDED

FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

NOV 27 1902

REMAINED BY THE SECRETARY OF THE INTERIOR FOR FURTHER HEARING.

APR 2 1903

RECORD FORWARDED DEPARTMENT.

MAY 1 1903

REMAINED BY THE SECRETARY OF THE INTERIOR FOR FURTHER HEARING.

SEP 25 1903

RECORD FORWARDED DEPARTMENT.

DEC 31 1903

ACTION APPROVED BY SECRETARY OF INTERIOR. JUN 21 1905

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

JUL 15 1905

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

JUL 15 1905

JUL 15 1905

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
HATTIESBURG, MISSISSIPPI, DECEMBER 19, 1900.

In the matter of the application for identification of Robert A. Conerly and his eight minor children as Mississippi Choctaws.

Robert A. Conerly, having been first duly sworn by Acting Chairman Tams Bixby, testifies as follows:

Examination by the Commission.

- Q What is your name? A Robert Arthur Conerly.
Q What is your age? A Forty six.
Q What is your post office address? A Tylertown, Pike County, Mississippi.
Q Do you live in Mississippi? A Yes sir in Mississippi
Q How long have you lived in Mississippi? A All my life except two years.
Q What two years? A 1878 and '79 I believe
Q Where were you living then? A In Texas
Q What is your father's name? A James Conerly
Q Is he living? A No sir, he is dead
Q What is your mother's name? A Mary
Q Mary Conerly? A Yes sir.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood
A Through my father, my grandfather
Q How much Choctaw blood do you claim? A About half I believe the way we count it.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? 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 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 10, 1896? A Not that I ever heard of.
Q Did you make any? A No sir.
Q Did you have an idea of any one making any for you? A No sir; never thought about such a thing.
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 the Choctaw tribal authorities or of this Commission? A No sir.
Q Have you ever prior to this time made any application to either the Choctaw 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 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 now 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 Why do I believe?
Q Yes, sir. A Just from the fact that my grandfather was part Indian
Q How much Indian? A Half I believe is the way we count it.
Q Are you making your claim under the provisions of the fourteenth article of the treaty of 1830? A Well, I just really can't tell you just how it is, I don't just understand that being 1830 under that treaty, yes sir.
Q What are you claiming? A I claim that I am-- I claim that I am a descendant from the Choctaws.
Q From what Choctaws? A The Mississippi Choctaws.

- A The Choctaws that was in Mississippi, I just don't understand, I could not explain to you.
- Q All the Choctaws were in Mississippi originally? A Yes sir, they are the descendants of Mississippi Choctaws.
- Q Of what particular branch of the Mississippi Choctaws? A I could not answer that question.
- Q The statement that you are making your claim under the treaty of 1830; are you claiming under the fourteenth article of that treaty?
- A You have got me bothered, I can't think. Well, 1830, no sir that was in the --- if I understnad it -- was in the -- no, it as in a treaty later than that, it was---
- Q We are waiting for you? A Well, I just don't remember how it is.
- Q What is your claim for identification as a Mississippi Choctaw? Are you claiming this; what do you claim under what treaty?
- A I could not tell you, I just put in my claim
- Q Your claim is what- A As an eighth Choctaw
- Q Are you claiming the right to identification as a Mississippi Choctaw or are you claiming the right to enrollment as a Choctaw by blood, are you depending entirely upon the fact that you have got Choctaw blood in your veins? A I am depending upon the claim of my grandfather Choctaw-- the treaty that he was brought into.
- Q What treaty is that? A I just could not tell you the dates; I could not give you the dates.
- Q Was it that treaty of 1830? A 1831 I think.
- Q 1831? A I think I was off on that.
- Q The only ~~trucky~~ authority that this Commission has to hear and determine the rights of applicants for identification as Mississippi Choctaws is under the fourteenth article of the treaty of 1830?
- A Well, that is the date.
- Q Is that what you are claiming under? A Yes, I got my dates mixed up
- Q What are the provisions of the fourteenth article of the treaty of 1830? A I could not tell.
- Q What are you claiming? A I am claiming under--
- Q Give us your idea in coming here? A I could not tell you.
- Q It is pretty hard to determine what rights a man has, if he don't know what he claims; what are you claiming? A As a descendant from my grandfather.
- Q Claiming that you have rights--- A Under the treaty that he had rights under.
- Q What was the name of your grandfather? A Owen
- Q Was he a recognized Choctaw Indian in Mississippi in 1830?
- A No sir, he was dead.
- Q In 1830? A Yes sir.
- Q He was dead was he? A I can't remember; my father was aboy when he died; no sir, he was not dead at that time.
- Q Have you any evidence that he was a recognized Choctaw Indian at that time in the state of Mississippi A He was claimed-- he was a descendant of a Choctaw at that time.
- Q He was not a Choctaw himself? A No sir.
- Q What was he? A He was part Choctaw.
- Q Which one of your ancestors was a Choctaw Indian through whom you claim this right to identification? A My great grandfather.
- Q What was her name? A I don't know sir.
- Q You claim to be half Indian, he was half Indian.
- Q Your grandmother was half Indian? A No my father was.
- Q Were your grandfather or your great grandmother recognized Choctaw Indians in Mississippi? A I don't know whether they were or not. All I have got to go by is just this; that we have always been considered descendants of the choctaws; that is all I can answer.
- Q Understand we are not talking about you; we want to know which one of your ancestors was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A I cant answer that question.

- Q Did your ancestors remove from Mississippi to the Indian Territory when the other Choctaw Indians went out? A No sir.
- Q Why didn't they? A They were not-- just let me \$- I must calculate a little, no, they were living in Mississippi.
- Q Always? A They lived in Mississippi.
- Q Why didn't they remove to the Indian Territory? A I suppose that was not the treaty.
- Q The treaty provided for the removal of the Choctaws to the Indian Territory? A Well, they were not then under the treaty.
- Q They were not under the treaty? A I reckon not.
- Q Weren't they Choctaws? A Yes sir. I would just have to give this up, I could not answer that question.
- Q Did they ever signify to the Indian Agent of the Choctaw Nation in Mississippi their intention to remain and become citizens of the United States? A Yes sir.
- Q How do you know they did? A I have just got it from what I have heard say of being a claim as Indians that is all I know about it.
- 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, not that I know of.
- Q Did you ever receive any benefits as a Choctaw Indian? A No sir.
- Q Did any of your people? A Not that I know of.
- Q Do you make any claim under any other treaty stipulations except this fourteenth article of the treaty of 1830? A Well, it is just as I tell you, I claim under the --- I could not tell you.
- Q Are you married? A Yes sir.
- Q What is your ~~marriage certificate~~ wife's name? A Sallie G.
- Q Sallie G. Conerly? A Yes sir.
- Q Is she a white woman? A Yes sir.
- Q Are you making any claim for her? A None at all.
- Q Where did you marry her? A In Marion County.
- Q Mississippi? A Yes sir.
- Q When? A 1881
- Q Have you your marriage license? A No sir, I have not them with me, I have them at home.
- It will be necessary for the commission to be supplied with evidence of your marriage in the matter of the application for identification of your children.
- Q Have you any children for whom you desire to make application.
- A Yes sir.
- Q How many? A Eight.
- Q What are their names and ages? A Mary H. is eighteen.
- Q All right. A Lucy R. is fifteen
- Q All right, sir, go right ahead. S. Belle.
- Q How old is she? A She is thirteen; Thomas T. is eleven. Jerome is ten; Ella H. is eight, James L. he is seven; Lucile is five.
- Q You are the father of all eight of these children? A Yes sir.
- Q Is Sallie Conerly the mother of them? A Yes sir.
- Q The children all live with you at your home? A Yes sir.
- Q Is there any additional statement that you desire to make in support of this application? A Not that I know of.
- Q Have you any documentary evidence that you wish to submit to the Commission for consideration?

Here L. P. Hudson, attorney for application, asks leave to file evidence in support of this claim within thirty days from this date, including marriage certificate.

The decision of the Commission in regard to your application and the application you make on behalf of your eight minor children will be mailed to you in writing to your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said House on said date.

Anna Bell

Subscribed and sworn to before me this 20th day of December, 1900.



Acting Chairman.

Muskogee, Indian Territory, January 16, 1901.

Messrs. Edson & Arnold,
Ardmore, Indian Territory,
Gentlemen:

The Commission is in receipt of your letter of January 14, inclosing affidavits to be filed in support of the following applications for identification as Mississippi Choctaws:

1186, Robert A. Conerly
1187, Walter A. Conerly
1120, Mary A. Walker
1214, Clarence A. Harvey.
1118, Rufus Dixon
1156, Tilman G. Conerly.

In reply to your request for fifty blank applications for enrollment of infant children, you are advised that the Commission has no forms for the enrollment of infant applicants for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, January 21, 1901.

Messrs Hudson & Arnold,
Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of January 14, inclosing affidavits to be filed in support of the following applications for identification as Mississippi Choctaws:

1189, Ella J. Fosby.
1188, Robert A. Conerly
1177, Walter W. Conerly
1150, Tilman S. Conerly,
1214, Floy Harvey.

The same have been duly filed with the records in the respective cases.

Yours truly,

Acting Chairman.

AB

COPY

M.C.R., 1188

Muskogee, Indian Territory, June 19, 1902.

Robert A. Conerly,
Tylertown, Mississippi.

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 Mary E. Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary E. Johnson, et al.....	M.C.R.	480
Hanna F. Black, et al.....	M.C.R.	615
Filman A. Conerly, et al.....	M.C.R.	1156
Walter W. Conerly, et al.....	M.C.R.	1157
Robert Arthur Conerly, et al.....	M.C.R.	1158
Ella J. Fosby.....	M.C.R.	1159
Floy Harvey, et al.....	M.C.R.	1214
Stephen Monroe Conerly, et al.....	M.C.R.	1229
James J. Ball.....	M.C.R.	1237
William H. Conerly, et al.....	M.C.R.	1238
Mark R. Conerly, et al.....	M.C.R.	1239

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., 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

R.A.C.-----2.

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 Mary R. Johnson, Rufus Johnson, Eva Johnson, Charley Johnson, Luemma Johnson, Emma F. Black, John D. Black, Molly Black, Clay Black, Tilman S. Conerly, Myrtis Conerly, Alvin B. Conerly, James R. Conerly, Margie Conerly, Walter W. Conerly, Clara P. Conerly, Carl S. Conerly, Laurence J. Conerly, Emma Conerly, Arthur P. Conerly, Laura Conerly, Robert Arthur Conerly, Mary H. Conerly, Lucy E. Conerly, S. Belle Conerly, Thomas T. Conerly, Jerome Conerly, Ella E. Conerly, James L. Conerly, Lucile Conerly, Ella J. Posby, Floy Harvey, James Harvey, Clarence Harvey, Prentice Harvey, Grady Harvey, Edwin Harvey, May Harvey, Cecil Harvey, Stephen Monroe Conerly, Ephraim Conerly, Ophelia Conerly, John D. Conerly, Willis Conerly, Euell Conerly, Lular Conerly, Beulah Conerly, James J. Ball, William H. Conerly, Helen H. Conerly, Aline W. Conerly, Mark R. Conerly, Willie Marie Conerly and Olive Conerly, 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

Registered.

Commissioner in Charge.

M.O.R. 1158.

COPY.

Muskogee, Indian Territory, November 11, 1902.

Robert A. Conerly,
Tylertown, Mississippi.

Dear Sir:

You are hereby advised that on the 31st 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 Mary R. Johnson, et al., of which decision you were advised by registered mail on the 19th day of June, 1902.

The Commission is directed to advise the applicants that the decision of the Secretary of the Interior is subject to their inspection.

Respectfully,

(SIGNED).

James Sibby
Acting Chairman.

COPY.

M C R 1188

Muskogee, Indian Territory, April 10, 1903.

Robert A. Conerly,
Tylertown, Mississippi.

Dear Sir:

The Secretary of the Interior in his letter of April 2, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary R. Johnson, et al., with instructions that in accordance with a petition submitted February 13, 1903, by Mary R. Johnson and Emma F. Black, applicants therein, praying that said case be re-opened and the several applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Ispia. The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, show that one Ispia was a beneficiary under said article 14.

The Secretary of the Interior in his letter states:

"In view of the fact that they claim descent from the person whose name appears upon the records of the government as a beneficiary under said article 14, it is deemed reasonable and proper, in accordance with the practice followed in other cases of like nature, to grant a re-hearing."

M A C R

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 18, contain certain information, as of the year 1830, relative to the persons whose names appear therein, showing:

1st. Their description.

2nd. Their residences 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 applicant's ancestors.

You are advised that the Commission isaverse 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

R A C

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, up to and inclusive of Monday, May 11, 1903, 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,

(SIGNED).

Tame Bixby.

Chairman.

R & R Dep.

Registered.

Washago, Indian Territory, October 8, 1903.

Robert A. Conerly,
Tylertown, Mississippi.

Dear Sir:

The Secretary of the Interior, with his letter of September 25, 1903, returned to this Commission, the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary R. Johnson, et al., with instructions that in accordance with the petition submitted by J. O. Pool, attorney for applicants, praying that the time for the taking of additional testimony in said case be extended 90 days from May 11, 1903; the applicants and their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations, be notified that the applicants have been allowed 60 days from date hereof within which to submit additional testimony in support of their claim.

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Ispis. The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, show that one Ispis was a beneficiary under said article 14.

The Secretary of the Interior in his letter states:

R A C -8

"In view of the fact that they claim descent from the persons whose name appears upon the records of the government as a beneficiary under said article 14, it is deemed reasonable and proper, in accordance with the practice followed in other cases of like nature, to grant a re-hearing."

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 name 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 applicant's 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

H A C -3

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, up to and inclusive of Monday December 7, 1903, 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,

H & H Dep.
Registered,

Chairman.

M. U. S. 1180

Washoe, Indian Territory, July 18, 1902.

Robert A. Conerly,
Tylertown, Mississippi.

Dear Sir:

You are hereby notified that on the 11st day of June, 1902, the Secretary of the Interior reaffirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary R. Johnson et al., of which decision you were advised by registered mail on the 19th day of June, 1902,

Respectfully,

Commissioner.

MCR-1158.

Muskogee, Indian Territory, March 19, 1907.

Robert A. Gentry,
 Tyler town, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 25, 1907, denied a motion filed with the Department February 10, 1906, for a review of Departmental decision of October 31, 1902, and June 21, 1905, affirming and reaffirming the decision of the Commission to the Five Civilized Tribes of June 10, 1902, denying the applications of Mary R. Johnson et al, and Emma F. Black et al, for identification as Mississippi Choctaws; also denying a motion filed with the Department July 19, 1906, by J. C. Pool on behalf of the applicants for a transfer of said base to some more competent official, a copy of which motion was filed with the Department July 3, 1906, addressed to the President.

Respectfully,

Commissioner.

No. 1158

For Identification as a Mississippi Choctaw.

Date DEC 19 1900

Name Robert A. Conerly.

Age He Blood 1/8.

Post Office, Tylertown, Miss.

Father: James Conerly - dead.

Mother: Mary Conerly - ✓

Claims through father

WIFE: Sallie Y. Conerly.
(no claim for wife).

Children:

Mary H. Conerly	18
Lucy C. " "	15
S. Belle " "	13
Thomas T. " "	11
Jerome " "	10
Ella N. " "	8
James L. " "	7
Lucile " "	5

Stenographers:

Anna Bell

Choc MCR 1159 Eika J. Fosby

see MCR 480

MCR 1159

RETURNED

**DECISION RENDERED
JUN 19 1902**

NOTICE OF DECISION MAILED APPLICANT.

JUN 19 1902

**NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS**

JUN 19 1902

FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 19 1902

RECORD FORWARDED DEPARTMENT.

JUN 19 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 19 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.**

JUN 11 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.**

JUN 11 1902

FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 11 1902

**REMAINED BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.**

APR 2 1903

RECORD FORWARDED DEPARTMENT.

APR 12 1903

**REMAINED BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.**

SEP 25 1903

RECORD FORWARDED DEPARTMENT.

SEP 20 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 21 1905

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

JUL 15 1905

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT**

JUL 15 1905

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.**

JUL 15 1905

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
HATTIESBURG, MISSISSIPPI, DECEMBER 19, 1900.

In the matter of the application for identification as a Mississippi Choctaw of Ella J. Fosby.

Ella J. Fosby, having been first duly sworn by Acting Chairman Tams Bixby, testifies as follows:

Examination by the Commission.

- Q What is your name? A Ella J. Fosby.
Q How old are you? A Thirty six.
Q What is your post office address? A Brookhaven, Mississippi.
Q Do you live in Mississippi? A Mississippi.
Q How long have you lived here? A All my life.
Q Born in Mississippi and lived here all your life? A Yes sir.
Q Have you lived anywhere beside Mississippi? A No.
Q What is your father's name? A James Conerly.
Q Is he living? A No.
Q What is your mother's name? A Mary Conerly
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood?
A Father.
Q How much Choctaw blood have you? A An eighth
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A My name
Q Yes. A No.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for enrollment or citizenship as a Choctaw? A No
Q Did you, or did any one in your behalf, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in Indian Territory on appeal from the decision of the Choctaw tribal authorities or of this Commission? A I didn't understand.
Q Have you ever been admitted to citizenship by judgment of the United States Courts in Indian Territory? A In the Indian Territory, no.
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? A No.
Q This is the first application you have ever made of any description
A Yes.
Q You are now making application for identification as a Mississippi Choctaw? A Yes.
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 Why do I. I don't understand.
Q Why do you believe that you are entitled to any recognition as a Choctaw Indian? A Because my father was; my grandfather.
Q Are you making your claim as a beneficiary under the fourteenth article of the treaty of 1830? A Yes.
Q What was the name of your ancestor who was a Choctaw Indian in Mississippi, and recognized as such when the treaty was entered into ~~between~~ in 1830, A Owen Conerly was my grandfather.
Q Owen Conerly your grandfather? A Yes sir.
Q Was he a recognized Choctaw? A Yes
Q How do you know? A Just from what my relatives say.

- Q Have you any evidence of that fact? A Yes, we have some papers to that effect.
- Q What do the papers show? A That we were recognized as Mississippi Choctaws.
- Q Who do you mean by "we"? A I?
- Q We are trying to find out now which one of your ancestors in 1830 was a recognized Choctaw; you have stated that Owen Conerly your grandfather was; what evidence have you that he was a Choctaw Indian and recognized as such by the Choctaws themselves and by the U. S. Government in 1830? A I don't know.
- Q Have you any evidence showing that they ever recognized him as a member of that tribe? A No.
- Q Did he ever draw any money as a Choctaw? A Not that I know of. I don't know.
- Q Did he ever receive any benefits as a Choctaw Indian? A I don't know.
- Q Did he remove from Mississippi to the Indian Territory with the Choctaws? A I don't know.
- Q Did he ever live in Indian Territory? A I don't know.
- Q Did he signify to the United States Indian Agent of the Choctaw Indians in Mississippi his intention to remain and become a citizen of the United States within six months after the ratification of the treaty of 1830? A I don't know.
- 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 Any of my ancestors?
- Q Any of your ancestors ever claim or receive any lands in Mississippi under the provisions of the fourteenth article of the treaty of 1830? A I don't know.
- Q Do you make any claim under any other treaty stipulations?
A I don't understand.
- Q You state that your claim was under the fourteenth article of the treaty of 1830: Do you make any claim under any other treaty?
A No.
- Q You base your claim solely upon the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
- Q Are you married? A Yes.
- Q What is your husband's name? A Do you want his full name?
- Q Yes. A Theodore Alex Posby.
- Q He is a white man? A Yes sir.
- Q Are you making any claim for him? A None at all.
- Q Have you any children? A no.
- Q Making this claim solely for in your own behalf? A Yes.
- Q Is there any additional statement that you desire to make in support of your application? A I think not.
- Q Have you any written evidence that you desire to submit to the Commission for consideration in support of your application?
A What is that
- Q Have you any written evidence, any papers showing that your people were recognized Choctaws? A No, I have not in my possession.

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim within thirty 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.

Anna Bell, having been first duly sworn by Acting Chairman
Tamm, do hereby state that as stenographer to the Commission
to the United States, she prepared in full all proceedings
had in the above entitled cause on the 20th day of December,
and that the above and foregoing is a full, true and correct trans-
cript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 20th day of December, 1900.

[Signature]
Acting Chairman.

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Muskogee, Indian Territory, January 16, 1901.

Messrs Hudson & Arnold,

Ardenra, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of January 14, inclosing affidavits to be filed in support of the following applications for identification as Mississippi Choctaws:

1186, Robert A. Gonerly
1187, Walter W. Gonerly
1188, Mary A. Walker
1214, Florence A. Harvey.
1118, Rufus Dixon
1186, Tilman T. Gonerly.

1189, *Ella J. Fosby*
In reply to your request for fifty blank applications for enrollment of infant children, you are advised that the Commission has no forms for the enrollment of infant applicants for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

Mustang, Indian Territory, January 21, 1904.

Edward Hudson S. Arnold,

Arden, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of January 16, enclosing affidavits to be filed in support of the following applications for identification as Mississippi Choctaws:

1180, Ella J. Fosby.
1185, Robert A. Gensley
1187, Walter W. Gensley
1186, William S. Gensley,
1214, Floy Harvey.

The same have been duly filed with the records in the respective cases.

Yours truly,

Acting Chairman.

COPY

M.C.R. 1180

Muskogee, Indian Territory, June 19, 1902.

Miss J. Fosby,
Breakdown, Mississippi.

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 Mary R. Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary R. Johnson, et al.....	M.C.R.	480
Euna P. Black, et al.....	M.C.R.	618
Wilmon S. Conerly, et al.....	M.C.R.	1186
Walter W. Conerly, et al.....	M.C.R.	1187
Robert Arthur Conerly, et al.....	M.C.R.	1188
Miss J. Fosby.....	M.C.R.	1189
Floy Harvey, et al.....	M.C.R.	1224
Stephen Monroe Conerly, et al.....	M.C.R.	1229
James F. Ball.....	M.C.R.	1237
William H. Conerly, et al.....	M.C.R.	1238
Mark S. Conerly, et al.....	M.C.R.	1239

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 (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

H. J. [unclear]

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 Mary E. Johnson, Rufus Johnson, Eva Johnson, Charley Johnson, Lucama Johnson, Emma F. Black, John B. Black, Molly Black, Clay Black, Tilney S. Conerly, Myrtis Conerly, Alvin S. Conerly, James S. Conerly, Margie Conerly, Walter S. Conerly, Clara S. Conerly, Carl S. Conerly, Laurence J. Conerly, Emma Conerly, Arthur S. Conerly, Laura Conerly, Robert Arthur Conerly, Mary E. Conerly, Lucy E. Conerly, E. Belle Conerly, Thomas T. Conerly, Jerome Conerly, Ella S. Conerly, James L. Conerly, Lucile Conerly, Ella J. Posty, Floy Harvey, James Harvey, Clarence Harvey, Prentice Harvey, Gray Harvey, Edwin Harvey, May Harvey, Cecil Harvey, Stephen Monroe Conerly, Ephraim Conerly, Sphelia Conerly, John D. Conerly, Willis Conerly, Esell Conerly, Lula Conerly, Beulah Conerly, James J. Ball, William H. Conerly, Helen H. Conerly, Aline W. Conerly, Mark H. Conerly, Willie Marie Conerly and Olive Conerly, as Cheatew Indians entitled to rights in the Cheatew 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),

I. D. Needles.

Commissioner in Charge.

Registered.

K.O.N. 1189.

COPY

Mustangs, Indian Territory, November 11, 1902.

Miss J. Posty,

Brockhaven, Mississippi.

Dear Madam:

You are hereby advised that on the 31st 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 Mary R. Johnson, et al., of which decision you were advised by registered mail on the 19th day of June, 1902.

The Commission is directed to advise the applicants that the decision of the Secretary of the Interior is subject to their inspection.

Respectfully,

Samuel Dixey

Acting Chairman.

COPY.

M 5 R 2189

Mustoge, Indian Territory, April 10, 1903.

Miss J. Foster,

Brockhaven, Mississippi.

Dear Madam:

The Secretary of the Interior with his letter of April 2, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary R. Johnson, et al., with instructions that in accordance with a petition submitted February 13, 1903, by Mary R. Johnson and Mack D. Black, applicants therein, praying that said case be reopened and the several Applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Isipia. The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, show that one Isipia was a beneficiary under said article 14.

The Secretary of the Interior in his letter states:

"In view of the fact that they claim descent from the person whose name appears upon the records of the government as a beneficiary under said article 14, it is deemed reasonable and proper, in accordance with the practice followed in other cases of like nature, to grant a re-hearing."

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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 therein, 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 applicant's ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw claims, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, 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

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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, up to and inclusive of Monday, May 11, 1903, 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,

(SIGNED).

Tams Bixby.
Chairman.

R & R Day.

Registered.

Muskogee, Indian Territory, October 8, 1903.

Ella J. Fosby,
Brookhaven, Mississippi.

Dear Madam:

The Secretary of the Interior, with his letter of September 25, 1903, returned to this Commission, the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary R. Johnson, et al., with instructions that in accordance with the petition submitted by J. O. Pool, attorney for applicants, praying that the time for the taking of additional testimony in said case be extended 90 days from May 11, 1903, the applicants and their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations, be notified that the applicants have been allowed 60 days from date hereof within which to submit additional testimony in support of their claim.

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Ispia. The records of the government relating to these persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, show that one Ispia was a beneficiary under said article 14.

The Secretary of the Interior in his letter states:

E J P E

"In view of the fact that they claim descent from the persons whose name appears upon the records of the government as a beneficiary under said article 14, it is deemed reasonable and proper, in accordance with the practice followed in other cases of like nature, to grant a re-hearing."

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 therein, showing:

- 1st. Their description.
 - 2nd. Their residences and improvements (usually locating the name 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 applicant's 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

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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, up to and inclusive of Monday December 7, 1905, 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,

R & R Dep.
Register.

Chairman.

Waukegan, Indian Territory, July 15, 1902.

W. F. Peaby,

Waukegan, Mississippi.

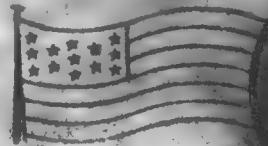
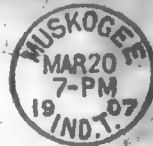
You are hereby notified that on the 15th day of June, 1902, the Secretary of the Interior reaffirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for the identification at Mississippi Choctaws of the several persons included in the consolidated case of Mary R. Johnson et al., of which decision you were advised by registered mail on the 19th day of June, 1902.

Respectfully,

Commissioner.

Department of the Interior.

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

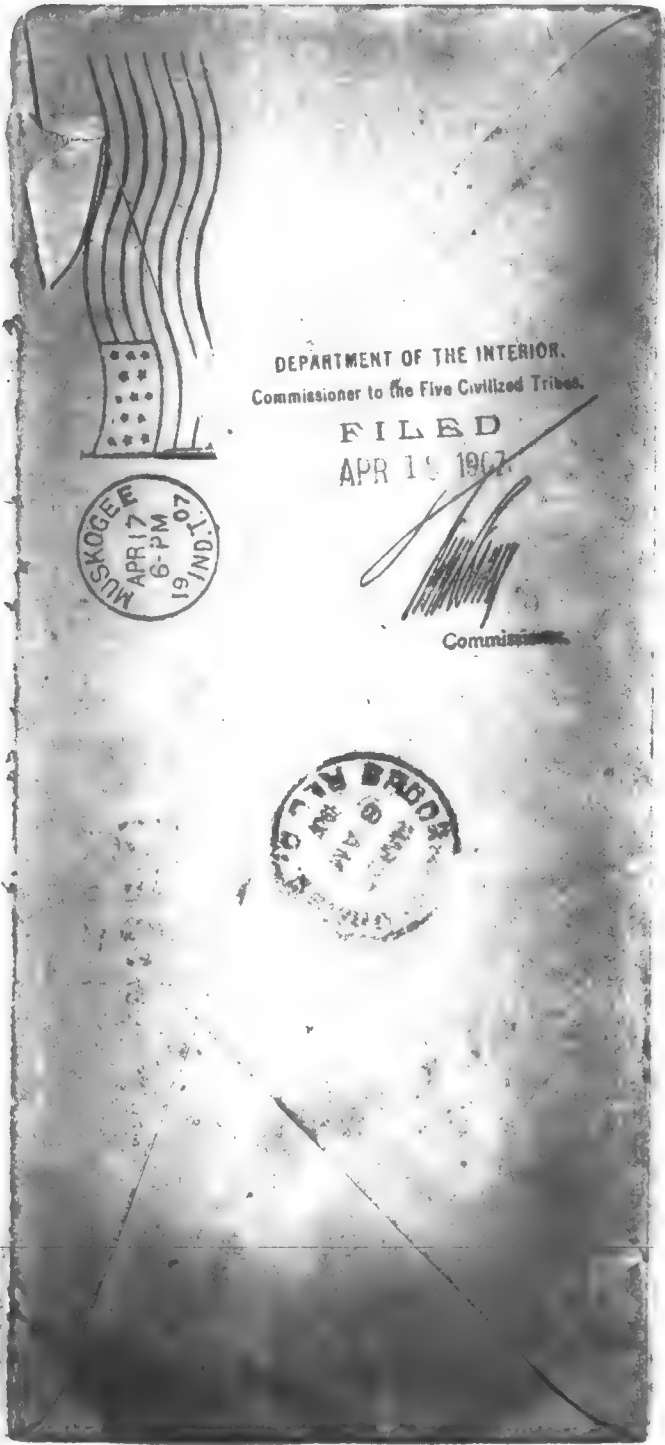


UNCLAIMED

Ella J. Fosby,

Brookhaven, Mississippi.

1159



DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.

FILED
APR 18 1907.

MUSKOGEE
APR 17
6-PM
IND. 07

Commissioner

MUSKOGEE
APR 18
10-AM
IND. 07

REFER IN REPLY TO THE FOLLOWING:

100-1159.

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

Muskegee, Indian Territory, March 19, 1907.

Ella J. Fosby,
Brockhaven, Mississippi.

Dear Madam:

You are hereby notified that the Secretary of the Interior on February 25, 1907, denied a motion filed with the Department February 10, 1906, for a review of Departmental decision of October 31, 1905, and June 21, 1905, affirming and reaffirming the decision of the Commission to the Five Civilized Tribes of June 10, 1905, denying the applications of Mary R. Johnson et al, and Emma F. Black et al, for identification as Mississippi Choctaws; also denied a motion filed with the Department July 19, 1906, by J. O. Pool on behalf of the applicants for a transfer of said case to some more competent official, a copy of which motion was filed with the Department July 3, 1906, addressed to the President.

Respectfully,



Commissioner.

No. 1159

For Identification as a Mississippi Choctaw.

Date DEC 19 1900

Name *Olga J. Fosby*

Age *36* Blood *W.*

Post Office *Brookhaven, Miss.*

Father *James Courly - dead.*

Mother *Mary Courly - ✓*

Claims through *father*

HUSBAND:

Theodore A. Fosby
(no claim for husband)

Children:

Stenographer:
Anna Bell

Choc MCR 1160 Mattie Walker

see MCR 203

MCR 1160

Mattie Walker et al

REFUSED

DECISION RENDERED. APR 21 1902

NOTICE OF DECISION MAILED APPLICANT.

APR 21 1902

NOTICE OF DECISION FORWARDED
ATTORNEYS FOR APPLICANTS

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.

NOV 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

NOV 12 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOV 12 1902

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

NOV 12 1902

REFER TO M. C. R. 203

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hattiesburg, Miss. December 19th, 1900.

In the matter of the application of Mattie Walker for the identification of herself and her two minor children as Mississippi Choctaws.

The said Mattie Walker, being sworn and examined by Acting Chairman Bixby, testified as follows:

- Q What is your name? A Mattie Walker.
- Q What is your age? A Forty-six.
- Q What is your post office address? A Plantersville, Alabama.
- Q Do you live at or near Plantersville, Alabama? A Yes, sir.
- Q How long have you lived in that vicinity? A Well, I have lived near there about fourteen years, but I have lived right at that place for about six years.
- Q How long have you lived in Alabama? A I was born and raised there.
- Q Did you ever live in Mississippi? A No, sir; I never lived there myself.
- Q Did you ever live in the Indian Territory? A No, sir.
- Q What is your father's name? A Robert Martin.
- Q Is he living? A No, sir.
- Q Was he a Choctaw Indian? A No, sir.
- Q He was a white man, was he? A Yes, sir.
- Q What was your mother's name? A Mattie Martin.
- Q Is she living? A No, sir.
- Q Was she a Choctaw Indian? A No, sir.
- Q Well, how do you get your Indian blood from? A I get it from my grandmother, Martha Moore.
- Q Your mother's mother? A No, sir, my father's mother.
- Q Then your father must have been a Choctaw Indian? A Yes, sir; he was.
- Q How much Choctaw Indian was your father's mother? A She was a quarter-Indian.
- Q What was your father's mother's name? A Her name was Mattie too.
- Q Didn't you say your Indian blood came from your father's mother? A No, sir, from my grandmother.
- Q Well, that is what you said awhile ago. What was her name now, your father's mother? A Martha A. Moore.
- Q Do you know when Martha Moore died? A No, sir; I do not.
- Q You don't know how old she was when she died? A No, sir; I do not.
- Q And you claim your Indian blood, then through your father?
- A Yes, sir.
- Q How much Choctaw blood do you claim to have in your veins?
- A One-eighth.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir.
- Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for citizenship? A No, sir.
- Q Did you or any one in your behalf in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation in the Indian Territory 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 tribal authorities of the Choctaw nation or to the authorities of the United States for citizenship or enrollment as a Choctaw Indian? A No, sir.

Q This is your first application? A Yes, sir.

Q You have not, then been admitted to citizenship in the Choctaw Nation by a judgment of the United States Courts of the Indian Territory on an appeal from the decision of the Choctaw tribal authorities or a decision of this Commission? A No, sir.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes, sir.

Q Do you claim under the 14th article of the treaty of 1830? A Yes, sir.

Q Did Martha Moore live in Mississippi in 1830? A Yes, sir.

Q Was she a recognized member of the Choctaw tribe of Indians at that time? A Yes, sir.

Q Have you any evidence showing this to be a fact? A Yes, sir.

Q What is your evidence? A Well, we have our evidence here somewhere signed up by all the citizens there, the old citizens.

Q In the form of affidavits? A Yes, sir.

Q Did Martha Moore remain in Mississippi after the conclusion of the treaty of 1830, or did she remove to the Indian Territory with the other members of the tribe? A She removed sometime after, I don't know how long, to Alabama, and there we were all raised.

Q She remained in Mississippi immediately after the treaty was concluded? A Yes, sir.

Q And did not go to the Indian Territory? A No, sir; he didn't go there.

Q Did she signify to the United States Indian Agent of the Choctaw Indians in Mississippi her intention to remain and become a citizen of the United States back in 1830, after the treaty was concluded, soon after? A I don't know.

Q Did Martha Moore, or any of the other of your ancestors, ever claim or receive land in Mississippi from the United States government? A No, sir.

Q Have you any children? A Yes, sir.

Q Are they under twenty-one years of age and unmarried? A I have got two under twenty-one.

Q What is the name of the father of those children? A William Wiley Walker.

Q Is he living? A Yes, sir.

Q What is the name of your oldest child under twenty-one and unmarried? A Jimmie Joe.

Q How old is he? A He is about thirteen, or twelve.

Q Give the name and age of the next. A Ursie Callie Walker.

Q How old is she? A Eleven.

Q The next one? A That is all. I have only these two.

Q Your husband is not an Indian, is he? A No, sir.

Q Do these children live with you at your home? A Yes, sir.

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

Q Have you any documentary evidence which you desire to offer at this time in support of this application, any papers? A Yes, sir. Maybe they are not ready yet.

MR. L. P. HUDSON: (Counsel for applicant) Here attorney for applicant asks leave to file written evidence in support of this claim within thirty days from this date.

ACTING CHAIRMAN BIXBY: Upon a careful consideration of the testimony offered in support of this application, the commission will render its decision, and you will be furnished with a copy of the same, mailed

Little Walker of above--B.

to your present post office address.

Wm. H. Wellbourn, 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 in the matter of this application at the time and place abovesentigned, and that the foregoing is a true, correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2nd day of January, A. D. 1901.

Guy L. Emerson
Notary public.

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

In the matter of the application of Mattie Walker for the identification of herself and her minor children, Jimmie Joe and Ursie Callie Walker, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Mattie Walker appeared before the Commission at Hattiesburg, Mississippi, December 19, 1900, and there made application for the identification of herself and her minor children, Jimmie Joe Walker and Ursie Callie Walker, as Mississippi Choctaws. The provision of law vesting the Commission with authority to determine the identity of Choctaw Indians claiming right in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27th, 1830, is found in Section 21 of the Act of Congress approved June 28th, 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."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mattie Walker and her minor children, Jimmie Joe Walker and Ursie Callie Walker, 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,

Dated at Muskogee, Indian Territory,
this _____ day of _____, 1901.

ACTING CHAIRMAN.

Muskogee, Indian Territory, January 11, 1901.

Messrs Hudson & Arnold,
Arkmore, Indian Territory,
Gentlemen:

Your letter of January 5 is received in which you inclose affidavits to be filed in support of the following applications for identification as Mississippi Choctaws:

Mattie Walker, et al.

Velma A. Pierson, et al.

The affidavits have been duly filed with the other records in these cases.

Yours truly,

Acting Chairman.

AB

M.C. 1160
1178

COPY.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. HEDDLES.
C. R. BRANCHBRIDGE.

ALLISON L. ATLESWORTH.
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Mattie Walker,

Plantersville, Ala.

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 Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Mosceley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

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 Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Address More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trell Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-
 man, Rutherford McDuffey Martin, Roths B. Walker, David Moseley Walker, Evie Melton,
 Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie
 Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan
 A. B. Terry, Birdie A. B. Palley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma
 M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Mar-
 tin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha
 L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie
 Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-
 lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Pagnell, Carrie I. Parnell,
 William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue
 Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-
 vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F.
 Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza
 Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W.
 Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G.
 Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett
 Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling,
 Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L.
 Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega
 Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin. Robert W. Martin, Jr., Zada I.
 Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands un-
 der the provision of law above quoted, 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 Susan J. Tippit for the identification of her husband, James A. Tippit,
 the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the
 application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-
 ried Mississippi Choctaws, 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.*

Registered.

Acting Chairman.

COPY

NOV 18 1902

Washoe, Indian Territory, November 18, 1902.

Walter Walker,

Chattanooga, Ala.

Dear Sir:

You are hereby advised that on the 1st 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 Susan J. Bigg, et al., of which decision you were advised by registered mail on the 21st day of April, 1901.

The Commission is directed to advise you that this decision is subject to your inspection.

Yours truly,

(SIGNED)

ASBINE WALKER,

W C R 1160

Muskogee, Indian Territory, December 21, 1903.

Mattie Walker,

Plantersville, Alabama.

Dear Madam:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. H. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. H. Springer that

"The Commissioner of Indian Affairs has this day been notified to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. H. Springer has died, and the Depart-

1772

That we direct the Commission to notify you that if you wish to
take any further action relative to the action filed by W. H.
Springer, on March 24, 1903, you will be allowed thirty days from
this date for that purpose.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 6, 1904.

Nattie Walker,
Plantersville, Alabama.

Dear Madam:

Receipt is hereby acknowledged of your letter of December 29, 1903, acknowledging receipt of our letter of the 21st ultimo, and stating that you do not know what course to pursue in your case. You further state "We respectfully ask you to review the evidence in our case as you received it in Meridian, Miss and consider it in that light leaving out every thing that Susan J. Tippit did before that time."

In reply you are informed that the Commission cannot receive or consider any further evidence in support of your claim, as its decision of April 21, 1902, refusing the several applica-

Susan J. Tippit, et al. was approved by the Secretary of the Interior on November 1, 1902, and the case closed.

Our letter of December 21, 1903, was merely to notify you that the Department would allow you thirty days from the date of said letter within which to take further action relative to the motion for review filed in the above mentioned case by W. H. Springer, and who has since died.

M W S

As the record in this case is now in the hands of the Secretary, you should correspond with him if you desire to take further action in regard to the aforesaid motion.

Respectfully,

Chairman.

4

M C R 1160

Muskogee, Indian Territory, January 8, 1908.

Mattie Walker,
Planterville, Alabama.

Dear Madam:

You are hereby notified that the action heretofore made before the Secretary of the Interior to reopen the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., was denied by the Department on December 24, 1904.

Respectfully,

Chairman.

COPY

MCB-1169

Muskogee, Indian Territory, January 17, 1907.

Marvin Walker,
Plantersville, Alabama.

Dear Madam:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself and children is a part.

Respectfully,

SIGNED

James R. R. R.

Commissioner.

5

No. 1160

For Identification as a Mississippi Choctaw.

Date DEC 19 1900

Name Mattie Walker

Age 46 Blood 1/8

Post Office, Plantersville Alabama

Father: Robert Martin Dead

Mother: Mattie Martin Dead

Claims through Father

Husband = Wm. Wiley Walker = ✓
(white)

Children:

Jimmy Joe 12 years

Ursie Callie 11 "

Hellbear

(Copy)

G.O. 230-1901

Hudson & Arnold, Ardmore, I.T.
January 5, 1901.

M.C. 1176
1160

Affidavits of A. W. Davis and
I. W. Moore filed in cases of
Mattie Walker and Velma A.
Pierson, and letter of ac-
knowledgment written to Hud-
son & Arnold and inclosed herewi

AB

Atoka, January 11, 1901.

Choctaw MCR 1161

Marion E. Martin

See MCR 203

MCR 1161

RECEIVED

REFUSED

DECISION RENDERED. APR 21 1902

NOTICE OF DECISION MAILED APPLICANT.

APR 21 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

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.

NOV 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOV 12 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOV 12 1902

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

1902

REFER TO M. C. R. 203

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hattiesburg, Miss. December 19,
1900.

In the matter of the application of Marion E. Martin for the identification of himself as a Mississippi Choctaw.

The said Marion E. Martin, being sworn and examined by Acting Chairman Bixby, testified as follows:

Q What is your name? A Marion E. Martin.

Q What is your age? A Twenty-six.

Q What is your post office address? A Selma, Alabama.

Q Do you live in Selma? A Yes, sir.

Q How long have you lived there in Alabama? A I was born there, and have lived there all my life, except when I was at school.

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

Q Did you ever live in the Indian Territory? A No, sir.

Q What is your father's name? A Robert M. Martin.

Q Is he living? A No, sir.

Q What is your mother's name? A Nannie J. Martin.

Q Is she living? A Yes, sir.

Q Was your father a Choctaw Indian? A Yes, sir.

Q How much Choctaw Indian blood did he have in his veins? A Well, I couldn't tell you exactly. His mother was about half.

Q What was his mother's name? A His mother was named Martha Moore.

Q You think she was about a half blood do you? A From what the old people say around there, I suppose she was.

Q Was your mother a white woman? A Yes, sir.

Q You get your Indian blood then from your father? A Yes, sir; from my grandmother.

Q Well, it comes through your father too? A Yes, sir.

Q How much Choctaw Indian blood do you claim to have in your veins? A I don't know, I never figured it down; about one eighth I suppose or something like that.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir.

Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for citizenship in the Choctaw Nation? A No, sir.

Q Did you or did any one in your behalf in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation in the Indian Territory 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 tribal authorities of the Choctaw Nation or to the authorities of the United States for citizenship or enrollment as a Choctaw Indian? A No, sir.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes, sir.

Q Do you claim under the provisions of the 14th article of the treaty of 1830? A Yes, sir.

Q Did Martha Moore live in Mississippi in 1830? A From what the old people say around there she did live in Mississippi.

Q Was she a recognized member of the Choctaw tribe of Indians at that time? A Yes, sir.

Q Have you any evidence showing this to be a fact? A Yes, sir.

Q What is the nature of the evidence? A I have evidence from the old people around there, -----

Q (interrupting) In the form of affidavits? A Well, these gentlemen, or this gentleman here, he has the matter in his hands. Mr. Hudson; I think he has the papers.

Marion E. Martin, N. C. ---

MR. D. P. HUBBARD, (Attorney for applicant): The papers are not in shape. Here attorney for applicant asks leave to file written evidence in support of this application within thirty days from this date. The papers are not in shape now.

Q Did Martha Moore remain in Mississippi after the treaty of 1830, or did she remove to the Indian Territory with other members of the tribe? A She didn't remove to the Indian Territory. I am pretty sure she removed to Alabama.

Q You don't know how long after the treaty of 1830? A No, sir; I do not.

Q Did she signify to the United States Indian Agent of the Oneida Indians in Mississippi, in the year 1830 or 1831, her intention to remain and become a citizen of the United States? A I couldn't tell, sir, whether she did or not.

Q Did Martha Moore, or any of your ancestors ever claim or receive any land in Mississippi from the United States government? A No, sir; not that I know of.


Q Are you married? A No, sir.

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

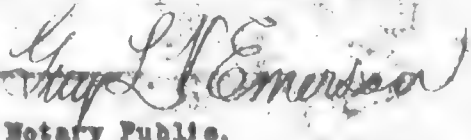
Q Have you any documentary evidence which you desire to offer in support of this application? A No, sir; I don't suppose there is now.

MR. BIXBY: (Acting Chairman of Commission) Upon a careful consideration of the testimony offered in support of your application the Commission will render its decision, and you will be furnished with a copy of the same mailed to your present post office address.

The undersigned, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in the matter of this application at the time and place abovementioned, and that the foregoing is a true, correct and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 2nd day of January, A. D. 1901.



Notary Public.

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

In the matter of the application of Marion E. Martin for identification as a Mississippi Choctaw.

DECISION.

The record in this case shows that Marion E. Martin appeared before the Commission at Hattiesburg, Mississippi, December 19, 1900, and there made application for identification as a Mississippi Choctaw. The provision of law vesting the 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 27th, 1830, is found in Section 21 of the Act of Congress approved June 26th, 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."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Marion E. Martin as a Choctaw Indian entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for his identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Dated at Muskogee, Indian Territory,
this _____ day of _____, 1901.

ACTING CHAIRMAN.

COPY.

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

ALLISON L. AYLESWORTH,
SECRETARY

Muskegee, Indian Territory, April 21, 1902.

Marion E. Martin,
Selma, Ala.

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 Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Luc Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

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 Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trelle Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Mar-tin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susfe Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, William F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin, Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, 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 Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-ried Mississippi Choctaws, 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,

Tamc Dixby.

(SIGNED).

Registered.

Acting Chairman.

COPY

W.C.P. 1181

Washington, Indian Territory, November 23, 1902.

Marion S. Griffin,

Wagon 132.

Dear Sir:

You are hereby advised that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Absentee Choctaws of the several persons included in the consolidated case of James S. Thomas, et al., of which you were advised by registered mail on the 21st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Very truly,

James B. Bishop

Acting Chairman,

M O R 1161

Madagascar, Indian Territory, December 21, 1903.

Marion E. Martin,

Selma, Alabama.

Dear Sir:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection and you will be allowed reasonable time within which to state the reasons upon which the motion is asked."

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. M. Springer, on March 24, 1908, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

M C R 1161

Muskogee, Indian Territory, January 6, 1904.

Marion E. Martin,
Selma, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th ultime, in reply to our letter of December 21, 1903. You state "Mess L. P. Hudson and J. E. Arnold of Ardmore, I. T. are under written contract with me to look after our claim and I desire to know if they are giving it any attention. If they are not giving it proper attention I would like to have you advise me what necessary proofs you require."

In reply you are informed that the purpose of our letter of December 21, 1903, was to notify you that the Department would allow you thirty days from date of said letter to take further action relative to the motion for review filed by W. E. Springer, who has since died, in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., of which your application is a part.

The Commission has no authority to take further action in your case, as its decision of April 21, 1902, refusing the several applicants in said consolidated case was approved by the Secretary of the Interior on November 1, 1902, and the case closed.

If it is your desire to take further action in regard to

N E X T

In the above mentioned motion, you should correspond with the Secretary as the record in this case is now in his hands.

On account of irregular practice, Messrs. Hudson & Arnold are not now allowed to represent applicants for identification as Mississippi Choctaws before this Commission.

Respectfully,

Chairman.

Muskogee, Indian Territory, February 2, 1904.

M. E. Martin,

Salina, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st ultimo, in which you state that there is a man in your community by the name of R. E. Foot who is taking Mississippi Choctaw applications for fifteen dollars each, and claims to be sent out by a committee composed of six Indians and six people from the government. You ask to be advised "if this man is alright" and if you should send in your proof and fifteen dollars.

In our letter to you, dated December 21, 1903, you were notified that the Department would allow you thirty days from that date in which to take further action relative to the motion for review filed by W. E. Springer, who has since died, in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., of which your application is a part.

The record in this case is now in the hands of the Secretary of the Interior, Washington, D. C., and you should correspond with him if you desire to take any further action in regard to the above mentioned motion.

You are further advised that the Commission has not

* * * *

authorized any person by the name of R. E. Peck to act for it or represent it in any way whatever.

The time within which the Commission could receive or consider applications for membership as mentioned above expired March 25, 1903.

Respectfully,

Commissioner in Charge.

M C R 1161

Muskogee, Indian Territory, January 6, 1905.

Marion E. Martin,
Selma, Alabama.

Dear Sir:

You are hereby notified that the motion heretofore made before the Secretary of the Interior to reopen the consolidated Klaxisimo Choctaw case of Susan J. Tippit, et al., was denied by the Department on December 24, 1904.

Respectfully,

Chairman

COPY

MCR-1141

Muskogee, Indian Territory, January 17, 1907.

Marion H. Martin,
 Oklawaha, Alabama.

Dear Sir:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself is a part.

Respectfully,

SIGNED

Wm Bixby.

Commissioner.

No. _____
For Identification as a Mississippi Choctaw.

Date **DEC 19 1900**

Name *Marion E. Martin*

Age *26* Blood *1/8*

Post Office, *Selma, Alabama*

Father: *Robert M. Martin* Dead

Mother: *Nannie J. Martin* ✓

Claims through *Father*

Children:

Hillshear

Chotow MCR 1162

David Martin

See MCR 203

MCR 1162

David Martin et al

REFUSED

DECISION RENDERED. APR 21 1902

NOTICE OF DECISION MAILED APPLICANT.

APR 21 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

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.

NOV 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOV 1 2 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOV 1 3 1902

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

NOV 1 2 1902

REFER TO M. C. R. 203

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hattiesburg, Miss. Dec. 19th, 1900.

In the matter of the application of David Martin for the identification of himself and two minor children as Mississippi Choctaws.

The said David Martin, being sworn and examined by Acting Chairman Rixby, testified as follows:

Q What is your name? A David Martin.
Q What is your age? A Forty-two.
Q What is your post office address? A Plantersville,
Alabama.
Q How long have you lived in Alabama? A All my life.
Q Were you born in Alabama? A Yes, sir.
Q You never lived in Mississippi, did you? A No, sir.
Q You never lived in the Indian Territory, did you? A No, sir.
Q What is your father's name? A James Martin.
Q Is he living? A No, sir.
Q Was he a Choctaw Indian? A He was a descendent of one.
Q What was the name of your father's father? A Robert Martin.
Q Was he a Choctaw Indian? A He was a descendent.
Q What was the name of your father's mother? A Martha
Martin; she was Moore before she was married.
Q What is your mother's name? A Eliza Martin.
Q Is she living? A No, sir.
Q She was a white woman, was she? A Yes, sir.
Q You claim your Choctaw Indian blood through your father? A
Yes, sir.
Q How much Choctaw Indian blood do you claim to have in your
veins? A One-eighth.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in the Indian Territory? A Yes, sir.
Q Did you ever make application to the Choctaw tribal authorities
in the Indian Territory for citizenship in the Choctaw Nation? A
No, sir.
Q Did you or did any one in your behalf in the year 1896, make
application to the Commission to the Five Civilized Tribes for citizen-
ship in the Choctaw Nation in the Indian Territory under the Act of
Congress of June 10th, 1896? 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 U
nited States for either citizenship or enrollment as a Choctaw? A
No, sir.
Q This is your first application is it? A Yes, sir.
Q It is now your purpose to make application for identification
as a Mississippi Choctaw? A Yes, sir.
Q Do you claim under the 14th article of the treaty of 1830 A
Yes, sir.
Q Did Martha Moore live in Mississippi in the year 1830? A
Yes, sir.
Q Was she a recognized member of the Choctaw Tribe of Indians
at that time? A Yes, sir.
Q Have you any evidence showing this to be a fact? A Well,
none only just from my kindred, my forefathers.
Q Well, what shape have you got that evidence in, is it in the
form of affidavits? A Yes, sir.
Q Have you this evidence ready to present? A Well, no, sir.
I brought them with me, but they haven't the seal on them. I
will have them here.

David Martin et al-----2.

Q Did Martha Moore remain in Mississippi after the conclusion of the treaty of 1830, or did she remove to the Indian Territory with the other members of the tribe? A She remained in Mississippi.

Q Did she signify to the United States Indian Agent of the Choctaw Indians in Mississippi, at any time during the years 1830, 1831, her intention to remain and become a citizen of the United States? A No, sir; not that I know of.

Q Did Martha Moore, or any of your ancestors ever claim or receive any land in Mississippi from the United States government? A No, sir.

Q Are you married? A Yes, sir.

Q Is your wife a Choctaw Indian? A No, sir.

Q She is a white woman, is she? A Yes, sir.

Q Have you any children for whom you desire to make application? A There are two.

Q What is your wife's name? A Emmaline Martin.

Q Where were you married? A In Chilton County, Alabama.

Q When? A In 1882.

Q Have you your marriage certificate with you? A No, sir; I haven't. It is on record in my county.

Q You have a certified copy of the record with you? A No, sir.

Q What are the names of your children and their ages? A The oldest, my son, is sixteen.

Q Was he any name? A Arthur.

Q The next? A Evie Estelle Martin.

Q How old is she? A Six years old.

Q Do these children live with you at your home? A Yes, sir.

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

Q Have you any documentary evidence which you desire to offer at this time in support of this application? A No, sir, not at this time.

MR. L. P. HUDSON: (Attorney for applicant) I am attorney for applicant asks leave to file written evidence in the form of affidavits in support of this claim within thirty days from this date. Do you want the marriage certificate too? A

ACTING QUARTERMASTER BERRY: We have to have it in the nation. I would think it necessary to pursue the same course with reference to these matters here. You can suit your own pleasure of course.

Upon a careful consideration of the testimony offered in this case the Commission will render its decision, and you will be furnished with a copy of the same mailed to your present post office address.

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Wm. S. Wellshear, the undersigned, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in the matter of this application at the time and place abovementioned, and that the foregoing is a true, correct and complete transcript of his stenographic notes thereof.

Wm. S. Wellshear

Subscribed and sworn to before me this 22nd day of December, A. D. 1900.

Guy L. Emerson

Notary Public.

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

In the matter of the application of David Martin for the identification of himself and his minor children, Arthur and Evie Estelle Martin, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that David Martin appeared before the Commission at Hattiesburg, Mississippi, December 19, 1900, and there made application for the identification of himself and his minor children, Arthur Martin and Evie Estelle Martin, as Mississippi Choctaws. The provision of law vesting the 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 27th, 1830, is found in Section 21 of the Act of Congress approved June 28th, 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."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of David Martin and his minor children, Arthur Martin and Evie Estelle Martin, 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?

Dated at Muskogee, Indian Territory,
this _____ day of _____, 1901.

ACTING CHAIRMAN.

Muskogee, Indian Territory, January 8, 1901.

Messrs Hudson & Arnold,
 Ardmore, Indian Territory,
 Gentlemen:

The Commission is in receipt of your letter of January 3,
 inclosing affidavits as follows:

Robert Burningham and G. B. Skinner, to be filed in the
 claim of Alice Goodwin for identification as a Mississippi Choctaw.

A. M. Davis and W. M. Moore to be filed in support of claim
 of David W. Martin for identification as a Mississippi Choctaw.

J. W. Moore and A. T. Davis to be filed in the case of
 Malitee P. Harris' claim for identification as a Mississippi Choctaw,
 and marriage license and certificate of D. J. Cummings and M. G.
 Harris to be filed in support of application of Daniel J. Cummings
 for identification as a Mississippi Choctaw; and application for
 enrollment as a Choctaw of Ottie Francis, infant daughter of Ida
 and Thomas H. Tewry. These papers have all been filed in the re-
 spective cases in which they belong.

Yours truly,

Acting Chairman.

COPY. COPY.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY
THOMAS H. NEEDLES
G. H. BRUSHKIRIDGE

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

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH,
SECRETARY.

Muskogee, Indian Territory, April 21, 1902.

David Martin,

Plantersville, Ala.

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 Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Boreman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

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 Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trell Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Bozeman, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Martin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Willie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Marvin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin. Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, 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 Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermarried Mississippi Choctaws, 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). *Tamc Bixby.*

Registered.

Acting Chairman.

M. S. R. 1182.

COPY.

Muskogee, Indian Territory, November 18, 1902.

David Martin,

Plantersville, Ala.

You are hereby advised that on the 1st 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 Susan J. Figgitt, et al., of which decision you were advised by registered mail on the 31st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Yours truly,

(SIGNED)

James B. H. H.
Acting Chairman.

Muskogee, Indian Territory, December 21, 1903.

David Martin,
Plantersville, Alabama.

Dear Sir:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Shestow case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

D. M. 1

want now directs the Commission to notify you that if you wish to
take any further action relative to the motion filed by W. H.
Springer, March 24, 1908, you will be allowed thirty days from
this date for that purpose.

Respectfully,

Chairman.

Muskogee, Indian Territory, December 21, 1903.

David Martin,
Plantersville, Alabama.

Dear Sir:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. M. Springer, March 24, 1973, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

W. C. 2 1163

Langrege, Indian Territory, January 6, 1904.

David Martin,

Plantersville, Alabama.

Dear Sir:

You are hereby notified that the motion heretofore made before the Secretary of the Interior to reopen the consolidated Mississippi Chouteau case of Susan J. Tippit, et al., was denied by the Department on December 24, 1904.

Respectfully,

Chairman,

COPY

MUR-1162

Muskogee, Indian Territory, January 17, 1907.

David Martin,
Plantersville, Alabama.

Dear Sir:

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tappit et al., of which the application for the identification of yourself and children is a part.

Respectfully,

SIGNED

Wams Bixby.

Commissioner.

No. 1111

For Identification as a Mississippi Choctaw.

Date DEC 19 1900

Name David Martin

Age 42 Blood 1/8

Post Office, Plantersville, Alabama

Father: James Martin Dead.

Mother: Eliza Martin Dead

Claims through Father

Emmarine Martin (white)

Children:

Arthur 16 years

Evie Estelle 6 "

Wellshear

Chastow MCR 1163

George Simpson

MCR 1163

George Simpson, et al

REFUSED

DECISION RENDERED. JUL 17 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 17 1902

RECORD FORWARDED DEPARTMENT.

1902

**NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.**

1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 18 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.**

AUG 29 1902

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

AUG 29 1902

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of George Simpson
et al., for identification as Mississippi Choctaws,

M.C.N. 1169

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 George Simpson et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Birth affidavit of Gertrude Simpson	4
Ex parte affidavit of Eli Beach	8
Ex parte affidavit of Jas. McGee	6
Joint ex parte affidavit of A. J. Rousseau, A. E. Rousseau and F. W. Shropshire	7
Joint ex parte affidavit of M. S. Bates and Peter Verrill	10
Ex parte affidavit of Jas. McGee	11
Final decision of the Commission refusing the application of George Simpson et al., for identification as Missis- sippi Choctaws	12

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hattiesburg, Miss. Dec. 19th, 1900.

In the matter of the application of George Simpson for the identification of himself and his nine minor children as Mississippi Choctaw.

The said George Simpson, being sworn and examined by Acting Chairman Bixby, testified as follows:

Q What is your name? A George Simpson.
Q What is your age? A sixty-one.
Q What is your post office address? A Enterprises Mississippi.
Q Did you live, or do you live in or near Enterprises? A Yes, sir.
Q Have you lived in the country or in the town? A In the country.
Q How long have you lived in Mississippi? A I have lived in Mississippi ever since 1862, or 1866.
Q Where did you live prior to 1866? A In Alabama.
Q Were you born in Alabama? A Yes, sir.
Q Did you live in Alabama until you moved to Mississippi in 1866?
A Yes, sir.
Q Did you ever live in the Indian Territory? A No, sir.
Q What is your father's name? A Tom Simpson.
Q Is he living? A No, sir.
Q Was he a Choctaw Indian? A Yes, sir.
Q How long ago did he die? A Well, I really don't know, but I was about, somewhere about, fourteen years old when he died.
Q How old a man was he at the time of his death? A Well, I judge he was about fifty years old. I don't know his age.
Q Do you think he was a grown man in 1850? A Yes, sir; I think he was a grown man.
Q What was the name of your father's father? A Well, I could not tell you. He just went by the name of Tom Simpson.
Q Your father's father? A No, that was him.
Q Well, what was the name of your father's father? A I don't know.
Q What was the name of your father's mother? A I don't know that.
Q What is the name of your mother? A Her name is Ellen.
Q Is she living? A No, sir.
Q Was she a Choctaw Indian? A No, sir; she was a negro.
Q She was a colored woman? A Yes, sir.
Q Were your father and your mother married? A Well, they called themselves married.
Q You never saw the marriage certificate? A No, sir.
Q Well, do you think they ever were married by a minister or by a judge of a court? A Well, no, sir; I know they wasn't.
Q Just lived together? A Yes, sir.
Q That passed for a marriage in those days, did it? A Yes, sir.
Q Was your mother a slave? A Yes, sir.
Q Your mother was a slave at the time you were born, was she? A Yes, sir.
Q You claim your Choctaw Indian blood through your father, I presume? A Yes, sir.
Q How much Choctaw Indian blood did your father have? Was he a full blood? A He was a full blood.
Q You claim to be a half blood? A Yes, sir.
Q Half Choctaw Indian and half negro? A Yes, sir.
Q Is your name on any of the Choctaw tribal rolls in the Indian Territory?
1.

George Simpson et al----2.

Territory? A No, sir.

Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for citizenship? A None at all.

Q Did you or did any one in your behalf in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation in the Indian Territory under the Act of Congress of June 10th, 1896? A No, sir.

Q Is this your first application to either the tribal authorities of the Choctaw Nation or to the authorities of the United States for citizenship or enrollment as a Choctaw Indian? A Yes, sir.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes, sir.

Q Do you claim under the 14th article of the treaty of 1830? A Yes, sir.

Q Did Tom Simpson live in Mississippi in the year 1830? A Well, I don't know about his living here. He was going backwards and forwards. I was a slave at that time, and I don't know where his home was.

Q You were a slave yourself, were you? A Yes, sir.

Q Was Tom Simpson a recognized member of the Choctaw Tribe of Indians? A Yes, sir.

Q In 1830? A Yes, sir.

Q Have you any evidence showing this to be a fact? A Yes, sir; I think so.

MR. L. P. HUDSON: (Attorney for applicant) There is an affidavit which I desire to file on behalf of this claim.

(Affidavit of Ely Roach offered in evidence and placed on file and made a part of the record in this case)

Q Did Tom Simpson remain in Mississippi after the conclusion of the treaty of 1830, or did he remain to the Indian Territory with other members of the tribe? A No, sir; he died.

Q He was alive in 1830? A Yes, sir.

Q Did he stay in Mississippi, or did he go to the Indian Territory when the Choctaws went there? A He never went.

Q Did Tom Simpson signify to the United States Indian Agent Agent of the Choctaw Indians in Mississippi his intention to remain and become a citizen of the United States? A Well, I don't know that.

Q You don't know anything about that. Did Tom Simpson or any of your ancestors ever claim or receive any land in Mississippi from the United States Government? A None as I know of.

Q Are you married? A Yes, sir.

Q Is your wife a Choctaw Indian? A No, sir; she is a colored woman.

Q Have you any children for whom you desire to make application? A Yes, sir.

Q What is the name of your wife? A Mahala.

Q When were you married? A I have been married now---I married in 1881.

Q Where were you married? A In Mississippi.

Q Were you married by a preacher? A No, sir; I was married by a squire.

Q Have you your marriage certificate with you? A No, sir; I haven't got it with me.

Q What are the names and ages of your children? A Well, I have them in my pocket. (Witness produces slip of paper from his pocket and hands to Commissioner)

Q Almar, is that one of them? A Yes, sir.

Q He is eighteen? A Yes, sir.

George Simpson, et al----3.

Q Joella is the next one? A Yes, sir.
Q How old is she? A Seventeen.
Q The next one is Maggie? A Yes, sir.
Q Fifteen years old? A Yes, sir.
Q The next is Minnie Ann, thirteen years old? A Yes, sir.
Q The next is Wofort, and he is twelve years old? A
Yes, sir; Wofort.
Q The next is Florence, ten years old? A Yes, sir.
Q The next is Rena and she is eight years old? A Yes, sir.
Q The next is Rosie, four years old? A Yes, sir.
Q Now, what is the next one? A Klma.
Q Is it a boy or a girl? A It is a girl. They are all girls
but the boy Wofort.
Q Do these children live with you at your home? A
All with me.
Q Is there any additional statement which you desire to make
in support of this application? Is there anything else you want to
say that you have not been asked about? A Not sir; I don't
know of anything.
Q Have you any documentary evidence which you would like to
offer in support of this application at this time, any papers?
MR. L. P. Hudson: (Attorney for applicant) Yes, he wants to file
some additional evidence. I will ask thirty days to file additional
proof in the form of affidavits, marriage certificates etc.

MR. BIXBY: (Acting Chairman of Commission) Upon a careful
consideration of the testimony offered in support of this
application the Commission will render its decision, and you will
be furnished with a copy of the same mailed to your present post of-
fice address.

-----o-----

The undersigned, being sworn, upon his oath states, that as
stenographer to the Commission to the Five civilized tribes he
reported in full all proceedings in the matter of this application
had at the time and place abovementioned, and that the foregoing
is a true, correct and complete transcript of his stenographic notes
thereof.



Subscribed and sworn to before me this 2nd day of January A. D.
1901.



Guy L. Emerson
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

J. N. L.
C. v. W.

In the matter of the application of George Simpson,
et al., for identification as Mississippi Choctaws
M.C.R. 1163

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

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by George Simpson for himself and his ten minor children, Almar, Jella, Maggie, Minnie Ann, Wofert, Florence, Rena, Rosie, Nina and Gertrude Simpson, 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 Tom Simpson, who is alleged to have been a full blood Choctaw Indian.

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 Tom Simpson, 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 George Simpson, Almar Simpson, Jeella Simpson, Maggie Simpson,

Wanda Ann Simpson, Wford Simpson, Florence Simpson, Rena Simpson,
Beale Simpson, Ella Simpson and Gertrude Simpson as Cheate
Indians entitled to rights in the Cheate lands under the provisions
of said article fourteen of the treaty of sixteen 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



ACTING CHAIRMAN



Commissioners

Muskogee, Indian Territory

JUL 17 1902

COPY

M C H 1124

Washington, Indian Territory, July 17, 1902.

Enterprise, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of George Simpson, et al., applicants for identification as Mississippi Choctaws.

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 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 George Simpson, Almar Simpson, Joella Simpson, Maggie Simpson, Minnie Ann Simpson, Wefort Simpson, Florence Simpson, Rena Simpson, Rosie Simpson, Elza Simpson, and Gertrude 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 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 Dixby.

Registered.

Acting Chairman.

OPY.

N O B 1108

Muskogee, Indian Territory, July 27, 1908.

Manfield, McHurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 17th day of July 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of George Simpson, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provisions 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 concluded as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Simpson, Almar Simpson, Jealia Simpson, Maggie Simpson, Minnie Ann Simpson, Wefert Simpson, Florence Simpson, Rena Simpson, Bebie Simpson, Eliza Simpson and Gertrude 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 application for their identification as such should be refused, and it is so ordered."

11 Dec 2 3 48

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)

Tamc Dixby

Acting Chairman.

COPY.

M C R 1183

Waskage, Indian Territory, July 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of George Simpson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 17, 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)

Through the Commissioner
of Indian Affairs,

1 enclosure.

Tamo Dinty.

Acting Chairman.

(DC-31615)

Copy
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Inst
No. 780-1802.

Washington, August 5, 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 17, 1902, forwarding for the Department's consideration the record relative to the application of George Simpson, et al., for identification as Mississippi Choctaws claiming rights in the Choctaw lands under article 14 of the treaty of 1830.

George Simpson applies for the identification of himself and his ten minor children, Almar, Jessie, Maggie, Minnie Ann, Wofort, Florence, Rena, Regia, Elma and Gertrude Simpson.

They claim descent from Tom Simpson the father of the principal applicant. The principal applicant does not know the name of his grandfather.

The records of this office do not show that the alleged original ancestor of the applicants complied 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
2, 1837 and August 23, 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. G. Towner,

Acting Commissioner.

(G.A.Ve)

P.

38805

RAF

DEPARTMENT OF THE INTERIOR

Washington,

FD-4779-1902.
L R S

August 18, 1902.

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

Gentlemen:

The Department has considered the application for identification of George Simpson and his ten minor children, Almar, Jella, Maggie, Minnie Ann, Wofort, Florence, Rena, Rosie, Elan and Gertrude Simpson, as Mississippi Choctaw. The record was transmitted with your letter of July 17, 1902, and your decision of that date, rejecting the application, accompanies the record.

The applicants attempt to trace their Choctaw descent from one Tom Simpson, alleged to have been a full-blood Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted to citizenship in the Choctaw Nation, or that the alleged ancestor, above named, ever complied or attempted to comply with the provisions of article XIV of the treaty of September 27, 1830, or with the acts of March 3, 1837 (5Stat., 180), and August 23, 1842 (5Stat., 513).

The Acting Commissioner of Indian Affairs forwarded the papers August 5, 1902, and recommended that your decision be

approved. A copy of his letter is inclosed.

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

Respectfully,

Thos Ryan

Acting Secretary.

EMD

1 inclosure.

M.C.R. 1164.

COPY.

Muskegee, Indian Territory, August 29, 1902.

George Simpson,
Enterprise, Mississippi.

Dear Sir:

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 George Simpson, et al., of which decision you were duly advised by registered mail on the 17th day of July.

Yours truly,

(SIGNED)

James Bixby.
Acting Chairman.

H. C. B. 1163.

COPY.

Muskegee, Indian Territory, August 29, 1902.

Mansfield, McMurray & Cernish,

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 George Simpson, et al., of which decision you were duly advised by mail on the 17th day of July, 1902.

Yours truly,
(SIGNED)

Tames Dixey.

Acting Chairman.

1163

FOR IDENTIFICATION AS
MISSISSIPPI CHOCTAW

George Simpson Exel

MR 1163

State of Mississippi,
County of Oktibbeha.

Personally appeared before me

H. H. Sikes

Circuit Clerk

in and for the County of Oktibbeha ~~the within mentioned party~~ whose name is affixed below who says on oath that he knew in his life time Tom Simpson a full blood ^{Cherokee} Indian that he knew the said Tom Simpson in Bibb County Alabama for years that neither the said Tom Simpson nor his descendants removed to the Indian Territory in 1830 and in 1834 when the Indians were removed but elected to remain in the States. The said Tom Simpson was the father of George Simpson by a colored woman the said George Simpson is half colored and half Indian he is now living near Enterprise in Clarke County Mississippi.

J. W. Shesphire

A. Le Rousseau

Sworn to and subscribed before me this 3 day of *July* 1891

H. H. Sikes

Circuit Clerk,

(affix your official seal
of office and write out your
official title in full)

No. 1163

Affidavit
in favor of
Geo Simpson

Chaetau Indian

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 11 1901



ACTING CHAIRMAN.

State of Mississippi,
County of Clarke.

Personally appeared before me R.E. Hallsell Notary Public in and for the town of Enterprise Clarke County Mississippi, the within named party whose name is subscribed below who makes oath that he has been a citizen of Clarke County Mississippi for the past 35 years and that he knows George Simpson a half breed Choctaw Indian personally and has known him for the past 20 years. That the said George Simpson is the father of nine children all miners living with him by his wife Mahala Ward a colored woman and the said George Simpson and the said Mahala Ward were married near Enterprise Mississippi about 18 years ago and they have been living together as man and wife from the time of their said marriage to this date openly and notoriously. Affiants further say that the said George Simpson can not procure a certified copy of his marriage license issued to him by the Clerk of this county for the reason that the county records made about the time of his said marriage have been destroyed or so badly mutilated as to be beyond recognition.

*Witness
Jas W. G. G.*

*E. D. Kester
Peter J. Dennis*

Sworn to and subscribed before me this 28th., day of December, 1900.

*R. E. Hallsell
N.P.*

Member of Enterprise
Further appeared before me said Notary Public J. S. Boyd who makes oath that to all the above facts and says that he sent for to the the Clerk the money for the marriage license for the above parties and delivered same to the said George Simpson.

J. S. Boyd

Sworn to and subscribed before me this 28th., day of Decr., 1900.

R. E. Hallsell N.P.

Muskogee, Indian Territory, January 11, 1901.

Mr. J. L. Dinkley,
Enterprise, Mississippi.

Dear Sir:

The Commission is in receipt of your letter of January 4, enclosing affidavits of W. J. Rousseau and A. L. Rousseau, in behalf of the application of George Simpson for identification as a Mississippi Choctaw, and the same have been duly filed with the records in this case.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, January 11, 1901.

Mr. J. E. Buckley,
 Enterprise, Mississippi,

Dear Sir:

The Commission is in receipt of your letter of January 2,
 inclosing affidavits in support of the following applications for
 identification as Mississippi Chestnuts:

George Simpson, et al.
 Deliah Marsh Bennett, et al.
 Bettie Price, et al.
 Jake Marsh on behalf of his children Carrie Marsh et al
 Kate Price, et al.

The affidavits have been duly filed with the other records in the
 above named cases.

Yours truly,

M.C. 1163
 1167
 1172
 1173
 1174

Acting Chairman.

AD

For Identification as a Mississippi Choctaw.

Date DEC 19 1900

Name George Simpson

Age 61 Blood $\frac{1}{2}$

Post Office, Enterprise, Mississippi

Father: Tom Simpson Dead

Mother: Ellen Dead

Claims through Father

wife Mahala (colored)

Children:

Almer girl 18 years

Joella " 17 "

Magge " 15 "

Minnie Ann " 13 "

Worforth boy 12 "

Florence girl 10 "

Rena " 8 "

Rosie " 4 "

Elma (girl) 1 "

George Simpson

No. Office Number.

J. L. Buckley, Enterprise,
Miss. January 4, 1901.

Affidavits inclosed herewith
filed with H.C. 1163, and let-
ter acknowledging receipt to
J. L. Buckley sent you here-
in.

AB

Atoka, January 11, 1901.

Choctaw MCR 1164

Callie Walker

See MCR 203

MCR 1164

Walker et al.

REFUSED

DECISION RENDERED. APR 21 1902

NOTICE OF DECISION MAILED APPLICANT.
APR 21 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.
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.
NOV 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT
NOV 1 2 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.
NOV 1 2 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
NOV 1 2 1902

REFER TO M. C. R. 203

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
HATTIESBURG, MISSISSIPPI, DECEMBER 19, 1900.

In the matter of the application of Callie Walker for the identification of herself and her two minor children as Mississippi Choctaws.

Callie Walker, having been first duly sworn by Acting Chairman, Tams Bixby, testifies as follows:

Examination by the Commission.

- Q What is your name? A Callie Walker.
Q What is your age? A I am forty one.
Q What is your post office address? A Plantersville, Alabama.
Q Do you live in Alabama? A Yes sir.
Q How long have you lived there? A All my life; I was born there.
Q Never lived anywhere else? A No sir.
Q What is your father's name? A Robert M. Martin.
Q Is he living? A No sir.
Q What is your mother's name? A Mattie Martin.
Q Is she living? A No sir.
Q Through which one of your parents do you claim your Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A One eighth.
Q How far is Plantersville from Mississippi? A Well, I don't know exactly. Selma is about the central part of the state; it is twenty miles from there. Plantersville is my post office, I don't know just how far it is.
Q Have you always lived in the neighborhood of Plantersville? A Yes sir.
Q That is not within the limits of the old Choctaw Nation in Mississippi was it? A Well, my grandmother Moore came from Mississippi, my father's mother.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you ever make application to the tribal authorities in the Choctaw Nation for citizenship or enrollment as a Choctaw?
A No sir.
Q Did you make application to the Commission to the Five Civilized Tribes in 1896 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 judgment of the United States Court in Indian Territory on appeal from the decision of the tribal authorities or of this Commission? A No sir.
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? A No sir.
Q This is the first application of any description that you have ever made? A Yes sir.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q Are you making this application under the fourteenth article of ~~the~~ the treaty of 1830? A Yes sir.
Q What is the name of your ancestor who was a resident of the state of Mississippi and a recognized member of the Choctaw tribe in Mississippi in 1830? A Martha Moore. My grandmother, my father's mother.

mother.

- Q Have you any evidence showing that she was a recognized member of the Choctaw tribe of Indians? A Well, I can give you references, I was too young of course to know anything about it, I could refer to the Tibbits and several others.
- Q Have you any evidence showing that your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830?
- A Well, I have it, but then I don't know whether it would be complete or not; I have some notes to that effect.
- Q Did Martha Moore remove from Mississippi to the Indian Territory when the Choctaws removed away from 1830 to '35. A No sir.
- Q Why didn't she go? A I don't know.
- Q You say she was a recognized Choctaw? A Yes sir.
- Q You know that the choctaws removed from Mississippi to the Indian Territory? A Well, I know some of them-- I have been told that some of them did, I don't know anything about it.
- Q Why didn't she go? A I don't know; I was too young to know anything about that; she moved to Alabama.
- Q Did she signify to the United States Indian Agent within six months after the ratification of the treaty of 1830, her intention to remain and become a citizen of the United States? 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 Do you make any claim under any other treaty stipulations between the United States and the Choctaw Indians? A No sir.
- Q Are you married? A You say am I married? Yes sir.
- Q What is your husband's name? A George W. Walker.
- Q He is a white man? A Yes sir.
- Q Making any claim for him? A No sir.
- Q Have you any children? A I have two under age.
- Q What are the names and ages of your children under twenty one years of age? A Walter Stanford.
- Q Walster Stanford Walker? A Yes sir.
- Q How old is he? A He is seventeen.
- Q What is the next one? A Audress More Walker.
- Q How old is he? A He is fourteen.
- Q Are you the mother of both of these children? A Yes sir.
- Q George W. Walker is the father? A Yes sir.
- Q Both live with you at your home? A Yes sir.
- Q Is there any additional statement you desire to make in support of this application? A No sir.
- Q Have you any written evidence that you desire to submit to the Commission for consideration in support of this application?
- A I have some testimony here but it doesn't state anything more particularly than I have already given.
- Q You don't want to put it in? (No answer)

The decision of the Commission in regard to your application and the application you make for your two minor children will be mailed to you in writing to your present post office address.

Anna Bell, having been first duly sworn by Acting Chairman
Toms Bixby, 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 19th day of December, 1900, and
that the above and foregoing is a full, true and correct transcript
of her stenographic notes in said cause on said date.

Subscribed and sworn to before me this 20th day of December, 1900.

Anna Bell



Acting Chairman.

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

In the matter of the application of Callie Walker for the identification of herself and her minor children, Walter Stanford, and Andress More Walker, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Callie Walker appeared before the Commission at Hattiesburg, Mississippi, December 19, 1900, and there made application for the identification of herself and her minor children, Walter Stanford Walker and Andress More Walker, as Mississippi Choctaws. The provision of law vesting the 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 27th, 1830, is found in section 21 of the Act of Congress approved June 28th, 1898, (Public No.152), 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."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Callie Walker and her minor children, Walter Stanford Walker and Andress More Walker, 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,

Dated at Muskogee, Indian Territory,
this _____ day of _____, 1901.

ACTING CHAIRMAN.

Muskogee, Indian Territory, January 16, 1901.

Mr. M. E. Martin,
Selma, Alabama,

Dear Sir:

The Commission is in receipt of your letter of January 2,
inclosing affidavits for filing in support of the following appli-
cations for identification as Mississippi Choctaws:

Callie Walker, et al.
Sallie Carrell, et al.
Robert M. Martin, et al.
Heatie Bowman, et al.
Rutherford M. Martin
Retha E. Walker.

The same have been duly filed with the records in the above cases.

Yours truly,

Acting Chairman.

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COPY

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Callie Walker,

Plantersville, Ala.

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 Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

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 Susan J. Tippit, Genz J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trelle Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Bozeman, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Martin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Willie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Marvin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, William F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin. Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, 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 Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermarried Mississippi Choctaws, 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 Dixby.*

Registered.

Acting Chairman.

N 2 1104

Muskogee, Indian Territory, November 15, 1902.

Callie Walker,

Plantersville, Alabama.

Dear Madam:

You are hereby advised that on the 1st 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 Susan J. Tippit, et al., of which decision you were advised by registered mail on the 31st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

CRS:WEDD

James Birby.
Acting Chairman.

Muskogee, Indian Territory, December 21, 1903.

Callie Walker,
Plantersville, Alabama.

Dear Madam:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return to the Department the papers in the case, where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

O W A

now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. K. Springer, on March 24, 1903, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

M C R 1134

Muskogee, Indian Territory, January 8, 1904.

Callie Walker,
Plantersville, Alabama.

You are hereby notified that the motion heretofore made before the Secretary of the Interior to reopen the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., was denied by the Department on December 24, 1904.

Respectfully,

Chairman.

MEB-1164

COPY

Muskogee, Indian Territory, January 17, 1907.

Callie Walker,
Plantersville, Alabama.

Dear Madam:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself and children is a part.

Respectfully,

SIGNED

Wams Bixby

Commissioner.

No. 1164

For Identification as a Mississippi Choctaw.

Date DEC 19 1900

Name Callie Walker.

Age 41 Blood 1/8

Post Office, Plantersville, Alabama.

Father: Robert M. Martin - dead.

Mother: Mattie Martin - dead

Claims through father

HUSBAND:

George W. Walker.

(No claims for husband).

Children:

Walter S. Walker 17.

Cludess M. " " 14.

Stenographer:

Clara Bell.

Choctaw MCR 1165

Sallie Carroll

See MCR 203

MCR 1165

Sallie Gattoll et al.

REFUSED

DECISION RENDERED. APR 21 1902

NOTICE OF DECISION MAILED APPLICANT.
APR 21 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.
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.
NOV 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.
NOV 12 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.
NOV 12 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
NOV 12 1902

REFER TO M. C. R. 203

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
HATTIESBURG, MISSISSIPPI, DECEMBER 19th 1900.

In the matter of the application for identification as Mississippi Choctaws of Sallie Carroll and her seven minor children.

Sallie Carroll, having been first duly sworn by Acting Chairman, Tams Bixby, testifies as follows:

Examination by the Commission.

- Q What is your name? A Sallie Carroll.
Q What is your age? A Forty four.
Q What is your post office? A Tylersville.
Q Alabama? A Yes sir.
Q Are you a resident of the state of Alabama? A Yes sir.
Q How long have you lived there? A I was raised there.
Q Born there and lived there all your life? A Yes sir.
Q What is your father's name? A Milling. was my father's name.
Q What was his given name? A Robert M.
Q Is he living? A No sir, he is dead.
Q What is your mother's name? A My mother's maiden name was Mary Martin.
Q Her married name was Milling? A Yes sir.
Q Is your mother living? A No sir. She is dead.
Q Through which one of your parents-- A Mother
Q How much Choctaw blood do you claim? A one sixteenth.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you ever make application to the tribal authorities of the Choctaw Nation in Indian Territory for either citizenship or enrollment as a Choctaw? A No sir.
Q Did you, or did any one in your behalf, in 1896, make application to the Commission to the Five Civilized Tribes 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 judgment of the United States Courts in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
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? 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 Are you making your claim as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.
Q What was the name of your ancestor who was a Choctaw Indian in Mississippi in 1830? A Martha Moore
Q What relation was Martha Moore to you? A She was my great grandmother
Q Have you any evidence showing that she was a recognized member of the Choctaw tribe of Indians in Mississippi? A ~~Yes~~ Not only by my older kin folks.
Q Did she ever receive any benefits as a Choctaw Indian? A No sir.
Q Did Martha Moore remove from the stat. of Mississippi to the Indian Territory when the Choctaws removed? A Yes sir.

- Q She moved to the Indian Territory did she? A No she moved to Alabama.
- Q Why did she go to Alabama? A I don't know sir. I was too young
- Q Did she signify to the United States Indian Agent of the Choctaw Indians in Mississippi her intention to remain and become a citizen of the United States within six months after the ratification of the treaty of Dancing Rabbit Creek in 1830? A Her you say?
- Q Yes, Martha Moore? A I don't know.
- 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 I don't know.
- Q Are you making any claim by reason of any other treaty stipulations between the United States and the Choctaw Indians? A Any of my aunts you say?
- Q Do you claim under any other treaty agreements between the United States and the Choctaws? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Reuben T. Carroll.
- Q He is a white man is he? A Yes sir.
- Q Are you making any claim for him? A No sir.
- Q Have you any children under twenty one years of age and unmarried for whom you desire to make application? A I have seven.
- Q What are their names and ages. A My oldest son's name is James Robert Carroll; he is twenty years old.
- Q All right, go right ahead? A My second one, John Spurgeon.
- Q How old is he? A He is sixteen. Melvin Hudson.
- Q How old? A Thirteen
- Q All right A Furney Jackson.
- Q How old is he? A He is eleven years old.
- Q What is the next one? A Le Vert Milling.
- Q How old is he? A He is seven years old.
- Q And the next one? A Le Trel.
- Q How old is he? A Five years old. Reuben Nixon.
- Q How old is he? A He is three years old.
- Q Are you the mother of all these children? A Yes sir.
- Q Is Reuben T. Carroll the father? A Yes sir.
- Q These children have always lived with you? A Yes sir
- Q ~~Is there any~~ You and your husband live together? A Yes sir.
- Q Is there any additional statement that you desire to make in support of this application? A No sir.
- Q Have you any documentary evidence you desire to submit for the consideration of the Commission? A No sir.

The decision of the Commission in regard to your application and the application you make on behalf of your seven minor children will be mailed to you in writing to your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above cause on the 19th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 20 day of December, 1900.


Acting Chairman.

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

In the matter of the application of Sallie Carroll for the identification of herself and her minor children, James Robert, John Spurgeon, Melvin Hudson, Furney Jackson, Le Vert Milling, Le Trell, and Reuben Nixon Carroll, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Sallie Carroll appeared before the Commission at Hattiesburg, Mississippi, December 19, 1900, and there made application for the identification of herself and her minor children, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trell Carroll and Reuben Nixon Carroll, as Mississippi Choctaws. The provision of law vesting the 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 27th, 1830, is found in Section 21 of the Act of Congress approved June 28th, 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."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Sallie Carroll and her minor children, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trell Carroll and Reuben Nixon Carroll, 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:

Dated at Muskogee, Indian Territory,

this _____ day of _____ 1901.

ACTING CHAIRMAN.

Muskogee, Indian Territory, January 16, 1901.

Mr. M. E. Martin,
Selma, Alabama,

Dear Sir:

The Commission is in receipt of your letter of January 2,
inclosing affidavits for filing in support of the following appli-
cations for identification as Mississippi Chestnuts:

Callie Walker, et al.
Sallie Carroll, et al.
Robert M. Martin, et al.
Heatie Boneman, et al.
Rutherford M. Martin
Rotha B. Walker.

The same have been duly filed with the records in the above cases.

Yours truly,

Acting Chairman.

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COPY.

COMMISSIONERS
HENRY L. DAWES.
TANS BIXBY.
THOMAS S. NEEDLES.
C. S. BRUCEHURD.

ALLISON L. AYLESWORTH.
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

.....

.....

.....

Mustoge, Indian Territory, April 21, 1902.

Sallie Carroll,
Plastersville, Ala.

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 Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ertie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

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 Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trel Carroll, Reuben Nixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Bozeman, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Martin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Willie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Marvin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin. Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, 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 Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermarried Mississippi Choctaws, 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.*

Registered.

Acting Chairman.

NOV 12 1904
COPY.

Indian Territory, November 12, 1904.

Hattie Carroll,
Planterville, Alabama.

Dear Madam:

You are hereby advised that on the 1st day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Missions of the several persons included in the consolidated case of Susan F. Tippit, et al., of which decision you were advised by registered mail on the 21st day of April, 1904.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

SIGNED

Tama Bixby,
Acting Chairman.

Muskogee, Indian Territory, December 21, 1903.

Sallie Carrell,
Plantersville, Alabama.

Dear Madam:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

S O S

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by V. H. Springer, on March 24, 1908, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

K. C. R. 1165

Muskogee, Indian Territory, January 6, 1904.

Malie Garrell,

Wintersville, Alabama.

You are hereby notified that the motion heretofore made before the Secretary of the Interior to reopen the consolidated Mississippi Choctaw case of Susca J. Tippit, et al., was denied by the Department on December 24, 1904.

Respectfully,

Chairman.

COPY

MR-1165

Muskogee, Indian Territory, January 17, 1907.

Wally Carroll,
Planterville, Alabama.

Dear Madam:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself and children is a part.

Respectfully,

SIGNED

Game Bird

Commissioner.

For Identification as a Mississippi Choctaw.

Date DEC 19 1900

Name Sallie Carroll.

Age 44 Blood 1/16

Post Office Plantersville, Alabama.

Father: Robert Milling - dead.

Mother: Mary Milling - dead

Claims through mother

HUSBAND:

Reuben T. Carroll.

(no claim for husband)

Children:

J. Robert Carroll 20.

John S. " " 16.

Melvin H. " " 13.

Furney J. " " 11.

Le Vert M. " " 7.

Le Drell " " 5.

Reuben M. " " 3.

Stenographer.

Clara Bell.

Chocoma 1166

Joe May

MCR 1166

Lee May 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

RECORD FORWARDED DEPARTMENT.
JUL 16 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.
OCT 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.
NOV 7 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
NOV 7 1902

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

In the matter of the application of Joe May, et al., for
identification as Mississippi Choctaws, N. O. R. 1100.

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 Joe May, et al., for identification as Mississippi Choctaws.	1
Joint ex parte affidavit of Nathan Taylor, John May and Milton May.	4
Certified copy of the marriage record between Joseph May and Eugenia Taylor.	6
Final decision of the Commission in the case of Joe May, et al., applicants for identifi- cation as Mississippi Choctaws, denying such application.	6

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hattiesburg, Miss. Dec. 30, 1900.

In the matter of the application for identification as Mississippi Choctaws of Joe May and his two minor children. Joe May being duly sworn by Acting Chairman Sizay; testified as follows:

Examination by the Commission.

- Q What is your name? A Joe May.
- Q How old are you? A I don't know, sir my exact age but it runs between fifty nine and sixty years.
- Q What is your post-office address? A Enterprise.
- Q Mississippi? A Yes sir.
- Q Do you live in Mississippi? A Yes sir.
- Q How long have you lived here? A Thirteen years this coming January.
- Q Maintained a continuous residence here for thirteen years? A Yes sir.
- Q Never lived any where else? A No sir, except along Choctaw Alabama. I was raised there.
- Q What part of Alabama. A South part of Alabama.
- Q How near the Mississippi line? A Raised I think about seventeen miles from the line of Mississippi.
- Q Born there? A No sir.
- Q Where were you born? A Hale County.
- Q What state? A Alabama.
- Q What was your father's name? A White man.
- Q What is his name? A James May.
- Q Is he living? A No sir, he's dead.
- Q What is your mother's name? A Maria.
- Q Is your mother living? A No sir.
- Q Through which one of your parents do you claim your Choctaw blood? A Through my mother. If any through her.
- Q Well, aren't you a Choctaw? A She claimed to be Choctaw.
- Q Wasn't she a Choctaw? A I don't know, sir. I don't know the difference between the Indians at all.
- Q Did she claim to be a Choctaw? A She had a cousin is all I can tell you named George.
- Q What kind of an Indian was she? A She must have been a Choctaw for I don't know any other kind of Indians.
- Q How much Choctaw blood have you? A I reckon about a quarter.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal Authorities in the Indian Territory for enrollment as a Choctaw citizen? A No sir.
- Q Did you ever make application to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No sir. I never have made any application at all before this year. Never started and never have been admitted nor anything of the kind before right now.
- Q You are now making application as a Mississippi Choctaw are you? A Yes sir.
- Q Do you claim under the fourteenth article of the treaty of 1830? A I don't know, sir. You are talking out of my understanding.
- Q What is your claim? A My Indian claim?

Joe May 2

Q What is your purpose in coming here? A Just to prove up my Indian part is all I know. I had to be sworn in once about my blood and I was asked several times wasn't I part Indian and I swore to it and this time I heard that I had to come down here to own it up here.

Q Where were you sworn? A In taking census.

Q This year? A Yes sir and all the time. I have taken census several times since the Emancipation.

Q Were you a slave? A Yes sir I was born so. My mother was a slave but her father she said was Indian.

Q Was your mother a slave? A Yes sir.

Q Did you ever hear of a Choctaw Indian being a slave? A No sir, not as I know.

Q Your father a white man? A Yes sir.

Q Your mother was a slave? A Yes sir.

Q Are you making your claim under the fourteenth article of the treaty of 1830? A Well, I told you a while ago Mister that didn't understand that.

Q The only authority this Commission has to hear and determine the right of Mississippi Choctaws, are those who claim under the provisions of the fourteenth article of the treaty of 1830. The treaty of 1830 was entered into between the United States and the Choctaw Indians and provided for the removal of the Choctaw Indians from Mississippi to the present Indian Territory. The fourteenth article gave to these Choctaw Indians the right to stay in Mississippi by signifying to the United States Indian Agent within six months after the ratification of that treaty, their intention to remain and become citizens of the United States. Now do you understand that? A Yessir, now I begin to understand.

Q What was the name of your Indian ancestor who was a Choctaw Indian in Mississippi in 1830? A My grand father by my mother.

Q What was his name? A I am afraid to say. It has gone out of my recollection. I think I remember that my mother told me it was Benjamin.

Q Benjamin what? A I don't know. I have forgotten a heap that she has told me about him.

Q Did your Indian ancestors remove from Mississippi to the Choctaw nation in the Indian Territory when the rest of the tribe moved there? A Yes sir.

Q Did your grand father remove to the Indian Territory? A I don't know sir where he moved to. I never did see him. I only seen some of his relatives.

Q From as much as you know did your grand father go to the Indian Territory? A I don't know, sir whether he went or whether he died.

Q Did you ever hear anything about it? A Only what my mother told me.

Q Well, what did she tell you? A She just left him in a place in the Indian Nation up here in the northern parts of Alabama.

Q What Nation? A They call it a Nation is all I can tell you.

Q What Indian Nation? A Choctaw. She left him up there and I was brought down to Choctaw and raised there.

Q Were there any Choctaws in the northern part of Alabama? A All over through Alabama clear on to Alabama River.

Q Did any of your ancestors ever signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to remain and become citizens of the United States within six months after the ratification of this treaty? A I never heard of it.

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 only what they bought.

Q Never received any from the United States? A No sir, not to my knowledge.

Joe May 3

- Q How much negro blood have you? A One quarter.
Q Is your mother a half negro? A Yes sir.
Q What was your grand father? A A whole Indian. My mother's father was a full blooded Indian she says.
Q Are you married? A Yes sir.
Q What is your wife's name? A Louvinia May.
Q Is she a white woman? A No sir, dark brown woman.
Q Is she a negro? A Well that is what she has been claiming
Of course I am not able to say how much blood of the different nations is in her. She is not a full blood negro.
Q Are you making any claim for her? A No sir.
Q She never made a claim to be a Choctaw Indian. A No sir.
Q When did you marry her? A Over in Choctaw.
Q When? A Well now I will have to tell you this. I have been married twice since I have been grown. My first wife is dead and this woman I have got now, I have been married to her twenty one years.
Q Is she the mother of your children? A Of the two I have got with me.
Q Have you your marriage license and certificate? A I havent got them but they are over here in Alabama.
Q It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in the matter of the identification of your children? A All right.
Q What are the names and ages of your two children for whom you want to make application? A One named Luther Key.
Q How old is he? A He will be fifteen years old the 15th of April.
Q What is the name of the next one? A Willie. He will be thirteen years old the 10th of March, next.
Q These children both live with you at your home? A Yes sir
Q You are the father of both of them? A Yes sir.
Q Louvinia May is the mother of both of them? A Yes sir.
Q Is there any additional statement that you want to make?
A No sir, not as I know of.
Q Have you any written evidence, any papers? A Yes sir there is one here somewhere. Mr. Halsell's got one.

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

The applicant has the appearance of a negro and states that he has been a slave and that also his mother through whom he claims his Indian blood was a slave. He is unable to speak and understand the Choctaw language and has none of the appearance of a Choctaw Indian.

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 December, 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 21st day of December, 1900.

[Signature]
Acting Chairman.

JRB
C. W.

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

In the matter of the application of Joe May, et al.,
for identification as Mississippi Choctaws, M C R 1188.

--: 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 Joe May for himself and his two minor children, Luther and Willie May, under the following provisions of the act of Congress approved June 23, 1906, (34 Stat., 491):

"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 visit and 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 Benjamin Krueger, who is alleged to have been a full blood Choctaw Indian and to have resided in the old Choctaw Nation, states of Mississippi and Alabama, 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 had 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., 381).

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 Benjamin Brasher, 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 2, 1837, (5 Stat., 180), and August 25, 1848, (5 Stat., 515).

It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Jew May, Luther May and Willie May 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
returned, and it be so ordered.

THE COMMISSIONER OF THE FIVE CIVILIZED TRIBES,


ACTING COMMISSIONER


Washington, Indian Territory,

Commissioner

JUL 18 1902

COPY.

A. D. N. 1888.

Lawrence, Indian Territory, July 15, 1908.

Especially, McWhorter & Cornish,

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

Gentlemen:

You are hereby advised that on the 15th day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of Joe May, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provision of the act of Congress of June 22, 1906 (34 Stat. 390) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Seventh 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:

MEMORANDUM

It is requested that you advise the Secretary of the Interior and the Secretary of the Navy, whether the two proposed treaties are being submitted to ratification in the Senate under the provisions of said Article Fourteen of the Treaty of eighteen hundred and thirty, and that the application for their ratification at such a time should be favored, and if so in what manner.

You are further advised that the President has in this case referred the matter 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

NOTES: OSBORN

COPY

1893. 1893.

Washington, Indian Territory, July 15, 1908.

Mr. May,

Washington, Mississippi

Dear Sir:

You are hereby advised that on the 20th day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of Joe May, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provisions of the act of Congress of June 24, 1906 (34 Stat. 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 twelfth, seventh, eighteen hundred and thirty, and of that and any similar acts, 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 in this case is insufficient to determine the identity of Joe May, Leather Leg and White Leg as Cheyenne Indians entitled to claims in the Cheyenne 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 report 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)

Tamm Bixby

ACTING CHAIRMAN

Registered.

COPY.

M. O. B. 2166.

Washington, Indian Territory, July 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Joe Kay, et al., applicants to the Commission for identification as Mississippi Choctaw, 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 letters being appended to the record.

Respectfully,

(SIGNED)

Tams Bixby.

ACTING CHAIRMAN.

Through the Commissioner of
Indian Affairs.

1 enclosure.

Land.
42,725-1902.

Copy.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, October 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Joe May, et al., for the identification of himself and his two minor children, as Mississippi Indians entitled to rights in the lands of the Chectaw Nation under the provisions of article 21 of the treaty of 1830.

On July 15, 1902, the commission rendered a decision in this case and found that the applicants were not entitled to be identified by reason of the insufficiency of the evidence submitted by them in support of their claim.

An examination of the evidence submitted by the applicants shows that they claim to be entitled to such identification by reason of being descendants of one Benjamin Brasher who is alleged to have been a full blood Chectaw Indian and to have

resided in the old Choctaw Nation, States of Mississippi and Alabama, in 1830.

The evidence submitted by the applicants in behalf of their claim does not show that said ancestor or any of their ancestors ever complied or attempted to comply with the provisions of article 24 of the treaty of 1830 or received a patent for land thereunder.

An examination of the office records also shows that no one by the name of Bracher ever complied or attempted to comply with said provisions or received a patent for land by reason of any compliance therewith. The record evidence does show that none of the applicants are Choctaw Indians of the full blood, and the office considers that said decision of the Commission is correct and in accordance with the evidence and respectfully recommends

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

(W.C.B.)

P.

D. C. No. 20449.

C O P Y.

64197.

DEPARTMENT OF THE INTERIOR,

ITD 6404-1902.

WASHINGTON,

October 27, 1902.

L R S.

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

Gentlemen:

July 16, 1902 you transmitted the record of proceedings had in the matter of the application of Joe May for the enrolment of himself and his two minor children, Luther and Willie May, as Mississippi Chestaws, together with your decision of the same date, refusing to enroll the applicants.

The principal applicant claims descent from one Benjamin Bracker, an alleged full blood Chestaw Indian, who is said to have resided in the old Chestaw Nation, in the states of Mississippi and Alabama, in 1830.

The record fails to show that any one of the applicants was ever duly admitted to citizenship in the Chestaw Nation, or that the alleged ancestor, Benjamin Bracker, 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.140) and August 23, 1842,

(5 Stat., 515).

The Commissioner of Indian Affairs transmitted the papers on October 16, 1902, recommending that your decision be approved.

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

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

Respectfully,

E. A. Hitchcock,

Secretary.

G. W. E.

1 inclosure.

Nov. 7, 1908

COPY

Mustoge, Indian Territory, November 7, 1908.

Marshall, Murray & Cowles,

Attorneys for the Cherokee and Chickasaw Nations,

Mustoge, Indian Territory.

Gentlemen:

You are hereby advised that on the 27th day of October, 1908, 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 Joe May, et al., of which decision you were duly advised by mail on the 15th day of July, 1908.

Respectfully,

(SIGNED)

James Birby.
Acting Chairman.

H.C.R. 3150

COPY.

Waukegan, Indian Territory, November 7, 1902.

Joe May,

Enterprise, Mississippi.

Dear Sir:

You are hereby advised that on the 27th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Cheateas of the several persons included in the application of Joe May, et al., of which decision you were duly advised by registered mail on the 18th day of July, 1902.

Respectfully,

(SIGNED)

Tamie Elzy

Acting Commissioner

Miss. Choctaw #2184

Muskogee, Indian Territory, November 11, 1902.

Joe Mann,

Rush Springs, Indian Territory,

Dear Sir:

Your two letters of October 23 and October 25, 1902, addressed to the Secretary of the Interior, have been by him referred to this Commission for consideration and appropriate action. You state therein that certain persons are holding lands in excess of the amount to which they are entitled and you ask if you could go and locate on some of such lands.

In reply to your letter you are advised that on July 16, 1902, the Commission rendered its decision refusing your application for the identification of yourself and your minor children as Miss-issippit Choctaws of which action you were duly advised on that date, and on October 27, 1902, the Secretary of the Interior affirmed the decision of the Commission, of which action of the Secretary you were advised on November 3, 1902.

You are not, therefore, entitled, in any manner, to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Acting Chairman.

No. 1166

For Identification as a Mississippi Choctaw.

Date DEC 20 1900

Name Joe May.

Age 59 Blood 1/4.

Post Office, Enterprise, Miss.

Father: James May - dead.

Mother: Maria May - dead

Claims through Mother

WIFE:

Louvinia May.

(No claim for wife).

Children:

Luther May 15.

Willie " 13.

Stenographer:

Myra Young.

Choctaw MCR 1167

Carrie Marsh

See MCR 1172, 1173, 1174

MCR 1167

Garrie Marsh et al

REFUSED

DECISION RENDERED. OCT 1 1902

NOTICE OF DECISION MAILED FOR CHICKASAW NATIONS. OCT 1 1902

NOTICE OF DECISION MAILED FOR CHICKASAW AND CHICKASAW NATIONS. OCT 1 1902

RECORDS DEPARTMENT. OCT 29 1902

ACTION APPROVED BY SECRETARY. DEC -9 1902

NOTICE OF DEPARTMENTAL ACTION FOR CHICKASAW NATIONS. DEC 1 1902

NOTICE OF DEPARTMENTAL ACTION FOR ATTORNEYS FOR CHICKASAW AND CHICKASAW NATIONS. 1902

REFER TO U. S. C. R. 1172, 1173, 1174

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Hattiesburg, Miss. Dec. 20, 1900.

In the matter of the application for identification of
Carrie Marsh, Laura Marsh and Mary Marsh, minor children of Jake
Marsh. Jake Marsh being duly sworn by Acting Chairman Bixby,
testified as follows:

Examination by the Commission.

- Q What is your name? A Jake Marsh.
Q How old are you? A Fifty four.
Q What is your post-office address? A Enterprise.
Q Mississippi? A Yes sir.
Q Are you a Choctaw Indian? A No sir.
Q What are you? A I am part white.
Q How much white? A One half I reckon.
Q One half white and one half negro? A Yes sir.
Q Been a slave? A Yes sir.
Q Do you want to make application for the identification of
your children as Mississippi Choctaws, do you? A Yes sir.
Q How many children have you? A Seven living.
Q How many have you under twenty one years of age and unmarried
A Three.
Q These are the three you want to make application for? A
Yes sir.
Q Are they the descendants of a Choctaw Indian? A Yes sir,
so I am told by the old people. White folks tell me.
Q What are their names and ages? A My oldest one is
Carrie Marsh.
Q How old is she? A Twenty.
Q Is she married? A No sir.
Q What is the next one? A Laura.
Q How old is Laura? A She is sixteen.
Q What is the next one? A Mary, she is fourteen.
Q Are you the father of these three children? A Yes sir.
Q Who is the mother of these children? A Falby Marsh.
Q Is she living? A No sir, she's dead now.
Q These children claim their rights to identification through
their mother do they? A Yes sir.
Q Was Falby Marsh a Choctaw? A Half. She was a half Indian.
Her father was a Choctaw.
Q You claim the rights of identification of these children
under the fourteenth article of the treaty of 1830? A Yes sir.
Q Are their names on any of the tribal rolls of the Choctaw
Nation in the Indian Territory? A Not as I knows of.
Q Did they ever make application to the Choctaw Nation in the
Indian Territory for their enrollment? A This here is the first
that has been made.
Q Have been admitted to citizenship or recognized either by
the Choctaw authorities or by the authorities of the United States
as Choctaw Indians? A They have been recognized here in the
United States.
Q Have they ever been recognized by the authorities of the
United States, by the Indian Agent or by any official of the United
States who was authorized to deal with the Choctaws? A Not as I
knows of.
Q Was Falby Marsh ever a slave? A Yes sir, her mother was
a slave.
Q Her mother was a slave? A Yes sir.

Jake Marsh 2---

Q She was a slave? A Yes sir and her father was a free Injun.

Q What was the name of the ancestor of these children who was a Choctaw Indian in Mississippi and recognized as such in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians? A I don't understand that part.

Q Seventy years ago, what was the name of the person whom whom these children are descended who was here in Mississippi, 70 years ago and recognized as a Choctaw Indian? A I don't know.

Q What is your wife's mother's name? A Julia.

Q Julia what? A Julia Thompson.

Q Was she a Choctaw Indian? A No sir, she was a colored woman.

Q What was your wife's father's name? A John Smith.

Q Was he a Choctaw Indian? A Yes sir.

Q Was he ever held in slavery? A No sir.

Q Was he living here in 1830? A Well, I don't know whether he was living here then or not.

Q What was his father's and mother's names? A I could not tell you.

Q Did any of ~~xxxx~~ the ancestors of these children ever signify to the Indian Agent of the Choctaw Indians in Mississippi in 1830 their intention to remain and become citizens of the United States?

A I don't understand.

Q Seventy years ago when the Choctaw Indians removed from Mississippi to the Indian Territory did the ancestors of these children remove to the Indian Territory when the Choctaw Indians removed there? A I don't know sir. Her father staid here until he died here.

Q You never lived in the Indian Territory? A No sir.

Q Did your wife ever live in the Indian Territory? A No sir

Q Did she ever receive any benefits from the Choctaw Nation in the Indian Territory? A No sir.

Q Did any of the ancestors of these children ever receive or claim any land in Mississippi under the fourteenth article of the treaty of 1830? A No sir.

Q Is there any additional statement you want to make in support of this application? A No sir, that's all.

Q Have you any written evidence, any papers, you wish to submit to the Commission for consideration in support of this application? A

Here attorney for applicant asks leave to file written evidence during this session of the Commission at this place.

There is offered in evidence and made a part of the record in this case the affidavit of Peter Ferrill.

The decision of the Commission as to your application on 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 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 December, 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 21st day of December, 1900.


Acting Chairman.

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

In the matter of the application of Carrie Marsh, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of

Carrie Marsh, et al.,	H C R 1167
Kate Price, et al.,	H C R 1178
Bettie Price, et al.,	H C R 1178
Leola Bennett, et al.,	H C R 1174

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.

Original application of Carrie Marsh, et al., for identification as Mississippi Choctaws.	Page.
Ex parte affidavit of Peter Ferrill.	3
Ex parte affidavit of E. S. Bates.	4
Ex parte affidavit of Peter Ferrill (No. 2).	5
Ex parte affidavit of E. S. Bates (No. 2).	6
Ex parte affidavit of Peter Ferrill (No. 2).	7
Ex parte affidavit of E. S. Bates (No. 3).	8
Joint ex parte affidavits of E. S. Bates and F. M. Moyerhoff.	9
 Original application of Kate Price, et al., for identification as Mississippi Choctaws.	 10
Ex parte affidavit of Peter Ferrill.	11
Joint ex parte affidavits of E. S. Bates and F. M. Moyerhoff.	14
Joint ex parte affidavits of E. S. Bates and F. M. Moyerhoff (No. 2).	15
Ex parte affidavit of Peter Ferrill (No. 2).	16

Marriage record between Kate Thompson and George Price.	17
Original application of Bettie Price, et al., for identification as Mississippi Choctaws.	18
Ex parte affidavit of Peter Ferrill.	21
Joint ex parte affidavit of E. S. Hester and F. M. Mayerhoff.	22
Ex parte affidavit of Peter Ferrill (No. 2).	23
Joint ex parte affidavit of E. S. Hester and F. M. Mayerhoff, (No. 2).	24
Marriage record between Bettie March and William Price.	25
Original application of Adelia Bennett, et al., for identification as Mississippi Choctaws.	26
Ex parte affidavit of Peter Ferrill.	28
Joint ex parte affidavit of E. S. Hester and F. M. Mayerhoff.	29
Ex parte affidavit of Peter Ferrill (No. 2).	30
Joint ex parte affidavit of E. S. Hester and F. M. Mayerhoff (No. 2).	31
Certified copy of marriage certificate between Adelia March and William Bennett.	32
Final decision of the commission in the consolidated case of Carrie March, et al., applicants for identification as Mississippi Choctaws, denying said application.	33

J.R.O.
C. W.

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

In the matter of the application of Corrie Marsh, et al.,
for identification as Mississippi Choctaws, consolidating the applica-
tions of

Corrie Marsh, et al.,
Kate Price, et al.,
Bettie Price, et al.,
Adella Bennett, et al.,

M C R 1167
M C R 1172
M C R 1175
M C R 1176

— D E C I S I O N —

It appears from the record herein that personal applica-
tions for identification as Mississippi Choctaws were made to
this Commission by Kate Marsh for his three minor children, Corrie,
Laura and Mary Marsh; by Kate Price for herself and her two minor
children, Robert and David Price; by Bettie Price for herself
and her three minor children, Herbert, Willie and Jennie Price;
and by Adella Bennett for herself and her minor child, Isaac
Bennett under the following provision of the act of Congress ap-
proved June 22, 1898, (30 Stat., 455):

"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-two 1830, eighteen hundred and thirty,

and to that and 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 John Smith (or Indian John Smith), 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 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).

From the records in the possession of the Commission it is found that the name of one John Smith appears on page 142 of Volume I, Court of Claims Record, Choctaw Nation vs. United States, in a list of names of Choctaw Indians, heads of families, who claimed lands under article fourteen of the treaty of "Dancing Rabbit Creek." It is not shown by the evidence submitted herein that a relationship exists between the several applicants in this consolidated case and the John Smith whose name, as before stated, appears upon said record.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession

sion 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 John Smith (or Indian John Smith), through whom these applicants attempt to trace their Chectaw descent, or an ancestor less remote, 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 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 23, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Carrie March, Laura March, Mary March, Kate Price, Robert Price, David Price, Nettie Price, Bebertha Price, Nellie Price, Jennie Price, Adelia Bennett and Isaac Bennett 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.

THE COMMISSION TO THE FIV. CIVILIZED TRIBES,

ACTING CHAIRMAN,

COMMISSIONER,

COMMISSIONER,

Washington, Indian Territory,

OCT 13 1902

Muskogee, Indian Territory, January 11, 1901.

Mr. J. L. Buckley,
Enterprise, Mississippi,

Dear Sir:

The Commission is in receipt of your letter of January 2, inclosing affidavits in support of the following applications for identification as Mississippi Choctaws:

George Simpson, et al.
Deliah Marsh Bennett, et al.
Bettie Price, et al.
Jake Marsh on behalf of his children Carrie Marsh et al
Kate Price, et al.

The affidavits have been duly filed with the other records in the above named cases.

Yours truly,

M.C. 1163
1167
1172
1173
1174

Acting Chairman.

AM

Muskogee, Indian Territory, October 13, 1902.

Sanfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 13th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Carrie Marsh, et al., embracing the following applications for identification as Mississippi Choctaws:

Carrie Marsh, et al.,	M.C.R.1167
Kate Price, et al.,	M.C.R.1172
Bettie Price, et al.,	M.C.R.1173
Adelia Bennett, et al.,	M.C.R.1174

These applications were made under the provisions of the act of Congress of June 22, 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 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

22403

evidence herein is insufficient to determine the identity of Harry Marsh, Laura Marsh, Mary Marsh, Kate Price, Robert Price, David Price, Nettie Price, Roberta Price, Nellie Price, Johnnie Price, Adeline Bennett and Isaiah Bennett 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 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:

J. B. Weaver
Commissioner in Charge.

M.C.R. 1167

COPY.

Muskogee, Indian Territory, October 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Carrie Marsh, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 13, 1902.

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

Carrie Marsh, et al.,	M.C.R. 1167
Kate Price, et al.,	" 1172
Bettie Price, et al.,	" 1173
Adelia Bennett, et al.,	" 1174

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)

Tama Dixey.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

1 inclosure.

Muskogee, Indian Territory, October 15, 1908

Garric Marsh,
Enterprise, Mississippi.

Dear Madam:

You are hereby advised that on the 13th day of October 1908 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Garric Marsh, et al., embracing the following applications for identification as Mississippi Choctaws:

Garric Marsh, et al.,	M.C.R. 1167
Kate Price, et al.,	M.C.R. 1173
Bettie Price, et al.,	M.C.R. 1175
Adelia Bennett, et al.,	M.C.R. 1174.

These applications were made under the provisions of the act of Congress of June 25, 1898 (30 Stats. 493) 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 Garric Marsh, Laura Marsh, Mary Marsh, Kate Price, Power Price, David Price, George Price, Roberta Price, Nellie Price, Johnnie

Price, Adelia Bennett and Inial Bennett 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.⁶

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,

T. E. ...
 Commissioner in Charge.

Registered.

(COPY)

Department of the Interior,
Office of Indian Affairs,
Washington, Dec. 4, 1902.

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 for identification as Mississippi Choctaws of the following parties: Jake Marsh for his three minor children, Carrie, Laura and Mary Marsh; Kate Price for herself and her two minor children, Robert, and David Price; Bettie Price for herself and her three minor children, Roberta, Sallie and Johnnie Price, and Adelia Bennett for herself and her minor child, Isiah Bennett, wherein a decision adverse to the applicants was rendered by the commission on October 13, 1902.

The testimony in this case shows that the parties base their claim to identification as Mississippi Choctaws under this application because of their descent from ~~John~~ John Smith, who, they claim, was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the making of the Choctaw treaty of 1830.

The commission rejected these parties because their names ^{who} did not appear among the names of those ~~who~~ ^{who} complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination has been made of the records of this office with reference to the name of the party from whom these applicants claim descent, and it is discovered that his name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article 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,
W.A. Jones,
Commissioner.

(E.B.H.)
P.

D.C. 24473

COPY

J WH

DEPARTMENT OF THE INTERIOR.

FEB.

I.T.D. 7475-1902.

File 896-1898

WASHINGTON.

December 9, 1902.

SRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory

Gentlemen:

October 29, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Jake Marsh for his three minor children, Carrie, Laura and Mary Marsh; of Kate Price for herself and her two minor children, Robert and David Price; of Bettie Price for herself and her three minor children, Roberts, Sallie and Johnnie Price; and of Adelia Bennett for herself and her minor child, Isiah Bennett, including your decision of October 13, 1902, refusing to identify them as such.

The alleged common ancestor of these applicants, who resided in Mississippi in 1830, was one John Smith. It is claimed that he married a colored woman named Juliet Thompson; that she was a slave; and that of this marriage was born a daughter, Falby, who married a man named Marsh. The principal applicants are the children of said Falby Marsh.

Claiming identification as Mississippi Choctaws, it was incumbent upon these applicants to show that they, or some one of their alleged ancestors, in person or by proxy,

-2-

complied or attempted to comply with the provisions of article
of the treaty of 1850, or with the acts of March 3, 1837
(5 Stat., 150) and August 23, 1842 (5 Stat., 513): relating
thereto. This they have failed to. The records in the
possession of the Indian Office fail to show that any person
whatever bearing the name of any of the alleged ancestors was,
or was entitled to be a beneficiary under said article or acts.
It must therefore be held that these applicants have failed to
establish their claims.

Reporting on the matter December 4, 1902, the
Commissioner of Indian Affairs recommends that your action
be approved. The Department concurs therein and your decision
is accordingly affirmed. A copy of the Commissioner's
letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.O.B 1187

COPY.

Waskogoo, Indian Territory, December 28, 1902.

Mansfield, McKurray & Gurnish,

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

Gentlemen:

You are hereby notified that on the 9th day of December, 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 Carrie Marsh, et al., of which decision you were advised by mail on the 15th day of October, 1902.

Respectfully,

SIGNED.

George Dixie

Acting Chairman.

M.C.R. 1107

COPY.

Muskogee, Indian Territory, December 23, 1902.

Carrie Marsh,

Enterprise, Mississippi.

Dear Madam:

You are hereby notified that on the 9th day of December, 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 Carrie Marsh, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

(SIGNED).

Tom C. Bixby

Acting Chairman.

REFER TO M. C. R. 1169

Cassie March
et al

Consolidated Co.

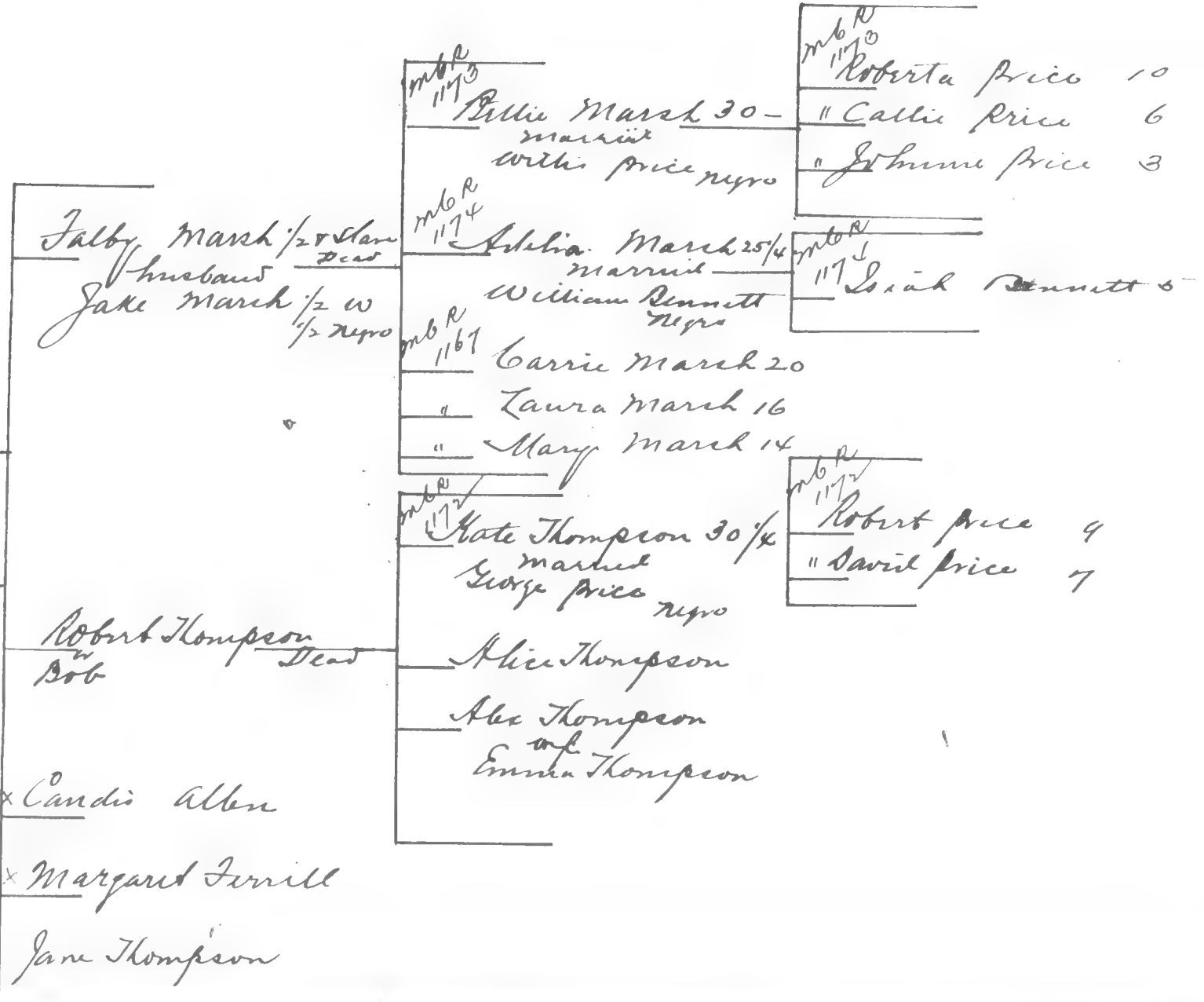
John Smith full

Julia or
x Julia Thompson 1/4

x See decision in
Consolidated Case
Mbr 1862

Julia Thompson
1868

also see
Table of ancestry in
Case mbr 1862 showing
Charters blood of Julia
Thompson



No. 1167

For Identification as a Mississippi Choctaw.

Date **DEC 20 1900**

Name *Jake Marsh.*

Age _____ Blood _____

Post Office, *Enterprise, Miss.*

Father: *Jake Marsh - ✓*

Mother: *Falby Marsh - dead.*

Claims through *mother*

Children:

Carrie Marsh 20.

Laura " " 16.

Mary " " 14.

(Jake Marsh applies for the identification of his three minor children; no claim for himself).

Stenographer.

Myra Young

Choctaw MCR 1168

Arris Foster

MCR 1168

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Hattiesburg, Miss. Dec. 20, 1900.

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

Examination by the Commission.

- Q What is your name? A Arris Foster.
Q What is your age? A Twenty five last June.
Q What is your post-office address? A Gumbranch, Mississippi
Q Do you live in Mississippi? A Yes sir.
Q How long have you lived here? A All my life.
Q Born here? A Yes sir.
Q Never lived any where else? A No sir.
Q What is your father's name? A Clark Foster.
Q Is he living? A No sir.
Q What is your mother's name? A Bettie Foster.
Q Is she living? A No sir.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q How long has your mother been dead? A She died last March.
Q How much Choctaw blood do you claim? A One eighth.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
Q Have you any reason to believe that it is? A I don't know that I have.
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for enrollment as a Choctaw? A No sir.
Q Have you ever been recognized in any manner by the Choctaw authorities as an Indian? A No sir, not that I know of.
Q Did you or did any one in your behalf in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No sir, not that I know of.
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian Territory on appeal from the decision of this Commission or the decision of the Choctaw tribal authorities? A No sir.
Q Have you ever made any application prior to this time to either the authorities of the Choctaw Nation or to the authorities of the United States for enrollment or citizenship 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 Are you claiming under the fourteenth article of the treaty of 1830? A Yes sir.
Q What was the name of your ancestor who resided in Mississippi in 1830 and was a recognized member of the Choctaw tribe of Indians at the time the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Indians? A I suppose my grand father. My mother's father.
Q What was his name? A John Costalee or Costilee.

Artis Foster.

- Q Was he a recognized Choctaw Indian at that time? A Yes sir.
- Q How do you know? A He was recognized by the people.
- Q Was he recognized by the United States government? A No sir, not that I know of.
- Q Was he recognized by the Choctaw tribal authorities? A I suppose he was.
- Q How was he recognized? A By blood I reckon. He was known by his ancestors I reckon.
- Q Did he ever draw any money as a Choctaw Indian? A No sir.
- Q Did he ever derive any benefit from the tribe? A No sir.
- Q Did he remove to the Indian Territory when the Choctaws went there? A No sir.
- Q Did he within six months after the conclusion of the treaty of 1830 signify to the United States Indian Agent his intention to remain in Mississippi and become a citizen of the United States? A No sir.
- 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 Have you ever received any benefits from the Choctaw tribe of Indians? A No sir.
- Q Never have drawn any money? A No sir.
- Q Are you making any claim under any other treaty stipulation between the United States and the Choctaw Indians? A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Lelia.
- Q Is she a white woman? A Yes sir.
- Q Making any claim for her? A No sir.
- Q Where did you marry her. A In the state of Mississippi.
- Q When? A Last webruary was a year ago.
- Q Have you your marriage license and certificate? A Yes sir.
- Q Have them with you? A No sir, I have it at home.
- Q It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in the matter of the identification of your child. A Very well.
- Q I understand you have one child? A Yes sir.
- Q What is its name? A Nora.
- Q How old is she? A Four months old.
- Q You are the father of this child are you? A Yes sir.
- Q Lelia Foster is the mother? A Yes sir.
- Q Can you speak the Choctaw language? A No sir.
- Q Ever been considered a Choctaw here in Mississippi by any of the authorities of the state? A No sir.
- Q Is there any additional statement you desire to make in support of this application? A No sir, not that I know of.
- Q Any written evidence you desire to submit for the consideration of the Commission in support of this application? A Yes sir but I haven't got them exactly ready now.

Here attorney for applicant asks leave to file written evidence in support of this application in the form of affidavits, also marriage license within thirty days from this date.

The decision of the Commission as to your application and the application you make on behalf of your child for identification as Mississippi Choctaws will be mailed to you 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

Arrie Foster 3

Civilized Tribes, who reported in full all proceedings had in the above entitled cause on the 20th day of December, 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 21st day of December, 1900.



Acting Chairman.

Muskogee Indian Territory, May 20, 1901.

Mr. E. L. Costilow,

Reo, Indian Territory,

Dear sir:

The Commission is in receipt of your letter of May 12, in which you state that you have a right in the Nation as a Mississippi Choctaw, and that your brother, Joe Costilow, and two nephews, Jeff Crowson and Prentice Foster, enrolled at Atoka, and another, Arris Foster, enrolled in Mississippi. You ask what steps to take in order to be enrolled.

In reply to your letter, you are advised that on January 8, 1901, Joseph Leonard Costilow appeared before the Commission at Atoka, Indian Territory, and applied for identification as Mississippi Choctaws for himself and seven minor children. On the same date William Prentice Foster and Joe Crowson appeared before the Commission and applied for identification as Mississippi Choctaws. On December 20, 1900, Arris Foster appeared before the Commission at Hattiesburg, Mississippi, and applied for identification for himself and one minor child as Mississippi Choctaws. No decisions have yet been rendered in any of these cases.

You ask whether you can appear and offer proof that Joe Costilow is your brother, and use the same evidence filed by him in support of your claim. You are advised that the rules of the Commission require that each case must be decided on the evidence filed in that individual case. Affidavits filed in one case cannot be considered

E.L.G.

in support of another application. If you desire to use the same evidence which was filed in your brother's case, it will be necessary to have certified copies of the same, or procure other affidavits from the same parties.

You may appear before the Commission at its office in Atoka whenever you desire to do so, and a record will be made of your application.

Yours truly,

Acting Chairman,

COPY.

Muskogee, Indian Territory, October 13, 1902.

Arris Foster,
Gumbranch, Mississippi.

Dear Sir:-

You are hereby advised that on the 13th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel M. Costiloe, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel M. Costiloe, et al.,	M.C.R. 2652
Arris Foster, et al.,	M.C.R. 1168
Joseph Leonard Costiloe, et al.,	M.C.R. 1225
William Prentice Foster,	M.C.R. 1226
Jeff Crowson,	M.C.R. 1227
Fuel Castillo, et al.,	M.C.R. 3686.

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:

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

A. F. -2

Samuel H. Costiloe, Alma Costiloe, Arris Foster, Nora Foster, Joseph Leonard Costiloe, Ethel Costiloe, Birdie Costiloe, Mara Costiloe, Wiggins Costiloe, Rafael Costiloe, Rogers Costiloe, Erval Costiloe, William Prentice Foster, Jeff Crewson, Euel Costiloe, Charlie Costillo, Robert Costillo and Ruthie Costillo 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 for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

J. D. Woodice.

Commissioner in charge.

Registered.

10/11/02

COMMISSIONERS.
HENRY L. DAWES.
TANS 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. 1168.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

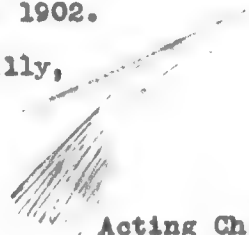
Muskogee, Indian Territory, January 8, 1902.

Arris Foster,
Gumbranch, Mississippi.

Dear Sir:

You are hereby notified that on the 27th day of December, 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 Samuel M. Costiloe, et al., of which decision you were advised by registered mail on October 13, 1902.

Respectfully,



Acting Chairman.

UNCLAIMED.



Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

1068

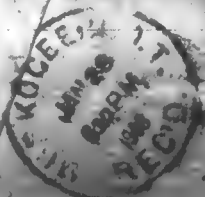
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 20 1903

[Signature]
ACTING COMMISSIONER



no. 1168

For Identification as a Mississippi Choctaw.

Date DEC 20 1900

Name Arris Foster.

Age 25 Blood $\frac{1}{8}$.

Post Office, Gumbranch, Miss

Father: Clark Foster - dead.

Mother: Bethie Foster - dead

Claims through mother.

WIFE: Leticia Foster.

(No claim for wife).

Children:

Nora Foster 4 yrs.

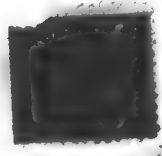
Stenographer:

Myra Young.

2704
1704

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

Mrs Foster
Gumbrach
Miss



1168

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 18 1902

[Handwritten Signature]
ACTING CHAIRMAN

REGISTERED MAIL NOV 18 1902

011

25 OCTOBER 1902 HAIRED ATTORNEYS
CHICKAJAY AND CHICKAABAW NATIONS.

OCT 1

RECORD FORWARDED DEPARTMENT

OCT 23 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

DEC 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

JAN

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT BUREAU FOR CHICKAJAY
AND CHICKAABAW NATIONS.

REFER TO M. C. R. 245

Chocoma MCR 1169

John Willis

MCR 1169

S. CHOCTAW
ENROLLMENT

R-1169

John Willis

IDENTIFIED

Decision Rendered Feb. 14, 1903

Copy of Decision Forwarded Attorneys for Choctaw
and Chickasaw Nations Feb. 21, 1903

Copy of Decision Forwarded Applicant Mar. 11, 1903

P. O. Kiowa I. T.

R-1169

DEPARTMENT OF THE INTERIOR

~~COMMISSION ON THE FIVE CIVILIZED TRIBES~~

In the matter of the application of John Willis
for identification as a Mississippi Choctaw,
M.C.R. 1169

I N D E X -----

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Supplemental testimony of John Willis taken at Muskogee, Indian Territory November 29, 1901,-----	5
Decision of the Commission identifying John Willis as a Mississippi Choctaw-----	7

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hattiesburg, Miss. Dec. 20th, 1900.

In the matter of the application of John Willis for the identification of John Willis (himself) as a Mississippi Choctaw.

The said John Willis, being sworn and examined testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A John Willis.
- Q What is your age? A Fifty-one.
- Q What is your post office? A Lee's Creek, Louisiana.
- Q How long have you been there? A I stay there working all the time.
- Q How long have you been there? A I have been there for eighteen years.
- Q How long have you been in Louisiana, all the time for the last eighteen years? A Yes, I am going to stay there now. I am working there. I am engineer over there.
- Q what are you doing over there? A I am just working.
- Q where did you live before you went over there? A Jasper County, Mississippi.
- Q Born in Mississippi? A Yes, sir.
- Q Did you ever live anywhere else? A Nowhere else but over there.
- Q Mississippi and Louisiana? A Yes, sir.
- Q You lived here until you moved to Louisiana eighteen years ago? A Yes, sir; but I have got people here yet.
- Q What is your father's name? A Willis Lewis.
- Q Is it Willis Lewis or Lewis Willis? A Willis Lewis.
- Q Did he ever have an Indian name? A Yes, sir.
- Q What was it? A Imonubbee.
- Q Is he living? A No, sir; dead.
- Q Full blood Choctaw? A Yes, sir.
- Q What was your mother's name? A An-ti-moah.
- Q Is she dead? A dead.
- Q Is your mother living? A No, sir.
- Q Was he a full blood Choctaw? A Yes, sir; all of them.
- Q You are a full blood, are you? A Yes, sir.
- Q Have you been enrolled by the Choctaw tribe in the Indian Territory? A No, sir; but I know where it is.
- Q Did you ever make application to the Choctaws in the Indian Territory to be enrolled as an Indian? A No I never when there.
- Q Did you ever send any application to be? A Yes, sir.
- Q When was it? A It was about two years ago I sent in the paper, but I couldn't go. I was sick.
- Q You didn't apply there? A No, sir.
- Q You just saw it in the paper? A Yes, sir.; saw it in the paper, but it don't pay. Not sell.
- Q Did you make application to the Commission to the five civilized tribes, that is, this Commission, four years ago, in 1896, under the provisions of the Act of Congress of June 10th, 1896? A Yes, sir.
- Q Did you make application then? A Yes, sir.
- Q What did they do? Did you ever hear anything from them? A No, I never hear nothing of it.
- Q Are you a member of the Jack Amos family? A Yes, sir.
- Q What did the Commission do with the application that you made when Jack Amos applied four years ago?

John Willis M C. -----2.

A They told me that I must get it.

Q What was it that you had to get? A He gave me the name; that is all.

Q Well, did you ever hear anything more about that application?
A He said he was going to call me again before long, but he didn't do it. I didn't know anything about it; that is how come I want to know. That is how come it I come here now.

(Note:) (BY COMMISSION: This applicant is the identical John Willis who appears in the application of Jack Amos et al for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896. He was denied citizenship by the Commission, and on appeal to the United States Court for the Central District of the Indian Territory, the decision of the Commission was affirmed and the applicants rejected ON THE GROUND OF NONRESIDENCE.)

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

Q Are you claiming under the provisions of the 14th article of the treaty of 1830? A Well, I don't know that, but I think you know about it. I want you to do what you know.

Q I want to know what you know. You are the one. We want to know about it. Well, I might tell it wrong. You know.

Q How old would your father and mother be if they were living?
A Oh I couldn't tell that----117 years old and he died two years ago.

Q He was 117 years old when he died? A Yes, sure enough.
Q Did he ever remove to the Indian Territory? A No, sir.

Q Did your mother ever go out there? A No, sir.

Q Did your mother's people ever go out there? A No, sir; none of them went there.

Q Did your father's grand parents ever go to the Indian Territory?
A No, sir. None of them ~~went~~ went to the Indian Territory.

Q Never went at any time? A None of them went there.

Q They all always lived here in Mississippi, did they? A Yes, sir. And they all died.

Q What was your father's father's name? A Thompson was his English name.

Q What was his Indian name? A Pash-ish-tinnubbee.

Q Did you ever hear your father or your mother say anything about the treaty of Dancing Rabbit Creek? A I don't know. They not tell me that.

Q Do you know what that treaty is? A No, sir. I have heard talking yet. I don't know about it.

Q Did you ever hear your mother or father say anything about the Indians moving from Mississippi to the Indian Territory? A Yes, they were talking about it and they said they went off. That is all they said.

Q Your mother and father did not go with them? A No, sir.

Q Did they go to the Indian Agent who was here and tell him they wanted to stay in Mississippi? A Yes, sir; they wanted to stay.

Q Did they tell the Indian Agent that? A No, he never told it, but they didn't go.

Q Did they tell the Indian Agent they were not going? A I think they did.

Q Did you ever hear them say whether they did or not? A Some of them they go.

Q Now, I am talking about your mother and father. Did they tell

John Willis, M. C. S.

the Indian Agent here that they did not want to go? A They didn't want to go.

Q Did they ever receive any land in Mississippi from the government? A He said he never got it; that they tried to go in; he didn't no how to get it; they tried. That is what you know that and I want to try to get it just like I want.

Q Have you ever received any land or anything from the Choctaw Indians in the Indian Territory? did you ever get any money? A No, they never say nothing about money. I don't know how to tell it.

Q can you understand what I am saying to you? A Yes, mighty hard word and I can't understand it. You say too hard for me.

Q Do you know what the word ancestor means? A I can't say

Q do you know what parent is? A I can't say that.

Q do you know what a benefit is? A I don't know. I never go that way where they are talking that way. You know they just come and talk common. That is too hard for me.

Q do you know what the word receive means? A I never been practicing to talk that tongue. I can't say that. Just common learn to little children like that I know. I know that kind of English words. I can talk as good as English for the common but that kind I don't know. I never has been into it. I never been practicing it.

Q Do you remember your father and mother? A Yes, sir.

Q How long have they been dead? A That is about. My mother she died about fifty years ago.

Q When you were little? A Oh yes when I was a cking.

Q How long has your father been dead? A Two years.

Q How old was your father when he died? A ~~sixty~~ One hundred and seventeen years.

Q How old was your mother when she died? A I can't tell you that.

Q did she have any children before you? A No, sir.

Q You were the only child? A Yes, sir.

Q Now, did your father or mother go to the Indian Agent here, --now that is seventy years ago, before you were born-- did you ever hear your mother or father say anything about going to the Indian Agent of the Choctaws and telling him they wanted to stay here in Mississippi? A They never told me nothing; that is the reason I can't say it.

Q did they ever get any land in Mississippi your mother and father? A No, sir.

Q They never went out of Mississippi. A They stayed here but they not got it. He don't know nothing about it nowhere at all.

Q I am talking about whether they ever got any land here in Mississippi from the United States. Do you understand that question? A Yes, but I can't tell. He never got it that is how come I can't tell.

Q did he ever get any or didn't he ever get any from the United States? A I don't know. I can't say.

Q All right. That is all right. Did you ever get any money from the Choctaw Indians in the Indian Territory? A No, sir.

Q did you ever know whether your father or your mother ever did? A I know they never got any.

Q have you ever been in the Indian Territory? A No, sir.

Q Are you married? A Yes, but all dead.

Q Wife dead? A Wife and children. All dead now but me.

Q You are the only one left? A Yes, only one.

Q You just want to get for yourself? A Yes, all my people are all dead but me now like I told you. I not going to say no more.

John Willis, M.C. 4.

Just the same I try for God sake. Say siomany words I get tired. Once I give up I give up.

Q Have you any papers with you showing anything about your father or mother? A No, sir; I not got no papers.

Q Have you got anything more you want to say? A No, I can't say no more. You wanted found out but I say all right. But I can't say it. I can't say it so I will let him alone. I have say all I can.

Q Now, if the Commission identifies you, are you going to move to the Indian Territory. A Yes, that is how come I come to come here.

Q You came hre so you could go to the Indian Territory? A Yes, I don't know that I get that far. I pretty old. I 'spect to go if I live. I not going to tell you no more.

BY THE COMMISSION: The decision of the commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing at your present post office address. You can't get anything by staying in Mississippi. If you are identified, you will have to go to the Indian Territory to get anything.

THE APPLICANT: You want to know. That is with you. Why United States he took all here. I don't know nothing about going up. I raised with white people. I don't know nothing about that and he not learn me at all because I stay hre working along and I got old and I don't care about no more. How come that I said all time I don't know where I was. I stay here. I don't go there. I don't know where I go from. I can't tell you.

BY THE COMMISSION: This man is to all appearances a full blood Choctaw Indian, has always lived in Mississippi, and is unable to speak or understand English.

-----1-----
The undersigned, being sworn, upon his oath states that as stenographer to the Commission to the five Civilized Tribes he reported in full all proceedings had in this application at the time and place abovementioned, and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2nd day of January
A. D. 1901.

Guy L. V. Emerson
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., November 29, 1901.

H.C.R.1169.

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

---Applicant represented by J. G. Ralls, attorney---

John Willis, the applicant, having been first duly sworn, upon his oath testifies further in relation to the above application as follows:

--Examination by J.G.Ralls, Attorney for Applicant--

- Q Your name is John Willis? A Yes sir.
Q How old are you? A Fifty two.
Q What is your present post office address? A Kiowa, Indian Territory.
Q In the Choctaw Nation? A Yes sir.
Q Where did you come from to Kiowa? A I came from Mississippi.
Q Did you appear before the Commission for identification as a Mississippi Choctaw at Hattiesburg, Mississippi? A Yes sir.
Q That was December 20, 1900, was it not? A Yes sir.
Q For what purpose did you come to the Choctaw Nation? A I want to come to live; I just come here.
Q Are you or are you not going to remain here---Do you expect to make your home in the Choctaw Nation or do you expect to return to Mississippi? A Yes.
Q Which? A I don't want to go back.
Q You want to remain in the Choctaw Nation then? A Yes sir, I want to name it Choctaw Nation.
Q About how far from Kiowa do you live? A About eight miles towards north.
Q Have you any family? A No sir.
Q Have you ever been married? A Yes, but all dead but me. I be sorry I don't understand it; I don't know how it say--That is what I want it but I can't get it. Some of you talk my way I will; I don't make it understand me. You tell me too hard for me that way, but I understand that but I don't know how to tell it.
Q Have you come here to the Choctaw Nation for the purpose of staying here and making this your home always? A Not purpose at all; I just want to come here to live.
Q To live the balance of your life? A Oh, yes, lifetime.
Q Do you intend to go back to Mississippi? A No sir.
Q I understand from you that you speak the Choctaw language and understand English, but don't speak English? A No, not good, I am mighty sorry for that too; I tell the truth sure.

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 above entitled cause on the 29th day of November, 1901, and that the above and foregoing

John Willis----- P.

is a full, true and correct transcript of his stenographic notes
of said proceedings on said date.

W. C. Rosten

Subscribed and sworn to before me at Muskogee, Indian Terri-
tory, this 30th day of November, 1901.

Clara M. Tallent

Notary Public.

COPY.

M.C.R. 1100.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South Mt Alester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying John Willis as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said John Willis as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,
Yours,

Tams Barber
Chairman

Registered
Enclosure G.H.

MUSKOGEE INDIAN TERRITORY

MUSKOGEE INDIAN TERRITORY, MARCH 11, 1903

COPY

COPY.

M.C.R. 1169

Muskogee, Indian Territory, March 11, 1903

John Willis,

Kiowa, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

SIGNED,

Tams Bixby
Chairman.

Registered.

Enc. 1169

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of John Willis
for identification as a Mississippi Choctaw,
N.C. . 1169

-----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 on December 20, 1900, by John Willis for himself, 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."

From the evidence submitted in support of said application it appears that this applicant is a full blood Mississippi Choctaw Indian.

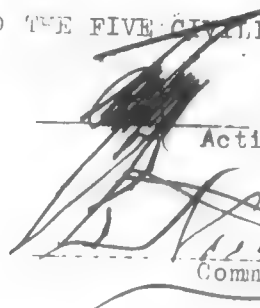
Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and


Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902 (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that John Willis should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman


Commissioner

Muskogee, Indian Territory

FEB 14 1903

COPY.

H. C. A. 1100

Muskogee, Indian Territory, February 21, 1903.

Messrs. H. H. H. & Service,

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying John Willis as a Mississippi Choctaw Indian under the provisions of the forty-first section of the Act of Congress approved July 1, 1902 (32 Stat. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said John Willis as a Mississippi Choctaw, and also satisfactory proof of service of said protest upon the opposite party herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

James D. Roy,
 Chairman

Registered
 Molegure G. R. 25

M.C.B. 1169

COPY.

Muskegee, Indian Territory, March 11, 1903

John Willis,

Kiowa, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the commission at Ateka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

RECEIVED

Tams Dixby.
Chairman.

Registered.

Enc. 1169

U S R
2809-2000-1948
2219-1100-2645

Madagee, Indian Territory, April 4, 1908.

W. H. Gallaway,
Nicksery, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th
ultimo, advising change of post office address to Starratt, Indian
Territory, of the following Mississippi Chestnuts:

Big Wiley Johnson	M C R 2300
Wiley Johnson	M C R 1968
Tom Williamson	M C R 2454
Sam Lewis	M C R 2471
Ben Gibson	M C R 2399
Louis Gibson	M C R 2433
Bob Johnson	M C R 2396
Ben Gilmore	M C R 2392
Jim Arkinson	M C R 2343
John Jack	M C R 2126
Willie Gibson	M C R 2302
Jerry Gibson	M C R 2303
Emmie Gibson	M C R 2309
Tom Gilmore	M C R 2394
Charley Lewis	M C R 1968
Len Thompson	M C R 2119
John Willie	M C R 2169
Harry Jackson	M C R 2445

You are advised that a proper record has been made in
the matter.

Respectfully,

Commissioner in Charge.

W.O.B.

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

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

REFER IN REPLY TO THE FOLLOWING
M C R 1169

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 23, 1903.

John Willis,
Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you ask that the Commission send you the ages of your father, mother, grandfather and grandmother; also their Choctaw and English names.

In reply you are informed that it appears from our records that at the time you made application to this Commission for identification as a Mississippi Choctaw, December 20, 1900, you stated that your father had been dead two years, and died at the age of 117. You did not give the ages of your mother, grandfather and grandmother. You gave the name of your father as Willis Lewis, or Imonubbee; your mother, Antimoah; and your father's father, Thompson, or Pash-iah-tinnubbee.

Respectfully,

Tamm Bixby

Chairman.

W.E.S.

REFER TO M. C. R. 1169

John Willis et al

Consolidated Case

Thompson or
Pash-ish-tin-tubbee

Willis Lewis or
Imonubbee, fl. Dead
wife
Antimoah, fl. Dead

Jennie L. fl.
OK-la-hona-
married

James Shoemake, Dft
Ah-to-ko-ah

Tick-a-bone-tubbee
A-a-oka, or Susie

^{mek}
1169 John Willis, fl. 51
Ka-na-te ah

^{mek}
1752

Jackson Shoemake, 48 fl.
Ia-we-tubbee

Married
(1) (2)

^{mek}
1752

Buck Shoemake, 14

Lansby Shoemake, 12

Eben Shoemake, 10

Watson Shoemake 7

Ernest Shoemake, 5

Manat Shoemake, 3

Ada Shoemake 1

Rhoda Shoemake 2m

Jim, wife l. 70 fl.
Betay 2 fl.

O. Mary

fl. Dead

Mose Lewis or fl.
Ok-la-ha-nah

Jim Lewis, 70, fl. l.
Le-ka-tubbee
wife

^{mek}
1163

Jennie 28, fl.

Billy Gibson or fl.
Ya-hom-bee,
wife

Sally, or 78, fl.
Ia-wa

Natchee, fl. Dead
(or Nancy)

No. 1169

For Identification as a Mississippi Choctaw.

Date DEC 20 1900

Name John Willis

Age 51 Blood full

Post Office Lee's Creek, Louisiana.

Father: Willis Lewis - dead.

Mother: Antimoak - dead.

Claims through both parent.

Children:

Stenographer:

Wellshear.

W.O.B

CADDO
JUN
16
11AM
1903
IND.T.

MUSKOGEE
MAY 20
4 P
1903

Department of the Interior.

Commissioner to the Five Civilized Tribes,
Muskogee, Ind. Terr.
OFFICIAL BUSINESS.

Penalty for private use, \$300.

UNCLAIMED

John Willis,

Kiowa, Indian Territory.

John Willis



1169

P. O. Starratt

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

JUL 2 1903



CHAIRMAN

CADD O'ILLI
MAY 28 1898
RECEIVED

MUSKOGEE
JUN 16 1898
RECEIVED

INDY
JUN 16 1898
RECEIVED

RECEIVED

RECEIVED

Choctaw MCR 1170

Simon Jefferson

MCR 1170

Simon *sonse*
REFUSED

DECISION RENDERED. JUL 17 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 17 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.

OCT 23 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.**

NOV 7 1902

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

NOV 7 1902

U

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

---0---

In the matter of the application of Simon Jefferson, et al.,
for identification as Mississippi Choctaws, M.C.R. 1170.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
Simon Jefferson, et al.

	(Page)
Original application of Simon Jefferson, et al., before the Census Commission for identification as Mississippi Choctaws	1
Decision of the Commission denying the application of Simon Jefferson, et al., for identification as Mississippi Choctaws	8

-----0-----

For Identification as a Mississippi Choctaw.

Date DEC 20 1900

Name ^{Simon} Samuel Jefferson.

Age 52. Blood 1/4

Post Office. Warracko, Louisiana.

Father: Jefferson Jeffrey - ✓

Mother: Cherry Riggs - ✓

Claims through Father

Children:

Ella Jefferson 18.

MOTHER:

Julia Standers - ✓

Stenographer:

Wellshear.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hattiesburg, Miss. December 20th, 1900.

In the matter of the application of Simon Jefferson for the identification of himself and one minor child as Mississippi Choctaws.

The said Simon Jefferson, being sworn, was examined by the Commission and testified as follows:

- Q what is your name? A Simon Jefferson.
Q How old are you? A Fifty-two years old the 25th of Next June.
Q what is your post office? A Varnado, Louisiana.
Q do you live in Louisiana? A Yes, sir.
Q How long have you lived there? A I have been in Louisiana twenty years.
Q have you been there all the time for the past twenty years?
A No, sir; not all the time. I have been first in Louisiana and then in Mississippi. There is where I am now.
Q you have made your home in Louisiana for the past twenty years? A Yes, sir.
Q where did you live before that? A In Lawrence County.
Q where is that? A In Mississippi.
Q born in Mississippi? A Yes, sir.
Q did you ever live anywhere else besides in Louisiana and Mississippi? A Nowheres else.
Q what is your father's name? A Jefferson Jeffrey.
Q How does it come your name is Jefferson then if your father's name was Jeffrey? A Well his name was Jefferson and I just took my name Simon Jefferson.
Q And your father's name is Jefferson Jeffrey or Jeffrey Jefferson. A It might have been Jeffrey Jefferson.
Q Now, tell me what is your father's name? A That is what I was trying to tell you. Jefferson Jeffrey.
Q is he living? A He was the last accounts I heard.
Q where was he living? A Living in Lawrence County, Mississippi.
Q what is your mother's name? A Cherry.
Q Cherry Jeffrey? A My father and her has been apart now for a good long time.
Q Well Cherry Thig-Pen is the way she signs it, but you can put it for my father.
Q is she living? A Yes, sir.
Q which one of your parents do you claim your Choctaw blood through? A My father.
Q Was he a Choctaw Indian? A He was a Choctaw, yes.
Q How much Choctaw? A Just half.
Q How much Choctaw are you? A That would make me a quarter I reckon.
Q was your father ever a slave? A Yes, sir.
Q Were you ever a slave? A Yes, sir.
Q Was your mother a slave? A Yes, sir.
Q is your mother a negro? A Yes, sir.
Q She didn't have any Indian blood? A No, sir; she didn't have none I don't think.
Q Do you know anything about your father's father? A I never seen him.
Q did you ever hear about him? A Yes, sir; I have heard about him.
Q well, what was he? A He was a Choctaw.
Q when did he die? A I couldn't tell you.
Q what do you know about him? A I don't know anything

Simon Jeffrey et al-----2. N.C.

about him only I just heard his name Jeffrey.

Q Did you ever hear whether he was a slave or not? A No, sir I never did. I don't think he could have been though, being a Choctaw I don't think he could have been a slave.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir.

Q Did you ever make application to the Choctaw authorities in the Indian Territory for enrollment as a Choctaw? A I never did.

Q Did you or did any one in your behalf in the year 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 a judgment of the United States Courts in the Indian Territory on appeal from the decisions of the Choctaw tribal authorities or the ~~authorities~~ decision of this Commission. A No, sir; none at all.

Q Have you ever made any application prior to this time? A No, sir.

Q You are making application at this time for identification as a Mississippi Choctaw? A Yes, sir.

Q Why do you believe you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands in the Indian Territory under the provisions of the 14th article of the treaty of 1830? A Well, I believe I am by my having the blood in me, that I have a right.

Q Are you claiming under the 14th article of the treaty of 1830? A Yes, under the treaty of 1830.

Q Yes, under the 14th article? A Is this the 14th article? Now you see I make claims-----

Q Well do you claim under it or something else? A I claim under it.

Q Under what? A The 14th article.

Q Do you know the name of your Indian ancestor---do you know what the word ancestor means? Did you ever hear that word before? A No, sir.

Q Do you know what your parents are? A Yes, sir.

Q Who are they? A Father and grandfather.

Q Well, did any of them ever receive any benefits as Choctaw Indians of the State of Mississippi? A No, sir.

Q What was the name of your parent or grandparent who was a resident of this State and a Choctaw Indian in 1830? A My parent was named Jefferson and my grandfather was named Jeffrey.

Q Was that all the name he had? A All the name in Indian.

Q Do you know that he was a Choctaw Indian recognized by the Choctaw Indians here as an Indian? A Just only what I heard my father say he was, yes, sir.

Q Did he go from here to the Indian Territory with the rest of the Indians? A What, my father's father?

Q Yes, sir.

A No, sir; I don't think he did.

Q Did your father go to the Indian Territory? A No, sir; he didn't go.

Q Did any of your ancestors ever receive any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A No, sir; they never received any at all.

Q Are you married? A Yes, sir.

Q Is your wife a negro? A She is half Indian or a quarter Indian, or something.

Q What kind of Indian? A Choctaw.

Q Are you making any claim for her? A No, sir; I am not making any.

Q Why don't you do it? A I didn't think I could.

Simon Jeffery, et al-----3. M.C.

Q Do you know anything about her at all? A I know her father
Q Do you know anything about her further back than her father?
A No, sir; I don't.
Q How far does she live from here? A She lives eighteen
miles from Poplarville.
Q How much Indian is she? A I think she is about a quarter.
Q As much as you are? A Yes, sir; she shows it, I think,
about as much as I do.
Q The rest negro? A Yes, sir.
Q Have you any children by your present wife? A No, sir.
Q Have you any children? A Yes, sir.
Q How many? A Five.
Q Are they under twenty-one? A No, sir; just one.
Q What is her name? A Ella Jefferson.
Q How old is she? A Eighteen years old.
Q Is she married? A No, sir; unmarried.
Q Who is her mother? A A woman by the name of Julia Flanders
Q Is she living? A Yes, sir.
Q Were you ever married to Julia Flanders? A Yes, sir; she
was my first wife.
Q Were you married under a license? A Yes, sir.
Q Have you got the license? A No, sir; I reckon not. I
got burned out once.
Q Have you any evidence of your marriage, anything to show
that you were married to Julia Flanders? A Nothing at all.
Q Did the people always recognize you as man and wife
when you lived together? A Yes, sir.
Q Do you know any people living now who knew you when you
were married the first time? A Yes, sir.

EXAMINATION - - - - - By Mr. L. P. Hudson, attorney for applicant.

Q Was your father ever a slave? A My father?
Q Yes. A Yes, my father was.
Q Your father was? A Yes, sir.
Q Do you know that he was a slave? A I think he was a slave.
Q Do you know whether he was or not? A No, sir; I don't.
Q Do you know whether he ever belonged to any one in Miss-
sissippi? A No, sir; I don't know as he ever did in Mississippi.
Q Well, did he belong to any one in Louisiana? A Yes, sir.
Q Somebody owned him there, did they? A Yes, sir.
Q How do you know that? A Well, he worked with a man. I
reckon he owned him.
Q How long ago was that? A That has been forty years ago.
Q You were about twelve years old at that time? A Yes, sir.
Q Do you know that that man over in Louisiana owned him? A
Well, I never heard anybody say he owned him. He just stayed there.
Q He might have been a hired servant, I don't know.
Q You stated you considered that your father was a slave. How
do you know certainly whether he was or not? A Yes, sir; I think
he was a slave. How can he be a slave because he worked there.
Q Now, as to your mother--what part Indian and what part
negro was she? A Why, she has got a little Indian in her, I don't
know exactly how much; it might be a quarter or it might not be so much
she is a negro, but she has got some Indian in her. She was a slave
Q Yes. If you didn't want to make application for these children
of your wife's? A Yes, sir; She is grown, she is over twenty-one.
Applicant excused.

-- 0 --

JOHN WILLIS, being sworn by Acting Chairman Fixby, was examined upon
the part of the applicant by Mr. L. P. Hudson, his attorney, and
testified as follows:

Q What is your name? A John Willis.

Simon Jefferson----4.
et al.

Q You were just on the stand here a few minutes ago? A Yes, sir.
Q do you know this man Simon Jefferson? A Yes, sir.
Q who was his father? A His name was Jeff.
Q was he a relative of yours? A He was my uncle.
Q was Jeff ever a slave? A No; he not a slave. I don't know it, but he not a slave.
Q what was Jeff? A Nothing but just Jeff; that is all I know
Q was he Indian? A Yes, sir; that one.
Q A full blood? A I can't tell you, but he look like he was Indian.
Q And he was your uncle? A Yes, sir; and then he went off.
Q You know that he never was a slave? A Yes, I know that. I know that just like I told you, and he went off-----
Q Wait a minute. Did the Indians recognize Jeff as being an Indian? A Yes, sir.
Q They all know him as an Indian? A Yes, I know it.
Q did the Indians around the country--did they know that Jeff was an Indian? A His pa
Q Yes. A. I think he was.
Q I say, did the Indians around--did they consider him an Indian? A He says so.
Q I know, but the other Indians, your relatives, your relations your mother and your father, did they think Jeff was an Indian? A They called him Choctaw.
Q You know that he was Jefferson's father, do you? A Yes, just Jeff, that is all.

-----o-----
Simon Jefferson, the applicant being recalled for further examination by the Commission testified as follows:

Q Is there anything more you want to say? A No, sir; that is all.
Q Have you any papers you want to file with the Commission? A No, sir; I haven't got any.
Q You haven't got any writing of any kind showing anything about your mother and your father? A No, sir.
Q Just what you testify to here? A Yes, sir.
BY THE COMMISSION: The Decision of the Commission as to your application and the application you make on behalf of your daughter for identification as Mississippi Choctaws will be mailed to you in writing at your present post office address.

-----o-----
The undersigned, being sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported in full all proceedings had in the matter of this application for identification at the time and place abovementioned, and that the foregoing is a true, correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2nd day of January, 1901.

W. S. Micoke
W. L. Emerson
Notary Public.

J. J. B.
C. v. W.

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

In the matter of the application of Simon Jefferson,
et al., for identification as Mississippi Choctaws. H.C.R. 1170.

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

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Simon Jefferson for himself and his minor child, Ella Jefferson,
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 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-

(2)

seventh, eighteen hundred and thirty, by reason of being descendants of one Jeffrey, who is alleged to have been a Choctaw Indian, and to have resided in the old Choctaw Nation 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 neither 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 Stat., 381).

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 Jeffrey, or ancestors 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 Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1857 (5 Stat., 180) and August 23, 1842 (5 Stat., 512).

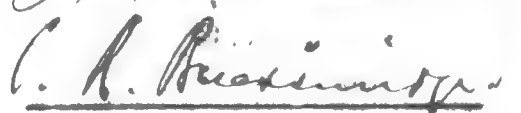
(3).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Simon Jefferson and Ella Jefferson as Cheatew Indians entitled to rights in the Cheatew lands under the provisions of said article fourteen of the treaty of 1850, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



ACTING CHAIRMAN

COMMISSIONER


Muskogee, Indian Territory.

JUL 17 1902

Muskogee, Indian Territory, July 17, 1902.

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

Gentlemen:

You are hereby advised that on the 17th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Simon Jefferson, et al., applicants for identification as Mississippi Choctaws.

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:

W. H. C. S.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Simon Jefferson, and Ella Jefferson 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 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,

Tamm Little

Acting Chairman.

COPY.

M.C.R. 1170.

Muskogee, Indian Territory, July 17, 1902.

Simon Jefferson,
Varnado, Louisiana.

Dear Sir:

You are hereby advised that on the 17th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Simon Jefferson, et al., applicants for identification as Mississippi Choctaws.

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:

U. S. DEPT. OF THE INTERIOR

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Simon Jefferson and Nila Jefferson as Cheotee Indians entitled to rights in the Cheotee lands under the provisions of said article fourteen of the treaty of 1850, 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 B. Eddy
Acting Chairman.

Registered

N.C.R. 1170.

Muskogee, Indian Territory, July 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Simon Jefferson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 17, 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,

Acting Chairman.

Through the Commissioner of
Indian Affairs.

1 enclosure.

Ladd.

42,731-1902.

Copy.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

Washington, October 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the Mississippi Choctaw case of Simon Jeffersen, et al., in which the applicant makes application for the identification of himself and one minor children as Mississippi Choctaws with rights to lands in the Choctaw Nation under the provisions of article 14 of the treaty of 1830.

On July 17, 1902, the said Commission rendered a decision in said case finding that the evidence submitted by the applicant is insufficient to determine their identity as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article 14.

The office has examined the record evidence and finds nothing therein which tends to show that the alleged ancestor, Jeffrey, or any other ancestor of the applicants have ever complied or attempted to comply with the provisions of article 14

of the treaty of 1830 or that they ever secured a patent for lands thereunder, nor is there any record evidence in the office which supports the claim of the applicants in any way.

The testimony submitted clearly shows that none of the applicants are Choctaw Indians of the full blood, and the office considers that there are no such facts proved as will warrant the identification of the applicants as Mississippi Choctaws entitled to rights provided by article 14 of the treaty of 1830.

It is therefore hereby recommended that the said decision of the commission be affirmed by the Department.

Very respectfully,

Your obedient servant,
A. C. TOMPKINS,
Acting Commissioner.

(W.C.B.)

P.

D. C. No. 20111-1902.

C O P Y.

63392.

DEPARTMENT OF THE INTERIOR,

BAF.

ITD.6370-1902.

WASHINGTON.

October 23, 1902.

L. R. S.

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

Gentlemen:

July 17, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Simon Jefferson and his minor child, Ella Jefferson.

The applicants claim to be descendants of one Jeffrey, alleged to have been a Choctaw Indian residing in Mississippi in 1830.

The record fails to show that either of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that the said Jeffrey or a less remote ancestor 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 application July 17, 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.

-2-

After a careful review of the whole record the Department affirms your decision.

Respectfully,

E. A. Hitchcock,

Secretary.

1Inclosure.

FMD

M.C.R. 1170

COPY

Muskegee, Indian Territory, November 7, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Cheetaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 23rd day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Cheetaws of the several persons included in the application of Simon Jefferson, et al., of which decision you were duly advised by mail on the 17th day of July, 1902.

Respectfully,

Tama Doby
Acting Chairman.

M.C.R. 1170

COPY.

Muskogee, Indian Territory, November 7, 1902.

Simon Jefferson,

Varnado, Louisiana.

Dear Sir:

You are hereby advised that on the 23rd day of October, 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 Simon Jefferson, et al., of which decision you were duly advised by registered mail on the 17th day of July, 1902.

Respectfully,

Tamie Birby.

Acting Chairman.

Choctaw MCR 1171

Creasy Chapman

MCR 1171

Crazy Chapman

REFUSED

DECISION RENDERED, JUL 28 1902

NOTICE OF DECISION MAILED APPLICANT,

JUL 28 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED 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.**

**In the matter of the application of Greasy Chapman for
identification as a Mississippi Choctaw, N C B 1171.**

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.

**Original application of Greasy Chapman for
identification as a Mississippi Choctaw.**

Page.
1

**Final decision of the Commission in the case
of Greasy Chapman, an applicant for identifi-
cation as a Mississippi Choctaw.**

2

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hattiesburg, Miss. Dec. 20, 1900.

In the matter of the application of CRESBY CHAPMAN for the identification of herself as a Mississippi Choctaw.

The said Cresby Chapman, being sworn by Acting Chairman Bixby, was examined by the Commission and testified as follows:

Q What is your name? A Cresby Chapman.
Q How old are you? A I am twenty-four the first day of this year. I will be twenty-five the first day of this coming January.
Q What is your post office address? A Hattiesburg, Mississippi.
Q Do you live in Mississippi? A Yes, sir.
Q How long have you lived here? A I was born in Mississippi.
Q Did you ever live anywhere else? A No, sir.
Q You were born here and have been living here all your life? A Not in this town.
Q Well, in the State of Mississippi? A Yes, sir.
Q What is your father's name? A William Perry.
Q Is he living? A No, sir.
Q What is your mother's name? A Mrs Perry.
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 much Choctaw blood do you claim? A I will tell you how his father's was. His father was whole and my father looked to be a whole himself.
Q Your grandfather was a full blood Choctaw? A Yes, sir.
Q You are a quarter then are you? A Yes, sir.
Q What is your mother? A My mother is a negro.
Q Was she ever a slave? A I don't know, sir.
Q Did you ever hear her say whether she was or not? A No, sir my paw said he was a slave.
Q Do you know whether your father's father was a slave or not? A No, sir.
Q Did you ever hear him say? A No, sir. I know he didn't.
Q You don't know whether your mother was or not? A No, sir.
Q Your mother always lived in Mississippi? A Yes, sir.
Q She was a negro? A Yes, sir.
Q Did she ever claim her Choctaw blood? A No, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know what you mean by that.
Q In the Indian Territory, is your name ever there enrolled as a citizen of the Choctaw Nation? A No, sir.
Q Did you ever make application to the Choctaw tribal authorities of the Indian Territory for enrollment? A No, sir.
Q Have you been recognized in any manner by the Choctaw tribal authorities as a citizen of that Nation? A No, sir.
Q Did you in 1896, under the Act of Congress of June 10th, 1896, make application to the Commission to the five civilized Tribes for citizenship in the Choctaw Nation, that is four years ago? Congress gave this Commission power to hear original applications----do you know what that means? A No, sir; I would like you to explain it to me.
Q Four years ago the United States gave this Commission the right to admit people as citizens of the Choctaw Nation. Do you understand that? A Yes, sir.
Q Did you make application then? A No, sir.

Creasy Chapman----2.

Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States courts in the Indian Territory? A No, sir.

Q Have you ever made any application prior to this time to either the Choctaw tribal authorities or to the authorities of the United States for enrollment as a Choctaw? A No, sir.

Q This is the first time you have ever made any application of any description? A Yes, it is the first time.

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

Q Are you making your claim under the 14th article of the treaty of 1830? A Sir.

Q Are you claiming under the 14th article of the treaty of 1830? A Yes, sir.

Q What was the name of your father's father and his grandfather--you know who they are? A Yes,.

Q Which one of them was a resident of the state of Mississippi in 1830? A My grand father.

Q What was his name? A Hank.

Q Did he have any other name? A Well, an Indian name.

Q Do you know what his Indian name was? A No, sir. You know he was just a Choctaw Indian. I don't know much about it.

Q Did you ever hear what your grandfather's Indian name was? A No, sir; just his given name is all I know.

Q Did he ever receive any benefits as a Choctaw Indian? Did he ever get anything from the Choctaws? A Well, you know he was an Indian.

Q Do you know anything about him? Do you know whether he received money or not? A No, sir.

Q Did he ever leave Mississippi? A No, sir; he never left he died here.

Q Did you ever see him? A Yes, sir; I saw him.

Q How long has he been dead? A Oh I was little.

Q Did you ever hear whether he removed to the Indian Territory or not? A No, sir; I know he didn't.

Q Didn't he ever go down there and come back? Did you ever hear whether he went to the Indian Territory and came back to Mississippi? A No, sir; I didn't hear that.

Q Did your father ever go to the Indian Territory? A No, sir.

Q Do you know whether your grandfather, after this treaty of 1830, that was seventy years ago, went to the United States Indian Agent of the Choctaw Indians in Mississippi, and told him he wanted to stay here in Mississippi? A No, sir.

Q Did any of your ancestors, that is your father or grand father and on back that way--did they ever receive any land in Mississippi from the United States government? A No, sir; they never received nothing.

Q Did you ever receive any benefits from the Choctaw Nation in the Indian Territory? A No, sir.

Q Are you married? A Yes, sir.

Q What is your husband's name? A Chapman.

Q What is he? A He is a negro.

Q Are you making any claim for him? A No, sir; I didn't think I could.

Q Have you any children? A No, sir.

Q You are just claiming for yourself, are you? A Yes, sir.

Q If from the evidence and the testimony in this case the Commission is able to identify you, is it your intention to remove to the Indian Territory? A No, sir; I don't want to go.

Cressy Chapman---3.

Q What is your purpose in making this application? A
A I didn't think I could go.

Q You understand there is no benefit accruing to a Mississippi
Choctaw except upon removal to the Indian Territory. A Is that
the way of it?

Q It doesn't do you any good, if you were a Mississippi
Choctaw, unless you remove to the Choctaw Nation in the Indian
Territory for the purpose of being adopted by that tribe as a citizen.
There are no benefits to be derived by remaining here in Mississippi.
Is there any additional statement you want to make in support
of this application? A Yes, I want to say this to you: I was making
an application but I don't think I could go. I didn't know I had to
be to get a benefit from it. I was borned and raised in this climate
and I don't think I could stand it. I didn't know I had to go.
I thought maybe I could receive something without going. I didn't
know I had to go over there to receive the benefit of anything, and
if I had have knew it of course I would not have put you to this
trouble to write it.

Q You understand that the Commission will consider your tes-
timony and whatever evidence you desire to offer at this time, and
then will determine as to your rights and notify you, and if from the
testimony the Commission is able to identify you as a Mississippi
Choctaw the Act of Congress of May 31st provides that any Mississippi
Choctaw duly identified as such by this Commission shall have
the right at any time prior to the forwarding of the final rolls
of the said Nation to the Secretary of the Interior for his approval,
to make settlement in the Choctaw Nation, and on proof of bona fide
settlement may be enrolled as a Choctaw entitled to allotment.
Have you any written evidence that you desire to submit to the
Commission for consideration in support of this application?

A I can get up some two or three affidavits if you desire.

Q The Commission will consider any written evidence you may
desire to present in support of your application, provided the
same is offered for filing within thirty days from this date.

BY THE COMMISSION: 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.

-----o-----
The said applicant, Cressy Chapman, later during the same day, to-
wit Dec. 20th, 1900, again appeared before the Commission, requesting
that she be allowed to make a correction in her testimony theretofore
given, at which time the following proceedings were had, viz:

Said Cressy Chapman, being further examined by the Commission
testified as follows:

Q Now, you desire to correct your testimony, as I understand.

A Yes, you asked did I want to go over there to the Indian Ter-
ritory and I said no, sir. I didn't understand you. I am now
ready to consider ever matters and I am willing to go.

Q That is all you want to say? A Yes, sir.

-----o-----
Wm. S. Wellshear, 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 abovementioned
application at the time and place aforesaid, and that the fore-

Creasy Chapman-----4 M.C.

going is a correct, true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 3rd day of January, A. D. 1908.

M. S. Melloha
Guy L. V. Emerson
Notary Public.

J. A. B.
C. v. W.

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

-----:----- --

In the matter of the application of Greasy Chapman for
identification as a Mississippi Choctaw, M C R 1171.

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

It appears from the record herein that an application for
identification as a Mississippi Choctaw was made to this commission
by Greasy Chapman for herself under the following provision of the
act of congress approved June 28, 1896, (30 Stat., 496):

"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 descend-
ant of one Sank (or Sank Perry), who is alleged to have been a
full blood Choctaw 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 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 Stat., 511).

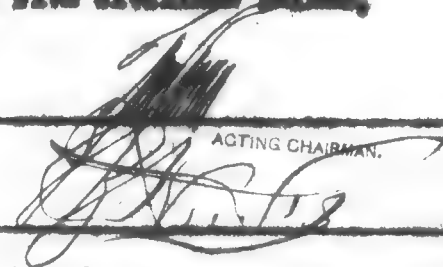
It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Sank (or Sank Perry), 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 Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), 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 Greasy Chapman as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said Article fourteen of the treaty of eighteen hundred and thirty, and

2.

that the application for her identification as such should be refused, and it is so ordered.

THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES,



ACTING CHAIRMAN.

C. R. Breckinridge.

Lawrence, Indian Territory,

JUL 28 1902

COPY

448-1171-

Lawson, Indian Territory, July 28, 1902.

Creasy Chapman,

Hattiesburg, Mississippi.

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 Creasy Chapman, 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., 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 is as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Creasy Chapman as a Choctaw Indian 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 her identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this day, forwarded the record in this case to the Secretary of the

G. C. S.

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.

Register.

COPY.

-MCR-1171-

Muskogee, Indian Territory, July 28, 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 July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Greasy Chapman, an applicant for identification as a Mississippi Choctaw.

The application was 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 is as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Greasy Chapman as a Choctaw Indian 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 her identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this day, forwarded the record in this case to the Secretary of the

M., Mc & C., 2.

Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(S)

T. B. Needles.

Commissioner in Charge.

COPY.

-MCR-1171-

Muskegee, Indian Territory, July 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Greasy Chapman, 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)

T. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 enclosure.

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land 45,515-1902.

Washington, August 8, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report dated July 28, 1902, from Thomas 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 application of Greasy Chapman for identification as a Mississippi Choctaw.

July 28, 1902, the commission found that the applicant was not entitled to identification as a Mississippi Choctaw.

The applicant attempts to trace descent from Bank or Banks Perry, her grandfather.

The office records do not show that the alleged original ancestor of the applicant complied or attempted to comply with the provisions of Article 14 of the treaty of 1830 or that he applied to the commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of his rights.

-2-

The Acting Commissioner of Indian Affairs forwarded the papers August 8, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

Having thoroughly examined the entire record, the Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

E.M.D.



D. C. 14076-1902.

51481

RAY.

DEPARTMENT OF THE INTERIOR.

Washington.

ITD. 4854-1902.

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 of Creasy Chapman for identification of herself as a Mississippi Choctaw.

Applicant attempts to trace her descent from one Sank (or Sank Perry), who is alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that her alleged ancestor or a less remote ancestor 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 denied the application.

COPY.

It is therefore respectfully recommended that the decision of the commission rejecting the applicant be approved.

Very respectfully,

Your obedient servant,

(G.A.W.)

A. C. Tenner,

P.

Acting Commissioner.

1171
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

Grassy Chapman

Ch. 1171.

4000017

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. 1171.

ALLISON I. AYERSWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES


Muskogee, Indian Territory, September 5, 1902.

Creasy Chapman,
Hattiesburg, Mississippi.

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 Creasy Chapman, of which decision you were duly advised by registered mail on the 28th day of July, 1902.

Yours truly,



Acting Chairman.

M.C.R. 1171.

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 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 Greasy Chapman, of which decision you were duly advised by mail on the 28th day of July, 1902.

Yours truly,

Acting Chairman.

1171
For Identification as a Mississippi Choctaw.

Date DEC 20 1900

Name Creasy Chapman.

Age 24 Blood 1/4.

Post Office, Hattiesburg, Miss.

Father: William Perry dead.

Mother: Emma Perry dead.

Claims through father

Children:

Stenographer:
W. L. L. L. L.

Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.



UNCLAIMED.

Creasy Chapman,

Hattiesburg, Miss.

1171

MEMBER OF THE
TENN. HIST. SOC.
DECEMBER 3, 1902

ACTING CHAIRMAN



Choctaw MCR 1172

Kate Price

MCR 1172

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hattiesburg, Miss. Dec. 21, 1900.

In the matter of the application of Kate Price for the identification of herself and her two minor children as Mississippi Choctaws.

The said Kate Price, being sworn by Acting Chairman Pixby, was examined and testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Kate Price.
Q How old are you? A I am thirty.
Q What is your post office address? A Enterprise.
Q Is that in Mississippi? A Yes, sir.
Q Do you live in Mississippi? A Yes, sir.
Q How long have you lived here? A I was raised here.
Q Did you ever live anywhere else? A No, sir.
Q Born here, were you? A Yes, sir.
Q What is your father's name? A Bob Thompson.
Q Is he living? A No, sir.
Q What is your mother's name? A Emma Thompson.
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 a Choctaw Indian? A Yes, sir.
Q How much Choctaw? A He said his father was a full Indian.
Q How much Choctaw are you? A A quarter-noon, I presume.
Q Is your mother a negro?
A I don't know just what kind of she is.
Q Wasn't she a negro?
A Yes, sir.
Q She didn't claim to be an Indian at all, did she?
A No, sir.
Q Was your mother ever a slave?
A Yes, sir.
Q Was your father?
A Yes, sir.
Q Both of them slaves?
A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A Yes, sir; it is. A Mr. Hallsell said he sent it over there.
Q Well, is it there? The fact that an attorney has made application for you, it does not necessarily follow that your name is on any of the rolls. Did you ever make application to the Choctaw tribal authorities for enrollment as a Choctaw?
A Yes, sir.
Q When?
A It was last April, I think.
Q Where?
A At Enterprise.
Q To whom?
A I don't know to whom. Mr. Hallsell written it too.
Q Well, did you?
A No, sir; I got him to attend to it for me.
Q Did you in person ever make any application to anybody for enrollment as a Choctaw?
A No, sir; I did not.
Q Did you or did any one in your behalf in 1896, make application to the Commission to the Five Civilized Tribes 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 Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission?
A I don't understand you.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the United States Courts in the Indian Territory?
A No, sir.
Q Have you ever made any application before this to either the Choctaw tribal authorities or to the authorities of the United States

Kate Price et al---2. M. C.

for enrollment as a citizen of the Choctaw Nation? A No, sir.

Q This is the first application you have ever made? A Yes, sir.

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

Q Are you claiming under the 14th article of the treaty of 1830? A Yes, sir.

Q Do you know what that is? A No, sir; I can't read or write.

Q Did anybody ever explain to you what the 14th article of the treaty was? A No, sir.

Q Did you ever hear of it before? A No, sir.

Q Why do you claim under it then? A Well, Mr. Hallswell here was reading something but I didn't get no understanding of it.

Q Mr. Hallswell,--he told you to claim under that, did he? A He may have said too, but he was like you, he asked to fast I didn't understand all he did say.

Q Do you know what the word ancestor means? A No, sir.

Q Do you know what your father is? A My father?

Q Yes. A He was a man, that is all.

Q What was your grandfather's name? What was your father's father's name? A John Smith.

Q Was he a Choctaw Indian? A Yes, sir.

Q How do you know? A Papa said so.

Q Is that all the evidence you have? A I never did see him.

Q Is that all the six evidence you have of that fact, that he was a Choctaw Indian? A No, my mother is here somewhere. I ain't seen her to-day.

Q Is that the only way you know who your grandfather was, and the only way you know he was a Choctaw because somebody told you? A My father was an Indian. He looked like an Indian.

Q Did your grandfather or any other of your people ever receive any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830 from the United States? A Not as I know of.

Q Did your grandfather, or your father, or any of your people, ever remove from Mississippi to the Indian Territory? A No, not as I know of.

Q Do you know whether or not they ever signified their intention to the United States Indian Agent of the Choctaw Indians in Mississippi within six months after the ratification of the treaty of 1830, their intention to remain and become citizens of the United States? A You speak so fast I can't understand you.

Q Have you any idea of figures? A No, sir.

Q Do you know what 1830 means? A I reckon.

Q How much is 1830, how long ago would that be? A I don't know.

Q Do you know what year this is? A Yes, sir; 1900. I can tell you that.

Q Well, now, do you know how long ago 1830 was? A It has been about sixty years ago, about it?

Q Do you know anything about the people that long ago? A No, sir.

Q Do you know whether your grandfather was living then? A I never did remember him.

Q Well, do you know anything about him? A My pa said he died when he was a boy and he was sixty-five years old.

Q How do you know that he was a Choctaw Indian? A Pa said he was.

Kate Price et al----3. M.C.

- Q What was the only way? A Yes, and I have heard several others that knowed him say he was.
- Q Can you speak the Choctaw language? A No, sir.
- Q Can you understand it? A I can understand some things.
- Q How much can you understand? A Not very much.
- Q Well, how much now. A Some words I can understand what they are, and some I can't.
- Q Can you talk to a Choctaw? A Yes, sir; but I talk like I do to you.
- Q I mean a man who can't speak English and who can only speak Choctaw--can you talk to him? A No, sir.
- Q Are you claiming under any treaty provisions besides the 14th article of the treaty of 1830? A No, sir.
- Q Are you married? A Yes, sir.
- Q What is your husband's name? A George Price.
- Q What is he? A He is a negro.
- Q He don't make any claim to Indian blood does he? A No, sir.
- Q Are you making any claim for him? A No, sir.
- Q Have you any children? A Two.
- Q What are their names and ages? A The oldest one is named Robert Price; he is nine years old.
- Q What is the next one? A David Price; he is seven years old.
- Q And George Price is the father of both of them? A Yes, sir.
- Q Are you the mother of both of these children? A Yes, sir.
- Q And they both live with you at your home? A Yes, sir.
- Q Is there anything more you want to say about your claim? A No, no more. I couldn't testify myself. I would have to get my ma to witness it for me.
- Q What do you want your mother to testify to? A I thought maybe I couldn't explain as good as she could. She knowed more about it, and she could have answered the questions you asked me I expect more than I could, because she had further knowledge of it.
- Q Where is she? A I don't know, sir. She was here. She came down here Tuesday and I have not seen her since.
- Q Have you any papers showing that your ancestors have complied with any of the provisions of the 14th article of the treaty of 1830, or any further written evidence? A No, sir; I haven't got no papers.

BY THE COMMISSION: The decision of the commission as to your application, and the application you make on behalf of your two children for identification as Mississippi Choctaws will be mailed to you to your present post office address.

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The undersigned, being 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 matter of this application at the time and place abovementioned, and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 3rd day of January 1901.

Guy L. Emerson
Notary Public.

Muskogee, Indian Territory, January 11, 1901.

Mr. J. I. Buckley,
Enterprise, Mississippi,

Dear Sir:

The Commission is in receipt of your letter of January 2,
inclosing affidavits in support of the following applications for
identification as Mississippi Choctaws:

George Simpson, et al.
Deliah Marsh Bennett, et al.
Bettie Price, et al.
Jake Marsh on behalf of his children Carrie Marsh et al
Kate Price, et al.

The affidavits have been duly filed with the other records in the
above named cases.

Yours truly,

Acting Chairman.

M.C. 1163
1167
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AB

Muskogee, Indian Territory, March 20, 1901.

Messrs Buckley & Halsell,

Enterprise, Mississippi,

Gentlemen:

The Commission is in receipt of your letter of March 6, inclosing marriage license and certificate between George Price and Kate Thompson, to be filed in support of the application for identification as Mississippi Ghosts of Kate Price, et al. and the same has been made a part of the record in this case.

Yours truly,

MO 1172

Acting Chairman.

M.C.R.1172

Muskogee, Indian Territory, October 13, 1902

Kate Price,
Enterprise, Mississippi.

Dear Madam:

You are hereby advised that on the 13th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Carrie Marsh, et al., embracing the following applications for identification as Mississippi Choctaws:

Carrie Marsh, et al.,	M.C.R.1167
Kate Price, et al.,	M.C.R.1172
Bettie Price, et al.,	M.C.R.1173
Adelia Bennett, et al.,	M.C.R.1174

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

K P 2

evidence herein is insufficient to determine the identity of Carrie Marsh, Laura Marsh, Mary Marsh, Kate Price, Robert Price, David Price, Nettie Price, Roberta Price, Sallie Price, Johnnie Price, Adelia Bennett and Isaiah Bennett as Choctaw Indians entitled to rights in the Choctaw lands under the provision 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 ~~the case~~, 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,

(S)

Registered.

Commissioner in Charge.

M.C.R. 1172

Muskogee, Indian Territory, December 22, 1902.

Kate Price,

Enterprise, Mississippi.

Dear Madam:

You are hereby notified that on the 9th day of December, 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 Carrie Marsh, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

SIGNED,

Tama Dixie
Acting Chairman.

No. 1172

For Identification as a Mississippi Choctaw.

Date JEC 21 1900

Name Kate Price

Age 30. Blood 1/4

Post Office, Enterprise, Miss.

Father: Bob Thompson - dead.

Mother: Emma Thompson - ✓

Claims through father.

HUSBAND:

George Price

(no claim for husband).

Children:

Robert Price 9.

David Price 7.

Stenographer:

Wells

NOTICE OF DECISION MAILED APPLICANTS

OCT 18 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 18 1902

RECORD FORWARDED DEPARTMENT.

OCT 28 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

DEC -9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANTS.

DEC 22 1902

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

DEC 22 1902

REFER TO M. G. R. 1167

Choctaw MCR 1173

Bettie Price

MCR 1173

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hattiesburg, Miss. Dec. 21, 1900.

In the matter of the application of Bettie Price for the identification of herself and three minor children as Mississippi Choctaws.

The said Bettie Price, being sworn by Acting Chairman Bixby, was examined and testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Bettie Price.
Q How old are you? A I am thirty years old.
Q What is your post office address? A Enterprise, Mississippi.
Q Do you live at Enterprise? A Five miles from Enterprise.
Q How long have you lived in Mississippi? A Ever since I
can remember.
Q You were born here? A Yes, sir.
Q You never lived anywhere else? A No, sir.
Q What is your father's name? A Jake Marsh.
Q Is your father living? A Yes, sir.
Q What is your mother's name? A Palby Morris.
Q Is your mother living? A No, sir; she is dead.
Q Through which one of your parents do you claim your Choctaw
blood? A My mother's side.
Q Is your mother a Choctaw Indian? A Yes, sir.
Q How much Choctaw? A Half.
Q What is the other half? A Nigger.
Q Was she ever a slave? A Yes, sir.
Q Is your father a negro? A He was half.
Q Was he ever a slave? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw
Nation in the Indian Territory? Have you ever been enrolled as a
Choctaw Indian in the Indian Territory? A No, sir.
Q Did you ever make application to the Choctaws to be enrolled
as a Choctaw Indian in the Indian Territory? A No, sir.
Q Have you ever been recognized by the Choctaw authorities in
the Indian Territory as an Indian? A No, sir.
Q Did you make application in 1896 to the commission to the
Five Civilized Tribes 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 in the Indian
Territory? A No, sir.
Q Did you ever make any application to either the Choctaw
tribal authorities or to the authorities of the United States for
either citizenship or enrollment prior to this time? 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 Are you claiming under the 14th article of the treaty of
1830? A Yes, sir.
Q Do you know what that is? A No, sir.
Q Why are you claiming under it? A I don't know any more
than what the old timers says that my mother was a half Indian.
Q Do you know what the word ancestor means? A No, sir.

Bottle price at al---2. V. C.

Q What was your mother's name? A Malby Morris.
Q Was she living in 1830? A Yes, sir.
Q How old was she when she died? A I don't know, sir.
Q When did she die? A I can't tell you.
Q Do you know anything about figures? A No, sir.
Q Do you know how long ago 1830 was? A No, sir.
Q Do you know what year this is? A Yes, sir.
Q What is it? A 1900.
Q How long ago would 1830 be? A I don't know, sir.
Q Did your people always live in Mississippi? A Yes, sir;
as near as I can remember.
Q How long can you remember? A When I was small. I can't
tell how old I was.
Q Do you know anything about them before you can remember
A No, sir.
Q Did anybody ever tell you about your mother? A No.
Q And your mother's parents? A No.
Q What was your mother's father's name? A John Smith.
Q Was he a Choctaw Indian? A Yes, sir.
Q How do you know? A That's what they said.
Q Who? A Papa and uncle Paul and uncle Peter.
Q Did any of your ancestors ever receive any land in Mississippi
as beneficiaries under the 14th article of the treaty of 1830? A No,
sir.
Q Did any of them ever remove to the Indian territory? A
No, sir.
Q Do you make any claim under any treaty agreements between
the United States and the Choctaw Indians except that? A No, sir.
Q Do you know what that question was I asked you? A No, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Willis Price/
Q What is he? A A nigger.
Q He has got no Indian blood? A No, sir.
Q Are you making any claim for him? A No, sir.
Q Have you any children? A Three.
Q Do you want to make any claim for them? A Yes, sir.
Q What are their names and ages? A The oldest one is named
Roberta Price. She is ten years old this last October.
Q All right. A Sallie Price; she was six years old last
July, the 25th.
Q All right. A Johnnie Price; three years old this last July
Q Are you the mother of these children? A Yes, sir.
Q Is Willis Price the father? A Yes, sir.
Q Do they live with you at your home? A Yes, sir.
Q Can you speak the Choctaw language? A No, sir.
Q Can you understand it? A No, sir.
Q Is there any additional statement you want to make in support
of this application? A No, sir.
Q Have you any papers you want to file, anything showing that
your foreparents were Choctaw Indians, or that they ever received any
benefits as Choctaws? A No, sir.
BY THE COMMISSION: 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 to your present post office address.

-----0-----
The undersigned, being 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 matter of this application at
the time and place abovementioned, and that the foregoing is a true,
2.

Bottle price et al-----S. M. C.

correct and complete transcript of his stenographic notes thereof.

A. J. Melcher
subscribed and sworn to before me this 3rd day of January, A. D.
1900L

Guy L. V. Emerson
Notary Public.

Muskogee, Indian Territory, January 11, 1901.

Mr. J. L. Buckley,
Enterprise, Mississippi,

Dear Sir:

The Commission is in receipt of your letter of January 2, inclosing affidavits in support of the following applications for identification as Mississippi Choctaws:

George Simpson, et al.
Deliah Marsh-Bennett, et al.
Rettie Price, et al.
Jake Marsh on behalf of his children Carrie Marsh et al
Kate Price, et al.

The affidavits have been duly filed with the other records in the above named cases.

Yours truly,

M.C. 1163
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Acting Chairman.

AB

Muskogee, Indian Territory, October 13, 1902.

Bettie Price,

Enterprise, Mississippi.

Dear Madam:

You are hereby advised that the on 13th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Carrie Marsh, et al., embracing the following applications for identification as Mississippi Choctaws:

Carrie Marsh, et al.,	M.C.R. 1167
Kate Price, et al.,	M.C.R. 1172
Bettie Price, et al.,	M.C.R. 1173
Adelia Spennatt, et al.,	M.C.R. 1174

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats. 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

B P S

of Garvie Marsh, Laura Marsh, Mary Marsh, Kate Price, Robert Price, David Price, Bettie Price, Roberta Price, Sallie Price, Johnnie Price, Adelia Bennett and Isiah Bennett 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 for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED: *I. C. ...*

Registered.

Commissioner in Charge.

M.C.R. 1173

Muskogee, Indian Territory, December 22, 1902.

Bettie Price,

Enterprise, Mississippi

Dear Madam:

You are hereby notified that on the 9th day of December, 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 Carrie Marsh, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

THOMAS

James Dixby
Acting Chairman.

No. 1173

For Identification as a Mississippi Choctaw.

DATE DEC 21 1900

Name *Bettie Price*

Age *30* Blood

Post Office, *Enterprise, Miss*

Father: *Jake Marsh - ✓*

Mother: *Falby Marsh - dead.*

Claims through *mother.*

HUSBAND:

Willis Price.

(no claim for husband.)

Children:

Robert Price 10.

Sallie " 6.

Johnnie " 3.

Stenographer:

Willis Price.

DECISION RENDERED OCT 13 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 13

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 13 1902

RECORD FORWARDED DEPARTMENT.

OCT 29 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

DEC 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

DEC 22 1902

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

DEC 22 1902

REFER TO M. C. R. 4167

Choctaw MCR 1174

Adelia Bennett

MCR 1174

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hattiesburg, Miss. Dec. 21, 1900.

In the matter of the application of Adelia Bennett for the identification of herself and her minor child as Mississippi Choctaws.

The said Adelia Bennett, being sworn by Acting Chairman Bixby, was examined by the Commission and testified as follows:

Q What is your name? A Adelia Bennett.
Q How old are you? A Twenty-five.
Q What is your post office address? A Enterprise, Mississippi
Q Do you live in Mississippi? A Yes, sir.
Q How long have you lived in Mississippi? A All my life.
Q Born here? A Yes, sir.
Q You never lived anywhere else? A No, sir.
Q What is your father's name? A Jacob Marsh.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Malby Marsh.
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 Is your mother a Choctaw Indian? A Half.
Q What is the other half? A Negro.
Q Was she ever a slave? A I don't know.
Q Did anybody ever own her? Did you ever hear her say whether she was a slave or not? A Yes, sir; Thompson owned her.
Q What was he, a white man? A Yes, sir.
Q What is your father? A A negro.
Q Was he ever a slave? A I reckon so.
Q Did you ever hear him say whether he was or not? A Yes, sir; he was a boy slave.
Q How much Choctaw blood have you? A One-fourth.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir.
Q Did you ever make application to the Choctaw authorities in the Indian Territory for enrollment? A No, sir.
Q Did you make application in 1896 to the Commission to the Five Civilized Tribes 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 Courts in the Indian Territory? Have you ever been admitted by a judgment of the United States Court in the Indian Territory? A No, sir.
Q Have you ever made any application before this? A No, sir.
Q This is the first time you ever made application is it? A Yes, sir.
Q You are now making application for identification as a Mississippi Choctaw, are you? A Yes, sir.
Q Do you claim under the 14th article of the treaty of 1830? A I don't know what that means.
Q Well, what are you claiming then? A (No response.)
Q If you don't claim under that what do you claim? A (No response.)
Q What do you claim then? Can't you talk? A I don't know, sir.
Q What was your mother's father's name? A John.
Q John What?? A I don't know.

Adelia Bennett et al----2. M.C.

Q You don't know what his other name was besides John? A John Smith.

Q How much do you know about him? Did you ever see him? A No, sir.

Q Do you know whether any of your people, your mother or your father or your mother's father or your father's father or people went from the State of Mississippi to the Indian Territory? A No, sir.

Q Did any of them ever receive any land in Mississippi as beneficiaries under the 13th article of the treaty of 1830? A I don't know.

Q Do you understand that question? A Did they ever receive any is that it?

Q Yes. A No, sir.

Q Are you married? A Yes, sir.

Q What is your husband's name? A William Bennett.

Q What is he? A A Negro.

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

Q Have you any children? A One.

Q Do you want to make application for the child? A Yes, sir.

Q What is the child's name? A ~~Isiah~~ Isiah Bennett.

Q How old is he? A Five years old.

Q Are you the mother of this child and is William Bennett the father? A Yes, sir.

Q Do you know the Choctaw language? A No, sir.

Q Can you understand it? A No, sir.

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

Q Have you any papers, any written evidence, showing anything about your parents and grand parents? A No, sir; I ain't got any papers.

BY THE COMMISSION: 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

-----o-----
The undersigned, being 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 matter of this application at the time and place abovementioned, and that the foregoing is a true, correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 3rd day of January
A. D. 190L.

Wm. S. McArthur
Chas. L. Emerson
Notary Public.

Muskogee, Indian Territory, January 11, 1901.

Mr. J. L. Buckley,
Enterprise, Mississippi,

Dear Sir:

The Commission is in receipt of your letter of January 2, inclosing affidavits in support of the following applications for identification as Mississippi Choctaws:

George Simpson, et al.
Deliah Marsh.Bennett, et al.
Bettie Price, et al.
Jake Marsh on behalf of his children Carrie Marsh et al
Kate Price, et al.

The affidavits have been duly filed with the other records in the above named cases.

Yours truly,

Acting Chairman.

M.C. 1163
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AB

Muskogee, Indian Territory, January 17, 1901.

John L. Bookley,

Enterprise, Mississippi.

Dear Sir:

The Commission is in receipt of your letter of the 7th instant, enclosing the marriage certificate between William Bennett and Delia Marsh, offered by you for filing in the matter of the application of Adelia Bennett, for the identification of herself and Irish Bennett as Mississippi Choctaws. And the same has been duly filed with the other papers in this case.

Yours truly,

Acting Chairman.

M. G. S-1172

Muskogee, Indian Territory, January 17, 1901.

H. R. Ward,

Enterprise, Mississippi.

Dear Sir:

The Commission is in receipt of your letter of the 8th instapt enclosing revenue stamps for placing on the marriage certificate of William Bennett and Delia Marsh, and the stamps have been placed on said marriage certificate as requested.

Yours truly,

Acting Chairman.

MC R 1174

COPY

Muskogee, Indian Territory, December 23, 1902.

Adelia Bennett,

Enterprise, Mississippi.

Dear Madam:

You are hereby notified that on the 9th day of December, 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 Carrie Marsh, et al., of which decision you were advised by registered mail on the 13th day of October, 1902.

Respectfully,

FORWARDED

Tams Bixby
Acting Chairman.

Muskogee, Indian Territory, October 13, 1902

Adelia Bennett,
Enterprise, Mississippi.

Dear Madam:

You are hereby advised that on the 13th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Carrie Marsh, et al., embracing the following applications for identification as Mississippi Choctaws:

Carrie Marsh, et al.,	M.C.R.1167
Kate Price, et al.,	M.C.R.1172
Bettie Price, et al.,	M.C.R.1173
Adelia Bennett, et al.,	M.C.R.1174

These applications were made under the provision of the act of Congress of June 20, 1898, (30 Stats. 453) 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

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of Carrie Marsh, Laura Marsh, Mary Marsh, Kate Price, Robert Price, David Price, Bettie Price, Roberts Price, Sallie Price, Johnnie Price, Adelia Bennett and Isaiah Bennett 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 for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered,

Commissioner in Charge.

No. 1174

For Identification as a Mississippi Choctaw.

Date DEC 21 1900

Name *Idelia Bennett.*

Age *25* Blood *" "*

Post Office, *Enterprise, Miss.*

Father: *Jacob Marsh - ✓*

Mother: *Felby Marsh - dead.*

Claims through *mother.*

HUSBAND:

William Bennett.

(no claim for husband).

Children:

Idia Bennett

*Stenographer:
Idella*

G.O. 472-1901.

H. R. Ward, Enterprise, Miss.

G. O. 478-1901.

John L. Buckley, Enterprise,
Miss.

M.C. 1174 Adelia Bennett, et a.

The records show that on
December 21, 1900, Adelia
Bennett appeared at Hatties-
burg and applied for identifi-
cation of herself and Isiah
Bennett as Mississippi Chooc-
taws. The stamps referred to
in Number 472 have been
placed on marriage license,
and the same has been filed
with the records in this case.

Atoka, January 16, 1901.

AB

NOTICE OF DECISION MAILED APPLICANT

OCT 18

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 23 1902

RECORD FORWARDED DEPARTMENT

OCT 29 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

DEC -9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

DEC 22 1902

NOTICE OF DEPARTMENTAL ACTION
FOR MAILED BY ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

DEC 22 1902

REFER TO M. C. R. 1167

Choctaw MCR 1175

Clyde Nabors

See MCR 1134

MCR 1175

WAS
CHOCOTAW.

R. 1175

Clyde Nabors.

REFUSED

DECISION RENDERED. JAN 17 1903

NOTICE OF DECISION MAILED APPLICANT:

JAN 17 1903

NOTICE OF DEPT. OF LAND OFFICERS
FOR CHOCOTAW AND CHICKASAW NATIONS.

JAN 17 1903

RECORD FORWARDED DEPARTMENT:

FEB 2- 1903

REMANDED BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.

APR 3- 1903

RECORD FORWARDED DEPARTMENT:

MAY 16 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 19 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JUL 17 1903

NOTICE OF DEPARTMENTAL ACTION
BY ATTORNEYS FOR CHOCOTAW
AND CHICKASAW NATIONS.

JUL 17 1903

REFER TO M. C. R. 1134.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hattiesburg, Miss. Dec. 21, 1900.

In the matter of the application of Clyde Nabors for the identification of herself as a Mississippi Choctaw.

The said Clyde Nabors, being sworn by Acting Chairman Bixby, testified as follows:

EXAMINATION BY THE COMMISSION

- Q what is your name? A Clyde Nabors.
- Q How old are you? A Twenty-two.
- Q what is your past office address? A Wynona, Mississippi.
- Q How long have you lived in Mississippi? A Twenty-two years.
- Q Born here? A Yes, sir.
- Q You never have lived anywhere else? A No, sir.
- Q what is your father's name? A William M. Nabors.
- Q Is he living? A Yes, sir.
- Q what is your mother's name? A Emma Clark Nabors.
- 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 How much Choctaw blood do you claim, A I don't know. We claim it through her grandmother. We have always considered she was a fullblood Indian, though we are not sure.
- Q How much would that make you? A It would make me about one-eighth.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know. I have never made application. My mother has made application for me as a minor in 1891, I think.
- Q To the Choctaw Council? A Yes, sir.
- Q At Tuskahoma in the Indian Territory? A Yes, sir.
- Q what action did the Choctaw Council take? A We have never heard from it at all.
- Q Have you ever been recognized by the Choctaw tribal authorities in the Indian Territory by any official Act of theirs, as a citizen of that nation? A No, sir.
- Q Did you or did anyone in your behalf in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No, sir; I did not.
- Q You don't know whether your mother made application then for you or not? A No, sir; I think she did.
- Q You know in the year 1896 the Commission was empowered to hear original applications for citizenship in addition to the authority that was granted the tribal authorities. Have you ever been admitted to citizenship by a judgment of the United States courts in the Indian Territory? A No, sir.
- Q Did you ever make any application to the authorities of the United States prior to this time? A No, sir.
- Q You didn't make application, or your mother didn't make one for you, two years ago before the Commission? A I don't know whether she did or not. Along about 1891 she made an application.
- Q Yes, that was to the Choctaw Council at Tuskahoma? A Yes, sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes, sir.
- Q You are claiming under the 14th article of the treaty of 1830? A Yes, sir.
- Q what is the name of your ancestor----- A Lucy Beshears.

Clyde Nabord----2MC.

She was a Choctaw Indian in Mississippi in 1830? A Yes, sir.

Q Have you any evidence of that, that she was a Choctaw Indian in Mississippi at that time? A Yes, sir; we have always considered she was a full blood Choctaw Indian.

Q Who did she marry? A She married James Standley.

Q Did either Lucy Behhears or James Standley move from Mississippi to the Indian Territory at the time the Choctaw tribe of Indians moved there? A No, sir.

Q They always lived in Mississippi? A Yes, sir.

Q Did they ever receive any land in Mississippi granted from the United States government? A No, sir.

Q Didn't James Standley? A No, sir.

Q You are sure of that? A Yes, sir; he applied for it, but he didn't take it.

Q He didn't get any? A No, he didn't get any.

(NOTE by the COMMISSION: On page 3 of a Book entitled "Choctaw Locations," approved in 1836 by President Jackson, No. 58, appears the name of James Standley, under the treaty of September 27th, 1830, in which is set aside to him Sec. 23, Township 17, Range 1 East.)

Q Do you know whether James Standley within six months after the ratification of the treaty of 1830 signified his intention to the United States Indian Agent of the Choctaw Indians in Mississippi to remain and become a citizen of the United States? A I don't know.

Q Did he ever leave Mississippi? A No, sir.

Q Do you know whether he ever received this land granted from the United States government? A He did not.

Q Do you know why? A No, sir; I don't know the reason.

Q Did your mother ever receive any benefits as a Choctaw Indian? A No, sir.

Q Did your grandfather or grandmother? A No, sir.

Q You have always lived in Mississippi, have you? A Yes, sir.

Q You never learned why this land was not accepted? A No.

Q Are you claiming under any other provisions besides the 14th article of the treaty of 1830? A No.

Q You are making your claim solely under the provisions of that article of that treaty? A Yes, sir.

Q Are you married? A No.

Q Have you ever been married? A No.

Q You are making this application solely on your own behalf? A Yes, sir.

Q In the event that the Commission is able to identify you as a Choctaw Indian entitled to rights in the Choctaw lands in the Indian Territory, is it your intention to remove to the Indian Territory? A Yes, it is my intention to improve out there and get ready to go.

Q How do you mean get ready to go? A Prepare to leave Mississippi, when my father and mother can be ready.

Q The Act of Congress of May 31, 1900, provides that any Mississippi Choctaw, duly identified as such by the Commission to the Five Civilized Tribes, shall have the right, prior to the approval of the final rolls of the citizens of the Choctaw Nation by the secretary of the Interior, to remove to and make settlement in the Choctaw Nation, and on proof of a bona fide residence may be enrolled by the Commission as Choctaw Indians entitled to allotments. So, it is necessary, if the Commission does identify you as a Choctaw Indian, in order to be enrolled as a Choctaw entitled to rights to allotment in the Indian Territory, that you remove and establish a bona fide residence there.

If there any additional statement you would like to make in support of your application?

A No.

Clyde Nabors-----3. M.C.

Q Have you any relatives who are residents of the Indian Territory? A Captain Standley from Washington, who lives at Atoka; he is a first cousin of my mother's.

Q When did he go to the Indian Territory? A I don't know; he went when I was very young.

Q Was he adopted by the tribe or not? A I don't know.

Q Have you any documentary evidence, any papers of any description, showing that your ancestors were entitled to Choctaw citizenship in Mississippi? A No, I think my mother had somebody down here to prove her descent from James Standley.

BY THE COMMISSION: 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.

The undersigned, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in the matter of this application and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 3rd day of January, A. D. 1901.

M. S. Wilkerson
Guy L. V. Emerson
Notary Public.

Waskies, Indian Territory, June 10, 1901.

Mrs W.F. Nabers,

Winnona, Mississippi.

Dear Madam:

The Commission is in receipt of your letter of the 29th of May in which you invite the attention of the Commission to the fact of your appearance at Hattiesburg, Mississippi, December 10, 1900 as an applicant for identification as a Mississippi Choctaw, and also to the fact of the appearance of your daughter, Clyde Nabers on the 21st of December as such an applicant. You state in your letter that you have heard nothing from the Secretary of the Interior relative to such applications, and desire to be informed if it is necessary for either you or your daughter to take any further action in regard to these applications.

Replying to your letter the Commission has to inform you that it appears from the records that at Hattiesburg, Mississippi on December, 10, 1900, Emma C. Nabers made personal application to this Commission for the identification of herself and her two minor children as Mississippi Choctaws, and there was accepted by the Commission at that time certain documentary evidence in support of these claims. Up to this time the Commission has been unable to take up for consideration your application or enter any decision thereon. It also appears from our records that on December 21, 1900, Clyde Nabers made personal application for identification of herself

as a Mississippi Choctaw but in this case no action has been taken by the Commission up to this time. The Commission will at as early date as practicable take up for consideration each of these applications and render a decision as to the rights of the applicants to identification as Mississippi Choctaws. Such decision will be made in writing and a copy thereof will be mailed to you and your daughter at your respective Post Office addresses. After action by the Commission, the testimony and exhibits will be forwarded to the Secretary of the Interior for his approval of the Commission's action.

Yours truly,

Acting Chairman.

M.C.R. 1174.

M.C.R. 1175.

Muskogee, Indian Territory, January 17, 1903.

Clyde Nabors,
Winona, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emma C. Nabors, et al., embracing the following applications for identification as Mississippi Choctaws:

Emma C. Nabors, et al., M.C.R. 1134,
Clyde Nabors, M.C.R. 1175.

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 Emma C. Nabors, William M. Nabors, Anna Lucile Nabors and Clyde Nabors 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

D. N. # 2.

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).

T. B. Needles.

Commissioner in Charge.

Registered.

M.C.R. 1174
M.C.R. 1175

Muskogee, Indian Territory, April 2, 1903.

J.C. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th ultimo, in which you ask if the cases of Emma Nabors and her daughter, Clyde Nabors, M.C.R. 1174 and 1175, have been disposed of; that you would like to have permission to file additional evidence in these cases.

In reply to your letter, you are informed that these cases are included in the consolidated Mississippi Choctaw case of Emma C. Nabors, et al.

The record therein, together with the decision of the Commission refusing their applications, was forwarded to the Secretary of the Interior February 2, 1903. The applicants will be duly notified of such action as may be taken by him.

Pending action thereon by the Secretary, the Commission cannot receive or consider further evidence in support of these cases.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 15, 1903.

Clyde Nabors,
Winona, Mississippi.

Dear Sir:

The Secretary of the Interior with his letter of April 3, 1903, remanded to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Emma C. Nabors, et al., with instructions that the applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The record in this consolidated case shows that the applicants claim their Choctaw descent from Lucy Brashears, a full blood Choctaw, who married a white man named James Standley.

The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830 show that several persons of the name of Brashears were beneficiaries under said article 14. 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.

C N 2

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 applicant's 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, however, 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,

C N S

you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, May 15, 1903, 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.

R & R Dep.

Registered.

M. C. R. 1175.

COPY.

Muskogee, Indian Territory, July 17, 1903.

Clyde Nabors,

Winona, Mississippi.

Dear Sir:-

You are hereby notified that on the 19th day of June, 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 Emma C. Nabors et al., of which decision you were advised by registered mail on the 17th day of January, 1903.

Respectfully,

(S GNEB)

T. B. Needles.
Commissioner in Charge.

No. 11.0
For Identification as a Mississippi Choctaw.

Date DEC 21 1900

Name Clyde Nabors.

Age 22. Blood 1/2

Post Office, Winona, Miss.

Father: William M. Nabors - ✓

Mother: Emma B. Nabors. - ✓

Claims through mother

Children:

Stenographer:
Wellston.

Choctaw MCR 1176

Verna A. Pierson

See MCR 208

MCR 1176

CHOCTAW
Verna A. Pierson et al

REFUSED

DECISION RENDERED. APR 21 1902

NOTICE OF DECISION MADE APPLICANT.

APR 21 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS

NOTICE OF DECISION MADE APPLICANTS
FORWARD TO ATTORNEYS

RECORDED IN RECORDS DEPARTMENT.

APR 21 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

NOV 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOV 12 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO ATTORNEY FOR APPLICANT
AND TO KAWA...
AW
AND TO KAWA...

REFER TO M. C. R. 203

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Hattiesburg, Miss. Dec. 21, 1900.

In the matter of the application for identification as Mississippi Choctaws of Verna Annabel Pierson and her minor child. Verna Annabel Pierson being duly sworn by Acting Chairman Bixby testified as follows:

Examination by the Commission.

- Q What is your name? A Verna Annabel Pierson.
- Q How old are you? A I am twenty years old. Will be twenty one Christmas.
- Q What is your post-office address? A Selma, Alabama.
- Q Do you live in Alabama? A Yes sir.
- Q How long have you lived there? A All my life.
- Q Born there? A Yes sir.
- Q Never have lived any where else? A No sir.
- Q What is your father's name? A William W. Walker.
- Q Is he living? A Yes sir.
- Q What is your mother's name? A Mattie Walker.
- Q Through which one of your parents do you claim your Choctaw blood? A My mother.
- Q How much Choctaw blood have you? A One sixteenth.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for enrollment as a Choctaw? A No sir.
- Q Have you ever been recognized by any official act of the Choctaw National Council 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 the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No sir.
- Q Have you ever made any application prior to this time to either the Choctaw tribal authorities 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, is it, 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 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 Because my ancestors were Choctaw Indians. Mississippi Choctaw Indians.
- Q Are you claiming under the fourteenth article of the treaty of 1830? A Yes sir.
- Q What was the name of your ancestor who resided in Mississippi in 1830? A Martha Moore.
- Q Was she a Choctaw Indian? A Yes sir.
- Q Have you any evidence of that fact? A My people have all told me so.
- Q You are a direct lineal descendant of hers? A Yes sir.
- Q What relation was she to you? A She was my great grand mother.

Verna Annabel Pierson 2

- Q On your mother's side? A Yes sir.
- Q Did any of your mother's people ever remove from the state of Mississippi to the Indian Territory? A Not that I know of.
- Q Did any of them receive any benefits from the Choctaw tribe in the state of Mississippi or in the Indian Territory? A Not that I know of.
- Q Do you know whether your grand mother Martha Moore within six months after the ratification of the treaty between the United States and the Choctaw Indians, signified to the United States Indian Agent of the Choctaw Indians in Mississippi her intention to remain and become a citizen of the United States? A I don't know, sir.
- Q Do you know what her husband's name was? A Robert Martin.
- Q She married a Martin? A Yes sir.
- Q Do you know what her father's name was? A No sir.
- 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 Do you make any claim under any other treaty stipulation between the United States and the Choctaw Indians? A No sir.
- Q Are you married? A Yes sir, I told you I had a son.
- Q What is your husband's name? A Dr. Leo G. Pierson.
- Q What is he, a white man? A Yes sir.
- Q Making any claim for him? A No sir.
- Q Have you any children? A Yes sir, I have a son.
- Q What is your son's name? A Glenwood Marion Pierson.
- Q How old is he? A Two months old.
- Q Is that all the child you have? A Yes sir.
- Q Leo G. Pierson is the father of this child? A Yes sir.
- Q And you are the mother? A Yes sir.
- Q Can you speak the Choctaw language? A No sir.
- Q Can you understand it? A No sir.
- 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 offer for consideration of the Commission in support of this application?

Here L. P. Hudson, attorney for the applicant, asks leave to file written evidence in support of this claim consisting of affidavits, within thirty days from this date.


By Mr. Bixby. Application of attorney granted.

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 to your present post-office address.

Verna 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 21st day of December, 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 21st day of December, 1900.


Acting Chairman.

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

In the matter of the application of Verna Annabel Pierson for the identification of herself and her minor child, Glenwood Marion Pierson, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Verna Annabel Pierson appeared before the Commission at Hattiesburg, Mississippi, December 21, 1900, and there made application for the identification of herself and her minor child, Glenwood Marion Pierson, as Mississippi Choctaws. The provision of law vesting the 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 27th, 1830, is found in Section 21 of the Act of Congress approved June 28th, 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."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Verna Annabel Pierson and her minor child, Glenwood Marion Pierson, 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,

Dated at Muskogee, Indian Territory,
this _____ day of _____, 1901

ACTING CHAIRMAN.

Waskagee, Indian Territory, January 11, 1901.

Messrs Nelson & Arnold,

Ardenore, Indian Territory,

Gentlemen:

Your letter of January 5 is received in which you inclose affidavits to be filed in support of the following applications for identification as Mississippi Choctaws:

Mattie Walker, et al.

Velma A. Pierson, et al.

The affidavits have been duly filed with the other records in these cases.

Yours truly,

Acting Chairman.

AB

M.C. 1160
1176

COPY.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. HEDDLES,
C. B. BRANCHBRIDGE.

ALLISON L. AVLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Verna A. Pierson,
Selma, Ala.

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 Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

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 Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trell Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Bozeman, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Martin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Willie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Marvin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, William F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin. Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, 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 Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermarried Mississippi Choctaws, 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 Dixby.*

Registered.

Acting Chairman.

M. O. B. 1178.

COPIE

Washoe, Indian Territory, November 13, 1902

Wanna L. Pearson,
Sains, Alabama

Dear Madam:

You are hereby advised that on the 1st day of November, 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 Susan J. Tippit, et al., of which decision you were advised by registered mail on the 31st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Yours truly,

SIGNED:

James Baxby.
Acting Chairman.

Woods

COMMISSIONERS:

TAMM BIXBY,
THOMAS D. NEEDLES,
C. R. BRACKINRIDGE,
W. E. STANLEY.

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

REFER IN REPLY TO THE FOLLOWING
M. C. R. 1176

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 21, 1903.

Verna A. Pierson,
Selma, Alabama.

Dear Madam:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review of the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

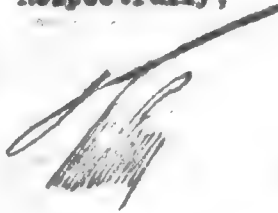
that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

V A P 2

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. M. Springer, on March 24, 1903, thirty days from this date will be allowed you for that purpose.

Respectfully,

A handwritten signature in dark ink, appearing to be a stylized name, possibly "W. M. Springer", written over a horizontal line.

Chairman.

M. C. 2 117A

Muskogee, Indian Territory, January 6, 1906.

Wm. A. Brown

Selma, Alabama.

Dear Madam:

You are hereby notified that the motion heretofore made before the Secretary of the Interior to reopen the consolidated Mississippi Casket case of Susan J. Tippit, et al., was denied by the Department on December 24, 1904.

Respectfully,

Chairman.

COPY

MOR-1176

Muskogee, Indian Territory, January 17, 1907.

Verna A. Pierson,

Selma, Alabama.

Dear Madam:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Fippit et al., of which the application for the identification of yourself and child is a part.

Respectfully,

SIGNED

Wams Bixby.

Commissioner.

G.O. 230-1901

Hudson & Arnold, Ardmore, I.T.
January 9, 1901.

M.C. 1176
1160

Affidavits of A. W. Davis and
I. W. Moore filed in cases of
Mattie Walker and Velma A.
Pierson, and letter of ac-
knowledgment written to Hud-
son & Arnold and inclosed herewi

AP

Atoka, January 11, 1901.

FOR INFORMATION AS A MISSISSIPPI ORIGINATOR.

Date DEC 21 1900

Name Verna C. Pierson.

Age 21. Blood 1/16

Post Office, Selma, Alabama.

Father: Wm W. Walker - ✓

Mother: Mattie Walker - ✓

Claims through mother.

HUSBAND:

Leo G. Pierson.
(no claim for husband).

Children:

Glennwood M. Pierson 2 mo.

Stenographer:

Myra Young.

Miss. Char. 1176

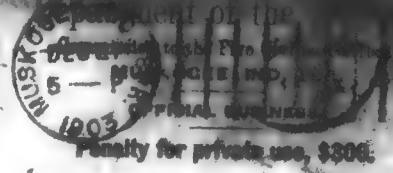
File



Verna A. Pierson,

RETURN TO WRITER

Alabama.



UNCLAIMED

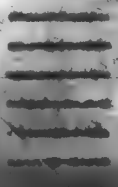
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 13 1904

[Handwritten signature]

CHIEF



Choctaw MCR 1177

Albert S. Wade

MCR 1177

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
HATTIESBURG, MISSISSIPPI, DECEMBER 20, 1900.

In the matter of the application for identification as a Mississippi Choctaw of Albert Sydney Wade. Albert Sydney Wade, having been first duly sworn by Acting Chairman, Tams Bixby, testifies as follows:

Examination by the Commission.

- Q What is your full name? A Albert Sydney Wade.
Q How old are you? A I am thirty six years old.
Q What is your post office address? A Kuhn, Mississippi
Q Are you a resident of the state of Mississippi? A Yes sir.
Q How long have you lived here? A Yes, pretty much all my life.
Q Born here? A Yes sir.
Q How many years were you not here? A Well, it was from '86 to '96
Q Where did you live then? A I was in Texas part of the time and Arkansas part of the time.
Q Ever live in Indian Territory? A No sir.
Q What is your father's name? A Thomas Wade.
Q Is he living? A No sir.
Q What is your mother's name? A Martha A. Wade.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood?
A Mother.
Q How much Choctaw blood do you claim? A One sixteenth I reckon.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for enrollment as a Choctaw? A No sir.
Q Have you ever been recognized by the authorities of the Choctaw Nation in Indian Territory as a citizen of that Nation?
A Recognized who?
Q Recognized by the Choctaw Tribal authorities in Indian Territory?
A Not in Indian Territory.
Q Did they ever grant you any privileges of citizenship? The Choctaw authorities of Indian Territory? A No sir.
Q Did you, or did any one in your behalf, in 1896 make application to the Commission to the Five Civilized Tribes 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 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 judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A I don't fully understand your question.
Q Did the United States Courts in Indian Territory ever admit you to citizenship in the Choctaw Nation? A You have got me, but I don't know how to answer.
Q Did you ever apply? A No.
Q They don't admit people unless some application is taken? A I understand you now.
Q This is the first application you have ever made? A Yes sir.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q Are you claiming under the provisions of the fourteenth article of the treaty of 1830? A Yessir.
Q Familiar with that article of that treaty? A Not very.
Q Do you know what it is? A No sir.

- Q What are you claiming under? A Claiming under?
- Q Yes? A I am claiming under the fourteenth article, what is, I am not very familiar with it.
- Q Well, what are you claiming under; how does that in any way affect you? A Sir.
- Q How does the fourteenth article of the treaty of 1830 in any way affect you? What does it provide? A I don't exactly understand
- Q What is your understanding of it? A Well, my understanding is that that provision was made for the Choctaws; is that what you mean?
- Q For that Choctaws? A Mississippi Choctaws.
- Q What does it provide? A Provide?
- Q Yes. You say the provision was made for them; what does it provide?
- A Well, there was certain portions of land provided for them I think, is the way I understand it.
- Q What was the name of your ancestor who resided in Mississippi in 1830? A Mary Ann Pool.
- Q Have you any evidence of the fact that she was a Choctaw Indian at that time? A I have.
- Q What does it consist of? A The evidence?
- Q Yes sir? A I have witnesses that know my ancestors and that has always known them I reckon.
- Q What relation is Mary Ann Pool to you? A She was my grandmother.
- Q Did she ever remove from Mississippi to the Indian Territory?
- A No sir.
- Q Did she ever signify to the United States Indian Agent to the Choctaw Indians in Mississippi within six months after the ratification of the treaty of 1830, her intention to remain in Mississippi and become a citizen of the United States? A Yes sir.
- Q How do you know? A I have been told so by my people.
- Q Told that she went to the Indian Agent here and signified her intention to remain and become a citizen of the United States?
- A Yes, I have got it.
- Q Did she go to the United States Indian Agent of the Choctaws in Mississippi? A No, no, I didn't understand the first part.
- Q What did you understand? A I thought you meant did she ever claim any land in Mississippi.
- 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 Are you making your claim under any other treaty stipulations between the United States and the Choctaw Tribe? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Mary Wade.
- Q Is she a white woman? A Yes sir.
- Q Are you making any claim for her? A No sir.
- Q Have you any children? A No sir.
- Q Just making this application for yourself, are you? A Yes sir.
- Q Can you speak the Choctaw language? A No sir.
- Q Do you understand it? A No sir.
- Q You have always lived in Mississippi, have you? A Yes sir.
- Q Ever received any benefits as a Choctaw Indian? A No sir.
- Q Is there any additional statement that you desire to make in support of your application? A No sir.
- Q Have you any written evidence of any description showing that any of your ancestors were ever recognized as Choctaw Indians?
- A No sir, I have not.

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in the form of affidavits within thirty days from this date.

Wade-3.

Permission is granted attorney for the applicant to file written evidence in support of this claim, provided same is offered for filing within thirty 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 to your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 20th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 7th day of January, 1901.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, December 14, 1901.

J. F. Arnold,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 5, inclosing the following papers for filing in support of applications for identification as Mississippi Choctaws:

The affidavits of W. H. H. Fancher, James Fancher, P. A. Fancher, William White, joint affidavit of Henry G. Fancher, Martha A. Fancher, and certificate of J. H. Sullivant to the burning of the court house in Attalla County, Mississippi, and the destruction of the records of that county prior to the year 1892, which you offer for filing in support of the claim of Henry M. Smith, et al.

The affidavits of W. H. H. Fancher, William White, P. A. Fancher, and James Fancher, and copy of marriage certificate of A.S. Wade and Mollie Alexander, which you offer in support of the claim of Albert S. Wade, et al.

Also three copies of the affidavit of W. P. Martin, which you offer in support of the claim of Mary Lynch. As these affidavits are the same in substance and wording, two copies are herewith re-

J. F. A. 2

turned to you. The other affidavits and evidence offered by you in these cases have been filed with the other records of the applications, and will receive consideration in determining the claims of the applicants to identification as Mississippi Choctaws.

Yours truly,

Commissioner in Charge.

AB 1-14

COPY.

Muskogee, Indian Territory, January 30, 1903.

Albert Sydney Wade,
 Kuhn, Mississippi.

Dear Sir:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry Middleton Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry Middleton Smith, et al.,	M.C.R. 1178
Elmer A. Smith, et al.,	M.C.R. 990
Emily Smith,	M.C.R. 993
Marcellus E. Smith, et al.,	M.C.R. 988
William C. Smith, et al.,	M.C.R. 1128
Albert Sydney Wade,	M.C.R. 1177
Henry G. Fancher, et al.,	M.C.R. 1622
Mary Susan Power, et al.,	M.C.R. 1627
Emily A. Smith, et al.,	M.C.R. 1628
Alice Bowie, et al.,	M.C.R. 1753
Florence Bailey, et al.,	M.C.R. 1758
Mary Power,	M.C.R. 1759
Christopher Columbus Fancher, et al.,	M.C.R. 1770
James Munroe Power, et al.,	M.C.R. 1840
Jeremiah H. Power, et al.,	M.C.R. 1841.

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."

A. S. W. # 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 Henry Middleton Smith, Myrtle Belle Smith, Benjamin Miller Smith, Charley Eugene Smith, Lorena Elvenia Smith, Laura Edna Smith, William Henry Smith, Elmer Athalene Smith, Elmer A. Smith, Jessie Forehand Smith, Emily Smith, Marcellus E. Smith, Marcellus H. Smith, William C. Smith, Baron A. Smith, St. Clair Smith, Willia A. Smith, Albert Sydney Wade, Henry G. Fancher, Martha Ann Fancher, Fruza Lillian Fancher, Estrella Fancher, Smith Fancher, Mary Susan Power, Ruby Power, Lucy Power, Fannie Power, Permelia Power, Emily A. Smith, Birtie Smith, Alice Bowie, Robert Fancher Bowie, Edna Bowie, Florence Bailey, Ida Bailey, Ola Bailey, Mary Power, Christopher Columbus Fancher, Mary Fancher, Henry Fancher, James Munroe Power, James Thomas Power, Foster Power, Emmett Power, Mary Power, Lile Power, Kate Power, Jeremiah H. Power, Flossie Nora Power, Tillie Godsley Power, Sellars McAlister Power and Robert Power, 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 Marcellus E. Smith for the identification of his wife, Mannie E. Smith 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,

James L. Smith

Acting Chairman.

Registered.

M C R-1177

COPY.

Muskogee, Indian Territory, August 8, 1903.

Albert S. Wade,

Kuhn, Mississippi.

Dear Sir:

You are hereby notified that on the 24th day of July 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 Henry Middleton Smith, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

SIGNED

Commissioner in Charge.

No. 1177

For Identification as a Mississippi Choctaw.

Date DEC 21 1900

Name Albert S. Wade.

Age 36. Blood 1/16

Post Office, Kuhn, Miss.

Father: Thomas Wade dead.

Mother Martha A. Wade ✓

Claims through mother

WIFE:

Mary Wade
(no name for any)

Children.

Stevenson
1900

JAN 20 1903

RECEIVED FROM THE SECRETARY OF THE

FEB 16 1903

ACTION APPROVED BY SECRETARY OF INTERIOR

JUL 24 1903

RECEIVED FROM THE SECRETARY OF THE
FORWARDED BY MAIL

AUG 8 1903

RECEIVED FROM THE SECRETARY OF THE
FORWARDED BY MAIL FOR OREGON
AND CHICKASAW NATIONALS

AUG 8 1903

REFER TO M. O. R. 1178

Choctaw MCR 1178

Henry M. Smith

MCR 1178

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

In the matter of the application of Henry Middleton Smith, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Henry Middleton Smith, et al.,	M.C.R.	1178
Elmer A. Smith, et al.,	"	990
Emily Smith,	"	993
Marcellus E. Smith, et al.,	"	998
William C. Smith, et al.,	"	1128
Albert Sydney Wade,	"	1177
Henry G. Fancher, et al.,	"	1622
Mary Susan Power, et al.,	"	1627
Emily A. Smith, et al.,	"	1628
Alice Bowie, et al.,	"	1753
Florence Bailey, et al.,	"	1758
Mary Power	"	1759
Christopher Columbus Fancher, et al.,		1770
James Munroe Power, et al.,	"	1840
Jeremiah H. Power, et al.,	"	1841

----- I N D E X -----

List of papers forwarded to the Secretary of the Interior, comprising the record in the case of Henry Middleton Smith, et al., M. C. R. 1178

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Original application of Henry Middleton Smith, et al., to the Dawes Commission for identification as Mississippi Choctaws, - - - - -	1
Ex parte affidavit of Wm. White, - - - - -	4
Joint ex parte affidavit of Henry G. Fancher and Martha A. Fancher, - - - - -	5
Ex parte affidavit of P. A. Fancher, - - - - -	6

Ex parte affidavit of W. H. H. Fancher, - - - - -	7
Ex parte affidavit of James P. Fancher, - - - - -	8
Certificate of J. H. Sullivan, Clerk of Circuit Court, Attala County, Mississippi, certifying that the records of that court were destroyed by fire on the 26th day of July, 1896, and the marriage record containing the date of marriage of Henry M. Smith to Miss Mary M. Wade was destroyed by said fire, - - - - -	9
Original application of Elmer A. Smith, et al., to the Dawes Commission for identification as Mississippi Choctaws, - - - - -	10
Sworn petition of Elmer A. Smith, et al., addressed to the Commission to the Five Civilized Tribes for identification as Mississippi Choctaws, - - - - -	13
Original application of Emily Smith to the Dawes Commission for identification as a Mississippi Choctaw, - - - - -	15
Sworn petition of Emily Smith, addressed to the Commission to the Five Civilized Tribes, - - - - -	17
Ex parte affidavit of William White, - - - - -	19
Ex parte affidavit of P. A. Fancher, - - - - -	20
Ex parte affidavit of J. P. Fancher, - - - - -	21
Certified copy of marriage record between R. L. Barton and Miss Emily E. Smith, - - - - -	22
Original application of Marcellus E. Smith, et al., to the Dawes Commission for identification as Mississippi Choctaws, - - - - -	23
Sworn petition of Marcellus E. Smith, et al., addressed to the Commission to the Five Civilized Tribes, - - - - -	26
Marriage certificate between M. E. Smith and Mayme Estick, - - - - -	28
Original application of William C. Smith, et al., to the Dawes Commission for identification as Mississippi Choctaws, - - - - -	29
Ex parte affidavit of P. A. Fancher, - - - - -	31
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Ex parte affidavit of William White, - - - - -	33
Original application of Albert Sydney Wade to the Dawes Commission for identification as a Mississippi Choctaw, -	34
Certificate of W. C. Harris, V.D.M., certifying that on December 15, 1898, he united in marriage A. S. Wade and Miss Mollie Alexander, - - - - -	37

Ex parte affidavit of Jas. P. Fancher, - - - - -	38
Ex parte affidavit of Wm. White, - - - - -	39
Ex parte affidavit of W. H. H. Fancher, - - - - -	40
Ex parte affidavit of P. A. Fancher, - - - - -	41
Original application of Henry G. Fancher, et al., to the Dawes Commission for identification as Mississippi Choc- taws, - - - - -	42
Ex parte affidavit of J. P. Fancher, - - - - -	45
Ex parte affidavit of William White, - - - - -	46
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Ex parte affidavit of William White, - - - - -	51
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Original application of Mary Susan Power, et al., to the Dawes Commission for identification as Mississippi Choc- taws, - - - - -	53
Letter of Commission, dated May 13, 1901, addressed to Mary Susan Powell, Ackerman, Mississippi, relative to the spelling of her name, and also her reply to the above stating that it was 'Mary Susan Power,' - - - - -	56
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Original application of Emily A. Smith, et al., to the Dawes Commission for identification as Mississippi Choc- taws, - - - - -	60
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Joint ex parte affidavit of H. G. Fancher and C. C. Fancher, - - - - -	80
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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
HATTIESBURG, MISSISSIPPI, DECEMBER 20, 1900.

In the matter of the application of Henry Middleton Smith for the identification of himself and his seven minor children as Mississippi Choctaws. Henry M. Smith, having been first duly sworn by Acting Chairman, Tams Bixby, testifies as follows:

Examination by the Commission.

- Q What is your name? A Henry Middleton Smith.
Q What is your age? A Forty six.
Q What is your post office address? A McCool, Mississippi.
Q Are you a resident of the state of Mississippi? A Yes.
Q How long have you lived here? A All my life sir.
Q Born here? A Born and raised here.
Q Never have lived anywhere else? A No sir.
Q What is your father's name? A William Henry Smith.
Q Is he living? A Yes sir.
Q What is your mother's name? Emily Smith.
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 a Choctaw Indian? A Yes.
Q How do you know? A I have always been told so from my people.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
Q Did you ever make application to the Choctaw tribal authorities for enrollment as a Choctaw? A No sir.
Q Have you ever been recognized by the Choctaw authorities by any official act of council as a citizen of that nation? A Me myself
Q Yes, talking about you? A No sir.
Q Did you, or did any one in your behalf in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of June 10, 1896? A Not that I know of.
Q Did you make any your self? A Oh no.
Q Authorize any one to make any for you? A No sir.
Q Any reason to believe that anybody made one for you? A No sir.
Q Did you have any intention of making one? A Did I have any intention?
Q Yes sir? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States courts in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
Q Have you ever prior to this time made any application either to the Choctaw tribal authorities or this Commission for citizenship or enrollment as a Choctaw? A No sir.
Q This is your first application of any description? A My first application.
Q You are not making application for identification as a Mississippi Choctaw? A Yes sir.
Q Are you claiming under the fourteenth article of the treaty of 1830? A Yes sir.
Q Do you know what that is? A No sir.
Q Why do you claim under it? A Well, I claim that I have always been taught by my people that I was Choctaw Indian.
Q What is the name of your ancestor who resided in Mississippi in 1830? A Mary Ann Pool.

Smith-2

- Q Was she a Choctaw Indian at that time? A Yes sir.
- Q Recognized as such? A Yes sir.
- Q Have you any evidence of that fact? A I have always been told so by my people.
- Q Did she ever receive any benefits as Choctaw Indian? A No sir.
- Q Did she remove from Mississippi to the Indian Territory when the tribe removed? A Did she?
- Q Yes? A No.
- Q Did any of your ancestors? A Not that I know of.
- Q Did any of your ancestors signify to the United States Indian Agent to the Choctaw Indians in Mississippi their intention to remain in Mississippi and become citizens of the United States?
- A There is so much of that I haven't understood it, I can't hear good
- Q Within six months after the ratification of the treaty of 1830, did Mary Ann Pool or any of your ancestors signify to the United States Indian Agent their intention to remain and become citizens of the United States? A I don't know.
- Q If they were Choctaw Indians why didn't they remove to the Indian Territory? A Well, I don't know why they didn't.
- Q You understand that all Choctaw Indians were supposed to have been moved to the Indian Territory? A Well, I have always been taught that that part of them didn't go.
- Q Are your people part of those that didn't go; did they signify to the Indian Agent here their intention to remain and become citizens of the United States? A Yes sir.
- Q Have you any evidence of that fact? A I can get proof of it.
- Q Proof of what kind? A I believe am mistaken about that.
- 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 Are you claiming under any other treaty stipulations between the United States and the Choctaw Indians? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Mary Missouri Smith.
- Q Are you making any claim for her? A No sir.
- Q What is she, a white woman? A White woman.
- Q Where did you marry her? A In Attala County, state of Mississippi
- Q When did you marry her? A December 31, 1876.
- Q Have you your marriage license and certificate? A Did I have?
- Q Have you? A No sir.

It will be necessary for the Commission to be supplied with evidence of your marriage in the matter of the application for identification of your children.

- Q What are the names and ages of your children for whom you desire to make application? A Myrtie Belle Smith, born 1882. The next one is Benjamin Miller, born 1885; Charley Eugeno.
- Q How old? A Born in 1887. Lorina Elvenia, 1889, Laura Edna, born 1891; William Henry, born '95; Elmer Athalone.
- Q How old? A '97.
- Q That is all is it? A Yes sir.
- Q You are the father of these seven children? A Yes sir.
- Q Mary Missouri Smith is the mother? A Yes sir.
- Q Mother of all seven of them, is she? A Yes sir.
- Q Can you speak the Choctaw language? A No sir.
- Q Is there any additional statement that you desire to make in support of your application? A No sir.
- Q Is there any written evidence that you desire to submit to the Commission for consideration in support of this application?

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim within thirty days from this date.

Smith-3

Permission is granted attorney for applicant to file written evidence in support of this application, provided the same is offered for filing within thirty days from the date hereof.

The decision of the Commission as to your application and the application you make on behalf of your seven minor children will be mailed to you in writing to your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 20th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

- v Subscribed and sworn to before me this 7th day of January, 1901.

Charles H. Sawyer

Notary Public.

*W. C. L.
C. W. W.*

COPY.

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

In the matter of the application of Henry Middleton Smith, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Henry Middleton Smith, et al.,	M.C.R. 1178
Elmer A. Smith, et al.,	M.C.R. 990
Emily Smith,	M.C.R. 993
Marcellus E. Smith, et al.,	M.C.R. 988
William C. Smith, et al.,	M.C.R. 1128
Albert Sydney Wade,	M.C.R. 1177
Henry G. Fancher, et al.,	M.C.R. 1622
Mary Susan Power, et al.,	M.C.R. 1627
Emily A. Smith, et al.,	M.C.R. 1628
Alice Bowie, et al.,	M.C.R. 1753
Florence Bailey, et al.,	M.C.R. 1758
Mary Power,	M.C.R. 1759
Christopher Columbus Fancher, et al.,	M.C.R. 1770
James Munroe Power, et al.,	M.C.R. 1840
Jeremiah H. Power, et al.,	M.C.R. 1841

---: 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 Henry Middleton Smith for himself and his seven minor children, Myrtie Belle, Benjamin Miller, Charley Eugene, Lerena Elvenia, Laura Edna, William Henry and Elmer Athalone Smith; by Elmer A. Smith for himself and his minor child, Jessie Ferchand Smith; by Emily Smith for herself; by Marcellus E. Smith for himself and his minor child, Marcellus H. Smith; by William C. Smith for himself and his three

minor children, Baron A., St. Clair and Willia A. Smith; by Albert Sydney Wade for himself; by Henry G. Fancher for himself, his wife, Martha Ann, and his three minor children, Prusa Lillian, Estrella and Smith Fancher; by Mary Susan Power for herself and her four minor children, Ruby, Lucy, Fannie and Fermelia Power; by Emily A. Smith for herself and her minor child, Birtie Smith; by Alice Bowie for herself and her two minor children, Robert Fancher and Edna Bowie; by Florence Bailey for herself and her two minor children, Ida and Ola Bailey; by Mary Power for herself; by Christopher Columbus Fancher for himself and his two minor children, Mary and Henry Fancher; by James Hunroe Power for himself and his six minor children James Thomas, Foster, Emmett, Mary, Lile and Kate Power; by Jeremiah H. Power for himself and his four minor children, Flossie Nora, Willie Godsley, Sellars McAlister and Robert Power, and by Marcellus E. Smith for the identification of his wife, Mannie E. Smith, 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 between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants, or having married a descendant, of Henry (or Henry H. or Henry Haggard) Fancher, who is alleged to have been a Choctaw

Indian, degree of blood not positively stated, and to have resided in Mississippi in eighteen hundred and thirty.

It appears that there are more remote ancestors of some of the applicants than the one above stated in the persons of John Fancher and Richard Fancher but the testimony fails to disclose the relationship of said persons to all the applicants, or whether they all claim rights as Mississippi Choctaws through them, however in order that every possible right as Mississippi Choctaws which the applicants may possess shall be fully adjudicated the said John Fancher and Richard Fancher will also be considered as Choctaw ancestors of the applicants herein.

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., 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 John Fancher, or Richard Fancher or Henry (or Henry N. or Henry Haggard) Fancher, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with

4

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, 1937 (5 Stats., 180) and August 23, 1942(5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry Middleton Smith, Myrtie Belle Smith, Benjamin Miller Smith, Charley Eugene Smith, Lorena Elvenia Smith, Laura Edna Smith, William Henry Smith, Elmer Athalene Smith, Elmer A. Smith, Jessie Forehand Smith, Emily Smith, Marcellus E. Smith, Marcellus H. Smith, William C. Smith, Baron A. Smith, St. Clair Smith, Willia A. Smith, Albert Sydney Wade, Henry G. Fancher, Martha Ann Fancher, Frusa Lillian Fancher, Estrella Fancher, Smith Fancher, Mary Susan Power, Ruby Power, Lucy Power, Fannie Power, Permelia Power, Emily A. Smith, Birtie Smith, Alice Bowie, Robert Fancher Bowie, Edna Bowie, Florence Bailey, Ida Bailey, Ola Bailey, Mary Power, Christopher Columbus Fancher, Mary Fancher, Henry Fancher, James Munroe Power, James Thomas Power, Foster Power, Emmett Power, Mary Power, Lile Power, Kate Power, Jeremiah H. Power, Flossie Nora Power, Tillie Godsley Power, Sellars McAlister Power and Robert Power, 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 Marcellus E. Smith for the identification of his wife,

Minnie B. Smith, as an intermarried Mississippi Cheater should therefore be refused and it is so ordered.

CONCESSION TO THE FIVE CIVILIZED TRIBES.

SIGNED: Tanne Bixby.
Acting Chairman.

SIGNED: T. B. Needles.
Commissioner.

SIGNED: C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
JAN 20 1903



COPY.

Muskogee, Indian Territory, January 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry Middleton Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry Middleton Smith, et al.,	M.C.R. 1178
Elmer A. Smith, et al.,	M.C.R. 990
Emily Smith,	M.C.R. 993
Marcellus E. Smith, et al.,	M.C.R. 988
William G. Smith, et al.,	M.C.R. 1128
Albert Sydney Wade,	M.C.R. 1177
Henry G. Fancher, et al.,	M.C.R. 1622
Mary Susan Power, et al.,	M.C.R. 1627
Emily A. Smith, et al.,	M.C.R. 1628
Alice Bowie, et al.,	M.C.R. 1753
Florence Bailey, et al.,	M.C.R. 1756
Mary Power,	M.C.R. 1759
Christopher Columbus Fancher, et al.,	M.C.R. 1770
James Munroe Power, et al.,	M.C.R. 1840
Jeremiah H. Power, et al.,	M.C.R. 1841.

These applications were made under the provision of the Act of Congress of June 28, 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 Henry Middleton Smith, Myrtle Belle Smith, Benjamin Miller Smith, Charley Eugene Smith, Lorena Klvenia Smith, Laura Edna Smith, William Henry Smith, Elmer Athalene Smith, Elmer A. Smith, Jessie Forchand Smith, Emily Smith, Marcellus E. Smith, Marcellus H. Smith, William G.

M., M^oM. & C. # 2.

Smith, Baron A. Smith, StClair Smith, Willia A. Smith, Albert Sydney Wade, Henry G. Fancher, Martha Ann Fancher, Frusa Lillian Fancher, Estrella Fancher, Smith Fancher, Mary Susan Power, Ruby Power, Lucy Power, Fannie Power, Permelia Power, Emily A. Smith, Birtie Smith, Alice Bowie, Robert Fancher Bowie, Edna Bowie, Florence Bailey, Ida Bailey, Ola Bailey, Mary Power, Christopher Columbus Fancher, Mary Fancher, Henry Fancher, James Munroe Power, James Thomas Power, Foster Power, Emmett Power, Mary Power, Lile Power, Kate Power, Jeremiah H. Power, Flossie Nora Power, Tillie Godsley Power, Sellars McAlister Power and Robert Power, 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 Marcellus E. Smith for the identification of his wife, Mannie E. Smith, as an intermarried Mississippi Choctaw should therefore 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 to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamm Kirby

Acting Chairman.

M.C.R. 1178.

COPY.

Muskogee, Indian Territory, January 30, 1903.

Henry M. Smith,
McGeol, Mississippi.

Dear Sir:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry Middleton Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry Middleton Smith, et al.,	M.C.R. 1178
Elmer A. Smith, et al.,	M.C.R. 990
Emily Smith,	M.C.R. 993
Marcellus H. Smith, et al.,	M.C.R. 988
William C. Smith, et al.,	M.C.R. 1128
Albert Sidney Wade,	M.C.R. 1177
Henry G. Fancher, et al.,	M.C.R. 1622
Mary Susan Power, et al.,	M.C.R. 1627
Emily A. Smith, et al.,	M.C.R. 1628
Alice Bowie, et al.,	M.C.R. 1753
Florence Bailey, et al.,	M.C.R. 1758
Mary Power,	M.C.R. 1759
Christopher Columbus Fancher, et al.,	M.C.R. 1770
James Munroe Power, et al.,	M.C.R. 1840
Jeremiah H. Power, et al.,	M.C.R. 1841.

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."

H. M. S. # 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 Henry Middleton Smith, Myrtle Belle Smith, Benjamin Miller Smith, Charley Eugene Smith, Lorena Elvonia Smith, Laura Edna Smith, William Henry Smith, Elmer Athalene Smith, Elmer A. Smith, Jessie Ferhand Smith, Emily Smith, Marcellus E. Smith, Marcellus R. Smith, William C. Smith, Baron A. Smith, St. Clair Smith, Willia A. Smith, Albert Sydney Wade, Henry G. Fancher, Martha Ann Fancher, Prusa Lillian Fancher, Estrella Fancher, Smith Fancher, Mary Susan Power, Ruby Power, Lucy Power, Fannie Power, Permelia Power, Emily A. Smith, Bertie Smith, Alice Bowie, Robert Fancher Bowie, Edna Bowie, Florence Bailey, Ida Bailey, Ola Bailey, Mary Power, Christopher Columbus Fancher, Mary Fancher, Henry Fancher, James Munroe Power, James Thomas Power, Foster Power, Emmett Power, Mary Power, Lile Power, Kate Power, Jeremiah H. Power, Flossie Nora Power, Tillie Godsley Power, Sellars McAlister Power and Robert Power, 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 Marcellus E. Smith for the identification of his wife, Mannie E. Smith, 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,

(SIGNED)

James J. [Signature]
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 16, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the report in the consolidated case of Henry Middleton Smith, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 30, 1903.

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

Henry Middleton Smith, et al.	M.C.R. 1178
Elmer A. Smith, et al.	M.C.R. 990
Emily Smith	M.C.R. 993
Marcellus E. Smith, et al.	M.C.R. 988
William C. Smith, et al.	M.C.R. 1126
Albert Sydney Wade	M.C.R. 1177
Henry O. Fancher, et al.	M.C.R. 1632
Mary Susan Power, et al.	M.C.R. 1627
Emily A. Smith, et al.	M.C.R. 1628
Alice Bowie, et al.	M.C.R. 1753
Florence Bailey, et al.	M.C.R. 1758
Mary Power	M.C.R. 1759
Christopher Columbus Fancher, et al.	M.C.R. 1770
James Munroe Power, et al.	M.C.R. 1840
Jeremiah H. Power, et al.	M.C.R. 1841

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys

Hon. Sec. Int., --2

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.

2 inclosures: M.C.R. 1178

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

Land
11799-1903.

June 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith record of the Commission to the Five Civilized Tribes in the consolidated Mississippi Choctaw case wherein the following persons were applicants, a decision rejecting them having been rendered by the Commission on January 30, 1903:

Henry Middleton Smith for himself and his seven minor children, Myrtie Belle, Benjamin Miller, Charley Eugene, Lorena Elvenia, Laura Edna, William Henry and Elmer Athalone Smith; Elmer A. Smith for himself and his minor child, Jessie Forehand Smith; Emily Smith for herself; Marcellus E. Smith for himself and his minor child, Marcellus H. Smith; William C. Smith for himself and his three minor children, Baron A., St. Clair and Willia A. Smith; Albert Sydney Wade for himself; Henry G. Fancher for himself, his wife, Martha Ann, and his three minor children, Fruza Lillian, Estrella and Smith Fancher; Mary Susan Power for herself and her four minor children, Ruby, Lucy, Fannie and Permelia Power; Emily A. Smith for herself and her minor child Birtie Smith; Alice Bowie for herself and her two minor children, Robert Fancher and Edna Bowie; Florence Bailey for herself and her two minor children,, Ida and Ola

Bailey; Mary Power for herself; Christopher Columbus Fancher for himself and his two minor children, Mary and Henry Fancher; James Munroe Power for himself and his six minor children, James Thomas, Foster, Emmett, Mary, Lile and Kate Power; Jeremiah H. Power for himself and his four minor children, Flossie Nora, Tillie Godsley, Sellars McAlister and Robert Power; and Marcellus E. Smith for his wife, Mannie E. Smith,

The record in this case shows that the applicants base their claims to a right to identification on their descent from Henry Fancher and his daughter Martha or Mary Ann Pool, and his son Henry H. Fancher. It is claimed that Henry Fancher was a citizen of the Choctaw Nation in Mississippi in 1830 and as such complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of that year.

The Commission rejected the applicants for the reason that its records fail to show that Henry Fancher, John Fancher, Richard Fancher or Henry H. Fancher either complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office has been made with reference to the names of Henry Fancher, Martha Fancher, Martha Pool, Mary Ann Fancher, Mary Ann Pool, Henry H. Fancher, John Fancher and Richard Fancher, and it is ascertained that none of these persons were citizens of the Choctaw

Nations in Mississippi or Alabama in 1805 who either complied or attempted to comply with the provisions of the 14th article of the Cherokee treaty of that year, or the subsequent legislation relative thereto. These being the facts, it is evident that the decision of the Commission is correct and I recommend that it be approved.

Very respectfully,

W. A. Jones,

Commissioner.

E.B.H(S)

DEPARTMENT OF THE INTERIOR,
WASHINGTON

WCF
HAF

JP
D G 20266
ITD 5074-1903

July 24, 1903.

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

Gentlemen:

February 16, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Henry Middleton Smith and his minor children, Myrtie Belle, Benjamin Miller, Charley Eugene, Lorena Elvenia, Laura Edna, William Henry and Elmer Athalone Smith; of Elmer A. Smith and his minor child, Jessie Forehand Smith; of Emily Smith; of Marcellus E. Smith and his minor child, Marcellus H. Smith; of William C. Smith and his minor children, Baron A., St. Clair and Willia A. Smith; of Abbert Sydney Wade; of Henry G. Fancher, his wife, Martha Ann Fancher, and his minor children, Pruza Lillian, Estrella and Smith Fancher; of Mary Susan Power and her minor children, Ruby, Lucy, Fannie and Permelia Power; of Emily A. Smith and her minor child, Birtie Smith; of Alice Bowie and her minor children, Robert Fancher and Edna Bowie; of Florence Bailey and her minor children, Ida and Ola Bailey; of Mary Power, of Christopher Columbus Fancher and his minor children, Mary and Henry Fancher; of James Munroe Power and his

minor children, James Thomas, Foster, Everett, Mary, Lila and Kate Power; of Jeremiah H. Fower and his minor children Flossie Nora, Tillie Goddard, Sellars McAllister and Robert Power, Marcellus E. Smith also applies for the identification of his wife, Mammie E. Smith, as an intermarried Mississippi Choctaw.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants, or having married a descendant, of Henry (or Henry Haggard) Fancher, or of John Fancher or Richard Fancher, it being alleged that said ancestors were Choctaw Indians and that Henry (or Henry Haggard) Fancher was a resident in Mississippi in 1830.

The evidence submitted in this case, as well as the record of the Indian Office, fails to show that any of said ancestors complied or attempted to comply with article 14 of the treaty of 1830, or with either of the subsequent acts of Congress relating thereto.

Reporting June 11, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

Upon a careful review of the whole record the

Department finds no reason to disturb your decision,
and it is hereby affirmed.

Respectfully,

1 inclosure.

(Signed)

THOS RYAN,
Acting Secretary.

M O R 1178

COPY:

Muskogee, Indian Territory, August 8, 1903.

Henry M. Smith,
McCool, Mississippi.

Dear Sir:

You are hereby notified that on the 24th day of July 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 Henry Middleton Smith, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

T. E. Needles.

Commissioner in Charge.

COPY:

Muskogee, Indian Territory, August 8, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby notified that on the 24th day of July, 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 Henry Middleton Smith, et al., of which decision you were advised by mail on the 30th day of January 1903.

Respectfully,

T. B. Needles.)
Commissioner in Charge.

1178

Henry M. Smith
et al

Consolidated Co.

Henry or
Henry Hazard Fancher 1/4
wife
Permelia
or
Pomelia Fancher

mb R
1627
Mary S Fancher 56/8
married
James L. Power.

Jasper Fancher 1/8 Deace
wife
Rebecca Fancher

mb R
1758
Florence Fancher 59/8
married
Thurston Bailey

mb R
1770
Christopher Columbus Fancher 37/8
wife
Martha Ann Fancher

mb R
1841
Jeremiah H. Power 36/4
wife
Ellen Power

mb R
1840
James Monroe Power 34/16
wife
Laura Power

mb R
1859
Mary Power 23/16
mb R
1627
Ruby Power 14
Lily Power 17
Jannie Power 11

mb R
1627
Henry C Fancher 35/16
wife
* Martha Ann Smith
* Daughter of applicant in case
mb R 1628
mb R
1753
Alice Fancher 27/16
married
Robert Bowie

mb R
1762
John Henry Bailey 22/16
mb R
1768
Ida Bailey 16
Ola Bailey 12

mb R
1770
Mary Fancher 5
Henry Fancher 34

mb R
1841
Florence N. Power 10
Villie G. Power 7
Cellars West Power 5
Robert Power 3

mb R
1840
James Thomas Power 12
Foster Power 10
Emmell Power 8
Mary Power 6
Lile Power 2
Kate Power 6 m

mb R
1842
Triza Lillian Fancher 13
Estella Fancher 11
Smith Fancher 3

mb R
1843
Robert Fancher Bowie 1
Edna Bowie

mb R 1762 Decision rems May 23 1902
Forwarded Report

Richard Sanchez

Father 1/2 Choctaw
of
Henry Sanchez
Choctaw

Mary Ann or
Martha Sanchez ^{Dead}
^{married}
Middletown Pool ^{Dead}

Elyza Sanchez

^{mbr}
¹⁶²⁸
Emily
or
Emily A. Pool 65 1/16
^{married}
William Henry Smith
Samuel Henry Smith

Martha A Pool
^{married}
Thomas Wade

^{mbr}
¹¹⁷⁸
Henry M. Smith 46
^{wife}
Mary Missouri Smith

Walter Smith

^{mbr}
¹¹²⁸
William C. Smith 39 1/32
^{wife}
Ethel Smith

^{mbr}
⁹⁸⁸
Marcellus E. Smith 37 1/32
^{wife}
Mannie E. Smith
^{Charles Smith}

^{mbr}
¹⁶²²
Martha Smith ← → ^{See mbr 1622}

^{mbr}
⁹⁹⁰
Elmer A. Smith 32 1/32
^{wife}
Jessie Smith ^{Dead}
^{Lea}
²
Emily Smith 20 1/3
^{mbr}
¹⁶²⁸
Patsie Smith 18

^{mbr}
¹¹⁷¹
Abner Sydney Wade
^{wife}
Mary Wade

^{mbr}
¹¹⁷⁸
Mortie Belle Smith 18
Benjamin Miller Smith 15
Chasley Eugene Smith 13
Zorsha Elina Smith 11
Laura Edna Smith 9
William Henry Smith 5
Elmer Althea Smith 3

^{mbr}
¹¹²⁸
Baron A. Smith 5
St. Clair Smith 3
Willie A. Smith 5 m

^{mbr}
⁹⁸⁸
Marcellus H. Smith 9 m

^{mbr}
⁹⁹⁰
Jessie Forehand Smith 4

ORDER RENDERED JAN 30 1903
OFFICE OF THE COMMISSIONER GENERAL LAND OFFICE
JAN 30 1903
OFFICE OF THE COMMISSIONER GENERAL LAND OFFICE
INDUSTRIAL AND CHINESE NATIVES
JAN 30 1903
RECORD FORWARDED DEPARTMENT
FEB 16 1903
ACTION APPROVED BY SECRETARY INTERIOR
JUL 21 1903
OFFICE OF THE SECRETARY ACTION
TO THE LAND OFFICE
CHUGTAY
INDUSTRIAL AND CHINESE NATIVES

990-493-988-112
17-1622-1627-1628-1732-1738
43 184

Received of the Commission of the Five Civilized Tribes
One copy of decision in WCR 1178, Henry M. Smith,
et al, (Consolidated Case

B. Woodbrook
By ~~Ed Woodbrook~~
Atty for applicants

APR 1 1905

No. 1178

For Identification as a Mississippi Choctaw.

Date - DEC 21 1900

Name *Henry M. Smith*

Age *46* Blood

Post Office, *Mo. Cool Miss.*

Father: *Wm. N. Smith - ✓*

Mother: *Emily Smith - ✓*

Claims through *no other.*

WIFE:

Mary M. Smith
(no claim for wife)

Children:

<i>Myrtis Bell Smith</i>	<i>18</i>
<i>Alvian M. " "</i>	<i>15</i>
<i>Charley E. " "</i>	<i>13</i>
<i>Lorena E. " "</i>	<i>11</i>
<i>Laura E. " "</i>	<i>9</i>
<i>William H. " "</i>	<i>5</i>
<i>Oliver A. " "</i>	<i>5</i>

Stenographer:
Anna Bell

Choctaw MCR 1179

William Holiman

MCR 1179

See MCR 1181

William Holman, et al

REFUSED

DECISION RENDERED. **JUL 14 1902**

NOTICE OF DECISION MAILED APPLICANT.

JUL 14 1902

RECORD FORWARDED DEPARTMENT.

JUL 14 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 14 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

AUG 18 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

AUG 29 1902

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

AUG 29 1902

REFER TO M. C. R. *1181*

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
HATTIESBURG, MISSISSIPPI, DECEMBER 22, 1900.

In the matter of the application for identification as Mississippi Choctaws of William Holiman and his three minor children. William Holiman, having been first duly sworn by Acting Chairman Tams Bixby, testified as follows:

Examination by the Commission.

- Q What is your name? A William Holiman.
Q What is your age? A Forty five.
Q What is your post office address? A Batson.
Q Where is that? A Mississippi.
Q You live in Mississippi? A Yes sir.
Q How long have you lived there? A I have been living here ever since -- you may say since I was born a child in the ar.
Q Born in Mississippi? A Yes sir.
Q Never lived anywhere else? A No sir.
Q What is your father's name? A Lun Canady.
Q Is his name Holiman? A He was a Canady, he was a slave.
Q Is he living? A No sir.
Q What is your mother's name? A Mahala Holiman.
Q Is your mother living? A No sir, she is dead.
Q Through which one of your parents do you claim your Choctaw blood?
A Grandmother.
Q Through which one of your parents? A Grandmother.
Q I am not talking about your grandparents, do you claim through your father or your mother? A My mother.
Q How much Choctaw blood do you claim? A Well, one third.
Q How much Choctaw was your mother? A She was one fourth.
Q How much was your father? A Well, I don't know as my father was.
Q Your mother was one fourth and your father was not any and you are one third? A Yes sir.
Q Have you ever been a slave? A Yes sir.
Q Father a slave? A Yes sir.
Q Mother a slave? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for enrollment as a Choctaw? A No sir, none at all.
Q Have you ever been recognized by the Choctaw authorities in Indian Territory as a Choctaw Indian? A Never have.
Q Did you make application to the Commission to the Five Civilized Tribes in 1896 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 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.
Q Have you ever made any application prior to this time for either citizenship or enrollment as a Choctaw? A Never have.
Q Making application now as a Mississippi Choctaw? A Yes sir.
Q Do you claim under the fourteenth article of the treaty of 1830?
A Yes sir.
Q Do you know what that is? A Let me see, fourteen thirty.
Q No, fourteenth article of the treaty of 1830? A No, I don't understand what that is.
Q What are you claiming? A I am claiming having a citizenship or Choctaw blood.
Q Was your mother living in Mississippi in 1830? A I don't know whether she was living then or not.
Q What was her father's name? A Luke Holiman.

Holiman-2

- Q Was he a Choctaw Indian? A He was a nation citizenship, he claimed as a nation.
- Q Claimed as a nation? A Yes sir.
- Q Was he a slave? A Yes sir, he was a slave.
- Q Was your mother's mother a slave? A Yes sir.
- Q Did any of your mother's people ever remove from Mississippi to the Indian Territory? A None of them.
- Q Why didn't they leave they were Choctaws?
- A Well, the father of my grandmother, understand, come in just like these here citizenships now of the main blood of the nation of these people here now. I don't know any more than what I have heard them say; the blood of the Indian Nation. My grandmother was half Indian.
- Q Any of them ever receive any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A Any of my people?
- Q Yes, your mother's people? A None that I know of but myself a homestead entrance.
- Q Under United States? A Yes.
- Q When? A I done that about nine years ago. I did homestead me a place.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Zanie Holiman, second wife.
- Q Is she a negro? A Yes sir.
- Q Making any claim for her? A No sir, I aint making a bit; she is a half breed.
- Q Half breed what, white? A Mulatto.
- Q Any children? A No sir, none by her.
- Q Have you any children by any other wife? A I had six by my first wife.
- Q How many children have you under twenty one years of age and unmarried? A Three.
- Q What are their names? A Marcella.
- Q How old is Marcella? A Sixteen; Dominique
- Q How old? A Fifteen.
- Q Any more? A William.
- Q How old is William? A Twelve.
- Q You are the father of these children? A Yes sir.
- Q Zanie Holiman the mother? A No sir.
- Q Who is the mother? A Sallie Ann Holiman, my first wife.
- Q Were you married to her? A She is dead.
- Q Were you ever married to her? A Yes sir.
- Q Got your marriage license? A Yes sir.
- Q Where is it? A At home.

- It will be necessary for the Commission to be supplied with evidence of your marriage to the mother of these children
- A I suppose they is down there in the office.
- Q Any addition statement you desire to make? A No sir, I don't believe there is.
- Q Any papers you want to submit? A I don't know that there is unless they require witness to these facts. I propose to make a witness of what I state here to you if it requirable to have any evidence to what I state here to you; that this thing is true. I don't propose to state nothing only what is true.
- Q Have you got any witnesses here? A Yes sir, I suppose there is two here that can state that my evidence is true.
- Q That you are William Holiman? A William Holiman and of that blood; my grandmother's grandfather's side and mother's side.
- Q They were all slaves though weren't they? A Yes sir, they were slaves.

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.

Holiman-3

(This applicant is to all appearances negro and has none of the characteristics of facial appearance of an Indian)

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above entitled cause on the 21st day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause.

Anna Bell

Subscribed and sworn to before me this 7th day of January, 1901.

Charles K. Sawyer

Notary Public.

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

-----:-----

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

William Holiman, et al.,
Peann Myers, et al.,

M C R 1179
M C R 1181

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 William Holiman, et al., for identification as Mississippi Choctaws.	1
Original application of Peann Myers, et al., for identification as Mississippi Choctaws.	4
Final decision of the Commission in the consolidated case of William Holiman, et al., applicants for identification as Mississippi Choctaws, denying such application.	7

J.R.B.
C.D. 418

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

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

William Holiman, et al.,
Peann Myers, et al.,

M C R 1179
M C R 1161

--- DECISION ---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by William Holiman for himself and his three minor children, Marcella, Dominique and William Holiman; and by Peann Myers for herself and her five minor children, Luke, Myra, Leonard, Nevela and Fannelle Myers, under the following provision of the act of Congress approved June 23, 1894, (28 Stat., 488):

"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

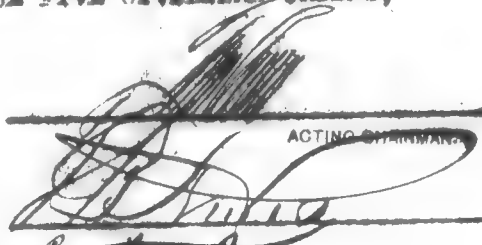

the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Luke Holiman, who is alleged to have been possessed of some Choctaw blood (degree thereof not stated).

It further appears from the evidence submitted in support of said 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 said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Luke Holiman, or a less remote ancestor of 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., 180), 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 Holiman, Marcella Holiman, Dominique Holiman, William Holiman, Jr., Peann Myers, Luke Myers, Myra Myers, Leonard Myers, Nevada Myers and Jannelle Myers 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.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,


ACTING CHAIRMAN


Muskogee, Indian Territory,

101 14 1902

Commissioners.

COPY.

M.G.R. 1179.

Muskogee, Indian Territory, July 14, 1902.

William Holiman,
Batson, Mississippi.

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 William Holiman, et al., embracing the following applications for identification as Mississippi Choctaws:

William Holiman, et al.,	M.G.R. 1179
Peann Myers, et al.,	" 1181

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

V X 2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Holiman, Marcella Holiman, Dominique Holiman, William Holiman, Jr., Pearl Myers, Lake Myers, Myra Myers, Leonard Myers, Nevada Myers and Feazelle Myers 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 Dixey.

Acting Chairman.

Registered.

COPY.

M.C.R. 1179.

Muskogee, Indian Territory, July 14, 1902.

Mansfield, McFurray & 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 William Holiman, et al., embracing the following applications for identification as Mississippi Choctaws:

William Holiman, et al.,	M.C.R. 1179
Peann Myers, et al.,	" 1181

These applications were made under the provision of the act of Congress of June 20, 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 acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

MEMORANDUM

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Holman, Marcella Holman, Dominicus Holman, William Holman, Jr., Jeanne Myers, Lela Myers, Myra Myers, Leonard Myers, Nevada Myers and Yesselle Myers 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 had 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 Dixby

Acting Chairman.

COPY

M.C.R. 1179.

Madrege, Indian Territory, July 14, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William Holiman, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 14, 1908.

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

William Holiman, et al.,	M.C.R. 1179
Peann Myers, et al.,	" 1181

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,

Wm. D. Kirby

Acting Chairman.

Through the Commissioner
of Indian Affairs.

1 enclosure.

Land,
42348-1902.

--C O P Y--

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.

Washington, Aug. 5, 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 14, 1902, forwarding for the Department's consideration the consolidated case of William Holiman, 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.

William Holiman applies for the identification of himself and his three minor children Marcella, Dominique and William Holiman; and Peann Myers applies for the identification of herself and her minor children, Luke, Myra, Leonard, Nevada and Feaselle Myers.

July 14, 1902, the Commission held that the applicants were not entitled to identification.

The applicants in this consolidated case attempt to trace descent from Luke Holiman, grandfather of principal applicant,

William Heliman. Some of the applicants attempt to also trace descent from their grandmother, wife of Luke Heliman.

The records of this office do not show that any one by the name of Luke Holiman or Heliman complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that he or she applied to the commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of his or her rights. This being true, the decision of the Commission is correct and should be affirmed.

Very respectfully,
Your obedient servant,

(Signed) A. C. Tonner,
Acting Commissioner.

G.A.W. (S)

D.C. 13617-1902.

49503

MAP.

DEPARTMENT OF THE INTERIOR.

Washington, August 18, 1902.

ITD. 4800-1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the consolidated case involving the applications for identification of William Holiman and his three minor children, Marcella, Dominique and William Holiman, and of Peann Myers and her five minor children, Luke, Myra, Leonard, Nevada and Feazelle Myers, as Mississippi Choctaw Indians. The record and your decision were transmitted with your letter of July 14, 1902. You denied the application.

The applicants attempt to trace their Choctaw descent from one Luke Holiman, who is alleged to have been part Choctaw.

The record fails to show that any one of the applicants was ever admitted to citizenship in the Choctaw Nation, or that Luke Holiman ever complied or attempted to comply with the provisions of article XIV 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 forwarded the papers August 5, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

The Department, upon a careful review of the whole case, affirms your decision.

Respectfully,

)Signed) Thos. Ryan,
Acting Secretary.

KMD.

1 inclosure.

M.C.R. 1172.

Muskogee, Indian Territory, August 29, 1902.

William Holiman,
Batson, Mississippi.

Dear Sir:

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 applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Holiman, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Yours truly,


Acting Chairman.

M.C.R. 1179.

Muskogee, Indian Territory, August 29, 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 applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Holiman, et al., of which decision you were advised by mail on the 14th day of July.

Yours truly,


Acting Chairman.

1177
IDENTIFICATION AS
MISSISSIPPI CHOCTAW

William Holiman Etal
mer 1179

CHEROKEE NATION.

CH
(NOT INCL)

Blood	Year	District	No.	Name of Father	Year	District	Name of Mother
-------	------	----------	-----	----------------	------	----------	----------------

TRIBAL ENROLLMENT

TRIBAL ENROLLMENT OF PARENTS

REFER TO M. C. R. 1179

*William Holiman
et al*

Consolidated Case

Luke Holiman
Choctaw 5

Elizabeth Carter slave
husband Dead
Primer Carter slave

ms R
1181

Peann Carter 35 1/2
married
Frank Myers

ms R
1181
Luke Myers 13
Myra Myers 9
Leonard Myers 6
Nevada Myers 5
Fayette Myers 2

Mahala Holiman 1/2
son Dead, slave
Lun Comaly Dead
slave

ms R
1179

William Holiman 45 1/3
w/f
1st Tallie Ann Holiman
Dead
2^d Janey Holiman

ms R
1114
Marulla Holiman 16
Dominique Holiman 15
William Holiman 12

No. 1179

For Identification as a Mississippi Choctaw.

Date DEC 21 1900

Name William Holman.

Age 45 Blood 1/3

Post Office, Bateson, Miss.

Father: Lem Canney - dead.

Mother: Mahala Holman - dead.

Claims through mother

WIFE:

Janey Holman
(no claim for wife).

Children:

Mardella Holman 16

Dominic " " 15

William " " 14

MOTHER:

Sallie Ann Holman

Steno-grapher
11/21/00

Choctaw MCR 1180

Rachel Carter

MCR 1180

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

---0---

In the matter of the application of Rachel Carter for
identification as a Mississippi Choctaw, M.C.R.1100.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
Rachel Carter.

	(Page)
Original application of Rachel Carter before the Dawes Commission for identification as a Mississippi Choctaw	1
Decision of the Commission denying the application of Rachel Carter for identification as a Mississippi Choctaw	2

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
HATTIESBURG, MISSISSIPPI, DECEMBER 21, 1901.

In the matter of the application of Rachel Carter for identification as a Mississippi Choctaw. Rachel Carter, having been first duly sworn by Acting Chairman Tams Bixby, testified as follows:

Examination by the Commission.

- Q What is your name? A Rachel.
Q Is that all the name you have? A Rachel Carter.
Q How old are you? A I reckon I am about fifty six.
Q What is your post office address? A Batson.
Q Mississippi? A Yes sir.
Q You live in Mississippi? A Yes sir.
Q How long have you lived here? A Ever since I have been born.
Q Never lived any where else? A No sir.
Q What is your father's name? A Cy.
Q Cy what? A Cy Carter, is all I know.
Q What is your mother's name? A Vina.
Q Vina Carter? A It was when I knew her.
Q Your father and mother living? A No sir.
Q Both dead? A Both dead.
Q Through which one of your parents do you claim your Choctaw blood?
A Mother.
Q How much Choctaw blood was your mother? A She was a third.
Q How much are you? A I don't know, sir, my grandmother was full Indian so mother says.
Q Well, how much Choctaw blood do you claim? A I don't know how much in me.
Q Well, don't you claim? A Yes sir.
Q Well, how much? A Well, I don't know exactly.
Q Well, about how much Choctaw are you? A About a fifth I reckon.
Q Have you ever been a slave? A All my life
Q You aint a slave now are you? A Just here since the surrender.
Q Since what surrender? A Since Freedom.
Q How long has that been? A I don't know, sir; about forty years; thirty or forty or some thing.
Q Was your mother a slave? A Yes sir.
Q Was your mother a slave? A Yes sir.
Q Was your father a slave? A Yes sir.
Q Was your mother's father and mother slaves? A I don't know; I reckon my grandmother was a slave, she was an Indian.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A None that I know of.
Q Ever make application to the Choctaw tribal authorities in Indian Territory for enrollment as a Choctaw? A No sir.
Q Did you, or did any one in your behalf, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in 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 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.
Q Have you ever made an application before this? A No sir.
Q This is the first application you ever made of any description?
A Yes sir.
Q You are now make application for identification as a Mississippi Choctaw? A Yes sir.
Q Are you claiming under the fourteenth article of the treaty of 1830? A Yes sir.
Q Do you know what that is? A No sir, I don't know what that is.

Carter-2

- Q What is the name of your mother's people who were living here in Mississippi in 1830? A Her name was Charlotte.
- Q Charlotte what? A Charlotte Constance.
- Q Was she a Choctaw Indian? A Yes sir.
- Q How do you know? A My mother said so.
- Q Have you got any evidence of that fact? A Yes sir.
- Q Got any papers? A No sir.
- Q Did she remove from Mississippi to the Indian Territory ith the rest of the Choctaw Indians? A I reckon she did; I don't know nothing only what my mother told me.
- Q What did she tell you? A Just told me my grandmother was an Indian
- Q Did she remove from Mississippi to the Indian Territory when the other Indians went? A I reckon so; she has always lived in this country.
- Q I am asking you if she removed from Mississippi? A I reckon so.
- Q Did she ever come back? A No sir.
- Q Did your mother ever go out there? A No sir.
- Q Did any of your ancestors, your mother people, ever receive any lands here in Mississippi from the Choctaw government? A No sir, mother never received nothing that I know of.
- Q Did any of your mother's people ever signify to the United States Indian Agent to the Choctaw Indians here in Mississippi, their intention to remain and become citizens of the United States?
- A She never had no people that I know of. I never heard her say nothing about none of them but her mawmy.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Primus Carter.
- Q What is he, a negro? A Yes sir.
- Q He is not an Indian is he? A No sir.
- Q Making any claim for him? A No sir, making claim for myself.
- Q Have you any children? A Yes sir
- Q How many children have you under twenty one years of age and unmarried? A Aint got none but what is married.
- Q Just claiming for yourself are you? A Yes sir.
- Q Can you speak the Choctaw language? A A little bit.
- Q How much? A Mother tried to learn me that but I never could talk it; just could talk it.
- Q Can you talk to a Choctaw Indian? A She could talk Choctaw a heap, mother could.
- Q Can you? A No sir.
- Q Any additional statement you desire to make in support of your application? Anything more you want to say? A Was you talking to me?
- Q Yes. A No sir, I aint got nothing more to say.
- Q Got any papers showing anything about your mother's people?
- A No sir, no papers at all.

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.

(This applicant is to all appearances a negro.)

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 21st day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Subscribed and sworn to before me this 7th day of January, 1901.

Charles H. Sawyer
Notary Public.

J. F. M.
J. R. B.
C. v. W.

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

In the matter of the application of Rachel Carter for identification as a Mississippi Choctaw, H.C.R. 1180.

--: 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 Rachel Carter for herself, under the following provisions 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 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 Charlotte Constance, 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 16, 1898 (30 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 Charlotte Constance, or a less remote ancestor of 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 (6 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Rachel Carter as a Choctaw Indian entitled to rights in the Choctaw lands

(3)

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.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


ACTING CHIEF CLERK

Commissioners.

Muskogee, Indian Territory,

OCT 15 1902

Muskogee, Indian Territory, October 15, 1902.

Rachel Carter,

Batson, Mississippi.

Dear Madam:

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Rachel Carter, an applicant for identification as a Mississippi Choctaw.

This application was 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 Rachel Carter 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."

Radical Carter-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,

(SIGNED)

T. B. Hodges.

Commissioner in Charge.

Registered.

COPY

M.C.N. 1180

Muskogee, Indian Territory, October 15, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Rachel Carter, an applicant for identification as a Mississippi Choctaw.

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 Rachel Carter 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."

N. 201 & C. 48

You are further advised that the applicant in this case has 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:

Commissioner in Charge.

M.C.R.1180

Muskogee, Indian Territory, October 31, 1902

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Rachel Carter, applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 15th, 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,

Acting Chairman.

Through the
Commissioner of Indian Affairs.

1 enclosure, M C R 1180.

Miss. Choctaw #1160
Miss. Choctaw #1161

Muskogee, Indian Territory, November 19, 1902.

Currie & Currie,

Attorneys at Law,

Hattiesburg, Mississippi,

Gentlemen:

Receipt is hereby acknowledged of your letter of November 15, in which you say that Rachel Carter and Peann Myers have referred to you their correspondence with this Commission relative to their claims for identification as Mississippi Choctaws; that it appears from the correspondence that their claims were refused on the ground of insufficient evidence; that you have investigated the facts relative to their respective claims and believe that if they could get a further hearing satisfactory proof could be made of their Choctaw descent. You therefore ask for an extension of time within which to present further evidence in these cases, and request to be advised the method of procedure necessary to get this evidence before the Commission.

In reply to your letter you are advised that Rachel Carter and Peann Myers appeared before the Commission as applicants for identification as Mississippi Choctaws under article fourteen of the treaty of 1830.

The Commission is authorized as follows by the act of Congress of June 28, 1898:

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

The fourteenth article of the treaty of 1830, referred to in the above legislation, is as follows:

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

The Commission, in determining the rights of applicants for identification as Mississippi Choctaws, requires that they reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 25, 1842.

C & C 3

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress approved June 26, 1896, uses the following language:

"There is no escape from the conclusion that the provision in the act of June 26, 1896, contemplated the identification of only those

'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.'"

It would therefore be necessary, in order for these applicants to obtain rights as Mississippi Choctaws under the provisions of the act of Congress of June 26, 1896, and the fourteenth article of the treaty of 1830, to show that their ancestor who was living at the date of the conclusion of the treaty of 1830 was a beneficiary under the provisions of article fourteen thereof.

The names of the ancestors through whom Rachel Carter and Peann Myers claimed Choctaw blood are not found, upon the records of the government in the possession of the Commission among the names of persons who complied with the provisions of article fourteen of the treaty of 1830 or received land or scrip thereunder.

The Commission on July 14, 1902, rendered its decision refusing the application of Peann Myers, et al. for identification as Mississippi Choctaws, and on August 18, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the said application of Peann Myers, et al. Since that date Peann Myers has forwarded to the Secretary of the Interior, affidavits

8 & 0 4

tending to show her descent from the same common ancestor as Rachel Carter, and asked that her case be re-opened for the introduction of such evidence. On October 18, 1902, the Commission refused the application of Rachel Carter for identification as a Mississippi Choctaw, and she was granted fifteen days for the introduction of argument in her case. At the expiration of the fifteen days granted herein, no argument having been filed, the record in this case was on October 31, 1902, transmitted to the Secretary of the Interior for review. The Secretary of the Interior, having been informed on October 20, 1902, that the Commission had rendered a decision adverse to the applicant, Rachel Carter, advised Peann Myers, on October 30, 1902, that it appears that she would not be benefitted by another opportunity to present her claim to identification as a Mississippi Choctaw, through the ancestor of Rachel Carter, Charlotte Constance, and her request to have her case re-opened for further hearing was denied. The Commission therefore considers the case of Peann Myers closed.

It is not believed that any evidence which you could introduce showing the Choctaw descent of Rachel Carter would in any manner materially benefit her case.

Respectfully,

Acting Chairman.

D. C., 2215-1903.

(COPY)

RAP.

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

January 22, 1903.

ITD. 290-1903.
L. R. S.

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

Gentlemen:

October 31, 1902, you transmitted the record in the matter of the application for identification of Rachel Carter as a Mississippi Choctaw.

The applicant claims to be a descendant of one Charlotte Constance, alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Charlotte Constance or a less remote ancestor of the applicant complied or attempted to comply with article 14 of the treaty of September 26, 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 October 15, 1902.

Forwarding the papers January 8, 1903, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has carefully considered the record and hereby affirms your decision.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

M.C.R. 1180

COPY.

Muskogee, Indian Territory, January 31, 1903.

Mansfield, McMurray & Cernish,

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

Gentlemen:

You are hereby notified that on the 22nd day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application made by Rachel Carter for identification as a Mississippi Choctaw, of which decision you were advised by mail on the 15th day of October, 1902.

Respectfully,

Yours truly,

Jame Dixby.

Acting Chairman.

N.C.R. 1180

copy.
Muskogee, Indian Territory, January 31, 1903.

Rachel Carter,
Watson, Mississippi.

Dear Madam:

You are hereby notified that on the 22nd day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application made by you for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

(SIGNED)

Tame Linby.
Acting Chairman.

Land, 65,779-1902.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Jan. 8, 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 application of Rachel Carter for identification as a Mississippi Choctaw, wherein a decision adverse to the applicant was rendered by the Commission on October 15, 1902.

The testimony in this case shows that Rachel Carter bases her claim to identification as a Mississippi Choctaw under this application because of her descent from Charletta Constance. She claims that her ancestor was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The Commission rejected her because the name of the party through whom she claims did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicant herself had never been enrolled as a citizen of the Choctaw Nation.

An examination has been made of the records of this office with reference to Charlette Constance and it is found that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

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

Very respectfully,

W. A. Jones,

Commissioner.

(E.H.H.)
P.

No. 1180

For Identification as a Mississippi Choctaw.

Date DEC 21 1900

Name Rachel Carter.

Age 56 Blood 1/4

Post Office, (Batson, Miss.

Father: Si. Carter - dead

Mother: Viney Carter - dead

Claims through mother

HUSBAND:

Primus Carter
(no claim for husband).

Children:

Stenographer:
Anna Bell.

DECISION... OCT 15 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 15 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 15 1902

RECORD FORWARDED DEPARTMENT.

OCT 31 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN 22 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JAN 31 1903

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

JAN 31 1903

Choctaw MCR 1181

Peann Myers

See MCR 1179

MCR 1181

MISSISSIPPI CHOCTAW

Leann Myers, 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 18 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

AUG 29 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT TORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

AUG 29 1902

REFER TO M. C. R. 1179

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
HATTIESBURG, MISSISSIPPI, DECEMBER 21, 1900.

In the matter of the application for identification as Mississippi Choctaws of Peann Myers and her five minor children. Peann Myers, having been first duly sworn by Acting Chairman, Tams Bixby, on her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Peann Myers.
Q How old are you? A I am about thirty five years old I reckon.
Q What is your post office address? A Batson.
Q Where is that? A Mississippi.
Q Do you live in Mississippi? A Yes sir.
Q How long have you lived here? A All my life. I aint never been nowhere else.
Q What is your father's name? A Primus Carter.
Q Is he living? A Yes sir.
Q What is your mother's name? A Elizabeth Carter.
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 mother, grandpa and grandmother.
Q How much Choctaw blood do you claim? A I don't know sir, my mother was Aunt Rachel's sister, and I don't know how much that would make me.
Q How much was Aunt Rachel's sister? A Well her mother was three fourths Indian.
Q Well, that don't get at yours. How much Choctaw blood do you claim?
A Well, I reckon I'd be about one fourth or something, I don't know how much it would make me.
Q How much was your mother? A She was two fourths Indian I reckon.
Q Two fourths? A Yes sir, her mother was three fourths, and I reckon that would make her two fourths.
Q And make you one fourth? A Yes sir.
Q Was your mother ever a slave? A Yes sir.
Q Was your father? A Yes sir.
Q Was you mother's father and mother slaves? A Yes sir.
Q All of them slaves? A Yes sir.
Q You was born after the emancipation? A Yes sir.
Q You was never a slave? A No sir.
Q Is your name on any of the tribal rolls in Indian Territory?
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 ever make application to the Commission to the Five Civilized Tribes in 1896 under the act of Congress of June 10, 1896, 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 in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
Q Have you ever made any application prior to this time either to the Choctaw tribal authorities or the Commission for either citizenship or enrollment as a Choctaw? A No sir.
Q This is the first application you have ever made? A Yes sir.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q Do you claim under the fourteenth article of the treaty of 1830?
A I don't know what that is.
Q Never heard of that before, did you? A No sir.
Q Do you know what year this is? A Yes sir.
Q What is it? A Eighteen--- well, I don't know sir, I forgot.
Q Do you know what month this is? A Yes sir.
Q What month is it? A December.
Q Well, December what year? A 18--- I don't know sir

Myers- 2

- Q Do you know how long ago 1830 was? A No sir.
- Q About how long do you think it would be? A 1830?
- Q Yes? A I don't know sir.
- Q Have you any evidence showing that any of your mother's people were ever Choctaw Indians? A Sir?
- Q Have you any evidence to show that your mother's people were Choctaw Indians? A Nothing only what they told me.
- Q Do you know the name of your mother's father? A My mother's father?
- Q Yes. A Yes sir.
- Q What was it? A Luke Holiman.
- Q Was he a Choctaw Indian? A Yes sir.
- Q Was he living here in 1830? A Yes sir, he was living, I think he was.
- Q Was he a Choctaw Indian? A Yes sir.
- Q How do you know? A He said he was.
- Q Did he remove from the state of Mississippi to the Indian Territory when the Choctaws removed there? A No sir.
- Q Did he signify to the United States Indian Agent of the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I never heard them say nothing about moving.
- Q Did you ever see him? A Yes seen him lots he used to stay around here.
- 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 under any other treaty provisions 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 Frank ~~Maix~~ Myers.
- Q Is he a negro? A Yes sir.
- Q Making any claim for him? A No sir.
- Q Have you any children? A Yes sir.
- Q How many children have you under twenty one years of age and unmarried? A Five.
- Q Do you want to make application for them? A Yes sir.
- Q What are their names and ages? A The oldest one is Luke Myers; he is thirteen.
- Q What is the next one? A The other Myra, she is nine years old.
- Q All right, the next one? A Leonard Myers.
- Q How old is Leonard? A Six years old.
- Q The next one? A Nevada Myers.
- Q How old is Nevada? A Five years. Feazelle.
- Q How old is Feazelle? A Two years old.
- Q Is that all? A Yes sir.
- Q You are the mother of these five children? are you? A Yes sir.
- Q And Frank Myers is the father of all five of them? A Yes sir.
- Q Have you been married only once? A No sir.
- Q Can you speak Choctaw? A No sir, my grandfather used to try to learn me to speak Choctaw but I never could.
- Q Is there any additional statement that you desire to make in support of this claim? A Rachel Carter is my aunt, that is my mother's sister.
- Q Is there any additional written evidence you desire to submit to the Commission for consideration 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 five minor children, for identification as Mississippi Choctaws, will be mailed to you in writing to your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above cause on the 21st day of December, 1900, and that the above and foregoing is a full true and correct transcript of her stenographic notes in said cause said date.

Anna Bell

Subscribed and sworn to before me this 7th day of January, 1900.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R. 1161.

Muskogee, Indian Territory, July 14, 1902.

Peann Myers,

Batson, Mississippi.

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 William Holiman, et al., embracing the following applications for identification as Mississippi Choctaws:

William Holiman, et al.,	M.C.R. 1179
Peann Myers, et al.,	" 1161

These applications were made under the provision of the act of Congress of June 28, 1896 (54 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 William Holiman, Marcella Holiman, Dominique Holiman, William Holiman, Jr., Pearl Myers, Luke Myers, Myra Myers, Leonard Myers, Nevada Myers and Peaselle Myers 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)

Sam Dickey

Acting Chairman.

M.C.R. 1181.

C.

Muskogee, Indian Territory, August 29, 1902.

Peann Myers,

Batson, Mississippi.

Dear Madam:

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 applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Heliman, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Yours truly,

Acting Chairman.

Miss. ChoctawR 1161

Muskogee, Indian Territory, September 20, 1902.

Mrs. Peann Myers,

Watson, Mississippi,

Dear Madam:

Receipt is hereby acknowledged of your letter of September 8, in which you state that you have received notice of the Commission's decision refusing your application for the identification of yourself and your minor children as Mississippi Choctaws, and of the action of the Secretary of the Interior affirming said decision. You now ask to be advised what has been done with the testimony of Rachel Carter which you say you offered in support of your application.

In reply to your letter you are advised that it appears from our records that Rachel Carter is an applicant for identification as a Mississippi Choctaw, and that no decision nor opinion has yet been reached relative to her rights as such Mississippi Choctaw. It does not appear from the testimony offered by her in support of her application, nor from your testimony at the time you made application, that any relation was shown between you and Rachel Carter; nor that the testimony of Rachel Carter was ever offered in support of your application. An examination of the testimony of Rachel Carter has been made, however, and it is not believed that anything contained

P.V. 2

therein could materially affect your case. The Commission requires of applicants for identification as Mississippi Choctaws a reasonable demonstration that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830 or who were adjudicated beneficiaries under the said article of the treaty by either of the Commissions authorized thereto by the acts of Congress of March 3, 1837 and August 23, 1842.

It does not appear from the records of the government in the possession of the Commission that Luke Holiman, the ancestor through whom you claim your Choctaw blood, ever complied or attempted to comply with the provisions of the said fourteenth article of the treaty of 1830, nor that his claim under the said article was ever adjudicated by either of the Commissions appointed under the acts of Congress of March 3, 1837 and August 23, 1842. The Commission therefore has no authority to identify you as a Mississippi Choctaw, and has rendered its decision refusing your application. The Secretary of the Interior having affirmed the said decision of the Commission refusing your application for the identification of yourself and your minor children as Mississippi Choctaws, the Commission considers this case closed.

Respectfully,

Acting Chairman.

Miss. Choctaw B1181

Muskogee, Indian Territory, October 3, 1902.

Mrs. Peann Myers,
Baton, Mississippi,

Dear Madam:

Your letter of September 16, addressed to the Secretary of the Interior, has been referred to this Commission for consideration and appropriate action. You state therein that you desire to make application for identification as a Mississippi Choctaw "on your grandmother's side."

In reply to your letter you are informed that on September 20, 1902, a letter was addressed to you by the Commission, advising you fully with reference to your application for identification as a Mississippi Choctaw. No decision nor opinion has yet been rendered relative to the rights of Rachel Carter as a Mississippi Choctaw. As soon as such decision is rendered she will be notified of the action of the Commission.

Respectfully,

Acting Chairman.

Miss. Choctaw R1161

Maskogee, Indian Territory, October 20, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

The Commission is in receipt of Departmental communication of October 7, 1902, (I.T.D. 6094-1902), relative to the application of Peann Myers, of Hattson, Mississippi, for identification as a Mississippi Choctaw, with which were inclosed four affidavits forwarded by the said Peann Myers, tending to show that she claims rights to identification as a Mississippi through an ancestor of Rachel Carter.

You state that on September 20, 1902, the Commission advised Mrs. Peann Myers that Rachel Carter is an applicant for identification as a Mississippi Choctaw; that no decision nor opinion has yet been reached relative to her rights; that it does not appear from the testimony offered by her in support of her application, nor from the testimony of the applicant at the time she made application, that any relation was shown between her and Rachel Carter, nor that the testimony of Rachel Carter was ever offered in support of Myers' application; and, further, that an examination of the testimony of Rachel Carter had been made and it was not believed that anything

contained therein could materially affect Myers' case.

You request that the four affidavits forwarded to the Department by Peann Myers, which were inclosed with Departmental letter of October 7, 1902, be examined in connection with the case of Rachel Carter, and the Department advised whether Mrs. Myers would be benefited by another opportunity to be heard.

The Commission has the honor to report that on October 15, 1902, its decision was rendered refusing the application of Rachel Carter for identification as a Mississippi Choctaw, and that notice thereof was on the same date forwarded to the said Rachel Carter by registered mail, and, in accordance with Departmental instructions of September 20, 1902, she was advised that she would be allowed fifteen days from that date within which to submit such arguments as she might desire to present, and that at the expiration of that time, the record in the case, together with such arguments, would be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs. The record in the case of Rachel Carter is now being held at this office pending the expiration of the fifteen days granted for the submission of arguments.

It appears from the record in the case of Rachel Carter that she claims descent through one Charlotte Constance, and the affidavits transmitted with your letter tend to show the descent of Peann Myers from the said Charlotte Constance; but there was nothing in the oral statement of either Peann Myers or Rachel Carter, at the time of their application, to show descent from the same common an-

cestor, Charlotte Constance.

It appears from the records of the government in the possession of the Commission that the name of Charlotte Constance is not found among the names of those persons who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830 (7 Stats., 333), or among those persons whose claims were adjudicated under the acts of Congress of March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513), and who received land or scrip as beneficiaries under the fourteenth article of the said treaty of eighteen hundred and thirty.

The affidavits inclosed with your letter of October 7, 1902, are therefore herewith returned, with the report that it is not believed that Mrs. Myers would be benefitted by another opportunity to present her claim to identification as a Mississippi Choctaw, through the ancestor of Rachel Carter, Charlotte Constance.

Respectfully,

- Copy -

J.P.

DEPARTMENT OF THE INTERIOR.

FHE

I.T.D. 6094-6622-1902.
L.R.S.

Washington, October 30, 1902.

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

Gentlemen:

Referring to your report of October 20, 1902, relative to the application of Peann Myers for identification as a Mississippi Choctaw, you are advised that the department has this day advised the said applicant that it appears that she would not be benefitted by another opportunity to present her claim to identification as a Mississippi Choctaw, through the ancestor of Rachael Carter, Charlotte Constance.

Respectfully,

E. A. HITCHCOCK,

Secretary.

KMD.

Miss. Choctaw 11100
Miss. Choctaw 11101

Muskogee, Indian Territory, November 19, 1902.

Currie & Currie,

Attorneys at Law,

Hattiesburg, Mississippi,

Gentlemen:

Receipt is hereby acknowledged of your letter of November 15, in which you say that Rachel Carter and Peann Myers have referred to you their correspondence with this Commission relative to their claims for identification as Mississippi Choctaws; that it appears from the correspondence that their claims were refused on the ground of insufficient evidence; that you have investigated the facts relative to their respective claims and believe that if they could get a further hearing satisfactory proof could be made of their Choctaw descent. You therefore ask for an extension of time within which to present further evidence in these cases, and request to be advised the method of procedure necessary to get this evidence before the Commission.

In reply to your letter you are advised that Rachel Carter and Peann Myers appeared before the Commission as applicants for identification as Mississippi Choctaws under article fourteen of the treaty of 1830.

The Commission is authorized as follows by the act of Congress of June 28, 1898:

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

The fourteenth article of the treaty of 1830, referred to in the above legislation, is as follows:

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

The Commission, in determining the rights of applicants for identification as Mississippi Choctaws, requires that they reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

C & C 3

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress approved June 28, 1898, uses the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those

'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.'"

It would therefore be necessary, in order for these applicants to obtain rights as Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that their ancestor who was living at the date of the conclusion of the treaty of 1830 was a beneficiary under the provisions of article fourteen thereof.

The names of the ancestors through whom Rachel Carter and Peann Myers claimed Choctaw blood are not found, upon the records of the government in the possession of the Commission among the names of persons who complied with the provisions of article fourteen of the treaty of 1830 or received land or scrip thereunder.

The Commission on July 14, 1902, rendered its decision refusing the application of Peann Myers, et al. for identification as Mississippi Choctaws, and on August 18, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the said application of Peann Myers, et al. Since that date Peann Myers has forwarded to the Secretary of the Interior, affidavits

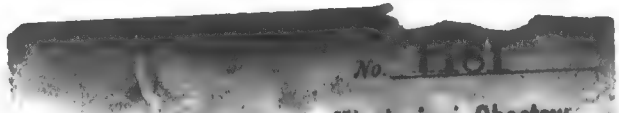
C & C 4

tending to show her descent from the same common ancestor as Rachel Carter, and asked that her case be re-opened for the introduction of such evidence. On October 15, 1902, the Commission refused the application of Rachel Carter for identification as a Mississippi Choctaw, and she was granted fifteen days for the introduction of argument in her case. At the expiration of the fifteen days granted herein, no argument having been filed, the record in this case was on October 31, 1902, transmitted to the Secretary of the Interior for review. The Secretary of the Interior, having been informed on October 20, 1902, that the Commission had rendered a decision adverse to the applicant, Rachel Carter, advised Peann Myers, on October 30, 1902, that it appears that she would not be benefitted by another opportunity to present her claim to identification as a Mississippi Choctaw, through the ancestor of Rachel Carter, Charlotte Constance, and her request to have her case re-opened for further hearing was denied. The Commission therefore considers the case of Peann Myers closed.

It is not believed that any evidence which you could introduce showing the Choctaw descent of Rachel Carter would in any manner materially benefit her case.

Respectfully,

Acting Chairman.



For Identification as a Mississippi Choctaw.

Date **DEC 21 1900**

Name *Pepann Myers.*

Age *35* Blood *1/4*

Post Office. *Batson, Miss.*

Father: *Primus Carter - ✓*

Mother: *Elizabeth Carter - dead*

Claims through *Mother.*

HUSBAND:

Frank Myers

(no claim for husband).

Children:

Luther Myers 13.

Myrea " 9.

Leonard " 6.

Nevada " 5.

Gayell " 3.

Stenographer.

Anna Bell.

Choctaw MCR 1182

George F. Martin

See MCR 203

MCR 1182

George F. Martin et al

REFUSED

DECISION RENDERED APR 21 1902

NOTICE OF DECISION MAILED APPLICANT.
APR 21 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.
APR 21 1902

NOTICE OF DECISION FORWARDED ATTORNEYS
FOR CHOCOTAW AND CHOCTAW NATIONS.
APR 21 1902

RECORDS FORWARDED DEPARTMENT.
APR 21 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.
NOV 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT.
NOV 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT.
NOV 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO CHOCTAW
AND CHOCTAW NATIONS

REFER TO H. C. R. 203

1/4/04. P.O. Randolph, Ala

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hattiesburg, Miss/ Dec. 21, 1900.

In the matter of the application of George F. Martin for the identification of himself and his four minor children as Mississippi Choctaws.

The said George F. Martin, being sworn and examined by Acting Chairman Bixby, testified as follows:

- Q What is your name? A George F. Martin.
Q How old are you? A Forty-seven.
Q What is your post office address? A Stanton, Alabama.
Q How long have you lived in Alabama? A I was born there.
Q Lived there all your life? A Yes.
Q What is your father's name? A George P. Martin.
Q Is he living? A No, sir.
Q Was he a Choctaw Indian? A I couldn't tell you, sir.
Q What was your mother's name? A Wancy J. Martin.
Q Is she living? A No, sir; she is dead.
Q Was she a Choctaw Indian? A I don't know.
Q What are you applying for? A They claim my grandmother was part Choctaw.
Q Grandmother on your father's side? A Yes, sir.
Q What was her name? A My grandmother was named Martha Martin.
Q You claim your Choctaw Indian blood, then, through your father? A Why, yes, my father.
Q How much Choctaw Indian blood do you claim to have?
A From what I can learn it is about eight, about one-eighth. I don't know sure, and couldn't say.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't suppose it is.
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for citizenship in the Choctaw Nation?
A No, sir.
Q Did you or did any one in your behalf in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation in the Indian Territory under the Act of Congress of June 10th, 1896? A Not to my knowledge.
Q Have you ever prior to this time made any 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 Indian? A No, sir.
Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes, sir.
Q Do you claim under the 14th article of the treaty of 1830? A That is what I am claiming under, yes, sir.
Q Was Martha Martin living in Mississippi in 1830? A No, sir I don't think she was.
Q Was she a recognized member of the Choctaw tribe of Indians in 1830? A I couldn't say, sir.
Q Have you any evidence in support of the statement that Martha Martin was a Choctaw Indian? A Nothing more than from what old parties say, old people, you know, that knew her.
Q Well, where are the older people, are they here? A No, sir.
Q Do you know whether or not Martha Martin remained in Mississippi after the conclusion of the treaty of 1830? A No, sir.
Q She was not living here, was she? A No, sir; I don't think she was.
Q Then she couldn't have remained here. A No, sir; they settled right near Stanton, Alabama where I live.

George F. Martin et al-----2.

Q They never did live in Mississippi? A I don't think they did, sir.

Q Martha Martin did not remove to the Indian Territory with the other members of the Choctaw Tribe of Indians? A No, sir.

Q She could not have signified her intention to the United States Indian Agent of the Choctaw Indians in Mississippi to remain and become a citizen of the United States, could she? A No, sir; I suppose not.

Q Did Martha Martin, or any of your ancestors, ever claim or receive any land in Mississippi from the United States government? A I don't think they did.

Q Are you married? A Yes, sir.

Q Married to an Indian or white woman? A A white woman.

Q Have you any children under twenty-one years of age? A Yes, sir.

Q Do you wish to make any claim in their behalf? A Yes, sir.

Q What is the name of your wife? A Carrie.

Q Is she living? A Yes, sir.

Q What are the names and ages of your children under twenty-one and unmarried? A I have got one boy named Howell.

Q How old is Howell? A Sixteen last August.

Q Go ahead? A One girl named Edna, about twelve.

Q Any more? A Yes, then there is a boy ten, named Paul.

Q Well, go on. A And the next one is about six, a little past six, Carrie Beatrice. That is all I have under age.

Q Do these children live with you at your home? A Yes, sir/

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

Q Have you any documentary evidence which you wish to offer at this time in support of this application? A No, sir; I have none.

Q This is all the evidence you have is it? A Yes, sir.

THE ACTING CHAIRMAN: The decision of the Commission will be rendered upon a careful consideration of the testimony in this case, and a copy of the same will be mailed to you to your present post office address.

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The undersigned, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in the matter of this application at the time and place above mentioned, and that the foregoing is a true correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 3rd day of January
A. D. 1901.

Wm. J. Fisher
Wm. L. Emerson
Notary Public.

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

In the matter of the application of George F. Martin for the identification of himself and his minor children, Howell, Edna, Paul and Carrie Beatrice Martin, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that George F. Martin appeared before the Commission at Hattiesburg, Mississippi, December 21, 1900, and there made application for the identification of himself and his minor children, Howell Martin, Edna Martin, Paul Martin and Carrie Beatrice Martin, as Mississippi Choctaws. The provision of law vesting the 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 27th, 1830, is found in Section 21 of the Act of Congress approved June 28th, 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."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of George F. Martin and his minor children, Howell Martin, Edna Martin, Paul Martin and Carrie Beatrice Martin, 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,

Dated at Muskogee, Indian Territory,
this ____ day of _____, 1901.

ACTING CHAIRMAN.

M C R 1182

Muskogee, Indian Territory, January 6, 1905.

George F. Martin,
Randolph, Alabama.

Dear Sir:

You are hereby notified that the motion heretofore made before the Secretary of the Interior to reopen the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., was denied by the Department on December 24, 1904.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 8, 1901.

Mr. George F. Martin,
Stanton, Alabama,

Dear Sir:

Your letter of December 31, 1900, inclosing affidavits of Leroy Planagan and I. W. Moers, in support of your application for identification as a Mississippi Choctaw, is received. The affidavits are in proper form, and have been duly filed with the records in your case.

Yours truly,

AB

Muskogee, Indian Territory, February 4, 1901.

George F. Martin,
Staunton, Alabama.

Dear Sir:

The Commission is in receipt of your letter of the 14th ultimo, in which you state that you can produce any amount of evidence from the old people that your grand mother, Martha Martin, was the fourth Choctaw, and if it is necessary that you be so informed.

You are informed that the records of the Commission show that on December 31st, 1900, you appeared before the Commission at Hattiesburg, Mississippi and made application for the identification of yourself and four minor children as Mississippi Choctaws. No decision has as yet been rendered in your case and until a decision is rendered you will be permitted to file any evidence that you may desire in support of your application. The affidavits forwarded by you in your former letter have been duly filed with the records of the Commission and will receive consideration in the determination of your rights to identification as a Mississippi Choctaw.

Yours truly,

Asting Chairman.

M. C. R-1182

Atoka, Indian Territory, February 8, 1901.

The Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
Gentlemen:

I am in receipt of your letter of February 5, inclosing letter from George F. Martin, 651-1901, and draft of letter addressed to him. You are advised that the testimony does not show that any time was allowed this applicant in which to file additional evidence, or that he requested any additional time. The letter and report are herewith returned.

Yours truly,

Inclosure

Muskogee, Indian Territory, February 13, 1901.

Mr. George F. Martin,
Staunton, Alabama,

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th ultimo, in which you state that you can produce any amount of evidence from the old people in your neighborhood that your grandmother, Martha Martin, was one fourth Choctaw Indian. That if it is necessary to offer such testimony for filing with your application, that you be so informed.

Replying to your letter, you are informed that the records of the Commission show that on December 21, 1900, at Hattiesburg, Mississippi, you appeared and made application for the identification of yourself and four minor children as Mississippi Choctaws. At the time of your appearance and upon examination, in answer to the question of the Commission whether there was any documentary evidence which you desired to offer in support of your application, your answer was "No sir, I have none" and you were then informed that the decision of the Commission as to your application and the application made by you on behalf of your children for identification as Mississippi Choctaws, would be rendered upon a careful consideration of the testimony offered by you, and that a copy of the same would be mailed to you to your present post office address.

G.F.M. 2

There was no request made by you for time in which to file documentary evidence in support of your claim, but if you desire to offer the same at this time, the Commission will grant you until March 1, 1901. The affidavits forwarded by you in your former letter have been duly filed with the records of the Commission, and will receive consideration in the determination of your right to identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

MC R 1182

Muskogee, Indian Territory, March 1, 1901.

Mr. George F. Martin,
Staunton, Alabama,

Dear Sir:

The Commission is in receipt of your letter of February 29, inclosing affidavit of N. W. Davis, which you offer for filing in support of your application for identification of yourself and minor children as Mississippi Choctaws, and the same has been duly made a part of the record in this case.

Yours truly,

Acting Chairman.

MC 1182

Muskogee, Indian Territory, July 20, 1901.

Mr. George Martin,
Stanton, Alabama,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 3, inclosing certificate of E. B. Deason, Clerk of the Circuit Court of Chilton County, Alabama, which you ask to have filed with the records in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. The same has been made a part of the record in your case.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, August 9, 1901.

Mr. George F. Martin,
Stanton, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 29th in which you state that you anticipate moving to the Territory and would like to be advised when you will know positively regarding your identification as a Mississippi Choctaw.

In reply you are informed that it appears from our record that on December 21st, 1900, George F. Martin appeared before the Commission at Hattiesburg, Mississippi and applied for the identification of himself and four minor children as Mississippi Choctaws. No decision or opinion has yet been rendered by the Commission relative to your right to identification as a Mississippi Choctaw and we are unable to advise you at this time when such decision or opinion will be rendered. When an opinion in regard to your application is formulated a copy of the same will be mailed to you at your post-office address.

Yours truly,

Muskogee, Indian Territory, December 17, 1901.

F. E. Arnold,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the fourteenth instant, inclosing certified copy of the marriage license, certificate and bond of George F. Martin and Miss Carrie W. Paul, dated November 7, 1871, which you offer for filing in support of the application for identification as Mississippi Choctaws of George F. Martin, et al. The same has been made a part of the record in this case.

Yours truly,

Commissioner in Charge.

MC 1182

COMMISSIONERS
HENRY L. DAVIS,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRIDGEMAN.

ALLISON L. AYLERWORTH,
SECRETARY

COPY.

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

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

George P. Martin,
Stanton, Ala.

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 Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1183
Robert M. Martin, et al.,	M	C	R	1180
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

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 Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trell Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beattrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Mar-tin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar- vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin. Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands un- der the provision of law above quoted, 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 Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar- ried Mississippi Choctaws, 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.*

Registered.

Acting Chairman.

COPY

NOV. 18, 1902

Muskogee, Indian Territory, November 18, 1902.

George A. Martin,

Prichard, Alabama.

Dear Sir:

You are hereby advised that on the 1st day of November, 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 Susan J. Yipit, et al., of which decision you were advised by registered mail on the 11st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Yours truly,

SIGNED

James Bixby.

Acting Chairman.

Muskogee, Indian Territory, December 21, 1903.

George F. Martin,
Stanton, Alabama.

Dear Sir:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

O P H A

and now directs the Commission to notify you that if you wish to
take any further action relative to the motion filed by V. H.
[Name] on March 29, 1938, you will be allowed thirty days from
this date for that purpose.

Respectfully,

Chairman.

Muskogee, Indian Territory, December 21, 1903.

George F. Martin,
Stanton, Alabama.

Dear Sir:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

S F N 2

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by V. M. Springer, on March 24, 1948, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 6, 1904.

G. F. Martin,
Randolph, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter, without date, enclosing letter from this office to you, dated December 21, 1903. You state that you would be glad to learn of some good man who is willing to take your case on a reasonable commission, and that you haven't any money to spare.

Our letter of December 21, 1903, was to inform you that the Department would allow you thirty days from the date of said letter in which to take further action in regard to the motion for review filed by W. M. Springer in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., of which your application is a part.

You are advised that the Commission is now without authority to receive or consider any further evidence in support of your claim, as its decision of April 21, 1903, refusing the several applications included in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al. was approved by the Secretary of the Interior on November 1, 1903, and the case closed.

As the record in this case is now in the hands of the

G. T. M. 2

Secretary, you should correspond with him if you desire to take further action in regard to the above mentioned motion.

The letter enclosed by you is herewith returned, and you are advised that the Commission cannot accept to procure the services of an attorney for you, as this is a matter which is left entirely to the discretion of the applicant.

Respectfully,

Chairman.

MM 79

COPY

MUR-1182

Muskogee, Indian Territory, January 17, 1907.

George V. Martin,
Randolph, Alabama.

Dear Sir:

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself and children is a part.

Respectfully,

SIGNED

Gams Bixby.

Commissioner.

For Identification as a Mississippi Choctaw.

Date

DEC 21 1900

Name

George F. Martin

Age

47

Blood 1/8

Post Office,

Stanton, Alabama

Father:

George P. Martin (dead)

Mother:

Nancy J. Martin (dead)

Claims through

father

Martha Martin his paternal

grandmother.

Children:

Arnell 16

Edna 12

Paul 10

Carrie B. 6

Stenographer:

Wellshear.

G. O. Number -69-1901.

M.C. 1182 , George F. Martin
et al.

On Dec. 21, 1900, George F. Martin, 47 years of age, of Stanton, Alabama, appeared before the Commission at Hattiesburg, and applied for identification of himself and four minor children, Howell, Edna, Paul and Carrie B. Martin as Mississippi Choctaws. Judgment not yet rendered. Affidavit inclosed, has been filed; letter herewith inclosed, acknowledging receipt of same, as per instructions in yours of January 7, 1901.

Atoka, I.T. January 8, 1901.

AB

G.O. 661-1901.

George F. Martin, Staunton, Al
Jan. 12, 1901.

M.C.R 1182 George F. Martin
et al

On December 21, 1900, George
F. Martin, 47 years old of
Staunton, Ala. appeared before
the Commission at Hattiesburg
and applied for identifica-
tion of himself and four
minor children. No action
taken in this case. It does
not seem to be the province
of this office to advise
the applicant whether he has
filed sufficient evidence in
support of his claim. The
affidavits forwarded by him
in former letter were filed.

Atoka, January 19, 1901.

AB

Choctaw MCR 7183

Ephraim Manquum

See MCR 3454, 3462, 1618, 1598

Supplemental 3337, 3338, 3339, 3340, 3342

MCR 1183

Pharmaceutical

REFUSED.

RECORD INDEXED APR 15 1902

NOTICE OF DECISION MAILED APPLICANT.
APR 25 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.
APR 25 1902

RECORD FORWARDED DEPARTMENT.
APR 25 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.
MAY 29 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.
JUN 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
JUN 9 1902

REFER TO M. C. R. 3454, 3462,
1618, 1598.

Supplemental 3337-3338-3339-3340-3342

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
HATTIESBURG, MISSISSIPPI, DECEMBER 21, 1900.

In the matter of the application of Ephraim Manguin for identification as a Mississippi Choctaw. Ephraim Manguin, having been first duly sworn by Acting Chairman, Tams Bixby, testified as follows

Examination by the Commission.

- Q What is your name? A Ephraim Manguin.
Q How old are you? A I am forty nine years old.
Q What is your post office address? A Belo.
Q Where is it? A It is up here in Simpson.
Q Mississippi? A Yes sir.
Q Do you live in Mississippi? A Yes sir.
Q How long have you lived here? A Born here.
Q Lived here all your life? A Yes sir.
Q Ever lived anywhere else? A No sir.
Q What is your father's name? A Billy.
Q Billy Manguin? A Yes sir.
Q Is he living? A No sir, he died in '68.
Q What is your mother's name? A Minerva.
Q Through which one of your parents do you claim your Choctaw blood?
A My father. He was a full blood.
Q Was he ever a slave? A No sir.
Q Your mother a slave? A Yes sir, my mother was.
Q She was a negro? A Yes sir.
Q Your father a Choctaw Indian? A Yes sir.
Q Did he ever have any Indian Name? A Manguin is all.
Q Never heard of his having any Indian name? A Only Billy. His name was Billy.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know sir, whether it is or not; I don't think it is.
Q Did you ever make application to the tribal authorities of the Choctaw Nation for citizenship in that Nation? A I tried to, but never got in.
Q Did you ever make any application? A No sir.
Q Did you or did any one in your behalf in 1896 make application to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896 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 Court in Indian Territory?
A No sir.
Q Have you ever made application of any description for either citizenship or enrollment as a Choctaw? A I have tried but never did get it.
Q Have you made any application? A No sir.
Q What do you mean by trying? A I went over there to see.
Q Where, the Indian Territory? A Yes sir.
Q When? A I went over there about six years ago.
Q Where did you go? A Went to Ardmore.
Q Who did you see at Ardmore? A There was a lawyer over there sent for me by the name of Tom Norman.
Q Is that the only person you saw? A That I know, you mean.
Q What did he want? A He wanted me to register, but I couldn't register because I was not a citizen.
Q Where did you go? A I went before the Commission.
Q What Commission? A The Dawes Commission.
Q Do you remember who was there? A I don't remember any of the names at all.
Q Who did they look like? A The one I talked to looked like a full Choctaw Indian.

Manguin-2

- Q It was a Choctaw Commission wasn't it? A I don't know; he told me I could not register there unless I had been a citizen for four or five years.
- Q Wasn't that about four or five years ago when they were making a roll? A I don't know.
- Q What did you want to register for, what was going on? A This young man was a lawyer and went from this state and knowed me to be an Indian, a part, about a half and he said he could get up my claim and he went up there to try to get it up but never did, or if he did I never have seen or heard or knowed nothing, and he said just come out to Dawes Commission, I think he called it the Dawes Commission, and that is the last I know of it.
- Q How long ago is that? A About four years ago I guess.
- Q About '96, four years ago this fall? A I could not tell, boss, really.
- Q About that long? A Somewhere along there.
- Q Did you ever hear anything from it? A No sir, only that they ruled it out, could not do anything with it.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Are you claiming under the fourteenth article of the treaty of 1830? A Yes sir.
- Q Have you read the fourteenth article of the treaty of 1830? A No sir.
- Q Anybody ever read it to you? A No sir.
- Q Do you know what it is, I might have read it myself.
- Q Do you know how long ago 1830 has been? A No sir.
- Q What year is this? A This is 1919.
- Q What year? A Aint this 19.
- Q 19 what? A Well, Cap, you have me--- 1900 isn't it.
- Q Then how long ago is 1830? A 1830?
- Q Yes. A It would be seventy years ago.
- Q Do you know the name of your ancestor-- do you know what that word means? A Yes.
- Q Do you know the name of your ancestor who was living in Mississippi in 1830? A No sir, my mother come from old Virginia, and my father just had one brother and his name was Milantahabee, and if I have got any more people than that, I don't know about it.
- Q Do you know what your father's father's name was? A Billy.
- Q Billy what? A Indian is all I know about it.
- Q What was his mother's name? A I don't know.
- Q Did your father's mother and father move to Mississippi.
- A I don't know where their mother and father was.
- Q Did your father move out there when the Choctaw Indians were moved.
- A I don't know about that boss. I just know he was here and stayed with me until 1868 he died I believe in 1868.
- Q Did your father ever remove to the Indian Territory? A No sir.
- Q Have you ever been a slave? A Yes sir, my father he was not.
- Q Did any of your ancestors ever receive any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir, not that I know of.
- Q Did you ever receive any benefits as a Choctaw? A No sir.
- Q Did you ever receive any money? A No sir, not a cent.
- Q Are you married? A Yes sir.
- Q Is your wife an Indian? A No sir.
- Q Not making any claim for her, are you? A No sir, if I can't, if it is not lawful.
- Q Have you any children? A Yes sir, two.
- Q All over twenty one years of age, are they? A Yes sir.
- Q Just making this application for yourself, are you? A Yes sir.
- Q If the Commission is enabled to identify you as a Mississippi Choctaw from the evidence submitted by you, is it your intention to

Manguin-3

remove to the Indian Territory for the purpose of establishing a residence there? A Yes sir.

Q Is there any additional statement that you want to make? A No sir. I have got brothers and sisters.

Q They will have to apply for themselves you understand? A Yes sir.

Q Have you any documentary evidence, any papers or other evidence showing that your ancestors were recognized Choctaw Indians in Mississippi? A Yes sir, I have got plenty of witnesses to prove I am not far from home, just where I was bred and born up here in Simpson.

Q To prove what? A My Indian blood.

Q Just what you have stated to us here? A Yes sir.

Q Have you any papers showing about your father and his people further back? A No sir.

Q Well, any papers showing that they were ever recognized as Choctaw Indians? A No sir.

Q Can you speak Choctaw? 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 to your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 21st day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 31st day of December, 1900.

William B. Hopkins

Notary Public.

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

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In the matter of the application of Ephraim Manguin et al., for identification as Mississippi Chestaws, consolidating the applications of

Ephraim Manguin,	H.C.R. 1105
Lee Mangrum et al.,	" 3484
Henry Mangrum,	" 3482
Caesar Mangrum et al.,	" 1898
Mary Foot et al.,	" 1618.

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 Ephraim Manguin for identification as a Mississippi Chestaw.....	1
Original application of Lee Mangrum et al., for identification as Mississippi Chestaws.....	4
Original application of Henry Mangrum for identification as a Mississippi Chestaw.....	10
Original application of Caesar Mangrum et al., for identification as Mississippi Chestaws.....	14
Ex parte affidavit of Caesar Mangrum.....	17
Joint ex parte affidavit of G. R. Norman and Adam Harper.....	18
Original application of Mary Foot et al., for identification as Mississippi Chestaws.....	19

Ex parte affidavit of Adam Harper..... 22

Certified copy of marriage certificate between Robert Foot and Mary Mangrum..... 23

Final decision of the Commission in the consolidated case of Ephraim Mangum et al., refusing said application..... 24.

.....

MEM
JWB
C. & W.
4000/3.

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

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In the matter of the application of Ephraim Mangum et al., for identification as Mississippi Choctaws, consolidating the applications of

Ephraim Mangum,	H.C.R. 1183
Lee Mangrum et al.,	" 3454
Henry Mangrum,	" 3462
Caesar Mangrum et al.,	" 1598
Mary Foot et al.,	" 1618.

D E C I S I O N.

The record in the above consolidated case shows that there were, originally, five applications, made separately by the parties named, at the times and places herein set forth, to-wit:

In the matter of the application of Ephraim Mangum for the identification of himself as a Mississippi Choctaw, taken at Hattiesburg, Mississippi, December 21, 1900.

In the matter of the application of Lee Mangrum for the identification of himself and his two minor children, Eliza J. and Mary C. Mangrum, as Mississippi Choctaws, taken at Meridian, Mississippi, September 3, 1901.

In the matter of the application of Henry Mangrum for the identification of himself as a Mississippi Choctaw, taken at Meridian, Mississippi, September 3, 1901.

In the matter of the application of Caesar Mangrum for the

identification of himself and his five minor children, Mattie, Walter, Eugenia, Minerva and Susie Mangrum, as Mississippi Choctaws, taken at Meridian, Mississippi, April 2, 1901.

In the matter of the application of Mary Foot for the identification of herself and her two minor children, Vera Lee and Anthony C. Foot, taken at Meridian, Mississippi, April 3, 1901.

In accordance with Departmental instructions of June 10, 1901, and July 25, 1901, the Commission to the Five Civilized Tribes has consolidated these several applications into the consolidated case of Ephraim Manguin et al., as claimants under the same common ancestor, and while these several applications have been so 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 Ephraim Manguin that on December 21, 1900, the said Ephraim Manguin 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 Billy Manguin, an alleged full blood Choctaw, and Minerva (last name not given), a negro woman, who are the parents of this applicant.

The record in this case further shows that the applicant,

Ephraim Manguin, 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 evidence offered in support of this application consists solely of the oral statement of the applicant, by which it is attempted to be shown that he was born in the state of Mississippi in about the year 1851 and has always since resided there, and claims to be an one-half blood Choctaw. He only attempts to trace his alleged Choctaw descent through his father to his grandfather, Billy Indian, and states that he does not know the name of his ancestor who was living in Mississippi in 1830. There is nothing in his testimony which would tend 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 Lee Mangrum et al., and the record therein shows that on September 3, 1901, the said Lee Mangrum appeared before the Commission at Meridian, Mississippi, and there made personal application for the identification of himself and his two minor children, Eliza J. and Mary C. Mangrum, as Mississippi Choctaws, claiming descent from

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 Ephram Mangrum, an alleged one-half blood Choctaw, and Eliza (last name not given), a negro woman, who are the parents of this applicant.

The record in this case further shows that the principal applicant, Lee Mangrum, and his 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, (29 Stats., 321).

The evidence offered in support of this application consists solely of the oral statement of the principal applicant, by which it is attempted to be shown that he was born in the state of Mississippi about the year 1875, and it does not appear that he had ever resided in Indian Territory, and he claims to be an one-fourth blood Choctaw. He attempts to trace his alleged Choctaw descent through his father, who he says was a slave, to his grandfather, whose English name, he states, was Billy, and who he claimed had an Indian name something like Bah-le-tubbee and spoke the

Choctaw language. It does not appear that the principal applicant knows who of his alleged Choctaw ancestors, if any, were living in the state of Mississippi in 1830, and there is nothing in his testimony which would tend 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. NOTE:-Though the last name of this applicant is given as Mangrum, and that of the principal applicant in this group of consolidated cases as that of Manguin, yet, from the statement made by the principal applicant herein, the Commission is enabled to trace the relationship existing between them, and no doubt is entertained as to the identity of the principal applicant in this case as a son of the principal applicant in this group of consolidated cases.

The next in order of the above applications is that of Henry Mangrum, and the record therein shows that on September 3, 1901, the said Henry Mangrum appeared before the Commission at Meridian, 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 Ephram (last name not given), an alleged one-half blood Choctaw, and Hannah (last name not given), a negro woman, who are the parents of this applicant.

The record in this case further shows that the applicant, Henry Mangrum, 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 evidence offered in support of this application consists solely of the oral statement of the applicant, by which it is attempted to be shown that he was born at Gato, (name of state not given) about the year 1879, and it does not appear that he has ever lived in the Indian Territory, and he claims to be an one-fourth blood Choctaw. He attempts to trace his alleged Choctaw descent through his father, who, he says, was a slave, to his grandfather, whose English name was Billy, and who he claims was a full blood Indian, but he does not attempt to give any further information as to his alleged Choctaw grandfather. It does not appear that he knows which one of his alleged Choctaw ancestors, if any, were living in the state of Mississippi in 1830, and there is nothing in his testimony which would tend 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. NOTE:-Though the last name of this applicant is given as Mangrum, and that of the principal applicant

in this group of consolidated cases as Manguin, yet, from the statement made by the applicant herein, the Commission is enabled to trace the relationship existing between them, and no doubt is entertained as to the identity of the applicant in this case as a son of the principal applicant in this group of consolidated cases.

The next in order of the above applications is that of Caesar Mangrum et al., and the record therein shows that on April 8, 1901, the said Caesar Mangrum appeared before the Commission at Meridian, Mississippi, and there made personal application for the identification of himself and his five minor children, Mattie, Walter, Eugenia, Minerva and Susie Mangrum, 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 Billy Indian, an alleged full blood Choctaw, and Minerva (last name not given), a negro woman, who are the parents of this applicant.

The record in this case further shows that the principal applicant, Caesar Mangrum, and his five 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 the principal applicant and the joint ex parte affidavit of C. R. Norman and Adam Harper. By the oral statement of the principal applicant it is attempted to be shown that he was born in about the year 1847, but he does not state where he was born, and it does not appear that he has ever resided in Indian Territory, and he claims to be an one-half blood Choctaw. He only attempts to trace his alleged Choctaw descent to his father, who, he says, always lived in Mississippi until the time of his death in 1894, at the age of from eighty to ninety, but there is nothing in his testimony which would tend to show whether or not his said father was married and at the head of a family in 1830, nor is there anything which would tend to show that his said father or 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. By the ex parte affidavit of the principal applicant it is attempted to be shown that he was married to Beaty Grubbs, in February, 1872, and has since lived with her as his wife, but he can not furnish a legal certificate of his marriage for the reason that the court house of Simpson County, Mississippi, with the records of the circuit clerk's office, has been totally destroyed by fire. By the joint ex parte affidavit of C. R. Norman and Adam Harper it is attempted to be shown that they are acquainted with Caesar Mangram,

presumably the principal applicant herein, and that they knew his father, whose name was Billy Indian, who was a full blood Choctaw, and was born and died in the state of Mississippi. There is nothing in any of these affidavits which would tend to show that the alleged Choctaw ancestors of the principal applicant 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 the fourteenth article of the treaty of 1830.

NOTE:-There is nothing in the record herein which directly shows any relationship existing between the principal applicant herein and the principal applicant in this group of consolidated cases, but by the similarity in their names and by the fact that they give the same names of, and information concerning their parents, the Commission is enabled to trace the connection, and no doubt is entertained that they are brothers, descendants of the same parents.

The last in order of the above applications is that of Mary Foot et al., and the record therein shows that on April 3, 1901, the said Mary Foot appeared before the Commission at Meridian, Mississippi, and there made personal application for the identification of herself and her two minor children, Nora Lee and Anthony C. Foot, 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 Caesar Mangrum, an alleged one-half blood Choctaw.

taw, and Beadie Mangrum, a negro woman, who are the parents of this applicant.

The record in this case further shows that the principal applicant, Mary Foot, and her 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, (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 Adam Harper and a certified copy of the marriage certificate between Robert Foot and Mary Mangum. By the oral statement of the principal applicant it is attempted to be shown that she was born about the year 1879, but she does not state where she was born, and it does not appear that she has ever resided in Indian Territory, and she claims to be an one-fourth blood Choctaw. She attempts to trace her alleged Choctaw descent through her father to her grandfather, Billy Indian, who she states was a full blood Choctaw and lived in Mississippi in 1830, but she does not state whether or not he was at that time married and at the head of a family, and there is nothing in her testimony which would tend to show that her said grandfather or any of her alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of In-

dians 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 Adam Harper it is attempted to be shown that he is acquainted with Mary Foot, presumably the principal applicant herein, and knew her grandfather, a full blood Choctaw, Billy Indian by name, who was born and died in the state of Mississippi. There is nothing in said affidavit which would tend to show that any of the alleged Choctaw ancestors of the principal applicant 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 certificate filed herewith is simply evidence of the marriage between the principal applicant herein and her husband and of the legitimacy of the issue of said marriage. NOTE:-There is a discrepancy between the oral statement of the principal applicant and the marriage record herein, as to the maiden name of said principal applicant, inasmuch as in the former it is given as Mangrum and in the latter as Mangum, but no doubt is entertained as to the identity of the bride mentioned in said copy of marriage record, with the principal applicant herein.

The Commission, in view of the fact that the several 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 of said applications embraces the oral statements of the several applicants given at the making of their original applications, and the ex parte affidavits filed by them. By the evidence so submitted it

is attempted to be shown that the common ancestor through whom these several applicants claim their right to identification as Mississippi Choctaws, is one Billy Manguin or Mangrum, or Billy Indian. NOTE:-There is a discrepancy between several of the oral statements of the applicants as to the last name of their common ancestor, inasmuch as his name is variously given in said statements as Manguin, Mangrum and Indian, but no doubt is entertained that all the applicants refer to one and the same person. It appears from the record that the said common ancestor of the applicants was living in the state of Mississippi in 1830, but it does not appear whether or not he was married and at the head of a family, and there is nothing in the record herein which in any way relates to, or shows any compliance on the part of any of the alleged Choctaw ancestors of these applicants with the provisions of article fourteen of the treaty of 1830, or which tends to show that they were ever recognized members of the Choctaw tribe of Indians in the state of Mississippi.

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 article fourteen of the treaty of 1830, that any person by the name of Billy Manguin, or Billy Mangrum, or Billy Indian, signified his intention to Colonel Whitford, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented his 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 21st section

of the Act of Congress of June 28, 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."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ephraim Mangum, Lee Mangrum, Eliza J. Mangrum, Mary C. Mangrum, Henry Mangrum, Caesar Mangrum, Mattie Mangrum, Walter Mangrum, Eugenia Mangrum, Minerva Mangrum, Susie Mangrum, Mary Foot, Hera Lee Foot, and Anthony C. Foot as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that their application for identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



C. K. Beckwith
Commissioners.

Muskegee, Indian Territory.

APR 15 1902

COPI

Refer in reply
to the following
Land.
28,584-1902.

DEPARTMENT OF THE INTERIOR/

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, May 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report dated April 25, 1902, from T. D. Needles, 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 consolidated case of Ephraim Mangum, et al.

The parties to said case apply for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830, and are as follows:

- Ephraim Mangum,
- Lee Mangum, et al.,
- Henry Mangum,
- Caesar Mangum, et al.,
- Mary Pott, et al.

The record in this case shows that the applicants attempt to trace their descent from Billy Mangum or Mangrum or

Billy Indian.

April 15, 1902, the commission found that the applicants were not entitled to identification as Mississippi Choctaws.

The office has examined the record in the case and does not believe it sufficient to warrant the identification of said parties as Mississippi Choctaws, and a careful search of the records of the office has been made and no record has been found showing that either of the alleged original ancestors of the applicants complied with the provisions of the 14th article of the treaty of 1830 or with the requirements of the Acts of March 3, 1837 and August 23, 1842.

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.)

P.

COPY

D. C. No. 9146-1902.

31879

F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

May 29, 1902.

I.T.D. 2962-1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

April 25, 1902, you transmitted the record in the applications for identification of Ephraim Manguin (M. C. R. 1183), Lee Mangrum and his children, Eliza J. and Mary C. Mangrum, (M. C. R. 3454), Henry Mangrum (M. C. R. 3462), Ceasar Mangrum and his children, Mattie, Walter, Eugenia, Minerva and Susie Mangrum, (M. C. R. 1598), and Mary Foot and her children, Nora Lee and Anthony C. Foot, (M. C. R. 1618), as Mississippi Choctaws.

The principal applicant in each of said cases above mentioned claims descent from one Billy Manguin or Mangrum, or Billy Indian, who is alleged to have been a full blood Choctaw Indian. In your decision of April 15, 1902, it is stated that none of the applicants herein has ever been duly enrolled or admitted to citizenship in the Choctaw Nation; that there is nothing in the testimony to show their common ancestor was the head of a family and a recognized member of the Choctaw tribe of Indians in Mississippi in 1830; and that your records do not show that any person by the name of Billy Manguin, or Billy Mangrum,

or Billy Indian, signified his intention to comply with the provisions of article 14 of the treaty of 1830, or presented his claim as a beneficiary under said article as provided in the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application.

In his letter of May 3, 1902, the Acting Commissioner of Indian Affairs states that no record has been found in the Indian Office to show that either of the alleged original ancestors of the applicants complied with the provisions of said article 14 or said acts of Congress above mentioned. He recommends that your decision be affirmed.

The Department finds no reason to disturb your decision, and accordingly affirms it. Copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

KMB

1 inclosure.

IDENTIFICATION AS
MISSISSIPPI CHOCTAW

Consolidated Case of
Ephraim Mangum
et. al. MCR. 1173.

Washoe, Indian Territory, January 7, 1901.

J. F. Deugh,

Braxton, Mississippi.

Dear Sir:

The Commission is in receipt of your letter of December 11th, 1900, addressed to the Secretary of the Interior, in which you desire to be informed if C. M. and E. M. Mangum are enrolled as Mississippi Choctaws.

You are informed that a careful search of the records of this Commission does not show that any parties by the name of C. M. and E. M. Mangum have ever appeared before the Commission as applicants for identification as Mississippi Choctaws.

The records do show however, that Ephraim Mangum, 49 years of age, of Dale, Mississippi appeared before the Commission at Hattiesburg, Mississippi, on December 21st, 1900, and made application for identification as a Mississippi Choctaw, but no decision has as yet been rendered in the matter of his application. The Commission, however, contemplates rendering such decision in the near future when a copy of the same, stating fully therein the reason for any action that may be taken by the Commission, will be mailed to him.

Yours truly,

M. C. R-1183

Acting Chairman.

M C R 1188

Mustoge, Indian Territory, April 25, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Ephraim Mangum 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:

Ephraim Mangum,	M C R 1188
Lee Mangrum et al.,	" 3484
Henry Mangrum,	" 3482
Casper Mangrum et al.,	" 1598
Mary West et al.,	" 1416

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 registered letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the Commissioner
of Indian Affairs.
1 inclosure.

Commissioner in Charge.

K C R 1188

Muskogee, Indian Territory, April 25, 1908.

Ephraim Mangrum,
Etc, Mississippi.

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 Ephraim Mangrum et al., embracing the following applications for identification as Mississippi Choctaws:

Ephraim Mangrum,	K C R 1188
Lee Mangrum et al.,	" 3484
Henry Mangrum,	" 3482
Cassius Mangrum et al.,	" 1898
Mary Ford et al.,	" 1618.

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 22, 1906, 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 Ephraim Manguin, Lee Mangrum, Eliza J. Mangrum, Mary C. Mangrum, Henry Mangrum, Caesar Mangrum, Mattie Mangrum, Walter Mangrum, Eugenie Mangrum, Minerva Mangrum, Susie Mangrum, Mary Foot, Nora Lee Foot and Anthony S. Foot as Cherokee Indians entitled to rights in the Cherokee lands under the provision of law above quoted, and that their application for 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,

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, April 28, 1902.

Manfield, Murray & Gerlach,

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 Ephraim Mangum et al., embracing the following applications for identification as Mississippi Choctaws:

Ephraim Mangum,	K U R 1183
Lee Mangrum et al.,	" 3454
Henry Mangrum,	" 3468
Cassus Mangrum et al.,	" 1898
Mary Jack et al.,	" 1612.

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 20, 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."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Abraham Mangin, Lee Mangrum, Elias W. Mangrum, Mary G. Mangrum, Henry Mangrum, Cassius Mangrum, Mattie Mangrum, Walter Mangrum, Eugenia Mangrum, Minerva Mangrum, Gusto Mangrum, Mary Foot, Sara and Foot and Anthony G. Foot as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that their application for 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,

Commissioner in Charge.

Registered.

M C R 1185

Muskogee, Indian Territory, April 28, 1903.

L. P. Hudson,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 18th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ephraim Mangum et al., embracing the following applications for identification as Mississippi Choctaws:

- | | |
|------------------------|------------|
| Ephraim Mangum, | M C R 1185 |
| Lee Mangrum et al., | " 3484 |
| Henry Mangrum, | " 3462 |
| Caesar Mangrum et al., | " 1898 |
| Mary Hunt et al. | " 1616 |

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, 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."

L P H--2

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ephraim Mangum, Lee Mangrum, Eliza J. Mangrum, Mary C. Mangrum, Henry Mangrum, Cassus Mangrum, Mattie Mangrum, Walter Mangrum, Eugenia Mangrum, Minerva Mangrum, Susie Mangrum, Mary Foot, Nora Lee Foot, and Anthony C. Foot as Cherokee Indians entitled to rights in the Cherokee lands under the provision of law above quoted, and that their application for 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,

Commissioner in Charge.

Registered.

Miss. Choctaw B 1125

Muskogee, Indian Territory, June 3, 1902.

Williams A. May,

Attorney at Law,

Jackson, Mississippi,

Gentlemen:

Receipt is hereby acknowledged of your letter of May 26, in which you state that our letter of April 25, 1902, to Ephraim Kanguin, refusing his application for identification as a Mississippi Choctaw has been referred to you and you have been employed to take the matter up with the Commission. You ask if the case is still open for further proof, and state that you believe he can make good and sufficient proof of his identity as a Choctaw Indian.

In reply to your letter you are advised that on April 16, 1902, the Commission rendered its decision refusing the application of Ephraim Kanguin for identification as a Mississippi Choctaw, and on April 25, 1902, the record in the case was forwarded to the Secretary of the Interior for review.

The authority of the Commission to identify so-called Mississippi Choctaws is found in the following provision of the act of Congress of June 26, 1892:

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

The fourteenth article of the treaty of 1830 above 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 parents. If they reside upon said land, intending to become a citizen of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Persons who claim under this article shall not lose the privileges of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Assistant Attorney General, in passing upon Mississippi Choctaw cases, says:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those ---

'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.'"

The Commission to the Five Civilized Tribes, in its review of the evidence offered in support of the consolidated case of Ephraim Manguin, et al. says:

"The Commission, in view of the fact that the several applicants in this group of consolidated cases have had sufficient time allowed them in which to present their testimony, considers

W & M 3

these cases as closed, and the evidence offered in support of said applications embraces the oral statements of the several applicants given at the making of their original applications, and the ex parte affidavits filed by them. By the evidence so submitted it is attempted to be shown that the common ancestor through whom these several applicants claim their right to identification as Mississippi Choctaws, is one Billy Manguin or Mangrum, or Billy Indian. It appears from the record that the said common ancestor of the applicants was living in the state of Mississippi in 1830, but it does not appear whether or not he was married and at the head of a family, and there is nothing in the record herein which in any way relates to, or shows any compliance on the part of any of the alleged Choctaw ancestors of these applicants with the provisions of article fourteen of the treaty of 1830, or which tends to show that they were ever recognized members of the Choctaw tribe of Indians in the state of Mississippi.

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 article fourteen of the treaty of 1830, that any person by the name of Billy Manguin, or Billy Mangrum, or Billy Indian, 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 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 commission was therefore without authority to identify Ephraim Manguin and the other applicants in this consolidated case as Choctaw Indians entitled to rights in the Choctaw lands under the fourteenth article of the treaty of 1830, and it would not appear that any evidence you could offer in support of this application would materially affect the rights of this applicant.

Yours truly,

COPY.

M C R 1183

Muskogee, Indian Territory, June 9, 1902.

Manerfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on May 29, 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 Ephraim Manguin, et al., of which decision you were duly advised on April 25, 1902.

Yours truly,

(SIGNED)

Tame Dixby

Acting Chairman.

COPY.

M O R 1183

Muskogee, Indian Territory, June 9, 1902.

Ephraim Manguin,

Delo, Mississippi.

Dear Sir:

You are hereby advised that on May 29, 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 Ephraim Manguin, et al., of which decision you were advised by Registered mail on April 25, 1902.

Yours truly,

(SIGNED)

Tams Bixby.

Acting Chairman.

REFER TO M. C. R. 1183

Ephraim Mangum
et al

Consolidated Case

Polly Mangrum, full blood,
or Mangrum
wife
Minerva negro,
slave

Eliza Mangrum negro
slave
mbr
3454

Ephraim Mangrum slave
49
" Mangrum
" Mangrum

Hannah Mangrum
negro slave

Lee Mangrum 26, 1/4,
wife
Lela Mangrum

mbr
3462

Henry Mangrum 22, 1/4

Eliza S. Mangrum 19 m
" Mary C. Mangrum 3 a

REFER TO M. C. R. 1598

Caesar Mangrum
et al

Consolidated Case

Billy Indian full
Dead
Minerva Dead
Negro

m b r
1598
Cassar Mangrum 1/2
wife
Beadie Mangrum
negro

m b r
1618
Mangrum
Mary - Mangrum 22 1/4
married
Robert Foot
m b r
1598
Matti Mangrum 20
" Walter Mangrum 18
" Eugenia Mangrum 16
" Minerva Mangrum 14
" Sami Mangrum 9

m b r
1618
" Nora Lee Foot 3
" Anthony G. Foot 1

No. 1183

For Identification as a Mississippi Choctaw.

Date

DEC 21 1900

Name

Ephraim Mangum.

Age

49.

Blood

1/2.

Post Office,

DeLo Mississippi

Father:

Billy Mangum - dead.

Mother:

Minerva Mangum - dead

Claims through

father

Children:

Stenographer
Anna Bell.

G.O. Number 11082-1900.

J. F. Baugh, Braxton,
Miss. Dec 20, 1900.

M. C. R 1183 Ephraim Manguin,

Ephraim Manguin, 49 years old,
of DeLo, Mississippi, appeared
before Commission at ~~Hattiesburg~~
Hattiesburg, Miss, December 21
1900, and applied for identifica-
tion as Mississippi Choctaw.
There is no record of C. M.
Manguin ever having appeared
before the Commission as an
applicant for identification
as a Mississippi Choctaw.
As you know, no judgment has
yet been rendered in these
Hattiesburg cases.

Atoka, January 4, 1901.

AB

Choctaw MCR 1184

Andrew J. Weary

MCR 1184

REFUSED

DECISION RENDERED. **JUL 15 1902**

NOTICE OF DECISION MAILED APPLICANT.

JUL 15 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 15 1902

RECORD FORWARDED DEPARTMENT.

JUL 15 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

AUG 30 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

SEP 9 1902

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

SEP 9 1902

10/14/12 P.O. Brookhaven, Miss

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

|||||||Oo|||||||

In the matter of the application of Andrew J. Weary for
identification as a Mississippi Choctaw, M C B 1154.

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.

Original application of Andrew J. Weary for
identification as a Mississippi Choctaw.

Page.

Final decision of the Commission in the
case of Andrew J. Weary for identification
as a Mississippi Choctaw, denying such appli-
cation.

3

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
HATTIESBURG, MISSISSIPPI, DECEMBER 21, 1900.

In the matter of the application of Andrew J. Weary for identification as a Mississippi Choctaw. Andrew J. Weary, having been first duly sworn by Acting Chairman, Tams Bixby, testifies as follows:

Examination by the Commission.

- Q What is your name? A Andrew J. Weary.
- Q How old are you? A I am twenty six next birthday, I will be twenty seven.
- Q What is your post office address? A Crystal Springs, Mississippi.
- Q How long have you lived in Mississippi? A Well, I was born in Mississippi.
- Q Born here? A Yes sir; well, I was born in the edge of Louisiana.
- Q Were you born in Mississippi or Louisiana? A I was born in Louisiana.
- Q How long did you stay there before you moved to Mississippi?
- A Until I was about six years old.
- Q Lived in Mississippi have you, ever since? A Yes sir.
- Q Never lived anywhere else. Part of that time in Louisiana.
- Q Just over the line in Louisiana? A Yes, on Pearl River, Pearl River divides them.
- Q What was your father's name? A My father's name was Isaac Weary.
- Q Is he living? A No sir, he is dead.
- Q What was your mother's name? A Judy.
- Q Is she living? A Yes sir.
- Q Through which one of your parents do you claim your Choctaw blood?
- A Father. his
- Q Is your father a Choctaw Indian? A Yes sir, father was a Choctaw Indian.
- Q Wasn't your father? A Yes sir.
- Q How much Choctaw was he? A I don't know.
- Q How much Choctaw are you? A Well, I could not tell. I suppose that I might be about a quarter.
- Q Was your father ever a slave? A Yes sir.
- Q Was your mother a slave? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not as I know of.
- Q Have you any reason to believe that it is? A No sir, because I was only informed this lately.
- Q Have you ever been in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities for enrollment as a Choctaw citizen? A No sir, never did before.
- Q Did you or did any one in your behalf in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? Four years ago did you make an application to this Commission?
- A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of this Commission or the decision of the Choctaw tribal authorities? A No sir.
- Q Have you ever made any application before this 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 Are you making your claim under the fourteenth article of the treaty of 1830? A Yes sir.
- Q Have you read that? A Yes sir.

Weary-2

- Q You are familiar with that? A I understand it some.
Q Know its provisions? A Yes sir, some of them.
Q What was the name of your ancestor who lived in Mississippi in 1830 at the time that treaty was made? A His name was George Scipio Weary.
Q What relation was he to you? A My grandfather.
Q Your father's father? A Yes sir.
Q Was George Scipio Weary a Choctaw Indian? A Yes sir.
Q How do you know? A Why, my parents tell me so.
Q Have you any evidence showing that he was a Choctaw Indian? A Well, I never seed him myself.
Q Have you any papers showing that he was in any way recognized as a Choctaw Indian? A No sir.
Q Did he ever receive any benefits as a Choctaw Indian? A I don't know.
Q Did he move from Mississippi to the Indian Territory when the Choctaws removed there from 1830 to '77? A I don't know whether he did or not, I never heard that mentioned.
Q Did he signify to the United States Indian Agent to the Choctaw Indians in Mississippi within six months after the ratification of the treaty of 1830 his intention to remain and become a citizen of the United States? A Treaty of 1830, what is that?
Q Did he within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent to the Choctaw Indians his intention to remain and become a citizen of the United States? A I don't know whether he did or not.
Q Did any of your ancestors ever claim or receive any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A These Indians?
Q Yes sir. A No sir, not as I know of.
Q Are you making any claim under any other treaty stipulations between the Choctaws and the United States? A No sir, not as I know of.
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 Can you speak Choctaw? A No sir.
Q Have you ever received any benefits as a Choctaw? A No sir, none at all.
Q Is there any additional statement that you desire to make in support of your application? A Well, I don't know as there is; only it was my intention as to if received to make it my home in the Territory.
Q Have you any written evidence, any documents or any papers showing that your people were ever recognized as Choctaw Indians?
A None at all.

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.

(Applicant appears to be a negro.)

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 21st day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Subscribed and sworn to before me this 31st day of December, 1900.

Wm. D. ...
Notary Public.

L R B

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

!!!!!!!!!!!!!!!!!!!!

In the matter of the application of Andrew J. Weary for
identification as a Mississippi Choctaw, N C R 1184.

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

It appears from the record herein that an application
for identification as a Mississippi Choctaw was made to this Com-
mission by Andrew J. Weary for himself under the following pro-
vision of the act of Congress approved June 20, 1899, (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 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 descen-
dant of one George Scipio Weary, who is alleged to have been possessed
of some Choctaw blood (degree thereof not stated) 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 Stat., 321.)

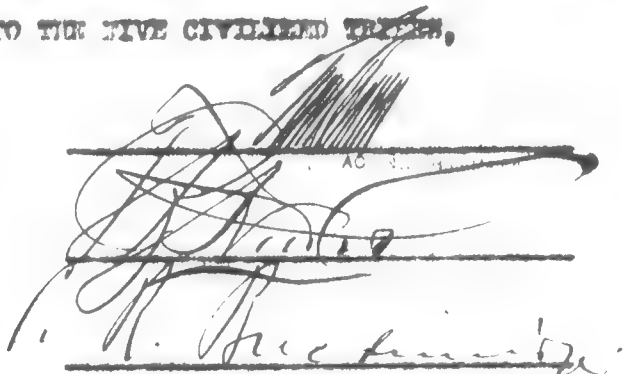
It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said George Scipio Weary, or any less remote ancestor of the applicant herein, or said applicant, 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 in this case is insufficient to determine the identity of Andrew J. Weary as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and

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thirty, and that the application for his identification as such should be refused, and it is so ordered.

THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

A large, stylized handwritten signature in dark ink, appearing to read "W. H. McHenry". The signature is written over two horizontal lines. The top line is a solid black line, and the bottom line is a dashed line. The signature is written in a cursive, somewhat illegible style.

Commissioners.

Muskogee, Indian Territory.

JUL 15 1902

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

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In the matter of the application of Andrew J. Weary for
identification as a Mississippi choctaw, M C R 1184.

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Original application of Andrew J. Weary for identification as a Mississippi choctaw.	Page. 1
Final decision of the Commission in the case of Andrew J. Weary for identification as a Mississippi Choctaw, denying such appli- cation.	3

Atoka, Indian Territory, July 1, 1901.

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

Gentlemen:

In reply to your letter of June 26, asking the status of Mississippi Choctaw case 1184, Andrew J. Feary, you are advised that our records show that this applicant appeared before the Commission at Hattiesburg, Mississippi, December 21, 1900, and applied for identification as a Mississippi Choctaw, for himself alone. Decision has been written in this case, but has not been signed or mailed.

Yours truly,

Muskegee, Indian Territory, July 24, 1901.

Andrew J. Weary,
Crystal Springs, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 17, and your letter of July 15, 1901, in which you desire information relative to the acceptance or rejection of your application for identification as a Mississippi Choctaw.

Replying to your letter, you are informed that it appears from our records that at Hattiesburg, Mississippi on December 21, 1900, you made personal application to this Commission for identification as a Mississippi Choctaw. You are informed that the Commission up to this time has not taken up this application for consideration and that no decision or opinion has been rendered. It is probable that definite action will be taken therein for some time to come. When a decision is reached a copy of the same in writing will be mailed to you at your present post office address.

Yours truly,

Commissioner in Charge.

MC 1164

Muskogee, Indian Territory, January 10, 1903.

Andrew J. Weary,

Crystal Springs, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the seventh instant, in which you ask information concerning your application for identification as a Mississippi Choctaw made at Hattiesburg, Mississippi, December 21, 1900, as you state you wish to remove to the Choctaw Nation, and desire to know whether it is legal for you to settle in said Nation.

In reply to your letter you are advised that no decision has yet been reached or opinion rendered relative to your rights as such Mississippi Choctaw. When a decision is reached you will be notified of the action taken by the Commission.

As to your removal to 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

1.777. 1

Commission and by the Secretary of the Interior as proposed submitted
to allotment."

Yours truly,

Commissioner in Charge.

NO 2184

COPY.

M.C.R. 1184.

Muskogee, Indian Territory, July 15, 1902.

Andrew J. Weary,

Crystal Springs, Mississippi,

Dear Sir:

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 Andrew J. Weary, an applicant for identification as a Mississippi Choctaw.

The application was 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 necessary thereto, and make report to the Secretary of the Interior."

Said decision is as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Andrew J. Weary as a Choctaw Indian 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 his identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this day

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.

H.C.R. 1284.

Muskogee, Indian Territory, July 15, 1902.

Mansfield, McHurray & Cornish,
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 case of Andrew J. Weary, an applicant for identification as a Mississippi Choctaw.

The application was 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 is as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Andrew J. Weary as a Choctaw Indian 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 his identification as such should be refused, and it is so ordered."

-2-

You are further advised that the Commission has on this day 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 Dixby.
Acting Chairman.

COPY.

H.C.R. 1124.

Muskogee, Indian Territory, July 15, 1902.

The Honorable,

The Secretary of the Interior:

Sir:

There is transmitted herewith the record in the case of Andrew J. Weary, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of July 15th, 1902.

The Commission has the honor to report that the applicant, his attorney of record, 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,

(SIGNATURE)

Through the
Commissioner of Indian Affairs.
& inclosure.

James D. Doby
Acting Chairman.

K O R 1104

Muskogee, Indian Territory, July 20, 1902.

Andrew J. Weary,
Crystal Springs, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you state that you have received the decision of the Commission in your case. You ask to be informed whether this decision debars you from all rights "of claim in Choctaw Orphan Funds here, or land and money in Mississippi."

In reply you are informed that the Commission has no knowledge of any fund of the kind mentioned by you.

Yours truly,

Commissioner in Charge.

(COPY)
COPY

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42744-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, August 21, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made July 15, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding for the Department's consideration the record in the matter of the application of Andrew J. Weary for identification as a Mississippi Choctaw claiming rights under the provisions of the fourteenth article of the treaty of 1830.

July 15, 1902, the Commission held that the applicant was not entitled to identification as a Mississippi Choctaw, and rejected his application.

Descent is claimed through Isaac Weary, father of the applicant, and Judy, -presumably his mother - to George Scipio Weary, his grandfather.

The office is unable to find, upon examination of its records, that the alleged ancestors of this applicant complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, or that they applied to

the commissions appointed under the Acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights 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. Tegner,

Acting Commissioner.

GAV
D

3 inclosures.

C O P Y

D.C. 14539-1902.

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DEPARTMENT OF THE INTERIOR.

WASHINGTON.

ITD.5354-1902.

August 30, 1902.

LRS.

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

Gentlemen:

With your letter of July 15, 1902, you transmitted the record and your decision of that date, in matter of application for identification of Andrew J. Weary as a Mississippi Choctaw. You denied the application.

The applicant endeavors to trace his descent from one George Scipio Weary, alleged to have been a Choctaw Indian residing in Mississippi in 1830.

The record fails to show that applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that his said ancestor or a less remote ancestor of applicant 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 Stats., 180), and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs in letter of August 21, 1902, recommends approval of your decision. A copy of his letter is inclosed.

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Copy.

Having carefully reviewed the whole case, the
Department affirms your decision.

Respectfully,

Thos. Ryan,
Acting Chairman.

1 enclosure.

M C R 1184

COPY.

Muskogee, Indian Territory, September 9, 1902.

Andrew J. Weary,
Crystal Springs, Mississippi.

Dear Sir:

You are hereby advised that on the 30th 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 Andrew J. Weary, of which decision you were duly advised by registered mail on the 18th day of July, 1902.

Yours truly,

(SIGNED)

Tamc Dixby.

Acting Chairman.

M. R. 1194

COPY.

Muskogee, Indian Territory, September 9, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th 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 Andrew J. Weary, of which decision you were duly advised by mail on the 15th day of July, 1902.

Yours truly,

(SIGNED)

Tame Birby.

Acting Chairman.

Miss. Choctaw R1184

Muskogee, Indian Territory, November 11, 1902.

Andrew J. Weary,

Brookhaven, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 7, stating that you have received notice that your application for identification as a Mississippi Choctaw has been refused by the Commission and that said action has been approved by the Secretary of the Interior, because of weakness of evidence in your case and you can now furnish additional evidence in your case.

In reply to your letter you are advised that the Commission having, on July 15, 1902, rendered its decision refusing your application for identification as a Mississippi Choctaw and the Secretary of the Interior having, on August 30, 1902, affirmed the decision of the Commission, the Commission considers this case closed.

Respectfully,

Acting Chairman.

M.G.R. 1184.

Muskogee, Indian Territory, December 30, 1902.

Andrew J. Weary,
Brookhaven, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you state that you have been advised "by the Hon. Commissioner of Indian Affairs, Washington, D. C., that if I can get further statements under oath and send them to the Commission that my case could be reacted upon."

In your letter you make certain statements regarding your Choctaw descent, which you say you can prove by witnesses, and ask that blank affidavits be sent you for the purpose of taking such testimony.

In reply to your letter you are informed that you submitted your application for identification as a Mississippi Choctaw under the provisions of article fourteen of the Choctaw treaty of eighteen hundred and thirty.

Having failed to submit any evidence tending to show any act of compliance on the part of your Choctaw ancestors, through whom you claim your right to such identification, with the provisions of said article, the Commission, on July 15, 1902, rendered its

A.J.W.-----2.

decision refusing your application, and on the same date you were notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

On August 30, 1902, the Secretary of the Interior approved the decision of the Commission refusing your application, and on September 9, 1902, you were duly notified of such Departmental action.

You are further advised that there is nothing contained in your statement as to the evidence you intend to introduce in your case which in any manner shows any compliance on the part of your Choctaw ancestors with the provisions of article fourteen of the Choctaw treaty of eighteen hundred and thirty, and it is therefore not believed that the evidence you propose to offer in your case will warrant its reopening.

Very respectfully,

Acting Chairman.

No. 1184

For Identification as a Mississippi Choctaw.

Date DEC 21 1900

Name Andrew J. Weary.

Age 26. Blood 1/4

Post Office, Crystal Springs, Miss.

Father: Isaac Weary - dead.

Mother: Judy Weary - ✓

Claims through father.

Children:

Stenographer:
Anna B. B.

Choctaw MCR 1185

Malitee P. Harris

See MCR 203

MCR 1185

Malitee P. Harris et al

REFUSED

DECISION RENDERED. APR 21 1902

NOTICE OF DECISION MAILED APPLICANT.

APR 21 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS

APR 21 1902

NOTICE OF DECISION FORWARDED ATTORNEYS
FOR CHOCTAW AND CHICKSAW NATIONS.

APR 21 1902

RECORD FORWARDED DEPARTMENT.

APR 21 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

NOV 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOV 12 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOV 12 1902

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

REFER TO M. C. R. 203

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
HATTIESBURG, MISSISSIPPI, DECEMBER 21, 1900.

In the matter of the application for identification as Mississippi Choctaws of Militee Paralee Harris and her four minor children. Militee P. Harris, having been first duly sworn by Acting Chairman, Tams Bixby, testifies as follows:

Examination by the Commission.

- Q What is your name? A Militee Paralee Harris.
Q How old are you? A I am fifty.
Q What is your post office address? A Stanton, Alabama.
Q Do you live in Alabama? A Yes sir.
Q How long have you lived there? A I never lived nowhere else only in Alabama.
Q Born in Alabama? A Yes sir.
Q Always lived there? A Yes sir.
Q What part of Alabama? A About central Alabama.
Q Never lived in Mississippi? A No sir.
Q Ever live in Indian Territory? A No sir.
Q What is your father's name? A George Martin.
Q Is your father living? A No sir, he has been dead twenty some odd years.
Q What is your mother's name? A Manoy Jane Martin.
Q Is she living? A No sir, she has been dead three or four years.
Q Through which one of your parents do you claim your Choctaw blood.
A My father.
Q How much Choctaw blood do you claim? A Supposed to be about one eighth.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Sir?
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
Q Have you ever made application to the Choctaw tribal authorities for enrollment as a Choctaw? A No sir.
Q Did any one ever make application for you? A No sir, not till right lately, it is a late thing.
Q Have you ever attempted to have your name placed on the Choctaw roll? 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 Nothing more than my grandmother--
Q I am talking about you. Have you ever been recognized? A No sir.
Q Did you, or did any one in your behalf, in 1896 make application to the Commission to the Five Civilized Tribes 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 judgment of the United States Courts in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
Q Have you ever made any application prior to this time to either the Choctaw tribal authorities or the authorities of the United States for enrollment or citizenship as a Choctaw Indian? A No sir.
Q This is the first application you have ever made is it? A The first application I have ever made.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q Are you making your claim under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
Q Are you familiar with that article of that treaty? A I think I am.

- Q Have you read it? A Yes sir.
- Q You know what its provisions are? A Well, you have to identify yourself and make plain proof in some way I suppose.
- Q The fourteenth article of the treaty of 1830 provides that those Choctaw Indians, at the time the treaty was made, who desired to remain in Mississippi and become citizens of the United States in preference to removing to Indian Territory could do so upon signifying their intention to the United States Indian Agent of the Choctaw Indians in Mississippi; now what was the name of your ancestor who was a resident of the state of Mississippi in 1830 at the time the treaty of Dancing Rabbit Creek was entered into?
- A Martha Martin. She was Martha Moore before she was married.
- Q Was she a Choctaw Indian? A Yes sir.
- Q Have you any evidence of that fact? A Well, the elders ones tell me so.
- Q Have you any documentary evidence showing that Martha Moore was in any way ever recognized by the Choctaw Indians? A I suppose I could prove it.
- Q Well, that is what we want? A The rest has been identified through the same blood.
- Q Who? A Susie Tippit, Newt McGee, I suppose they have, haven't they done drawn their part?
- Q You mean they made an application? A Yes sir.
- Q Do you know that they have been identified? A Have they? You know.
- Q I am asking you; I want to know how much you know? A Well, that is what they say; they tell me.
- Q When did they make an application? A Well, I don't know just exactly when they made an application; I reckon sometime along in the summer, I suppose it was along then.
- Q Where did they make it? A Well, I can't tell it.
- Q In the Indian Territory? A Somewhere, I don't know where, they made it at. They didn't write particulars about where they were at when they made it.
- Q Did Martha Moore or Martha Martin remove from Mississippi to the Indian Territory at the time the Choctaw Indians moved from 1830 to 1837? A Move from where?
- Q From Mississippi to the Indian Territory? Did she move out there when the other Choctaw Indians went out there when the tribe was moved there by the United States Government; did your grandmother move out there with the others? A I suppose she did.
- Q Was she recognized in the Indian Territory as a Choctaw Indian?
- A That is my understanding.
- Q Was she enrolled there as a Choctaw Indian? A It is my understanding; I just hate to be sworn on any thing like that.
- Q Did she die in Indian Territory? A No sir.
- Q Where did she die? A Right out yonder in two miles of Mississippi
- Q In Mississippi? A No.
- Q Where? A In Alabama.
- Q How long had she been living in Alabama? A Well, I can't tell just exactly how long she was old when she died.
- Q Had she always lived in Alabama? A Ever since my recollection, I was small when she died.
- Q You have been living in Alabama fifty years have you? A Yes sir.
- Q Had your grandmother lived there that long? A I don't know how long she lived there.
- Q Was she living there when you were born? A Yes sir.
- Q How much before that was she living there? A I don't know.
- Q Did you ever hear anybody say? A No sir, never heard anybody say.
- Q Did your parents always live in Alabama? A Yes sir.
- Q Was your grandmother born in Mississippi? A I could not swear where she was born, you see I am sworn on this thing, I could not swear where she was born, you see all I know the older ones have told me.

- Q What have they told you? A I suppose she was born somewhere there.
- Q Somewhere where? A Somewhere in Mississippi.
- Q How long did she stay? A I can't tell that.
- Q Do you know when she left Mississippi? A Not exactly, I can't tell exactly when she left.
- Q Well, you say she went to Indian Territory, and that she has been living in Alabama ever since you were born up to the time of her death; that would be fifty years ago; now when did she come from the Indian Territory back to Alabama? A Well, I can't tell that.
- Q Did she ever go to the Indian Territory? A I can't tell that.
- Q What part of Mississippi did she live in? A I don't know that; I can't tell you.
- Q Did any of your ancestors ever claim or receive any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.
- Q Did Martha Moore or Martha Martin ever signify to the United States Indian Agent of the Choctaw Indians in Mississippi her intention to remain and become a citizen of the United States within six months after the ratification of the treaty of 1830? A I don't know whether she did or not.
- Q Do you claim under any other treaty stipulations between the United States and the Choctaw Indians, beside this fourteenth article of the treaty of 1830? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Peyton Harris.
- 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 Alabama.
- Q How long ago? A It's been twenty one years.
- Q How many children have you under twenty one years of age and unmarried, for whom you desire to make application? A They are all unmarried and under twenty one years of age but one.
- Q How many under twenty one years of age? A Four.
- Q What are their names and ages? A Curtis is the oldest one.
- Q How old is he? A Nineteen.
- Q All right, the next one? A Nannie.
- Q How old is Nannie? A She is seventeen.
- Q All right? A Virgie.
- Q How old is Virgie? A Fourteen.
- Q All right? A Clyde.
- Q How old is Clyde? A Eleven.
- Q Are you the mother of these four children? A Yes sir.
- Q Is Peyton Harris, your present husband, the father? A Yes sir.
- Q They all live with you at your home? A Yes sir.
- Q You and your husband are living together as man and wife? A Yes sir.
- Q Can you speak the Choctaw language? A No sir.
- Q Can you understand it? A I don't know whether I could or not.
- Q If the Commission is enabled to identify you as a Choctaw Indian under the testimony submitted in this case, is it your intention to remove to the Indian Territory? A Yes sir, we thought we would move there, we was speaking of moving there before this thing come up.
- Q For what purpose? A Just to make a change, thought we would do better.
- Q Is there any additional statement that you desire to make in support of this application? A No sir.
- Q Have you any documentary evidence, any papers or any other documents showing that your ancestors were ever recognized as Choctaw Indians? Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this application within thirty days from this date.

Harris-4

Application for filing of papers is granted in accordance with the above request.

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 to your present post office address.

Anna Bell, having been first duly sworn, on 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 21st day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 7th day of January, 1901.

Charles H. Sawyer

Notary Public.

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

In the matter of the application of Militee Paralee Harris for the identification of herself and her minor children, Curtis, Nannie, Virgie and Clyde Harris, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Militee Paralee Harris appeared before the Commission at Hattiesburg, Mississippi, December 21st, 1900, and there made application for the identification of herself and her minor children, Curtis Harris, Nannie Harris, Virgie Harris and Clyde Harris, as Mississippi Choctaws. The provision of law vesting the 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 27th, 1830, is found in Section 21 of the Act of Congress approved June 28th, 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."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Militee Paralee Harris and her minor children, Curtis Harris, Nannie Harris, Virgie Harris and Clyde Harris, 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,

ACTING CHAIRMAN.

DATED AT MUSKOGEE, INDIAN TERRITORY

DATED AT THIS _____ DAY OF _____ 1901.

Muskogee, Indian Territory, January 8, 1901.

Messrs Hudson & Arnold,
Ardmore, Indian Territory,
Gentlemen:

The Commission is in receipt of your letter of January 3,
inclosing affidavits as follows:

Robert Burningham and G. B. Skinner, to be filed in the
claim of Alice Goodwin for identification as a Mississippi Choctaw.

A. M. Davis and W. M. Moore to be filed in support of claim
of David W. Martin for identification as a Mississippi Choctaw.

J. F. Moore and A. F. Davis to be filed in the case of
Maltese P. Harris' claim for identification as a Mississippi Choctaw.
and marriage license and certificate of D. J. Cummings and M. G.
Harris to be filed in support of application of Daniel J. Cummings
for identification as a Mississippi Choctaw; and application for
enrollment as a Choctaw of Ottie Francis, infant daughter of Ida
and Thomas H. Torry. These papers have all been filed in the re-
spective cases in which they belong.

Yours truly,

Acting Chairman.

COPY.

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

Muskogee, Indian Territory, April 21, 1902.

Malitee P. Harris,
Stanton, Ala.

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 Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

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 Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Address More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trell Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Bozeman, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Martin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Willie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Marvin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin. Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, 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 Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermarried Mississippi Choctaws, 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,

Tame Dixby.

(SIGNED)

Registered.

Acting Chairman.

COPY

H. F. No. 1186

Muskogee, Indian Territory, November 12, 1902.

Mallico F. Morris,
Stanton, Alabama.

Dear Sir:

You are hereby advised that on the 1st day of November, 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 Susan J. Tippit, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Yours truly,

Very truly,
Sincerely,

Tamm Birtu.
Acting Chairman.

M C R 1188

Muskogee, Indian territory, December 21, 1903.

Malitte P. Harris,
Stanton, Alabama.

Dear Madam:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

N P H 2

rent now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. M. Springer, on March 24, 1903, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 8, 1904.

Mrs. M. F. Harris,

Dear Madam:

Receipt is hereby acknowledged of your letter of December 27, 1903, in response to our letter of December 21. Therein you state that you paid J. E. Arnold one hundred dollars to look after your claim, but that he quit you when he got your money, and you suppose W. M. Springer thought you didn't have justice in the matter.

In reply you are informed that our letter to you of December 21, 1903, was to advise that the Department would allow you thirty days from the date of said letter to take further action relative to the motion for review filed by W. M. Springer in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., of which your application is a part.

The Commission has no authority to re-open your case, and as the record is in the hands of the Secretary of the Interior you should correspond with him if you desire to take further action.

Respectfully,

Chairman.

Muskogee, Indian Territory, February 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On December 8, 1903 (I T D 3029-1903), in the matter of the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., the Department transmitted to the Commission a communication received March 24, 1903, from W. M. Springer, deceased, submitting a motion for a review in the above entitled case. The Department in its letter of December 8, 1903, directed the Commission to notify the applicants that if they wished to take any further action in the matter thirty days would be allowed them for that purpose.

In accordance with the direction of the Department the Commission, on December 21, 1903, addressed letters to all of the principal applicants in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., advising them of the filing of the motion by W. M. Springer and of his death, and notifying them that if they wished to take any further action relative to the motion filed by Mr. Springer on March 24, 1903, they would be allowed thirty days for that purpose.

A letter of this character was addressed to Mrs. K. P. Harris, at Stanton, Alabama, and in reply thereto she addressed a communication to the Commission on December 27, 1903, in which she

desired to be advised as to what action should be taken in the matter and alleging that she had already paid J. E. Arnold the sum of \$100.00 to look after her claim. To this letter the Commission, on January 6, 1904, replied advising Mrs. Harris that the Commission had no authority to re-open her case as the record was in the hands of the Department and that any correspondence relative thereto should be addressed direct to the Secretary of the Interior.

The Commission is now in receipt of a letter from Mrs. M. P. Harris, under date of January 16, 1904, addressed to the Secretary of the Interior and which was by the Department referred to the Commission for consideration and appropriate action on January 30, 1904. The letter is herewith enclosed and it is desired that the Commission be advised whether or not any action has been taken by the Department relative to a review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Hok 93

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.
Washington March 3, 1904.

Land
13472-1904.

Copy

The Honorable,

The Secretary of the Interior.

SIR:

I have the honor to invite your attention to letter of the Commission to the Five Civilized Tribes, dated February 18, 1904, referring to the fact that on December 8, 1903, (I. T. D. 3029, 1903) in the matter of the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., the Department transmitted ^{of} the Commission a communication received March 24, 1903 from W. M. Springer, since deceased, submitting a motion for a review in the above entitled case.

The Department in its letter of December 8, 1903 directed the Commission to notify the applicants that if they wished to take any further in the matter, 30 days would be allowed them for that purpose.

In accordance with the directions of the Department, the Commission on December 21, 1903 addressed letters to all of the principal applicants in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., advising them of the filing of the motion by W. M. Springer and of his death, and notifying them that if they wished to take any further action relative to the motion filed by Mr. Springer on March 24, 1903, they would be allowed 30 days for that purpose.

A letter of this character was addressed to Mrs M. P. Harris, at Stanton, Alabama, and in reply thereto she addressed a communication to the Commission on December 27, 1903, in which she desired to be advised as to what action should be taken

in the matter and suggesting that she be allowed to pay Arnold the sum of \$100.00 to look after her claim.

To this letter the Commission on January 6, 1904 replied, advising Mrs. Harris that they had no authority to re-open her case, as the record was in the hands of the Department and that any correspondence relative thereto should be addressed direct to the Secretary of the Interior.

The Commission is now in receipt of a letter from Mrs. M. P. Harris under date of January 16, 1904 addressed to you and which was by the Department referred to the Commission for consideration and appropriate action on January 30. The letter is enclosed and the Commission desire to be advised whether or not any action has been taken by the Department relative to a review of this case.

Very respectfully,

A. C. Tenner,
Acting Commissioner.

EBH:IM

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

WCF
FHE

I 2 D 1814-1904.
D C 8848-1904

March 20, 1904.

LRS

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

On January 30, 1904, the Department referred to your Commission, for consideration and appropriate action, a letter from M. P. Harris, of Stanton, Alabama, dated January 16, 1904, relative to the Mississippi Choctaw case of Susan J. Tippit, et al.

With your communication of February 18, 1904, you returned said letter of January 16, 1904, and asked to be advised whether or not any action has been taken by the Department relative to a review in said case.

You are advised that on February 23, 1904, the applicants were granted ~~an extension of time~~ until April 21, 1904, in which to file reasons to support the motion for review theretofore filed in said case. The attorneys for the applicants, Messrs. Copp & Lockett, Herbert & Misou, and Geo S. Chase, and the attorneys for the Choctaw and Chickasaw Nations, were notified accordingly.

Mr Harris' letter is returned herewith, and a copy of Indian Office letter of March 3, 1904, transmitting your communication, is inclosed.

Respectfully,

2 inclosures.

THOS RYAN,
Acting Secretary.

H. C. R. 1185

Muskogee, Indian Territory, April 2, 1904.

Mrs. M. P. Harris,

Stanton, Kansas.

Dear Madam:

In reply to your letter of January 16, 1904, to the Secretary of the Interior, which was by him referred to this Commission for consideration and appropriate action, you are advised that the applicants in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., of which your application for the identification of yourself and minor children is a part, were, on February 23, 1904, granted an extension of time by the Department until April 21, 1904, in which to file reasons to support the motion for review theretofore filed in said case by W. M. Springer, deceased. The attorneys for the applicants, Messrs. Copp & Lockett; Herbert & Micou and Geo. S. Chase, and the attorneys for the Choctaw and Chickasaw Nations were notified accordingly.

A copy of Departmental letter under date of March 10, 1904, relative to your letter of January 16, 1904, is herewith enclosed you.

Respectfully,

JYM-4.

Commissioner in Charge.

X C B 1105

Madison, Indian Territory, January 3, 1904.

Madame M. Harris,

Madison, Alabama.

Dear Madam:

You are hereby notified that the motion heretofore made before the Secretary of the Interior to reopen the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., was denied by the Department on December 24, 1904.

Respectfully,

Chairman.

COPY

MCB-1188

Muskogee, Indian Territory, January 17, 1907.

Maliter P. Harris,
Stanton, Alabama.

Dear Madam:

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself and children is a part.

Respectfully,

SIGNED

Wm. Bixby.

Commissioner.

No. 1185

For Identification as a Mississippi Choctaw.

Date DEC 21 1900

Name Malitee P. Harris.

Age 50. Blood $\frac{1}{8}$

Post Office Stanton, Alabama.

Father: George Martin - dead.

Mother: Nancy J. Martin - dead.

Claims through Father

HUSBAND:

Reyton Harris.
(no claim for husband).

Children:

Curtis Harris	19.
Nannie " "	17.
Virgie " "	14.
Clyde " "	11

Stenographer:
Anna C. Bell.

7899-1901

MCR 1175 Clyde Nabors.

On December 21, 1900, Clyde Nabors, daughter of William M. and Emma C. Nabors, appeared before the Commission at Hattiesburg, Mississippi, and applied for identification as a Mississippi law. No decision has been rendered in this case.

Atala, June 8, 1901.

MISSISSIPPI

MCR 1186

Cambridge Mass 1876

Mary Baird

See MCR 1673

Adair
REFUSED

DECISION RENDERED. JUL 9- 1902

NOTICE OF DECISION MAILED APPLICANT. /

JUL 16 1902

**NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.**

JUL 17 1902

RECORD FORWARDED DEPARTMENT.

JUL 10 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 22 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.**

OCT 31 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARD ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.**

OCT 31 1902

REFER TO M. C. R. 1673

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Hattiesburg, Miss. Dec. 21, 1900.

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

Examination by the Commission.

- Q What is your name? A Mary Adair.
- Q How old are you? A I am 31 years old.
- Q What is your post-office address? A Maben, Mississippi.
- Q Do you live at Maben? A Yes sir.
- Q How long have you lived in Mississippi? A All my life.
- Q Never lived any where else? A Yes sir.
- Q Where? A Texas, one year.
- Q When did you live in Texas? What year? A It's been about eight years ago, I lived there one year.
- Q Where did you live in Texas? A Well, I taught school in Titus County, Mount Pleasant.
- Q Never lived in the Indian Territory? A No sir.
- Q What is your father's name? A Andrew Adair.
- Q Is he living? A Yes sir.
- Q What is your mother's name? A Mollie Adair.
- Q Is your mother living? A Yes sir.
- Q Through which one of your parents do you claim your Choctaw blood? A My father's side.
- Q Was your father a Choctaw Indian? A Yes sir, I suppose he is.
- Q Have you any evidence showing that he was? A I have always been told that my great grand father married a one quarter Indian.
- Q Was your father ever recognized by the Choctaw tribal authorities as a Choctaw Indian? A He's never received anything.
- Q Did he ever live in the Indian Territory? A No sir.
- Q Where does he live? A He's lived all his life in Mississippi.
- Q Was he born in Mississippi? A No sir.
- Q Where was he born? A He was an orphan boy. I think he was born - well - I don't know where he was born.
- Q How much Choctaw blood have you? A I couldn't claim but one thirty second I reckon. My great grand father married a quarter Indian.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, not that I know of.
- Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for enrollment as a Choctaw Indian? 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 did any one in your behalf in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896?
- A I don't know.
- Q Did you? A I did not.
- Q Did you authorize any one to make application for you?
- A No sir.
- Q Where were you living in 1896? A I think I spent that year in Lexington, Mississippi. My home was Maben, Mississippi.

Mary Adair 2

Q Have you been admitted to citizenship in the Choctaw Nation in the Indian Territory by judgment of the United States Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities in the Indian Territory or the decision of this Commission? A No sir.

Q Have you ever prior to this time made application to either the Choctaw tribal authorities 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 is it?

A Yes sir.

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

Q Are you claiming the right to identification as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.

Q You claim under the fourteenth article of the treaty of 1830? A Yes sir.

Q Are you familiar with the provisions of that article? of that treaty? A Not very.

Q Have you read it? A Yes sir.

Q Know what it is? A Well, I have an idea. I couldn't just tell you exactly.

Q What was the name of your ancestor who resided in Mississippi in 1830. A That would have been in my grand father's life time. He was John Adair.

Q Was he a Choctaw Indian? A Yes sir, I suppose he was. Not a full blood. He didn't claim that.

Q How much Choctaw was he? A He wouldn't have been more than one eighth.

Q What was his father's name? A George Washington Adair.

Q Was he a Choctaw? A No sir, he ~~was~~ married a quarter Indian.

Q What was her name? A Nancy Lightfoot.

Q That was her maiden name was it? A Yes sir.

Q Have you any evidence showing that your ancestors, your grand father or your great grand mother were Choctaw Indians? A Well, I have always been told that my great grand father married a quarter Indian.

Q Have you any documentary evidence, any papers showing that they ~~was~~ were ever recognized as citizens of the Choctaw tribe?

A No sir. I suppose maybe I could get some. No, I don't know either. I don't know. I haven't any evidence of that sort, only just what I have been told.

Q Did John Adair or George Adair re move from Mississippi to the Indian Territory when the Choctaw Indians were removed there from 1833 to 1837? A No sir, not that I know of.

Q Did they remain in Mississippi? A My great grand father was dead. I don't know.

Q Was your grand father a resident of Mississippi at that time? A I don't know. He may have been at that time.

Q If he was a Choctaw Indian, did he signify to the United States Indian Agent of the Choctaws in Mississippi, his intention within six months after the ratification of the treaty of 1830, to remain in Mississippi and become a citizen of the United States?

A I don't know.

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 I don't know.

Q Are you making any claim under any other treaty stipulation entered into between the United States and the Choctaw Indians?

A No sir.

Q Claiming solely under the fourteenth article of the treaty of 1830? A Yes sir.

Q Are you married? A No sir.

Q Have you ever been married? A No sir.

Q Just applying for yourself are you? A Yes sir.

Q Can you speak the Choctaw language? A No sir.

Myra Affair 3

Q Can you understand it? A No sir, only a few words. I understand some words but not the entire language.

Q In the event the Commission is enabled to identify you as a Mississippi Choctaw entitled to rights in the Choctaw lands in the Indian Territory, is it your intention to remove to the Indian Territory? A Yes sir, as soon as would be convenient for me to do so.

Q Is there any additional statement that you desire to make in support of your application? A I reckon not any more than I have made. I have told you that my great grand father married a Choctaw Indian and that it is through that that I claim. I think that my mother had a little Indian blood in her but there was never any note taken of it and we don't claim under it.

Q Have you any documentary evidence, any papers.

attorney

Here ~~applicant~~ for applicant asks leave to file written evidence in support of this claim within thirt days from this date.

Permission is granted to attorney for the applicant to file written evidence in support of this application, provided the same is offered for filing with the Commission within thirty 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 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 21st day of December, 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 29th day of December, 1900.

Guy L. V. Emerson
Notary Public.

COPY

M.C.B. 1186

Memphis, Indian Territory July 10, 1908

Mary Adair,

Helen, Mississippi

Dear Madam:

You are hereby advised that on the 9th day of July 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Wattie McIntosh Adair, et al., embracing the following applications for identification as Mississippi Choctaws:

- | | |
|---------------------------|--------------|
| Wattie McIntosh Adair, | M.C.B. 1673 |
| Mary Adair, | M.C.B. 1186 |
| Noah Adair, et al., | M.C.B. 1187 |
| Charles J. Adair, et al., | M.C.B. 2630. |

These applications were made under the provision of the act of Congress of June 25, 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 concluded as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Wattie McIntosh Adair, Mary Adair, Noah Adair, Noah Crutchfield Adair, Mary Helen Adair, Charles J. Adair and Helen Adair, as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that

COPY

No. 2. 19

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 Dixey

Registered,

Acting Chairman.

W. C. B. 134

COPY

Waukegon, Indian Territory, October 31, 1902.

Mary Adair,

Waukegon, Indian Territory.

Dear Madam:

You are hereby advised that on the 22nd 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 Wattle McIntosh Adair, et al., of which decision you were advised by registered mail on the 10th day of July, 1902.

Respectfully,

(SIGNED)

Tame Bixby.
Acting Chairman.

Date DEC 21 1900

Name Mary Adair

Age 31 Blood 1/32

Post Office, Maben, Mississippi

Father: Andrew Adair - ✓

Mother: Mollie Adair - ✓

Claims through father.

Children:

Stenographer:
Myra Young.

Choctaw MCR 1187

Noah Peair

See MCR 1673

MCR 1187

CHOCTAW
Noah Adair et al.

REFUSED

DECISION RENDERED. JUL 9- 1902

NOTICE OF DECISION MAILED APPLICANT,

JUL 10 1902

**NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.**

JUL 10 1902

RECORD FORWARDED DEPARTMENT.

JUL 10 1902

ACTION APPROVED BY SECRETARY OF INTERIOR:

OCT 22 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.**

OCT 31 1902

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

OCT 31 1902

REFER TO M. C. R. 1673

72 1187

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Hattiesburg, Miss. Dec. 22, 1900.

In the matter of the application for identification as a Mississippi Choctaw of Noah Adair. Noah Adair being duly sworn by Acting Chairman Bixby, testified as follows.

Examination by the Commission.

- Q What is your name? A Noah Adair.
Q How old are you? A I am 30 years old.
Q What is your post-office address? A Now is Tyler, Texas.
Q Do you live in Texas? A Why I am working in Texas now.
Q That is your present residence? A Yes sir.
Q How long have you lived there? A Five years?
Q Maintained a continuous residence there for the last five years? A Yes sir.
Q Where did you live before that? A Mississippi.
Q How long did you live in Mississippi? A Born and raised there. Staid there until I went to Texas.
Q What is your father's name? A Andrew Adair.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mary Adair.
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 How much Choctaw blood do you claim? A One thirty second.
Q Is your father a Choctaw Indian? A Yes sir.
Q Ever recognized as such by the Choctaw authorities in the Indian Territory? A Not that I know of.
Q Did he ever receive any benefits as a Choctaw Indian? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for enrollment or citizenship as a Choctaw? A No sir.
Q Did you in 1896 make application to the Commission to the Five Civilized Tribes in the Choctaw Nation under the act of Congress of 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 of the United States Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
Q Have you ever prior to this time made any application to either the Choctaw authorities 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 It is.
Q You are now making application for identification as a Mississippi Choctaw? A I am.
Q Are you claiming your rights under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
Q Are you familiar with that article of that treaty? A I think I am.
Q Have you read it? A Yes sir.
Q Do you know what its general provisions are? A Yes sir.
Q What is the name of your ancestor who resided in Mississippi in 1830? A I don't know.
Q Through whom do you claim this right to identification as a Mississippi Choctaw? A I claim it through my father.
Q Was he a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A No sir.

Noah Adair 2

Q Who was? A His ancestors.

Q Who were they? A I don't know. I might make explanation now or later as to why I don't know. My father's parents died when he was a very small child. The reason that we know but little of his ancestry.

Q Do you know who your father's parents were? A I couldn't give their names? I don't know.

Q How do you know that your father is a Choctaw Indian? A He has always claimed it.

Q Has he ever been recognized as such by any authority? A He never made application that I know of.

Q You understand that the right to identification as Mississippi Choctaws are these applicants who can show compliance by their ancestors with the provisions of the fourteenth article of the treaty of 1830, do you not? A Yes sir, I understand it.

Q It will be necessary for the Commission to know who your ancestors were who were living at the time the treaty was made. A I think I can get that.

Q Do you know anything about it? A I know parties that are old enough. I think to give me that information. I think my father can give it to me too and if it is admissible I will get that information under oath and send it in to the Commission.

Q Has your father always lived in Mississippi? A Not always.

Q Where was he born? A I think he was born in Alabama.

Q You know nothing at all of his parents? A No sir.

Q How old is your father? A He is 67 years old.

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 am ignorant, in short I don't know.

Q You are making your claim solely as a beneficiary under the fourteenth article of the treaty of 1830? A There is no other way is there, if you will pardon me for asking the question?

Q I don't know of any other. A I do then.

Q Are you married? A Yes sir.

Q What is your wife's name? A Josie Adair.

Q Is she a white woman? A Yes sir.

Q Has no Indian blood? A No sir.

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

Q Have you any children? A No sir.

Q Just applying for yourself? A Yes sir.

Q Is there any additional statement you desire to make in support of your application? A Why I desire to submit some further evidence in the form of affidavits later.

Permission is granted the applicant to file written evidence in support of this application provided the same is offered for filing within thirty days from the date hereof.

Q Can you speak the Choctaw language? A No sir.

Q Can you understand it? A No sir.

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.

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 22nd day of December, 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 29th day of December 1900.

Myra Young
L. P. Emerson
Notary Public.

COPY, M. C. R. 1187.

Muskogee, Indian Territory July 10, 1902.

Noah Adair,

Tyler, Texas.

DEAR SIR:

You are hereby advised that on the 9th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Wattie McIntosh Adair, et al., embracing the following applications for identification as Mississippi Choctaws:

Wattie McIntosh Adair,	M. C. R. 1673
Mary Adair,	M. C. R. 1196
Noah Adair, et al.,	M. C. R. 1187
Charles L. Adair, et al	M. C. R. 8630.

These applications were made under the provision of the act of Congress of June 25, 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 Wattie McIntosh Adair, Mary Adair, Noah Adair, Noah Crutchfield, Adair, Mary Ellen Adair, Charles L. Adair and Helen Adair, as Choctaw Indians, entitled to rights in the Choctaw lands under the

M. A. 24

provisions of said 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 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)

Tamm Bixby.

Registered.

Acting Chairman.

M. C. S. 1167

COPY.

Wikegoe, Indian Territory, October 31, 1902.

Wash Adair,

Tyler, Texas.

Dear Madam:

You are hereby advised that on the 22nd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheateaws of the several persons included in the consolidated case of Fannie McIntosh Adair, et al., of which decision you were advised by registered mail on the 10th day of July, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

No. 1187

For Identification as a Mississippi Choctaw.

Date DEC 22 1900

Name Noah Adair.

Age 30 Blood 1/32.

Post Office, Tyler, Texas.

Father: Andrew Adair - ✓

Mother: Mary Adair - ✓

Claims through father.

WIFE:

Josie Adair.

(no claim for wife).

Children:

Stenographer:

Myra Young.

1890-1901.

Noah Adair, Tyler, Texas.

MC 1167 Noah Adair

On December 22, 1901 Noah Adair applied for identification as a Mississippi Choctaw. No decision has been rendered in his case up to this time.

Atok, June 18, 1901.

DEPARTMENT OF THE INTERIOR

G.O. 1260-1901

Noah Adair,

Tyler, Texas.

M.C. R 1187 Noah Adair.

On January 23, 1901, we prepared at this office a letter to Noah Adair acknowledging receipt of affidavits to which he refers, and forwarded to your office for copying and mailing. Further than this we have no information. The affidavits were filed with the other papers in this case.

Atoka, January 31, 1901.

AB

Choctaw MCR 1188

Robert M. Martin

See MCR 203

MCR 1188

... Martin ...
REFUSED

DECISION RENDERED. APR 21 1902

NOTICE OF DECISION MAILED APPLICANT.

APR 21 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS

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

NOV 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

NOV 12 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOV 12 1902

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

02

REFER TO M. C. R. 203

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Hattiesburg, Miss. Dec. 22, 1900.

In the matter of the application for identification as Mississippi Choctaws of Robert M. Martin and his twelve minor children. Robert M. Martin being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.

- Q What is your name? A Robert M. Martin.
Q What is your age? A Why, forty seven.
Q What is your post-office address? A Burnsville, Alabama.
Q How far from Mississippi? A I reckon about sixty miles from the line.
Q How long have you lived in Alabama? A Born and raised in Alabama.
Q Ever lived any where else? A No sir, not long at a time.
Q What is your father's name? A David Martin.
Q Is your father living? A Not that I know of. He was in the civil war and I never heard of him since.
Q What is your mother's name? A Keniah Martin.
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 much Choctaw blood do you claim? A One eighth.
Q Was your father a Choctaw Indian? A I don't know. His mother was a half Choctaw Indian.
Q What was your father then? A A quarter.
Q Was he ever recognized as a Choctaw Indian? A Not that I know of.
Q Did he ever receive any benefits as a Choctaw? A Not that I know of.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities for enrollment as a Choctaw? A No sir.
Q Did you or did any one in your behalf in 1896 make application to the Commission to the Five Civilized Tribes 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 for the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
Q Have you ever prior to this time made application to either the Choctaw authorities 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 Are you claiming as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
Q What was the name of your ancestor who resided in Mississippi in 1830? A My grand father was named Robert Martin and my grand mother Martha Martin.
Q Which one was a Choctaw Indian? A My grand father.
Q Was he of age in 1830? A I don't know his age. I just can recollect.

Robert M. Martin 2

Q Have you any evidence of the fact that he was a Choctaw Indian? A I haven't with me but there are some other people living there near me that said they knew. They are now about ninety years old.

Q Have they any evidence of that fact that Robert Martin was a member of the Choctaw tribe of Indians in 1830? A No sir, I haven't any with me.

Q Well, these other people. Can they testify to that fact? A Well, that he was connected with the Choctaw Indians.

Q Where was he? A I don't know.

Q Did he ever receive any benefits as a Choctaw Indian? A Not that I know of.

Q Did he remove from Mississippi to the Indian Territory when the Choctaws removed there? A No sir.

Q Why didn't he? A I don't know. I don't think he did.

Q You understand that the United States government moved the Choctaw Indians to the Indian Territory? A Yes sir.

Q Well, why didn't your grand father go with them? A I don't know.

Q If Robert Martin was a Choctaw Indian, have you any evidence of the fact that within six months after the ratification of the treaty of 1830, he signified to the United States Indian Agent his intention to remain in Mississippi and become a citizen of the United States? A No sir, I haven't any papers.

Q Did he remain here? A I couldn't tell you.

Q Did he ever receive any land in Mississippi as a beneficiary under the fourteenth article of the treaty of 1830? A No sir.

Q Did you ever live in the Indian Territory? A No sir.

Q Do you make any claim by reason of any other treaty between the United States and the Choctaw Indians? A No sir.

Q Are you married? A Yes sir.

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

Q Making any claim for her? A No sir.

Q She is a white woman is she? A Yes sir.

Q Where did you marry her? A Alabama.

Q When? A 1875.

Q Have you your marriage license and certificate? A Yes sir

Q Have them with you? A No sir.

Q It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in the matter of the identification of your child. A Yes sir.

Q What is the name and age of your child for whom you wish to make application? A Benjamin Martin.

Q How old is Benjamin? A Twenty years old.

Q That is the only child you have under age? A No sir, I have twelve under age.

Q What are the names of the rest of them? A David Martin.

Q How many children have you over twenty one? A Two.

Q How old is David? A He is eighteen.

Q All right? A Mary.

Q How old? A About seventeen.

Q The next one? A Edna.

Q How old is Edna? A She is about fifteen.

Q All right. A Charley.

Q How old is Charley? A About fourteen.

Q All right, sir. A George.

Q How old is George? A Twelve.

Q All right? A Della.

Q How old? A Eleven.

Q All right. A Silas. He's nine years old. Ines is the next eldest.

Q How old? A Six years old.

Q All right? A Lula, five.

Q All right, the next one? A Paul.

Robert H. Martin J.

- Q How old? A Year.
Q Any more? A One.
Q What is the next one? A Gracie.
Q How old is Gracie? A Two years old.
Q You are the father of all twelve of these children? A Yes sir.
Q Is your wife, Nancy Victoria Martin the mother of all of them? A Yes sir.
Q Do they all live with you at your home? A Yes sir.
Q Is there any additional statement you desire to make in support of this application? A Well, I would like to have a little time to get up the necessary evidence.
Q Evidence of what? A To prove the relationship you know with the Choctaw Indians. You see I haven't any with me.
Q You understand the proof the Commission requires is proof showing compliance of your ancestors with the provisions of the fourteenth article of the treaty of 1830? A Yes sir, yes sir, I understand it that.

Permission is granted the applicant to file written evidence in support of this application provided the same is offered for filing with the Commission within thirty days from the date hereof.

- Q Can you speak the Choctaw language? A No sir.

The decision of the Commission as to your application and the application you make on behalf of your children will be 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 had in the above entitled cause on the 22nd day of December, 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 31st day of December, 1900.

Guy L. Emerson
Notary Public.

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

In the matter of the application of Robert M. Martin for the identification of himself and his minor children, Benjamin, David, Mary, Edna, Charley, George, Della, Silas, Inez, Lula, Paul and Gracie Martin, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Robert M. Martin appeared before the Commission at Hattiesburg, Mississippi, December 22nd, 1900, and there made application for the identification of himself and his minor children, Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin and Gracie Martin, as Mississippi Choctaws. The provision of law vesting the 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 27th, 1830, is found in Section 21 of the Act of Congress approved June 28th, 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."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Robert M. Martin and his minor children, Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin and Gracie Martin, 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,

ACTING CHAIRMAN.

DATED AT MUSKOGEE, INDIAN TERRITORY

THIS _____ DAY OF _____ 1901.

Muskogee, Indian Territory, January 16, 1901.

Mr. K. H. Martin,
Selma, Alabama,

Dear Sir:

The Commission is in receipt of your letter of January 2, inclosing affidavits for filing in support of the following applications for identification as Mississippi Choctaws:

Callie Walker, et al.
Sallie Carroll, et al.
Robert M. Martin, et al.
Wentie Beneman, et al.
Rutherford M. Martin
Retha B. Walker.

The same have been duly filed with the records in the above cases.

Yours truly,

Acting Chairman.

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COMMISSIONERS
HENRY L. DAWES.
TAMM DIXIE.
THOMAS B. NEEDLES.
C. W. BRIDGEMAN.

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

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH.
SECRETARY.

Muskogee, Indian Territory, April 21, 1902.

Robert M. Martin,
Burnsville, Ala.

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 Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

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 Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trel Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Bozeman, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Martin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Willie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Marvin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Campbell, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin, Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, 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 Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermarried Mississippi Choctaws, 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,

Tamc Dixby.

(SIGNED).

Acting Chairman.

Registered.

COPY

L. O. R. 1188

Waukegan, Indian Territory, November 18, 1902.

Robert H. Martin,

McMurrenville, Indian.

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of the Commission regarding the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippit, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Yours truly,

James S. Burby,
Acting Chairman.

M C R 1128

Muskogee, Indian Territory, December 31, 1903.

Robert M. Martin,
Burnsville, Alabama.

Dear Sir:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

1 2 3

Now direct the Commission to notify you that if you wish to take any further action relative to the motion filed by W. H. Springer, on March 24, 1902, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

W. C. R. 1188

Michigan, Indian Territory, January 6, 1905.

Robert E. Martin,

Burnsville, Alabama.

Dear Sir:

You are hereby notified that the motion heretofore made before the Secretary of the Interior to reopen the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., was denied by the Department on December 24, 1904.

Respectfully,

Chairman.

COPY

MOR-1188

Muskogee, Indian Territory, January 17, 1907.

Robert M. Martin,
Burnsville, Alabama.

Dear Sir:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 28, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself and children is a part.

Respectfully,

SIGNED

Wams Bixby.

Commissioner.

For Identification as a Mississippi Choctaw.

Date DEC 22 1900

Name Robert M. Martin.

Age 47 Blood 1/8

Post Office, Burnsville, Alabama.

Father: David Martin - dead.

Mother: Keziah Martin - dead

Claims through father

WIFE:

Nancy V. Martin
(no claim for wife).

Children:

Benjamin Martin	20
David " "	18
Mary " "	17
Elnor " "	15
Charley " "	14
George " "	12
Wella " "	11
Silas " "	9
Inez " "	6
Lulu " "	5
Paul " "	4
Ernie " "	2

U.O.487-1901

M. E. Martin, Selma, Alabama.

Papers inclosed herewith
have been filed in the various
cases, and letter acknowledg-
ing receipt of same to M. E. Ma-
tin is sent you.

Atoka, January 16, 1901.

AB

Choctaw MCR 1189

Nettie Bozeman

See MCR 203

MCR 1189

W. H. ...
REFUSED

DECISION RENDERED, APR 21 1902

NOTICE OF DECISION MAILED APPLICANT.

APR 21 1902

**NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.**

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:

NOV 1 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.**

NOV 1 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.**

NOV 1 1902

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

NOV 1 1902

REFER TO M. C. R. 203

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Hattiesburg, Miss. Dec. 22, 1900.

In the matter of the application for identification as a Mississippi Choctaw of Neatie Bozeman. Neatie Bozeman being duly sworn by Acting Chairman Bixby testified as follows:

Examination by the Commission.

- Q What is your name? A Neatie Bozeman.
Q How old are you? A Twenty.
Q What is your post-office address? A Burnsville.
Q Where is that? A In Dallas County.
Q Where is that? A Alabama.
Q How long have you lived in Alabama? A All my life.
Q Born there? A Yes sir.
Q Never lived any where else? A No sir.
Q What is your father's name? A Robert.
Q Robert what? A Martin.
Q Robert M. Martin isn't it? A Yes sir.
Q Is your father living? A Yes sir.
Q What is your mother's name? A Naney Victoria.
Q Is your mother living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood? A Papa.
Q How much Choctaw are you? A One eighth I reckon.
Q Your father a Choctaw Indian? A Yes sir.
Q How do you know he is? A They said his father and mother was a
Q How do you know your father was a Choctaw? A Because his father and mother was.
Q How do you know his father and mother were? A They said so.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for citizenship or enrollment as a Choctaw? A No sir.
Q No body ever made application for you? A No sir.
Q Did you or did any one in your behalf in 1896 make application to the Commission to the Five Civilized Tribes 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 judgment of the United States courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
Q Have you ever made any application of any description prior to this time to either the Choctaw tribal authorities 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.
You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q Are you claiming your right under the fourteenth article of the treaty of 1830? A Yes sir.
Q What was the name of your ancestor who resided in Mississippi in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians? A I don't know.

Hattie Bozeman 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.

Q Did any of your people ever live in the Indian Territory?

A No sir. Not as I knew of.

Q Are you married? A Yes sir.

Q What is your husband's name? A Bozeman. Walter Bozeman.

Q A white man? A Yes sir.

Q Making any claim for him? A No sir.

Q Have you any children? A ~~Yes~~ No sir.

Q Just applying for yourself are you? A Yes sir.

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

Q Have you any written evidence, any papers, showing that your ancestors ever complied with the provisions of the fourteenth article of the treaty of 1830? A No sir.

Q Any other documents? A No sir.

Q Can you speak Choctaw? 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 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 22nd day of December, 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 31st day of December, 1900.

Guy L. V. Emerson
Notary Public.

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

In the matter of the application of Neatie Bozeman for identification as a Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Neatie Bozeman appeared before the Commission at Hattiesburg, Mississippi, December 22nd, 1900, and there made application for identification as a Mississippi Choctaw. The provision of law vesting the 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 27th, 1830, is found in Section 21 of the Act of Congress approved June 28th, 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."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Neatie Bozeman as a Choctaw Indian entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for her identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

ACTING CHAIRMAN.

DATED AT MUSKOGEE, INDIAN TERRITORY

THIS _____ DAY OF _____ 1901.

Muskogee, Indian Territory, January 16, 1931.

Mr. M. E. Martin,
Selma, Alabama,

Dear Sir:

The Commission is in receipt of your letter of January 8, inclosing affidavits for filing in support of the following applications for identification as Mississippi Choctaws:

Callie Walker, et al.
Sallie Carroll, et al.
Robert M. Martin, et al.
Beatie Boseman, et al.
Rutherford M. Martin
Retha B. Walker.

The same have been duly filed with the records in the above cases.

Yours truly,

Acting Chairman

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COPY.

COMMISSIONERS
HENRY L. DAWES.
TAMM SIXBY.
THOMAS B. NEEDLES.
C. R. BRACKENRIDGE.

ALLISON L. AVLESWORTH
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Neatie Bozeman,

Burnsville, Ala.

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 Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

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 Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trel Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Bella Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Bozeman, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Martin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Ery Parnell, Velma Parnell, Willie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parrell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Marvin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, William F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin, Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, 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 Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermarried Mississippi Choctaws, 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.*

Registered.

Acting Chairman.

Muskogee, Indian Territory, December 21, 1903.

Heatie Bosman,
Burnsville, Alabama.

Dear Madam:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

N 3 2

now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. H. Springer, on March 24, 1905, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

W.O.B.

COMMISSIONERS:
TAMM HICKY,
THOMAS E. NEEDLES,
C. R. BRACKENRIDGE,

WM. O. NEALL,
Secretary.

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

NUMBER IN REPLY TO THE FOLLOWING:

M C R 1189

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

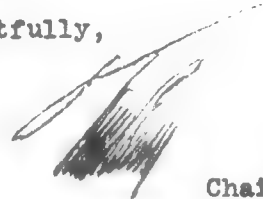
Muskogee, Indian Territory, January 6, 1905.

Neatie Bozeman,
Burnsville, Alabama.

Dear Madam:

You are hereby notified that the motion heretofore made before the Secretary of the Interior to reopen the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., was denied by the Department on December 24, 1904.

Respectfully,



Chairman.

COPY

MCR-1189

Muskogee, Indian Territory, January 17, 1907.

Kestis Roseman,
Burnsville, Alabama.

Dear Madam:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself is a part.

Respectfully,

SIGNED

Tams Bixby.

Commissioner.

No. 1130

OF IDENTIFICATION AS A MISSISSIPPI CITIZEN

Dec. DEC 22 1900

Name *Neatie Bozeman*

Age *20* Blood *1/8*

Post Office *Burnsville, Alabama*

Father: *Robert M. Martin - ✓*

Mother: *Nancy V. Martin - ✓*

Claims through *father*

HUSBAND:

Walter Bozeman.

(No claim for husband)

Children:

Stenographer:
Myra Young.

Department of the Interior.

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

This lady has been
married, is dead
and her husband
lives elsewhere.
P.M.

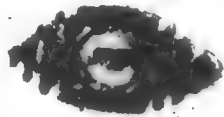


Neatie Bözeman,

Burnsville, Alabama.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIRE CIVILIZATION

FILED

FEB -9 1908

CHAIRMAN

Choctaw MCR 1190

Rutherford M. Martin

See MCR 203

MCR 1190

Rutherford M. Martin

REFUSED

DECISION RENDERED: APR 21 1902

NOTICE OF DECISION MAILED APPLICANT.

APR 21 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS

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

NOV 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOV 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOV 1 1902

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

NOV 1 1902

REFER TO M. C. R. 293

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hattiesburg, Miss. Dec. 22, 1900.

In the matter of the application for identification as a Mississippi Choctaw of Rutherford McDuffey Martin. Rutherford McDuffey Martin being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.

- Q What is your name? A Rutherford McDuffey Martin.
Q How old are you? A Twenty three.
Q What is your post-office address? A Plantersville.
Q Where is that? A In Dallas County, Alabama.
Q Do you live in Alabama? A Yes sir.
Q How long have you lived there? A All my life.
Q Never lived any where else? A No sir.
Q What is your father's name? A Robert M. Martin.
Q Is your father living? A No sir.
Q What is your mother's name? A Nannie Martin.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One eighth.
Q Is your father a Choctaw Indian? A Yes sir.
Q Have you any evidence of that fact? A Yes sir.
Q Was he ever recognized as a choctaw Indian by any authorities of the United States and the Choctaw Nation? A I have no evidence of it.
Q Did he derive any benefits as a Choctaw? A No sir.
Q How do you know he was a Choctaw? A Only the older people tell me so. People that have known his ancestors.
Q What did they tell you? A That his mother was a half Indian.
Q How did they know she was a half Indian? A I don't know.
Q Did she ever derive any benefits as a Choctaw? A No sir.
Q Was she ever recognized as a Choctaw? A No sir.
Q Is your name on any of the Choctaw tribal rolls in the Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities for enrollment as a Choctaw? A No sir.
Q Did you or did any one in your behalf in 1896 make application to the Commission to the Five Civilized Tribes 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 in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
Q Have you ever prior to this time made any application to either the Choctaw tribal authorities 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 Are you claiming as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.
Q Do you know what that is? A No sir.

Rutherford McDuffey Martin 2

Q Have you read it? A No sir.

Q Any one ever explain it to you? A No sir.

Q What are you claiming under it? A Well, I have never had it explained to me that fourteenth article, I don't know the meaning of it.

Q The treaty of 1830 was made between the United States and the Choctaw Indians in Mississippi and provided for their removal from Mississippi to the present Indian Territory and it was agreed between the United States government and the Choctaw Indians in the fourteenth article of that treaty that those Choctaws who desired to remain in Mississippi and become citizens of the United States could do so by signifying their intention to the United States Indian Agent in Mississippi and after remaining here on certain tracts of land which were set aside to them, for five years, were entitled to a patent to that land and rights of citizens of the United States. What was the name of your ancestor who resided in Mississippi in 1830? A Martha Moore. That is where we get our claim. I don't know whether she resided here or not.

Q Where did she reside? A Alabama.

Q What was she doing in Alabama? A She lived there, died and married there.

Q When did she die? A I don't know.

Q When did she go to Alabama? A I don't know.

Q Have you any evidence showing that she was a recognized member of the Choctaw tribe of Indians in Mississippi? A I think I can give some evidence. I didn't have time to get it up legally and would like to have you give me about thirty days time on it.

Permission is granted the applicant to file written evidence in support of his application within thirty days from the date hereof.

Q Did Martha Moore remove from Mississippi to the Indian Territory? A No sir.

Q How do you know she ever lived in Mississippi? A Well, I don't know it.

Q How do you know she was ever a Choctaw Indian? A Just by what other people tell me.

Q Did she ever receive any benefits as such? A No sir.

Q Did she signify to the United States Indian Agent if she was recognized as a Choctaw Indian, her intention within six months after the ratification of the treaty of 1830 to remain in Mississippi and become a citizen of the United States? 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 Are you making any claim under a ny other treaty agreement between the United States and the Choctaw Indians? A No sir.

Q Are you married? A No sir.

Q Ever been married? A No sir.

Q Making this application solely on your own behalf are you?

A Yes sir.

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

Q Can you speak Choctaw? A No sir.

Q Can you understand it? 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 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

Rutherford McDuffey Martin 3

Tribes, she reported in full all proceedings had in the above entitled cause on the 28th day of December, 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 31st day of December, 1900.

Geo. L. Emerson
Notary Public.

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

In the matter of the application of Rutherford McDuffey Martin for identification as a Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Rutherford McDuffey Martin appeared before the Commission at Hattiesburg, Mississippi, December 22nd, 1900, and there made application for identification as a Mississippi Choctaw. The provision of law vesting the 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 27th, 1830, is found in Section 21 of the Act of Congress approved June 28th, 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."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rutherford McDuffey Martin as a Choctaw Indian entitled to rights in the Choctaw lands under the provision of law above quoted, 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.

DATED AT MUSKOGEE, INDIAN TERRITORY
THIS _____ DAY OF _____ 1901.

Muskogee, Indian Territory, January 16, 1901.

Mr. H. E. Martin,
Selma, Alabama,

Dear Sir:

The Commission is in receipt of your letter of January 2, inclosing affidavits for filing in support of the following applications for identification as Mississippi Choctaws:

Callie Walker, et al.
Sallie Carroll, et al.
Robert M. Martin, et al.
Beatie Bezman, et al.
Rutherford M. Martin
Retha B. Walker.

The same have been duly filed with the records in the above cases.

Yours truly,

Acting Chairman.

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COPY

Washington, Indian Territory, November 15, 1902.

Rutherford M. Martin,

Montevallo, Alabama.

Dear Sir:

You are hereby advised that on the 1st day of November, 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 Susan J. Tippit, et al., of which decision you were advised by registered mail on the 31st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

(SIGNED)

Tams Dixby.

Acting Chairman.

COMMISSIONERS
HERRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES.
C. R. BRIDGEMAN.

ALLISON L. AYLESWORTH.
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Walterford N. Martin,
Plantersville, Ala.

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 Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

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 Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trelle Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-
 man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton,
 Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie
 Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan
 A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma
 M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Mar-
 tin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha
 L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie
 Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-
 lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell,
 William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue
 Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-
 vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, William F.
 Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza
 Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ole May Eaves, Pierson G. W.
 Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G.
 Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett
 Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling,
 Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L.
 Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega
 Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin. Robert W. Martin, Jr., Zada I.
 Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands un-
 der the provision of law above quoted, 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 Susan J. Tippit for the identification of her husband, James A. Tippit,
 the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the
 application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-
 ried Mississippi Choctaws, 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.*

Registered.

Acting Chairman.

M C R 1190

Muskogee, Indian Territory, December 21, 1903.

Rutherford M. Martin,

Plantersville, Alabama.

Dear Sir:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

R E F E R

most now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. H. Springer, on March 24, 1903, you will have thirty days from this date for that purpose.

Respectfully,

Chairman.

H C R 1190

McAlester, Indian Territory, January 6, 1904.

Arthur V. ...

Plantersville, Alabama.

Dear Sir:

You are hereby notified that the motion heretofore made before the Secretary of the Interior to reopen the consolidated Mississippi Choctaw case of Susan J. Tippet, et al., was denied by the Department on December 24, 1904.

Respectfully,

Chairman.

MCR-1100

COPY

Muskogee, Indian Territory, January 17, 1907.

Rutherford M. Martin,
Plantersville, Alabama.

Dear Sir:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself is a part.

Respectfully,

SIGNED

Gams Bixby.

Commissioner.

For Identification as a Mississippi Choctaw.

Date DEC 22 1900

Name Rutledge M. Martin

Age 29 Blood 1/8

Post Office. Plantersville, Alabama.

Father: Robert M. Martin - dead.

Mother: Nannie J. Martin - ✓

Claims through father

Children:

Stenographer:
Mura Young.

Choctaw MCR 1191

Rotha B. Walker

See MCR 203

MCR 1191

John D. Walker

REFUSED

DECISION RENDERED. APR 21 1902

NOTICE OF DECISION MAILED APPLICANT.

APR 21 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

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

NOV 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOV 1 2 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOV 1 2 1902

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

NOV 1 2 1902

REFER TO M. C. R. 203

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Hattiesburg, Miss. Dec. 22, 1900.

In the matter of the application for identification as a Mississippi Choctaw of Rotha B. Walker. Rotha B. Walker being duly sworn by the Commission testified as follows:

Examination by the Commission.

- Q What is your name? A Rotha B. Walker.
Q How old are you? A Twenty one.
Q What is your post-office address? A Plantersville, Alabama, Dallas County.
Q Do you live at Plantersville? A Yes sir.
Q How long have you lived there? A All my life
Q Born in Alabama? A Yes sir.
Q Never have lived any where else? A No sir.
Q What is your father's name? A George W. Walker.
Q Is your father living? A Yes sir.
Q What is your mother's name? A Luititia Walker.
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 How much Choctaw blood do you claim? A I guess only about a sixteenth.
Q Is your mother a Choctaw Indian? A She is a descendant, yes sir.
Q Well, is she a Choctaw? A Yes sir.
Q Did she ever derive any benefits as a Choctaw Indian?
A No sir.
Q Has she ever been recognized either by the Choctaw authorities or the authorities of the United States as a Choctaw Indian? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in the Indian territory for citizenship or enrollment as a Choctaw? A No sir.
Q Any one make applicat on for you? A No sir.
Q Did you or any one in your behalf in 1896 make application to the Five Civilized Tribes ~~in the Indian Territory~~ for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A I don't know.
Q Have you ever been admitted to citizenship in the Choctaw Nation in the Indian Territory by judgment of the United States Courts in the Indian Territory? A No sir.
Q Have you ever made any application prior to this time 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 Are you claiming as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.
Q Are you familiar with that article of that treaty? A Well No sir, I could not say I am familiar with it.

Rotha B. Walker 2

- Q Have you read it? A No sir.
- Q Any one read it to you? A Yes sir.
- Q You know what it is? A Yes sir I know what it is.
- Q What was the name of your ancestor who resided in Mississippi in 1830? A Martha Moore.
- Q What relation was Martha Moore to you? A My great grand mether.
- Q Have you any evidence showing that you are a direct lineal descendant of hers? A Well, no sir, not with me. I can get proof all right but I haven't any with me.
- Q Was she a Choctaw Indian? A Yes sir.
- Q Have you any evidence of that fact? A Well, I don't know as I have. Only just handed down from one to the other.
- Q Did she ever receive any benefit as a Choctaw Indian? A No sir.
- Q Did she remove from Mississippi to the Indian Territory to the Choctaw Nation when the Choctaw Indians were moved there in 1833 to '37? A No sir.
- Q Did she, if a recognized Choctaw Indian, within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent in Mississippi, her intention to remain in Mississippi and become a citizen of the United States? A I don't know.
- 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 Are you claiming under any other treaty stipulation between the United States and the Choctaw Indians besides this fourteen article of the treaty of 1830? A No sir.
- Q Are you married? A I am not.
- Q Have you ever been married? A No sir.
- Q Making this application solely on your own behalf? A Yes sir.
- Q Is there any additional statement you desire to make?
A I would like to have thirty days time in which to send in the proof.

Permission is granted the applicant to file written evidence in support of this application provided the same is offered for filing with the Commission within thirty days from the date hereof.

- Q Can you speak Choctaw? A No sir.
- Q Can you understand it? 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 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 22nd day of December, 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 31st day of December, 1900.

Geo. L. Emerson
Notary Public/

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

In the matter of the application of Retha B. Walker for identification as a Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Retha B. Walker appeared before the Commission at Hattiesburg, Mississippi, December 22nd, 1900, and there made application for identification as a Mississippi Choctaw. The provision of law vesting the 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 27th, 1830, is found in Section 21 of the Act of Congress approved June 28th, 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."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Retha B. Walker as a Choctaw Indian entitled to rights in the Choctaw lands under the provision of law above quoted, 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.

DATED AT MUSKOGEE, INDIAN TERRITORY

THIS _____ DAY OF _____ 1901.

Muskogee, Indian Territory, January 16, 1901.

Mr. H. E. Martin,
Selma, Alabama,

Dear Sir:

The Commission is in receipt of your letter of January 2,
inclosing affidavits for filing in support of the following appli-
cations for identification as Mississippi Choctaws:

Sallie Walker, et al.
Sallie Carroll, et al.
Robert M. Martin, et al.
Fannie Solomon, et al.
Rutherford M. Martin
Ketha B. Walker.

The same have been duly filed with the records in the above cases.

Yours truly,

Acting Chairman.

COPY.

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

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

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH.
SECRETARY.

Muskogee, Indian Territory, April 21, 1902.

Rotha B. Walker,
Plantersville, Ala.

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 Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Mattee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

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 Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trelle Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Mar-tin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar- vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin. Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, 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 Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-ried Mississippi Choctaws, 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) *Tamc Bixby*

Registered.

Acting Chairman.

M.C.R. 1191

COPY.

Muskogee, Indian Territory, November 12, 1902.

Retha R. Walker,

Plantville, Alabama.

Dear Sir:

You are hereby advised that on the 1st 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 Susan J. Tippit, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

SIGNED

Tams Bixby.

Acting Chairman.

Muskogee, Indian Territory, December 21, 1903.

Rotha B. Walker,
Plantersville, Alabama.

Dear Madam:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

R.B.W., -2-

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. N. Springer, on March 24, 1903, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 14, 1904.

R. B. Walker,
Plantersville, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, acknowledging receipt of our letter of December 21, 1903, relative to the motion filed by W. M. Springer for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., of which your application is a part. You ask to be advised in regard to your case from time to time.

In reply you are informed that the Commission is now without authority to take any further action in this case, as its decision of April 21, 1902, refusing the several applications included in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al. was approved by the Secretary of the Interior on November 1, 1902, and the case closed.

Our letter of December 21, 1903, was merely to inform you that the Department would allow you thirty days from the date of said notice in which to take further action relative to the motion filed in said case by W. M. Springer, who has since died.

As the record in this case is in the hands of the Secretary of the Interior, it is suggested that you correspond with him

R D V 2

if you desire to take further action.

Respectfully,

Chairman.

W.C. 1191

Washoe, Indian Territory, January 2, 1905.

John E. Walker,
Plantersville, Alabama.

Dear Sir:

You are hereby notified that the motion heretofore made before the Secretary of the Interior to reopen the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., was denied by the Department on December 24, 1904.

Respectfully,

Chairman.

COPY

MOR-1191

Muskogee, Indian Territory, January 17, 1907.

Rotha B. Walker, ^U
Plantersville, Alabama.

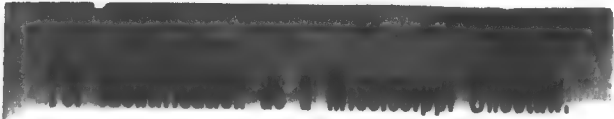
Dear Sir:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself is a part.

Respectfully,

Wams Bixby.

Commissioner.



Date DEC 22 1900

Name *Rotha B. Walker.*

Age *21* Blood *1/16*

Post Office, *Plantersville, Alabama.*

Father: *George W. Walker* ✓

Mother: *Luticia Walker* - ✓

Claims through *mother*

Children:

Stenographer:
Myra Young.

Choctaw MCR 1192

Isom Tolbert

MCR 1192

CHOCTAW
Isom Tolbert

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,**

-----|-----

**In the matter of the application of Isaac Telbert, for
identification as a Mississippi Choctaw. H.C.R. 1199.**

List of papers forwarded to the Secretary of the Interior
comprising the record in the above entitled case.

**Original application of Isaac Telbert to
the Dawes Commission for identification
as a Mississippi Choctaw.....1**

**Decision of the Commission denying the
application of Isaac Telbert for identi-
fication as a Mississippi Choctaw.....4**

-----|-----

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Hattiesburg, Miss. Dec. 22nd, 1900.

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

Examination by the Commission.

- Q What is your name? A Isom Tolbert.
Q What is your age? A Fifty eight.
Q What is your post-office address? A Balltown.
Q Where is that? A Close to the line of Mississippi.
Q What state is it in? A In Louisiana.
Q Do you live in Louisiana? A No sir, I live in Mississippi
Q Just across the line from Louisiana? A Yes sir.
Q How long have you lived in Mississippi? A I disremember
now.
Q Did you ever live any where besides Mississippi? A No sir.
Q What is your father's name? A Injun Jim.
Q Did he ever have any other name? A No sir.
Q The only name you ever knew him by was Injun Jim?
Q Yes sir, he was Choctaw.
Q Is he living? A No sir.
Q What is your mother's name? A Edie Ada.
Q Is that the only name she ever had? A Yes sir.
Q Is your mother living? A No sir.
Q Through which one of your parents do you claim your Choctaw
blood? A My father was a full blood Choctaw.
Q How much Choctaw are you? A I am a half. My mother had
some Indian in her too.
Q Your father was a full blood Indian? A A full blood
Choctaw.
Q How do you know he was? A I know him. I have been in
camp with him.
Q Was your father ever a slave? A No sir.
Q Was your mother? A Yes sir.
Q You ever a slave? A Yes sir.
Q Your father ever receive any money as a Choctaw Indian?
A Not as I knew of. I remember one time my fathersaid the
Indians had distributions. I don't know what took place. He voted
there and came back.
Q Voted where? A In the Choctaw Nation.
Q Is your name on any of the tribal rolls of the Choctaw
Nation in the Indian Territory? A I think so.
Q Why do you think so? A I don't know.
Q Have you ever been in the Indian territory? A No sir.
Q Ever make application - ever apply to the Choctaws in the
Indian Territory to be enrolled? A To be enrolled?
Q Yes, put on their rolls? A Yes sir.
Q When? A It has been some time about, Oh, the other day
I did.
Q What do you mean by the other day? A A man come in here
my sister's son come in here the other day.
Q What other day did you apply. You said you applied the other
day. //How when? A I think it was about Tuesday or Wednesday.
Q Who did you apply to? A He said he had a paper.
Q To whom did you apply? A Where did you go? A I haven't
been any where.
Q Then what do you mean by saying you applied the other day?

Isen Tolbert 2

A I was crippled you know and he took my name.

Q Who is he? A Mark Spates. His mother was an Indian too and we both had one father. He came and said the lawyer gave him papers for him and me. He said you would have to see my face.

Q You have never applied yourself have you? A Yes sir, I signed to it.

Q Well, you never have been before this Commission in person no one has seen your face before? A No, you all said I had to come here so you could see my face.

Q Did you ever apply to the Choctaw authorities in the Indian Territory? A No sir.

Q Did you ever apply to this Commission four years ago? A No sir.

Q Have you ever made any application before this time? A No sir.

Q This is the first time you have ever made application? A Yes sir.

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

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

Q Did you ever hear of the fourteenth article of that treaty?

A I don't remember.

Q Do you know what identification means? A No sir. My children can read but I cant.

Q Your father always lived in Mississippi? A Yes sir. My father died there when I was small.

Q Was he living here in 1830? A I reckon so.

Q Do you know how long ago 1830 was? A No sir.

Q Do you know what year this is? A I don't know.

Q Do you know what month this is? A December.

Q December of what year? A Christmas month.

Q Do you know how old your father would be if he was living?

A No sir. He was a grown man when I first knew him.

Q Did he ever remove to the Indian Territory? A He came out of there.

Q I don't mean the Indian Territory in Mississippi. I mean the Indian Territory across the River, away out west? A Yes sir.

Q Was he ever out there? A Yes sir.

Q When? A He was free all his life.

Q Was he ever in the Indian Territory? A I reckon so. I don't remember only he was from the Choctaw Nation.

Q Choctaw Nation where? A Wherever it is. He is a full blood Choctaw. My daddy was an Indian and I remember him well because I have been in camp with him. He took me to his camp a heap of times.

Q Did he ever claim or receive any lands in Mississippi as a Choctaw Indian? A Not as I know of.

Q Do you know what his father's name was? A No sir.

Q Do you know what his mother's name was? A No sir.

Q Do you know anything about your father's parents? A No sir.

Q Did he ever receive any benefits as a Choctaw, ever get any money from the Choctaw Nation? A No sir, I don't think he did.

Q Did he ever get any land? A Not as I knows of.

Q Do you know what I mean when I say the Indian Territory? Where is that? A Well it is way back yonder. I know my master always told me after I got free that if I would just go there and get my land and live there he wouldn't mind going with me. I am just telling you what I know. My father was a full blood Indian. He died.

Q Can you speak Choctaw? A No sir.

Q Can you understand it? A No sir, I can't understand no words.

Q Are you married? A No sir.

Q Have you ever been married? A Yes sir.

Q Is your wife dead? A No sir.

Q Where is she? A About two or three miles from me.

Isom Tolbert 3

Q Aren't you living with her? A No sir.

Q Why don't you live with her? A Well, she got too smart for me.

Q Are you divorced from her? A I will tell you how that was. You see we wanted a divorce but our names couldn't be found at the court house and since that the court house - the rats been after them and they couldn't be found but I am divorced. Every body says that.

Q Have you any children? A Yes sir.

Q Are they under twenty one years old or all grown? A All grown.

Q You are just applying for yourself? A That is all I can do.

Q Is there any additional statement you want to make, anything further you want to say? A Yes sir I come to try and receive my land, whatever is due to me.

Q Came to receive your land? A Yes sir.

Q What land? A In the Indian Territory. That's what I come out for.

Q Did somebody tell you that if you came here you would receive your land? A I always did hear that. Yes sir. My old master told me so. Every body told me so.

Q The Commission is only here now hearing applicants for identification as Mississippi Choctaws and in the event the Commission is enabled to identify you as a Choctaw ~~or~~ Indian it will be necessary for you to remove to the Indian territory after that.

A Yes sir, I though I would have to.

Q Have you got any papers showing that your father or any of his people were ever recognized as Choctaw Indians? A No sir more than that that man brought here. He said there was two lawyers here and he filed them up for him and me. He's got them.

Q The papers the lawyer gave you? A Yes sir for him and me. He had one for me and that is all fixed up and me being crippled, having something eating on me, I thought I wouldn't have to come but the word come that you had to see my face so I come.

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 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 22nd day of December, 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 8th day of January, 1901.

Guy L. Emerson
Notary Public.

*Exam
J.R.B.
C. v. W.*

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

In the matter of the application of Isaac Telbert for identification as a Mississippi Choctaw. H.C.R. 1192.

--: DECISION :--

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission by Isaac Telbert for himself, 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 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

(2).

of one Injun Jim, who is alleged to have been a fullblood Choctaw Indian.

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 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 Injun Jim 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 Isaac Tolbert, as a Choctaw Indian entitled to rights in the Choctaw lands

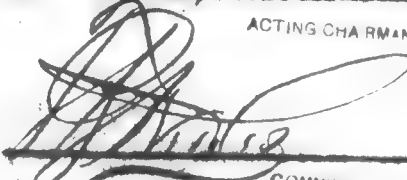
(3).

under the provisions of said article fourteen of the treaty of 1830,
and that the application for his identification as such should be re-
fused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



ACTING CHAIRMAN.



COMMISSIONER.



COMMISSIONER.

Muskogee, Indian Territory,

JUL 28 1902

W.C.R. 1199.

COPIE

Mustang, Indian Territory, July 28, 1902.

Isom Tolbert,
Balltown, Louisiana.

Dear Sir:

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 Isom Tolbert, 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., 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:

3 7 3

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaac Solbert, 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)

F. B. Needles.
Commissioner in Charge.

Registered.

COPY.

M.C.R. 1192.

Muskogee, Indian Territory, July 26, 1902.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

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 Isaac Felbert, an applicant for identification as a Mississippi Choctaw.

The application was made under the provision of the act of Congress of June 23, 1892 (25 Stat., 492) 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 1004 & C 2

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaac Tolbert, 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 report 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.

M.C.R. 1100.

COPY.

Waukegan, Indian Territory, July 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Isaac Teibert, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of July 20, 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 enclosure.

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land 45,521-1902.

Washington, August 12, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report from Thomas 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 application of Isaac Telbert who claims identification as a Mississippi Choctaw claiming rights in the Choctaw lands under the treaty of 1830.

The claimant traces descent from Injun Jim who, he alleges, was his father.

The records of this office do not show that any one by the name of Injun Jim complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or applied to the commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights.

The records of the office do, however, show that a person, by the name of Jim and that others by the name of James, Jimmie

-2-

Jimmy and Jimmy did comply with the provisions of said article, but they do not show that any of the parties was the father of any person by the name of Isaac Telbert.

The record shows that "Jim" was the parent of Yeak-a-tubbes.

The decision of the commission rejecting the claimant is recommended for approval.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

(G.A.W.)

P .

H C R 1100.

Muskogee, Indian Territory, August 15, 1908.

Isaac Gilbert,

Sulphur, Louisiana.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th inst., relative to the decision of the Commission in the matter of your application for identification as a Mississippi Choctaw.

We can render you no further information in regard to this matter than to advise that the Commission has refused your application for identification as a Mississippi Choctaw, and the record in the 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, you will be duly notified thereof.

Yours truly,

Acting Chairman.

D. C. 14082-1902.

51482

RAF.

DEPARTMENT OF THE INTERIOR.

Washington.

ITD. 4930-1902.

August 28, 1902.

L. R. S.

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

Gentlemen:

With your letter of July 28, 1902, the Department received the record and your decision of that date, in the matter of the application of Isaac Tolbert for identification as a Mississippi Choctaw.

Applicant endeavors to trace his descent from one Injun Jim, alleged to have been a full blood Choctaw Indian.

The record fails to show that applicant was ever admitted or enrolled as a Choctaw citizen, or that Injun Jim 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 12, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

-2-

After carefully reviewing the whole case, the Department
affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

E.M.D.

M.C.R. 1192.

Muskogee, Indian Territory, September 5, 1902.

Isom Tolbert,
Balltown, Louisiana.

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 application for identification as a Mississippi Choctaw of Isom Tolbert, of which decision you were duly advised by registered mail on the 28th day of July, 1902.

Yours truly,

(SIGNED)

James Dickey.

Acting Chairman.

M.C.R. 1192.

Muskogee, Indian Territory, September 5, 1902.

Wansfield, McMurray & 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 Isom Tolbert, of which decision you were duly advised by mail on the 28th day of July, 1902.

Yours truly,

SECRET

Tamc Dwyer

Acting Chairman.

om Tolbert
MER 1192

4192

For Identification as a Mississippi Choctaw

Date DEC 22 1900

Name Isom Tolbert.

Age 58 Blood 1/2

Post Office, Balltown, Louisiana.

Father: Indian Jim - dead.

Mother: Oddie Tolbert - dead.

Claims through father

Children:

Stenographer:
Myra Young.

Choctaw MCR 1193

Ellis McInnis

MCR 1193

Ellis McInnis 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

RECORDS FORWARDED DEPARTMENT.

JUL 16 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 16 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

AUG 25 1902

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

AUG 25 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Ellis McInnis et
al., for identification as Mississippi Choctaws, M.C.R. 1193.

List of papers forwarded to the Secretary of the Interior, comprising
the report in the case of Ellis McInnis et al.

(Page)

Original application of Ellis McInnis et al. before the Dawes Commission for identification as Mississippi Choctaws.....	1
Decision of the Commission denying the application of Ellis McInnis et al. for identification as Mississippi Choctaws	4

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Hattiesburg, Miss. Dec. 22, 1900.

In the matter of the application for identification as Mississippi Choctaws of Ellis McInnis and his five minor children. Ellis McInnis being duly sworn by Acting Chairman Bixby, testified as follows.

Examination by the Commission.

- Q What is your name? A Ellis McInnis.
- Q What is your age? A I was born in 1856.
- Q About 44 then are you? A Yes sir.
- Q What is your post-office address? A Vernal, Mississippi. I live in Green County.
- Q How long have you lived in Mississippi? A All my life.
- Q Never lived any where else? A No sir.
- Q Born here and lived here all the time? A Yes sir.
- Q What is your father's name? A Billy Jones.
- Q Is he living? A No sir, he's dead.
- Q What is your mother's name? A My mother's name was Catherine McInnis.
- Q Were your father and mother married? A No sir, they wasn't married, not that I know of.
- Q Is your mother living? A Yes sir.
- Q Through which one of your parents do you claim your Choctaw blood? A I claim it half by my mother and by my father. He was full blood.
- Q How much Choctaw are you? A Well, I can't say exactly how much. My mother was said to be one half and my father full blood.
- Q How much would that make you? A That would only make me about three quarters wouldn't it?
- Q How do you know your father was a Choctaw Indian? A Well, I don't know anything more than what my mother told me.
- Q Did you ever see him? A Yes sir.
- Q How long has he been dead? A A long time, I couldn't say how long. I don't know about what year. At that time I was small and I didn't know anything about dates.
- Q Was he ever a slave? A No sir.
- Q Was your mother a slave? A Well, she was.
- Q Have you ever been a slave? A No sir, I never was no slave.
- Q Where were you living at the time of the Rebellion? A In Green County, Mississippi.
- Q No body owned you? A No sir, not myself. My mother's mother she was a slave and she bot herself and my mother, She lived with white people.
- Q Was she a slave? A Said to be.
- Q Owned by a white man? A Yes sir.
- Q Did the man who owned your mother claim you as a slave? A No sir, he didn't claim me as a slave.
- Q Your father or mother ever receive any benefits as Choctaws, ever draw any money? A Not as I know of. I don't think really they did.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian territory? A I couldn't tell you that .

Q Do you know where the Indian Territory is? A No sir, I couldn't tell you that.

Q Have you ever been outside of Mississippi? A Mighty little I have been in Alabama traveling and that is about as far as I have been.

Q Did you ever make application to the Choctaw tribal authorities for enrollment as a Choctaw? A No sir.

Q Never have been recognized in any manner by the Choctaw authorities as a Choctaw Indian? A No sir.

Q Did you or did any one in your behalf in 1896 make application to this Commission, the Commission to the Five Civilized Tribes, for citizenship in the Choctaw Nation? A Not that I know of.

Q Well, did you? A No sir.

Q Did any one for you? A No sir.

Q Have no idea any application was made for you? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir, I couldn't tell you that.

Q Have you ever made any application before this? A Never have.

Q This is the first time you have ever made application?

A Yes sir.

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

Q Do you know what that means? A Not exactly.

Q What does the word 'Identification' mean? A Testimony of some kind don't it?

Q Do you know what year this is? A Yes sir.

Q What year is it? A 1900.

Q How long ago would 1830 be? A Well back yonder fifty odd year.

Q Do you know anything about your people fifty years back?

Q No sir.

Q Do you know anything about them seventy years back? A No sir. Q Do you know what was the name of your ancestor, your Indian ancestor in 1830 that would be 70 years ago? A No sir.

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

Q What do you claim then? A Well, I can't claim that for that was before I was born.

Q The Commission is here only hearing applicants who claim the right to identification under the fourteenth article of the treaty of 1830. It is not necessary that you should have been living at that time. It is necessary though that you prove that you are a descendant of a Choctaw Indian who lived in Mississippi in 1830. A Yes sir.

Q If you don't claim under that what do you claim under. What is your claim? A Well I reckon that is. I couldn't say though I that I know that.

Q Did your people ever remove from Mississippi to the Indian Territory? A Not that I know of.

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

Q How do you know that they didn't. A Not that I know of. If they did I don't know it.

Q Are you married? A Yes sir.

Q What is your wife's name? A Nettie.

Q What is she? A Negro? A Yes sir.

Q Hasn't any Indian blood? A Well, I don't know whether she has Indian blood or not. Her mother was a colored woman and her father was a white person they say.

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

Q Have you any children? A Yes sir.

Q Want to make any claim for your children? A Well, they have got Indian blood in them but I don't make any claim for them.

Ellis McInnis 3

They have Indian blood in them through myself.

Q Well, do you want to make application for them? A Yes sir, I would like to.

Q What are their names and ages? A The eldest one is named Robert Neal McInnis.

Q How old is he? A He's eighteen years old.

Q All right. Now give me the next one? A The next one is named Walter.

Q How old is Walter? A Well, he's twelve years old.

Q All right, the next one? A The next one is Catherine.

Q How old is Catherine? A She is nine.

Q All right. The next one. A The next one is named Ellis.

Q How old is Ellis? A Seven years old.

Q The next one? A Emmons, three years old.

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

Q You and your wife live together? A Yes sir.

Q Nettie McInnis is the mother of all these children? A Yes sir.

Q Where did you marry her? A In Mississippi.

Q When? A Well, we have been married near twenty years ago.

Q Where is your marriage license? A In Leaksville, Mississippi, Green County

Q It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in the matter of the identification of your children. Can you speak Choctaw? A No sir, I was raised among Americans.

Q Can you understand Choctaw? A Not much. I have been with them four or five years ago but I don't know much about the language.

Q Did you ever receive any benefits as a Choctaw Indian. A I never have.

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

Q Have you any papers - any writing showing that your fathers or mother's people were ever recognized as Choctaw Indians? A Well I haven't. I couldn't say unless I would go back and find out. Not that I knows of.

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 at your present post-office address.

This applicant is to all appearances a negro and has none of the characteristics or personal appearance of a Choctaw Indian.

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 December 22nd, 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 9th day of January, 1901.

Guy L. Emerson
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

*FILED
R. B.
E. G. W.*
In the matter of the application of Ellis McInnis et
al., for identification as Mississippi Choctaws, H. C. R. 1198.

—
* * * * *
-1 DECISION -
* * * * *

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Ellis McInnis for himself and his five minor children, Robert Neal, Walter, Catherine, Ellis and Emma McInnis, under the following provision of the act of Congress approved June 26, 1876, (20 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 Billy Jones, alleged to have been a full-blood Choctaw Indian, and of one Catherine McInnis, alleged to have been a half-blood Choctaw Indian.

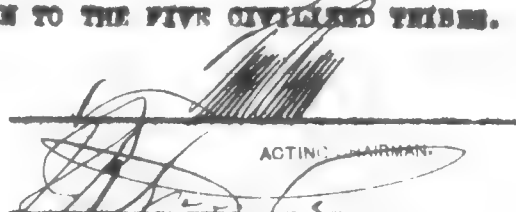
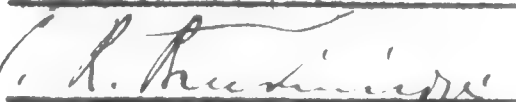
It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly 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 Billy Jones or the said Catherine McInnis 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, 1843 (5 Stats. 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellis McInnis, Robert Neal McInnis, Walter McInnis, Catherine McInnis, Ellis McInnis and Emmons McInnis 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.


ACTING CHAIRMAN

Commissioners

Muskogee, Indian Territory

JUL 16 1867

(N)
COPY.

M O R 1133

Washington, Indiana Territory, July 16, 1902.

Ellis McInnis,

Vernal, Mississippi.

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 Ellis McInnis, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provision of the act of Congress of June 28, 1896 (29 Stat., 493) 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:

1012 #2

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellis Malina, Robert Neal Malina, Walter Malina, Catherine Malina, Ella Malina and Emma Malina 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).

Tamr Dixby.

Acting Chairman.

Registered.

M.C.R. 1193.

Muskogee, Indian Territory, July 16, 1902.

Mansfield, McMurray & 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 case of Ellis McInnis, et al., applicants for identification as Mississippi Choctaws.

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:

MEMORANDUM

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellis Holmanis, Robert Seal Holmanis, Walter Holmanis, Catherine Holmanis, Ellis Holmanis and Emma Holmanis as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourth 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)

Tamm Blaby.

Acting Chairman.

U.S.R. 1198.

Muskogee, Indian Territory, July 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Ellis McInnis, 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 letters being attached to the record.

Respectfully,

(SIGNATURE)

James D. [unclear]

Acting Chairman.

Through the Commissioner of
Indian Affairs.

1 enclosure.

COPY.

Land
45,728-1902.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

Washington, August 12, 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 16, 1902, forwarding the record relative to the application of Ellis McInnis, et al.,

The applicant applies for the identification of himself and his minor children, Robert Neal, Walter, Catherine, Ellis and Emmons McInnis.

July 16, 1902, the commission found that the applicants were not entitled to identification as Mississippi Choctaws.

They trace their descent from Billy Jones and Catherine McInnis, the parents of the principal applicant.

The records of the office fail to show that the alleged ancestors of the principal applicant complied or attempted to comply with the provisions of Article 14 of the treaty of 1830 or that

They applied to the commissions appointed under the acts of March 2, 1857 and August 23, 1842, for an adjudication of their rights.

It is therefore respectfully recommended that the decision of the commission rejecting these applications be approved.

Very respectfully,

Your obedient servant,

A. C. TORRER,

Acting Commissioner .

(G. A. W.)

Y.

D.C. 13533-1902.

49292

EAF.

DEPARTMENT OF THE INTERIOR.

ITD. 4929-1902.
L.P.S.

Washington.

August 16, 1902.

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

Gentlemen:

The Department has considered the record in matter of application for identification of Ellis McInnis and his five minor children, Robert Neal, Walter, Catherine, Ellis and Fumons McInnis, as Mississippi Choctaws. The record, including your decision of July 16, 1902, denying the application, was transmitted with your letter of that date.

The applicants attempt to trace their descent from one Billy Jones, alleged to have been a full blood Choctaw Indian, and from one Catherine McInnis, alleged to have been a half blood Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Choctaw citizen, or that either of the alleged ancestors 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).

The Acting Commissioner of Indian Affairs transmitted the papers August 12, 1902, and recommended that your decision

is approved. A copy of his letter is inclosed.

After a careful review of the whole case that Department affirms your decision.

Respectfully,

THOMAS RYAN,

Acting Secretary.

DeL.

1 inclosure.

M.C.N. 1193

Muskogee, Indian Territory, August 25, 1902.

Ellis McInnis,

Vernal, Mississippi.

Dear Sir:

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 application for identification as Mississippi Choctaws of the several persons included in the application of Ellis McInnis, et al., of which decision you were duly advised by registered mail on the 16th day of July, 1902.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 1193

Muskogee, Indian Territory, August 23, 1902.

Mansfield, Motturray & 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 this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Ellis McInnis, et al., of which decision you were duly advised by mail on the 14th day of July, 1902.

Yours truly,

Acting Chairman.

LIBRARY

No. 1000
1893

No. 1193

For Identification as a Mississippi Choctaw.

Date DEC 22 1900

Name Ellis Mc. Innis.

Age 14 Blood 3/4

Post Office, Vernal, Mississippi

Father: Billy Jones - dead.

Mother: Catherine Mc. Innis - ✓

Claims through both parents.

WIFE:

Nettie Mc. Innis,
(no claim for wife).

Children:

Robert N. Mc. Innis	18.
Walter	12.
Catherine	9.
Ellis	7.
Emmous	3.

Stenographer:
Myra Young.

Choctaw MCR 1194

Mary Dixon

MCR 1194

Mary Dixon Etal

REFUSED

DECISION RENDERED. JUL 19 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 19 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 19 1902

RECORD FORWARDED DEPARTMENT.

JUL 19 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

OCT 27 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

NOV -7 1902

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

NOV -7 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
HATTIESBURG, MISSISSIPPI
Dec. 22, 1900.

In the matter of the application for identification as Mississippi Choctaws of Mary Dixon and her three children. Mary Dixon being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.

- Q What is your name? A Mary Dixon.
- Q How old are you? A I am going on 44 years old.
- Q What is your post-office address? A Right here in town.
- Q Hattiesburg? A Yes sir.
- Q How long have you lived in Mississippi? A Oh Lord, I was raised in Mississippi.
- Q Born here? A No sir.
- Q Where were you born? A On the Bay as far as I can tell you
- Q On what Bay? A I can't tell you. I can't recollect.
- Q In what state? A Down on the Bay Mister. I can't tell you hardly where it is now. I heard my parents talking about it.
- Q How far from here? A I reckon it is about a hundred miles or more where I was borned at but I was raised here.
- Q You don't know where you were born then? A No sir, just on the bay. I can't recollect what state it was in.
- Q What was your father's name? A March.
- Q What was his first name? A Eddie.
- Q Is he living? A No sir he's dead. Father and mother is both dead.
- Q What is your mother's name? A Lucy.
- Q Through which one of your parents do you claim your Choctaw blood? A My mother.
- Q Your mother a Choctaw Indian? A She's part.
- Q How much? A She's one half.
- Q How much Choctaw are you? A Well, I don't know. She's a half Indian, then what would you call me.
- Q How much Choctaw blood do you claim to have? A I don't know, sir.
- Q How much do you think you have? A She's a half.
- Q Well, how much are you? A I may be three quarters or a quarter mayn't I?
- Q Well, are you one quarter or three quarters? A Well, I may be a quarter or three quarters. She's a half.
- Q How do you know your mother was a Choctaw Indian? A Yes sir, I know it.
- Q How do you know it? A I seed her father.
- Q Was she ever recognized by any authorities as a Choctaw? A She called him Indian. Said he was Injun.
- Q Did she ever get any money as a Choctaw Indian? A Not as I knows of.
- Q Was she ever a slave? A Yes sir.
- Q Your father a slave? A Yes sir.
- Q Was your mother's father a slave? A Yes sir, I guess he was.
- Q Was your mother's mother a slave? A Yes sir.
- Q All of them slaves? A Yes sir. My mother's mother was a slave.
- Q Was she an Indian? A No sir.
- Q Your mother's father an Indian? A My mother's father was an Indian.
- Q Was he a slave? A I don't know whether he was a slave or not.

Maxy Dixon 2

Q Have you ever seen him? A Yes sir, I seen my mother's father.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Well, I don't know sir.

Q Do you know where the Indian Territory is? A No sir, I don't know where it is. I will tell you the truth about that. I don't know where the Indian Territory is.

Q Did you ever apply to the Choctaws to be put on any Choctaw roll? A Choctaws here in Jasper County claim me to be kin to them.

Q Did you ever try to get put on any roll as a Choctaw to draw any money or get any land? A No sir.

Q Did any lawyer try to have you enrolled as a Choctaw? A No sir.

Q Did you ever make application to this Commission? A Making application is to get something isn't it?

Q Did you make application to this Commission four years ago, in 1896? A No sir.

Q Never made any application before this have you? A No sir

Q Do you know what the word 'Identification' means? A No sir.

Q How long have your mother's people lived in Mississippi. A I was five years old when we come here.

Q Where did you come from? A From the Bay but I can't tell you exactly what Bay it was Mister.

Q They didn't live in Mississippi before then did they? A No sir, I wasn't born in Mississippi.

Q Where was your mother born? A I guess she was born there.

Q Where? A On the bay. If I can think of it I would tell you, I can tell you the name of it.

Q Well what is the name of it? A Well I said if I could think of it I would tell you but I can't think of it.

Q Do you know what year this is? A No sir, I don't.

Q Do you know what month it is? A Yes sir.

Q What month is it? A It is Christmas month. I can't call the name of it now.

Q Don't know what year it is? A No sir.

Q Do you know how long ago 1830 would be? A No sir.

Q Do you know how long seventy years ago would be? A No sir. I am going to tell you that I don't know.

Q Do you know whether any of your mother's people ever went out to the Indian Territory? A No sir, I don't.

Q You said you don't know where the Indian Territory is? A No sir, I don't. I have heard a heap of talk about the Indian Territory but I don't know where it is at.

Q What was your mother's father's name? A His name June.

Q What kind of June? A Well now I don't know. Just June.

Q That was the only name you ever heard? A Yes sir, June.

Q What was your mother's mother's name? A Sarah.

Q Is that all the name she had? A Eddings and my mother was named Lucy Eddings and my father March Eddings.

Q Didn't you say his name was Eddie March awhile ago? A No sir, his name's March Eddings.

Q What was your name before you were married? A Mary Lovett.

Q You have been a slave? A Yes sir. My white people was named Lovett. They bought me and I went by the name of Mary Lovett.

Q Do you know what the word 'ancestor' means? A No sir.

Q Do you know what 'parents' means? A My mother and father.

Q Your grand parents, your grand father and grand mother. Now did any of your mother's people, her grand mother or grand father, or any of those people ever receive or claim and land in Mississippi

A No sir, not as I know of.

Q Do you know anything about them? A None but her mother.

Q Well, tell us all you know about her being a Choctaw Indian.

Q Well she was a half Choctaw.

Q How do you know? A Because she said so and her father was

Mary Dixon 3

Choctaw.

Q Did any one else ever say so? A I have heard several people say so.

Q Was she ever recognized by the Choctaw Indians? A Going with them do you mean?

Q Did she get any money or land? A No I don't know.

Q Are you married? A Yes sir, my husband's name is Enoch Dixon.

Q What is he. Is he an Indian? A No sir.

Q What is he? A A straight out African I reckon.

Q A negro? A Yes sir.

Q Are you making any claim for him? A I am just making a claim for me and my children.

Q Not making any claim for your husband then? A No sir.

Q How many children have you under twenty one years of age and unmarried? A Three.

Q What are their names and ages? A Ex John Dixon.

Q How old. A Eighteen. Going on eighteen.

Q The next one? A Paul, going on seventeen.

Q The next one? A Napoleon Bonapart.

Q How old is he? A Going on fourteen.

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

Q Enoch Dixon is the father? A Yes sir.

Q Only been married once have you? A That's all.

Q Anything more you want to say? A No sir.

Q Have you got any papers, any writing, anything to show that your mother's people were ever recognized as Choctaw Indians? A No sir.

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 to your present post office address.

This woman is to all appearances a full bleed negro. Has none of the appearances and characteristics of an Indian.

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 22nd day of December, 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 11th day of January, 1901.

Myra Young
Guy L. Emerson
Notary Public.

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

In the matter of the application of Mary Dixon, et al.,
for identification as Mississippi Choctaws, W C R 1194.

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 Mary Dixon, et al., for identification as Mississippi Choctaws.	1

Final decision of the Commission in the case of Mary Dixon, et al., applicants for identifica- tion as Mississippi Choctaws, refusing said application.	4
--	---

J.R.B.
C.V.W.

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

In the matter of the application of Mary Dixon, et al.,
for identification as Mississippi Choctaws, M C R 1194.

—: 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 Mary Dixon for herself and her three minor children, John, Paul and Napoleon Bonapart Dixon, under the following provision of the act of Congress approved June 22, 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 Sarah Mdings, who is alleged to have been an one half blood Choctaw, and one June, 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 said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Sarah Edings, or Jane, 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 commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

It is therefore the opinion of this commission that the evidence in this case is insufficient to determine the identity of Mary Dixon, John Dixon, Paul Dixon and Napoleon Monopart Dixon as Choctaw Indians entitled to rights in the Choctaw lands under

8.

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,



ACTING CHAIRMAN.


Commissioner.

Waukegon, Indian Territory,

JUL 19 1902

COPY.

M C R 1194.

Muskogee, Indian Territory, July 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mary Dixon, et al., applicants to the Commission to the Five Civilized Tribes for identification as Mississippi Choctaws, including the decision of the Commission of July 19, 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,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 inclosure.

COPY.

M C R 1194

Muskogee, Indian Territory, July 19th, 1902.

Mary Dixon,

Hattiesburg, Mississippi.

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 case of Mary Dixon, 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 in this case is insufficient to determine the identity of Mary Dixon, John Dixon, Paul Dixon and Napoleon Benpart Dixon 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

Mary Dixon-----,

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,

(16)

[Signature]
Commissioner in Charge.

Registered.

COPY

M C R 1194.

Muskogee, Indian Territory, July 19th, 1902.

Mansfield, McMurray & Cernish,

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 case of Mary Dixon, 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 Commission concludes as follows:

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Mary Dixon, John Dixon, Paul Dixon and Napoleon Bonapart Dixon 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

H. Hill, & Co.,

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)

J. G. ...

Commissioner in Charge.

- Copy -

Land
43709-1902.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs.

Washington, October 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the Mississippi Choctaw case of Mary Dixon, et al., in which she makes application for the identification of herself and her three children as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation under the provisions of article 14 of the treaty of 1830.

On July 19, 1902, said commission rendered a decision in this case finding that the evidence is insufficient to determine the identity of the applicants as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article.

The commission says that the principal applicant herein is to all appearances a full blood negro and has none of the appearances and characteristics of an Indian.

The office has examined the evidence submitted by the applicants in behalf of their claim and there is nothing therein

that tends to show that any of the ancestors of the applicants ever complied or attempted to comply with the provisions of said article 14 or received a patent for land thereunder.

An examination of the office records fails to show that the alleged ancestors, Sarah Eddings and June, mentioned by the principal applicant, ever complied or attempted to comply with the provisions of said article 14 or received a patent for land thereunder. The record evidence shows that none of the applicants herein are Choctaw Indians of the full blood, and the office considers that the decision of the commission herein is correct and recommends that the same be approved and affirmed by the Department.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

(W.C.B.)

P.

EAF.

D.C. No. 20442 DEPARTMENT OF THE INTERIOR.

Washington, October 27, 1902.

ITD.6357-1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

July 19, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Mary Dixon and her minor children, John, Paul and Napoleon Bonapart Dixon.

The applicants claim to be descendants of one Sarah Eddings, alleged to have been a half blood Choctaw Indian, and one June, alleged to have been possessed of some Choctaw blood.

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 Sarah Eddings, or June, or an ancestor less remote, 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 July 19, 1902.

Forwarding the papers October 14, 1902, the Acting Com-

-2-

Commissioner of Indian Affairs recommends approval of your decision.
A copy of his letter is inclosed.

The Department has carefully considered the case and
hereby affirms your decision.

Respectfully,

R. A. HITCHCOCK,

Secretary.

GWB

1 inclosure.

W. O. B.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BRAY,
THOMAS B. NEEDLER,
C. R. BRANCHERIDGE.

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

REFER IN REPLY TO THE FOLLOWING
M.C.R. 1194

ALISON L. AYLEWORTH,
SECRETARY.


ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, November 7, 1902.

Mary Dixon,
Hattiesburg, Mississippi.

Dear Madam:

You are hereby advised that on the 27th day of October, 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 Mary Dixon, et al., of which decision you were duly advised by registered mail on the 19th day of July, 1902.

Respectfully,


Acting Chairman.


M.C.N. 1194

COPY.

Muskogee, Indian Territory, November 7, 1902.

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

Gentlemen:

You are hereby advised that on the 27th day of October, 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 Mary Dizen, et al., of which decision you were duly advised by mail on the 19th day of July, 1902.

Respectfully,

Tama Dixon

Acting Chairman.

No. 1194

For Identification as a Mississippi Choctaw.

Date DEC 22 1900

Name Mary Nixow.

Age 44. Blood 1/4

Post Office, Nattiesburg, Miss.

Father: Biddie March - dead

Mother: Lucy March - dead.

Claims through mother.

HUSBAND:

Enoch Nixow.

(no claim for husband).

Children:

John Nixow 18.

Paul " " 17.

"Napoleon B." " 14.

Stenographer:

Myra Young.

*Returned to
sender
no date 703*



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

REGISTERED
OCT 7 1902
HATTIESBURG, MISS
No.

Mary Dixon,
Hattiesburg,
Miss.

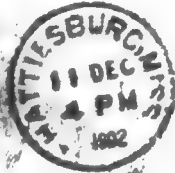
657

Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Mary Dixon,

~~_____~~, Mississippi.

SOUTH
WEST
RECEIVED
DEC 13 1902

File

MISSOURI
RECEIVED
DEC 13 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

DEC 13 1902

[Signature]
ACTING CHAIRMAN

RECEIVED
DEC 13 1902

Choctaw MCR 1195

Jennie Hoge

MCR 1195

Jennie Hoge et al

REFUSED

DECISION RENDERED. AUG 9 - 1902

NOTICE OF DECISION MAILED APPLICANT.

AUG -9 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

AUG -9 1902

RECORD FORWARDED DEPARTMENT.

AUG -9 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 28 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

NOV -7 1902

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

NOV -7 1902

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

In the matter of the application of Jennie Hoge, et al.
for identification as Mississippi Choctaws, H C R 1198.

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.

Original application of Jennie Hoge, et al.,
for identification as Mississippi Choctaws.

Page.

1

Final decision of the Commission in the case of
Jennie Hoge, et al., applicants for identifica-
tion as Mississippi Choctaws, refusing said appli-
cation.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Hattiesburg, Miss. Dec. 22, 1900.

In the matter of the application for identification as Mississippi Choctaws of Jennie Hoge and her ten minor children. Jennie Hoge being duly sworn by Acting Chairman Birby testified as follows:

Examination by the Commission.

- Q What is your name? A Jennie Hoge.
Q How old are you? A Thirty seven. I looks mighty young.
Q What is your post-office address? A Hattiesburg.
Q How long have you lived in Hattiesburg? A About eleven years now.
Q How long have you lived in Mississippi? A I have been here about 11 years. I am staying here now.
Q How long have you lived in Mississippi? A About 11 years.
Q Where did you live before that time? A Alabama.
Q How long did you live in Alabama? A I was bred and born in Alabama.
Q What part of Alabama? A Sumpton County, Livingston.
Q How far is that from here? A One hundred and thirty miles.
Q From here? A Yes sir.
Q Never lived any where else except Alabama up to the time you moved to Mississippi? A No sir.
Q What is your father's name? A Peter Martin.
Q Is he living? A Yes sir.
Q What is your mother's name? A Delia Martin.
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 mother a Choctaw Indian? A Yes sir.
Q How much Choctaw was your mother? A One half.
Q How much Choctaw Indian are you? A About four quarters. Her father was an Indian.
Q Did your mother ever receive any benefits of the Choctaw Indians? A She was a slave.
Q Was your father a slave? A Yes sir.
Q You ever a slave? You have been born since the war? A I was born but not big enough to recollect.
Q You never were a slave? A I can't recollect a thing about it.
Q Do you know where the Indian Territory is? A No sir. Of course the Indians have talked with me and said for me to go with them to claim some money. They was trying to tell me something about it.
Q Is your name on any rolls of the Choctaws in the Indian Territory? A Not as I knows of.
Q Did you ever make application to the Choctaw tribal authorities? A No sir.
Q Did you in 1896, four years ago, make application to the Commission to the Five Civilized tribes for citizenship in the Choctaw Nation? A No sir.
Q Ever been admitted to citizenship by judgment of the United States Courts? A No sir.
Q Ever made any application before this? A No sir.
Q Do you know what the word identification means? A That is identifying yourself.

Jennie Hoge. 2

Q Do you know what that means? A No sir, no more than I
xx you are talking to me now.

Q Well, when you identify yourself, what does that mean? A
that means I take an oath.

Q Do you know what year this is? A No sir, I haven't paid
no attention to it.

Q Do you know what month it is? A December isn't it?

Q December what year? A I don't know.

Q Do you know how long ago seventy years would be? A No sir

Q How long ago was 1830? A I don't know, sir. I haven't
paid no attention.

Q Did any of your mother's people ever remove to the Indian
Territory? A Not as I know of. Of course they were slaves you
know.

Q All of them slaves? A Yes sir.

Q Your mother's father a slave? A Yes sir.

Q Your mother's mother a slave? A Yes sir.

Q As far back as you can remember all slaves? A Yes sir.

Q Did any of them ever claim or receive any land in Mississ-
ippi from the United States government? A No sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A Jim Hoge.

Q Making any claim for him? A No sir.

Q Is he a negro? A Yes sir.

Q Have you any children? A Yes sir.

Q How many children have you under twenty one years of age
and unmarried? A Ten.

Q Do you want to make application for them? A Yes sir.

Q What are their names and ages? A Their ages I couldn't
tell you their ages unless I had the book here.

Q Don't you know how old your children are? A I couldn't
say unless I had the book.

Q Can you read? A I can read a little bit but with no
understanding.

Q Can you write? A No sir.

Q How did you get them down in the book? A When they was
born my sister put them down.

Q Give me the names and ages as close as you can. You know
the names of them? A Yes sir.

Q Well give me the names of the ages? A Chesterfield. He
is about twenty one now.

Q Is he over twenty one or under twenty one? A No sir, he
isn't over twenty one. Next month will be his birthday.

Q He is twenty then? A Yes sir.

Q Isn't twenty one yet? A No sir.

Q What is the next one? A Jeems Hoge.

Q How old is Jeems? A About nineteen.

Q What is the next one? A Lee Hoge. Jeems is one year
older than him.

Q The next one? A Ennis.

Q How old? A Lee's one year older than Ennis.

Q What is the next one? A Isaac.

Q How old is Isaac. A Ennis is one year older than Isaac.

Q What is the next one? A Adaline.

Q How old is she? A Isaac is a year older than Adaline.
Just keep dropping on down.

Q The next one? A John.

Q How old is John? A Adaline is a year older than John.
Just keep on going down.

Q The next one? A Andrew.

Q How old is Andrew? A John is a year older than Andrew.
You just have to keep a going on down.

Q What is the next one? A Delia.

Q How old is Delia? A Andrew is a year older than she is.

Q Get another one? A Yes sir.

Q What is the other one's name? A Stevie.

Q Steven isn't it? A Yes sir.

Q How old is Steven? A Two years old.

Jennie Hoge 3

- Q How much older than Steven is Delia? A A little over a year between them.
- Q How big a child is Delia? A Just a little girl.
- Q She is only a year older than Stevie is she? A Jennie.
- Q How old is Jennie? A She is about four years old.
- Q Got any more? A The baby.
- Q What is the baby's name? A Lujimmie.
- Q Any more? A No sir.
- Q That's all? A Yes sir a good all too.
- Q How old is the baby? A A year going on two.
- Q You are the mother of all twelve of these children are you? A Yes sir.
- Q And your husband, Jim Hoge is the father of all of them? A Yes sir.
- Q All of them live with you? A Yes sir.
- Q Do you want to say anything more? A No sir.
- Q Have you any papers, any writing showing anything about your mother being a Choctaw? A No sir. They all were slaves you know in slave time.
- Q Can you speak Choctaw? A No sir.
- Q Can you understand the Choctaw language? A No sir.

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

This woman has all the appearances of a full blood negro.

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 had in the above entitled cause on the 22nd day of December, 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 11th day of January, 1901.

Gay L. Emerson
Notary Public.

J.P.B.
C.V. 10

DEPARTMENT OF THE INTERIOR,
BUREAU OF THE CHEYENNE TRIBES,

In the matter of the application of Jennie Hoge, et al.,
for identification as Mississippi Choctaws, N O B 1198.

DECISION

It appears from the record herein that a personal application for identification as Mississippi Choctaws, was made to this Commission by Jennie Hoge for herself and her twelve minor children, Charlotte, Frank, Lee, Ruth, John, William, John, Andrew, Ella, Susan, Jennie and Effie Hoge, 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 may 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

dependants of one Delia Martin, who is alleged to have been an one half blood Cheatew Indian;


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 Cheatew tribal authorities as a member of the Cheatew tribe, or admitted to Cheatew citizenship by a duly constituted court or committee of the Cheatew 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, 1906, (34 Stat., 381).

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 Delia Martin signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Cheatew 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, (30 Stat., 180), and August 23, 1912, (37 Stat., 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jennie Hoge, Chesterfield Hoge, James Hoge, Lee Hoge, Emma Hoge,

James Hoge, Atalio Hoge, John Hoge, Andrew Hoge, Willie Hoge,
Samuel Hoge, James Hoge, Jr., and Benjamin Hoge 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 application for their identification as such should
be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



ACTING CHAIRMAN.



COMMISSIONER.



COMMISSIONER.

Wahdoke, Indian Territory.

AUG 9 1902

COPY.

Muskogee, Indian Territory, August 9, 1902.

Jennie Hoge,

Hattiesburg, Mississippi.

Dear Madam:

You are hereby advised that on the 9th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jennie Hoge, 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 Jennie Hoge, Chesterfield Hoge, James Hoge, Lee Hoge, Ennis Hoge, Isaac Hoge, Adaline Hoge, John Hoge, Andrew Hoge, Della Hoge, Steven Hoge, Jennie Hoge, Jr., and Lujimmie Hoge 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."

Jennie Boggs

You are further advised that the Commission has on this date forwarded the records 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,

Jane Dixby.
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, August 9th, 1902.

Manfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 9th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jennie Hoge, et al., applicants for identification as Mississippi Choctaws.

This application was 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 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 Jennie Hoge, Chesterfield Hoge, James Hoge, Lee Hoge, Emie Hoge, Isaac Hoge, Adaline Hoge, John Hoge, Andrew Hoge, Della Hoge, Steven Hoge, Jennie Hoge, Jr., and Lajimmie Hoge 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."

X, 1000 2 0-3

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,

Tame Bixby.
Acting Chairman.

M.C.R. 1198

COPY.

Muskogee, Indian Territory, August 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Jennie Hoge, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 9th, 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,

James Birby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enclosure.

- Copy -

DEPARTMENT OF THE INTERIOR.

Land
48769-1902.

Office of Indian Affairs.

Washington, Oct. 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made August 9, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Jennie Hoge for the enrollment of herself and her twelve minor children, Chesterfield, James, Lee, Annis, Isaac, Adaline, John, Andrew, Delia, Stephen, Jennie and Lujimmie, as Mississippi Choctaws claiming rights under the fourteenth article of the treaty of 1830.

August 9, 1902, the Commission held that the applicants were not entitled to identification.

Descent is claimed from Delia Martin, mother of Jennie Hoge. Delia Martin was a slave.

The applicants are not full blood Choctaw Indians. A careful search of the records of this office fails to show that Delia Martin received a patent to land under the provisions of the fourteenth article of the treaty of 1830, or that she complied or

attempted to comply with the provisions of said article; neither does it appear that she applied to the commissions appointed under the Acts of March 3, 1837 and August 23, 1842, for an adjudication of any rights she may have had as a Choctaw Indian.

It is therefore respectfully recommended that the decision of the Commission rejecting the applicants, be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

DAV
D

3 inclosures.

Copy (

D.C. 20451

DEPARTMENT OF THE INTERIOR.

OMR

ITD 6574-1902.

Washington, October 28, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of the record of proceedings in the matter of the application of Jennie Hoge for herself and her twelve minor children, Chesterfield, James, Lee, Ennis, Isaac, Adaline, John, Andrew, Della, Steven, Jennie, and Lujimmie Hoge, to be enrolled as Mississippi Choctaws, submitted by you August 9, 1902, together with your decision of same date, denying the application.

The principal applicant claims descent from one Della Martin, an alleged half blood Choctaw Indian, who, the testimony shows, was a slave.

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 ancestor ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830,

er with the acts of March 3, 1837 (5 Stat., 186), and August 23, 1842 (5 Stat., 512).

The Acting Commissioner of Indian Affairs forwarded the record on October 24, 1902, recommending that your decision be approved.

After a careful review of the whole case, the Department affirms your decision.

A copy of the report of the Acting Commissioner is inclosed herewith.

Respectfully,

H. A. HITCHCOCK,

Secretary.

G W B

1 inclosure.

M.C.R. 1195.

COPY.

Waskagee, Indian Territory, November 7, 1902.

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 October, 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 Jennie Hege, et al., of which decision you were duly advised by mail on the 9th day of August, 1902.

Respectfully,

Tams Birby.
Acting Chairman.

W. O. B.

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.1198.

Muskogee, Indian Territory, November 7, 1902.

Jennie Hoge,
Hattiesburg, Mississippi.

Dear Madam:

You are hereby advised that on the 28th day of October, 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 Jennie Hoge, et al., of which decision you were duly advised by registered mail on the 9th day of August, 1902.

Respectfully,



Acting Chairman

62

No. 1195

For Identification as a Mississippi Choctaw.

Date. DEC 22 1900

Name Jennie Hoge.
Age 37. Blood 1/4
Post Office Nattiesburg, Miss
Father: Peter Martin - ✓
Mother: Melia Martin - dead.
Claims through mother.

HUSBAND:

- Jim Hoge
(no claim for husband).

Children:

Chesterfield Hoge	20
Jennie	19.
Lee	18.
Emmie	17.
Isaac	16.
Adeline	15.
John	14.
Andrew	13.
Nellie	12
Stephen	2

(no claim side)

REGISTERED
SEP 20 1902
HATTIEBURG, MISS.
No. 571



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

For private use, \$300.



*Returned to
writer
undamaged*

Jennie Hoge,

1624

750

~~MISSOURI~~

MISS.

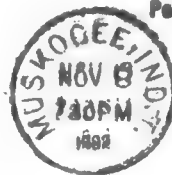
Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TERR.

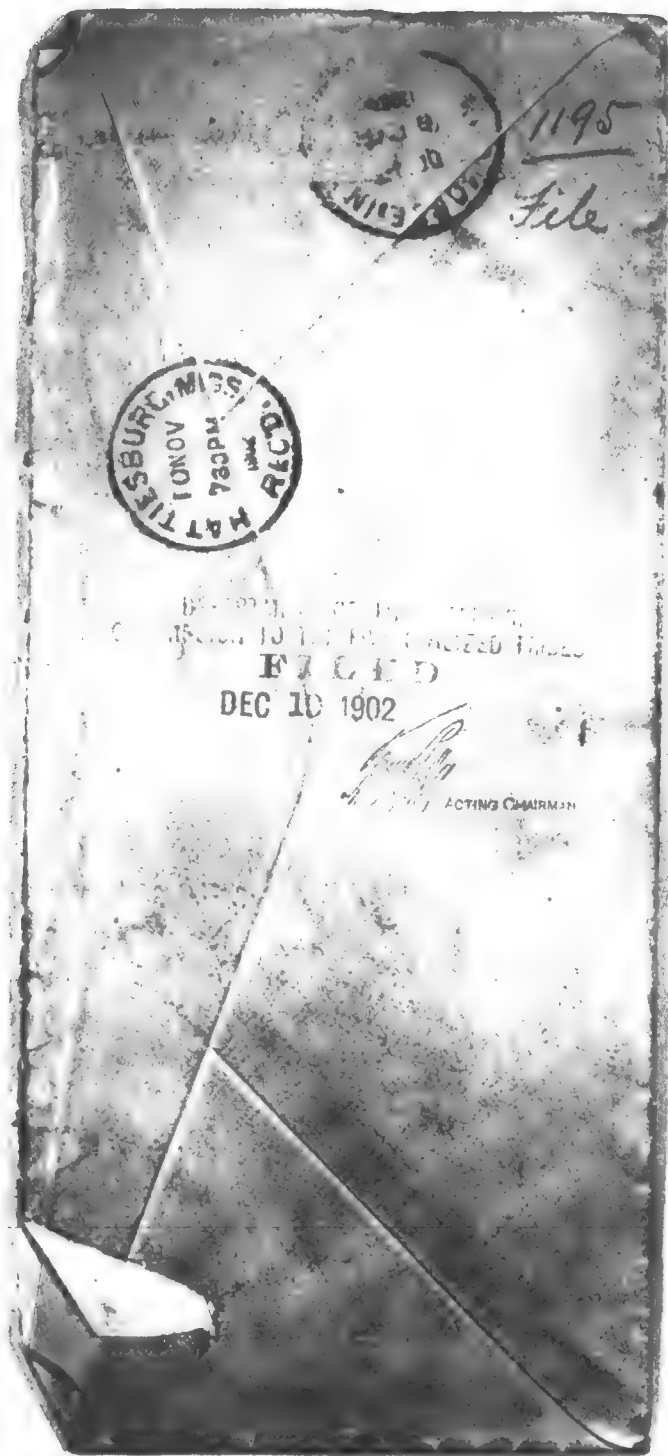
OFFICIAL BUSINESS

Penalty for private use, \$300.



Jennie Hoge,

~~Hattiesburg~~, Mississippi.



1195
File

HATTIESBURG, MISS.
NOV 7 30 PM
REC'D

FILED
DEC 10 1902

[Signature]
ACTING CHAIRMAN

Choctaw MCR 1196

Eliza Kelley

See MCR 1198

MCR 1196

APPROVED

W. J. Kelley

DECISION RENDERED. DEC 3 - 1902

NOTICE OF DECISION

RECORDED

RECORDED

REFER TO M. C. R. 1198

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I.T. December 11th, 1900.

In the matter of the application of Elizar Kelley for identification as a Mississippi Choctaw.

The said Elizar Kelley, being sworn and examined by Acting Chairman Bixby, testified as follows:

Q What is your name? A Elizar Kelley.
Q How old are you? A Thirty three.
Q What is your post office address? A Alma, I.T.
Q Do you live in or about Alma, A Yes, sir.
Q How long have you lived in the Indian Territory?
A Tow years.
Q Where did you live before you came to the Indian Territory?
A Texas.
Q How long had you lived in Texas? A I was born and raised in Texas.
Q Did you ever live in Mississippi? A No, sir.
Q What is your father's name? A Dallas Littlejohn.
Q Is he living? A No, sir.
Q What is your mother's name? A Mary Goodson.
Q Is she living? A Yes, sir.
Q Do you claim your Indian blood through your mother or your father? A My mother.
Q What is the name of your mother's father? A Tom Bullard.
Q Was he an Indian? A Yes, sir; that is what I have been taught.
Q What proportion of Choctaw Indian blood do you claim to have? A One-sixteenth.
Q You are now claiming identification as a Mississippi Choctaw, are you? A Yes, 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 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 14th article of the treaty of 1830? A No, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Ben Kelley.
Q Are you making any application in his behalf? A No, sir.
Q Have you any children? A No, sir.
Q Is there any additional statement you would like to make at this time? A No, sir.
Q Have you got any documentary evidence you desire to offer? A Yes, sir.
(Applicant offers in evidence affidavits of John Lewis and Willis Jackson, which are placed on file.)

MR BIXBY: (Acting Chairman of the Commission) Upon a careful examination of the testimony and the documentary evidence in this case the commission will render its decision, a copy of which will be mailed to you at your present post office address.

Wm. S. Wellshear, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in the matter of this application had

Elizar Kelley, M. C.---2.

at the time and place above mentioned, and that the foregoing is a true, correct and complete transcript of his stenographic notes thereof.


Subscribed and sworn to before me this 19th day of September
A. D. 1900.


Acting Chairman.

Atoka, Indian Territory, June 5, 1901.

The Commission to the Five Civilized Tribes,
Meridian, Mississippi,

Gentlemen:

This office is in receipt of your letter of the second instant, asking for information in regard to the Eliza Kelley who appears on MCR 1196, as you state that a full blood Choctaw giving this name claimed to have appeared before the Commission at Hattiesburg, Mississippi, last December.

You are advised that MCR 1196 bears the name of Elizar Kelley, thirty three years old, of Ahuk, Indian Territory, who claims one sixteenth Choctaw blood. Her father's name was Dallas Littlejohn and her mother is named Mary E. Goodson. She appeared before the Commission at Atoka, Indian Territory, December 11, 1900.

It is probable that the Eliza Kelley to whom you refer did come to Hattiesburg, December last, to make application, but did not appear because there was no interpreter there, and a number of full bloods could not apply for that reason.

Yours truly,

COPY.

Muskogee, Indian Territory, December 3, 1902.

Elisar Kelley,
Alma, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Goodson, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Goodson, et al.,	M.C.R. 1195
Elisar Kelley,	M.C.R. 1196
Addie Day,	M.C.R. 1197
Maggie Miller, et al.,	M.C.R. 1211

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 Mary Goodson, Teckie Goodson, Elbert Goodson, Annie Goodson, Elisar Kelley, Addie Day, Maggie Miller and Annie Miller as Choctaw Indians

Elisar Hahley-2

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 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)

Tams Birby.

Acting Chairman.

Registered.

M.O.R. 1196.

COPY.

Muskogee, Indian Territory, July 30, 1903.

Elizer Kelley,

Alma, Indian Territory.

Dear Madam:-

You are hereby notified that on the 15th day of July, 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 Mary Godson et al., of which decision you were advised by registered mail on the 3rd day of December, 1902.

Respectfully,

(SIGNED)

I. B. Needles.
Commissioner in Charge.

MEMORANDUM.

Case No **1196**

Date

Name

Age

Post-Office :

Children :

Stenographer

Miss Choc.

Elizav Kelley.

Age 33

7/16

P.O. Alma. I. I.

Father. Dallas Littlejohn deceased

Mother. Mary E Goodson ✓

claim through mother

Husband

Ben - Kelley

no claim for him

W. J. Wellshear
Stem

Choctaw MCR 1197

Addie Day

MCR 1197

See MCR 1198

REFUSED.

Addie Day

DECISION RENDERED. DEC. 1901

1198

1198

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I.T. December 11th, 1900.

In the matter of the application of Addie Day for identification as a Mississippi Choctaw.

The said Addie Day, being sworn and examined by Acting Chairman Bixby, testified as follows:

- Q What is your name? A Addie Day.
Q How old are you? A Twenty-one.
Q What is your post office address? A Alma, I.T.
Q Do you live in or about Alma? Yes, sir.
Q How long have you lived there? A About one year.
Q How long have you lived in the Indian Territory? A Somewhere between seven and eight years.
Q Where did you live before you came to the Indian Territory?
A Texas.
Q How long did you live in Texas? A I was born and raised in Texas.
Q Did you ever live in Mississippi? A No, sir.
Q What is your father's name? A Charley Goodson.
Q Is he living? A No, sir.
Q What is your mother's name? A Mary Goodson.
Q Do you claim your Indian blood through your mother or your father? A Through my mother.
Q What is the name of your mother's father? A Tom Bullard.
Q Was he a Choctaw Indian? A Yes, sir.
Q What proportion of Choctaw Indian blood do you claim to have? A One sixteenth.
Q You are now claiming identification as a Mississippi Choctaw, are you? A Yes, sir.
Q Did you ever take advantage of the provisions of the 24th article of the treaty of 1830? A No, sir.
Q Did any of your ancestors ever take advantage of the provisions of the treaty of 1830, fourteenth article? A No, sir.
Q Did any of your ancestors ever claim or receive any land as beneficiaries under the 14th article of the treaty of 1830? A No, sir.
Q Is there any additional statement you would like to make at this time? A No, sir.
Q Have you any documentary evidence you desire to offer to the Commission? A Yes, sir.

(Applicant offers in evidence affidavits of Willis Jackson and John Lewis, which are placed on file and made part of the record herein)

- Q Are you married? A Yes, sir.
Q What is your husband's name? A Andy Day.
Q Have you any children? A No, sir.
Q Are you making any application on behalf of your husband? A No, sir.

MR. BIXBY: (Acting Chairman of the Commission) Upon a careful consideration of the testimony and documentary evidence in this case the Commission will render its decision, and a copy of the same will be furnished to you, mailed to your present post office address.

Wm. S. Wallhear, being sworn upon his oath states that as

Addie Day, M.C. ----2.

stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in this application for identification at the time and place abovementioned, and that the foregoing is a true correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of December A. D. 1900.


Acting Chairman.

COPY

Muskogee, Indian Territory, December 3, 1902.

Addie Day,

Alma, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Goodson, et al., embracing the following applications for identification as Mississippi

Choctaws:

Mary Goodson, et al.,	M.C.R. 1198
Elizar Kelley,	M.C.R. 1196
Addie Day,	M.C.R. 1197
Maggie Miller, et al.,	M.C.R. 1211

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 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 Goodson, Teckie Goodson, Elbert Goodson, Annie Goodson, Elizar Kelley, Addie Day, Maggie Miller and Annie Miller as Choctaw Indians

Addie Day-2

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 for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Signature) **James Pixby.**
Acting Chairman.

Registered.

M. C.R. 1197.

COPY.

Muskogee, Indian Territory, July 30, 1903.

Alma, Indian Territory.

Dear Madam:-

You are hereby notified that on the 15th day of July, 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 Mary Goodson et al., of which decision you were advised by registered mail on the 31st day of December, 1902.

Respectfully,

(SIGNED)

T. B. Needles
Commissioner in Charge.

Miss Choctaw

Addie Day

Age 20

1/16

P.O. Alma, D.D.

Father Charlie Goodson

Mother Mary Goodson

claim through sister

Husband Andy Day

no claim for him

W. S. Wells & Co.

St. Louis

No. 1197

For Identification as a Mississippi Choctaw.

Date

Name

Age

Blood

Post Office,

Father:

Mother:

Claims through

Children:

Choctaw MCR 1198

Mary Goodson

MCR 1198

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I.T. December 11th, 1900.

In the matter of the application of Mary Goodson for the identification of herself and her three minor children as Mississippi Choctaws.

The said Mary Goodson, being sworn and examined by Acting Chairman Bigley, testified as follows:

- Q What is your name? A Mary Goodson.
Q How old are you? A I am fifty-three years. I am in my fifth-third years.
Q What is your post office address? A Baum, Indian Territory, Chickasaw Nation.
Q Do you live at or about Baum? A Yes, sir.
Q How long have you lived in the Indian Territory?
A About eight years.
Q Where did you live before coming to the Indian Territory?
A In Texas.
Q How long had you lived in Texas? A I couldn't hardly tell you. I was small when I moved there.
Q Where did you come from to Texas? A Mississippi Tishomingo County.
Q Were you born in Mississippi? A Yes, sir.
Q What is your father's name? A Thomas Bullard.
Q Is he living? A No, sir.
Q What is your mother's name? A Rosanna Bullard.
Q Is she living? A Yes, sir.
Q Do you claim your Indian blood through your father or your mother? A Through my father.
Q What was your father's father's name? A Ben Bullard.
Q What proportion of Indian blood do you claim? A One eighth.
Q You are now claiming identification as a Mississippi Choctaw are you? A Yes, sir.
Q Have you ever taken 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 provisions of the 14th article of the treaty of 1830? A Why, yes, sir; my grandparents was enrolled in Mississippi, so I was taught. I don't know it to be so at all.
Q Did any of your ancestors ever claim or receive any lands as beneficiaries under the provisions of the 14th article of the treaty of 1830? A No, sir; not that I know of.
Q Are you married? A Yes, sir.
Q What is the name of your husband? A Charley Goodson.
Q Have you any children under twenty-one years of age?
A Yes, sir.
Q Are you making application for the identification of your children as Mississippi Choctaws? A Yes, sir.
Q Please give the names of those of your children under twenty-one years of age.
A Teckie Goodson, a girl; she is eighteen.
Q The next one. A Elbert Goodson, a boy.
Q How old is he? A Fourteen years old.
Q The next. A Annie?
Q How old? A Thirteen.
Q Any more? A No, sir; that is all.
Q These are all, are they? A Yes, sir; that is all the minor children.
Q Is there any additional statement you would like to make on

behalf of your self and children in this application at this time? A No, sir.

Q Have you any documentary evidence you would like to introduce in this application? A Yes, sir.

Mr. FIVBY: (Acting Chairman of Commission) The affidavit of T. H. Hawkins, of K. S. Bullard, of Rosanna Bullard, of John Lewis and of Willis Jackson offered in evidence and placed on file with the papers in this case.

Upon a careful consideration of the testimony and the documentary evidence offered in this case, the Commission will render its decision, and a copy of the same will be furnished you by mailing to your present post office address.

-----o-----

Wm. S. Wellshear, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in the matter of this application for identification at the time and place as aforesaid, and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.


Subscribed and sworn to before me this 19th day of December
A. D. 1900.


Acting Chairman.

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

- 1 -

In the matter of the application of Mary Goodson, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Mary Goodson, et al.,	M C R 1198
Elisar Kelley,	" 1196
Addie Day,	" 1197
Maggie Miller, et al.,	" 1811

List of papers forwarded to the Secretary of Interior
Comprising the record in consolidated case of
Mary Goodson, et al.

Original application of Mary Goodson et al., to the Daves Commission for identification as Mississippi Choctaws.....	1
Affidavit of H. S. Bullard.....	3
Purported affidavit of Henry Bullard.....	4
Affidavit of Rosanna Bullard.....	5
Purported affidavit of Rosanna Bullard.....	6
Affidavit of T. H. Hawkins.....	7
Affidavit of John Lewis.....	9
Affidavit of Willis Jackson.....	10
Letter of the Commission addressed to Mary Goodson, Baum, Indian Territory, giving notice of an extension of time for the introduction of testimony.....	11

Registry receipt.....14

Affidavit of Mary Goodson.....15

Original application of Elisar Kelley,
to the Dawes Commission for identifica-
tion as a Mississippi Choctaw.....17

Affidavit of John Lewis.....19

Affidavit of Willis Jackson.....20

Letter of the Commission addressed to
Elisar Kelley, Alma, Indian Territory,
giving notice of the extension of time
for the introduction of testimony.....21

Registry receipt.....24

Original application of Addie Day
to the Dawes Commission for
identification as a Mississippi Choctaw.....25

Affidavit of Willis Jackson:.....27

Affidavit of John Lewis.....28

Copy of letter of Commission addressed
to Addie Day, Alma, Indian Territory,
giving notice of an extension of time
for the introduction of testimony.....29

Registry receipt.....32

Original application of Maggie Miller,
et al., to the Dawes Commission for
identification as Mississippi Choctaws.....33

Affidavit of Willis Jackson.....35

Affidavit of John Lewis.....36

Copy of letter of Commission addressed to
Maggie Miller, Herten, Indian Territory,
giving notice of an extension of time for
the introduction of testimony.....37

Registry receipt.....40

Decision of the Commission refusing the
applications in the consolidated case of
Mary Goodson, et al., for identification
as Mississippi Choctaws.....41.

*Wm
C. W.*

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

-----|-----

In the matter of the application of Mary Goodson, et al., for identification as Mississippi Choctaws, consolidating the applications of

Mary Goodson, et al.....	M. C. R.	1198
Elisar Kelley.....	M. C. R.	1198
Addie Day.....	M. C. R.	1197
Maggie Miller, et al.....	M. C. R.	1211.

--: 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 Mary Goodson, for herself and her three minor children, Teekie, Elbert and Annie Goodson; by Elisar Kelley for herself; by Addie Day for herself; and by Maggie Miller for herself and her minor child, Annie Miller, under the following provision of the act of Congress approved June 26, 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 Ben Bullard, who is alleged to have been a Choctaw Indian, degree of blood not given, and Margret (or Margaret) Bullard (nee Brannon) who is alleged to have been a half blood Choctaw Indian, and both to have resided in Mississippi in eighteen hundred and thirty.

It appears from the affidavits of two witnesses that the father of the principal applicant was living in Mississippi prior to the second emigration of the Choctaw Indians from that state, which was sometime between the years 1833 and 1838, and that at that time he was known by the name of Byata. While the applicants claim their rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, by reason of being descendants of Ben Bullard and Margret Bullard (nee Brannon), in view of the fact that the testimony shows that Thomas Bullard, a less remote ancestor of the applicants, was living in Mississippi and bore an Indian name, the records in the possession of the Commission of those persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, have been searched for his name, as well as for the names of their more remote Choctaw ancestors, and it is found that on pages 167, 168 and 181 of Volume 1 of the Claimants' Brief and Evidence in the case of the Choctaw Nation

versus the United States before the Court of Claims, No. 12742, the name of one Byata or By-yata appears in certain general depositions that were made before Commissioners Murray and Vroom, who were appointed under the provisions of the Act of Congress approved March 3, 1837, (5 Stats. 180). The records above cited in no way relate to article fourteen of the treaty of eighteen hundred and thirty, or show a compliance with the provisions of said article on the part of the said Byata or By-yata.

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. 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 said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Ben Bullard, or Margret(or Margaret) Bullard, (nee Brannon) 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 Mary Goodson, Teckie Goodson, Elbert Goodson, Annie Goodson, Elisar Kelley, Addie Day, Maggie Miller and Annie 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

RECORDED

Tama Dickey

Acting Chairman

T. B. Needles

Commissioner

C. R. Breckinridge

Commissioner

Muskogee, Indian Territory

DEC 3 1902

Miss. Choctaw R1198

Muskogee, Indian Territory, June 10, 1902.

Mary Goodson,

Baum, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of June 5, in which you state that you are unable to appear before the Commission in the matter of your application for identification as a Mississippi Choctaw because of lack of money and that your witnesses are too old to make the trip to Muskogee to testify as to which of your Choctaw ancestors resided in the old Choctaw Nation in Mississippi and Alabama in 1830 and complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, in accordance with our letter to you of May 8, 1902.

In reply to your letter you are advised that if you cannot appear before the Commission in person, the Commission will accept your affidavit as to which of your ancestors was a resident of the state of Mississippi in 1830, for consideration in your case, provided the same is offered for filing within ten days from the date hereof, or prior to June 20, 1902.

Yours truly,

Miss. Choctaw Riley

Muskogee, Indian Territory, June 20, 1902.

Mary Goodson,

Baum, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of June 17, inclosing your affidavit stating that your father, Thomas Bullard, and your grandfather and mother, Ben and Martha Bullard lived in Mississippi in 1830, but you do not know whether they complied or attempted to comply with the fourteenth article of the treaty of 1830. You ask to be advised if the evidence in your case is sufficient to establish your claim, and if not that you be advised to that effect and allowed additional time in which to procure such evidence as may be needed in your case.

In reply to your letter you are advised that the affidavit inclosed by you has been filed with the record in your case. The Commission cannot render an opinion as to the sufficiency of the evidence offered in support of applications for identification as Mississippi Choctaws until the same are taken up for consideration and determination.

Yours truly,

Commissioner in Charge.

COPY

M.C.R. 1198

Mustang, Indian Territory, December 5, 1902.

Mansfield, McMurry & Cornish,

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

Gentlemen:-

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Goodson, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Goodson, et al.,	M.C.R. 1198
Elisar Kelley,	M.C.R. 1196
Addie Day,	M.C.R. 1197
Maggie Miller, et al.,	M.C.R. 1211

These applications were made under the provision of the act of Congress of June 25, 1896 (29 Stat., 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 Mary Goodson, Teckie Goodson, Elbert Goodson, Annie Goodson, Elisar Kelley, Addie Day, Maggie Miller and Annie 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."

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

Mr. McM. & Co. #8.

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 Bixby

Acting Chairman.

00r

Muskogee, Indian Territory, December 3, 1902.

Mary Goodson,

Doan, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Goodson, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Goodson, et al.,	M.C.R. 1198
Elisar Kelley,	M.C.R. 1196
Addie Day,	M.C.R. 1197
Maggie Miller, et al.,	M.C.R. 1211

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 Mary Goodson, Peckie Goodson, Elbert Goodson, Annie Goodson, Elisar Kelley, Addie Day, Maggie Miller and Annie Miller as Choctaw Indians."

Very Respectfully,

decided to fight in the United States 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 for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

GIVEN

James Bixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, December 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mary Goodson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 3, 1902.

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

Mary Goodson, et al., M.C.R. 1196;
Eliza Kelley, M.C.R. 1196;
Addie Day, M.C.R. 1197;
Maggie Miller, et al., M.C.R. 1211.

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

T. B. Needles

COMMISSIONER IN CHARGE

Through the
Commissioner of Indian Affairs.

Enc.: M.C.R. 1196.

H O N 1180

Wahkagee, Indian Territory, January 7, 1903.

Mary Goodson,

Wahkagee, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your petition, in letter form, without date, and the affidavit of John Lewis offered for filing by you in the Mississippi Choctaw case of Mary Goodson, et al.

You are informed that the record in your case, together with the decision of the Commission refusing the several applications in this case, was on December 19, 1902, forwarded to the Secretary of the Interior.

The documents above referred to have this day been transmitted to the Secretary of the Interior, and you will be duly notified of such action as may be taken by him in your case.

Respectfully,

Acting Chairman.

M C R 1198

Muskogee, Indian Territory, January 7, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the application of Mary Goodson for the identification of herself and her minor children as Mississippi Choctaws, the record therein, together with the decision of the Commission refusing said application, was on December 19, 1908, transmitted to the Department. On this date there was received by the Commission the petition of Mary Goodson, in letter form, and the affidavit of John Lewis relating to this case. The same are forwarded you herewith.

Respectfully,

Through the Commissioner
of Indian Affairs.

Acting Chairman.

Eno. MdL-112

Copy.

Land

75905-1902

2493-1903.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON,

April, 14, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the five Civilized Tribes in the consolidated case of Mary Goodson, et al, applicants for identification as Mississippi Cheetaws, wherein a decision adverse to the applicants was rendered by the Commission on December 3, 1902.

Said consolidated case embraces the applications of Mary Goodson, for herself and her three minor children, Teckie, Elbert and Annie Goodson; Elmer Kelley for herself; Addie Day for herself; and Maggie Miller for herself and her minor child, Annie Miller.

All of said applicants claim rights under article 14 of the treaty of 1830, by reason of their alleged descent from Ben Bullard, and Margaret (or Margaret) Bullard (nee Brammen) who are said to have been Cheetaw Indians and to have resided in Mississippi in 1830.

According to the affidavits of two witnesses, the father of the principal applicant was living in Mississippi prior to the

second emigration of the Choctaw Indians from that state, which was some time between the years of 1835 and 1838, and at that time he was known by the name of Byata. The testimony also shows that Thomas Bullard, a less remote ancestor of the applicants, and a quarter blood Choctaw, was living in Mississippi and bore the Indian name of Byata.

The Commission bases its decision rejecting the applicants on the ground that it does not appear from the evidence submitted by the applicants, or from the records in the possession of the Commission, that the said Ben Bullard, or Margret (or Margaret) Bullard (nee Brannon), ever complied or attempted to comply with the provisions of said Article 14, and while the Commission finds the name of Byata on pages 167, 169, and 191 of Volume 1 of the record of the case of the Choctaw Nation vs. The United States in the Court of Claims(No. 12742), it holds that said record ~~relates~~ relates to Article 14 or shows a compliance with the provisions thereof by the said Byata.

An examination of the records of this office discloses the fact that the names of Ben Bullard or Margret(or Margaret) Bullard (nee Brannen) do not appear on the list of those who complied or attempted to comply with Article 14 of the treaty of 1830. The office records do show, however, that one Biata, a full blood Choctaw, and head of a family, received scrip as a beneficiary under the provisions of the 14th article, (see evi-

dence taken by Commissioners Murray and Vreem, Vol.102, p.281), and that at the time said Biata resided on the NW/4 Sec. 14, T 10 N, R 11 E, in Neshoba County, Mississippi. The evidence shows that the applicants lived in Tishomingo County, Mississippi, which is a long distance from Neshoba County.

Inasmuch as the testimony and record evidence do not show a compliance or attempted compliance by Ben Bullard or Margret (or Margaret) Bullard (nee Brannon) with the provisions of said Article 14, or that the quarter blood, Byata, from whom the applicants also claim, was the identical Byata, a full blood, who received benefits under said article, it is evident that the decision of the Commission rejecting the applicants was correct and its approval is accordingly recommended.

Very respectfully,

A.C. Tomner,

Acting Commissioner

E.B.F. (C)

Copy.

J.P.

DEPARTMENT OF THE INTERIOR.

WCF.

D.C.19626.

WASHINGTON.

RAF.

ITD. 3808-1903.

July 15, 1903.

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

Gentlemen:

December 19, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Mary Goodson and her minor children, Teckie, Elbert and Annie Goodson; of Elisar Kelley; of Addie Day; and of Maggie Miller and her minor child, Annie Miller. You refused the applications December 3, 1902.

It appears that the applicants claim rights to Choctaw lands under article 14 of the treaty of 1830 by reason of being descendants of Ben Bullard and Margaret Bullard (nee Brannon), through their son, Thomas Bullard; it being alleged that all of said ancestors were residents of Mississippi in 1830; that Thomas Bullard, who was then called Byata, was a one-fourth blood Choctaw Indian, Margaret Bullard being a one-half blood Choctaw, and Ben Bullard being possessed of some Choctaw blood, degree not given.

The evidence furnished by the record, as well as the records of the Indian Office, fails to show that any of said ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or with the subsequent acts of

Congress relating thereto. The records of the Indian Office do show, however, that one Biata, a full blood Chectaw and head of a family, received scrip as a beneficiary under the provisions of article 14 of the treaty of 1830, and that at the time said Biata resided in Washoba County, Mississippi. The evidence shows that the applicants herein lived in Tishomingo County, Mississippi.

Reporting April 14, 1905, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

A copy of his letter is inclosed.

The Department has carefully reviewed the entire record, finds no reason to modify your decision, and hereby affirms the same.

Respectfully,

Thos Ryan,

Acting Secretary.

1. inclosure.

M C R 1198

Muskogee, Indian Territory, July 29, 1903.

Mary Goodson,
Beim, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 21st instant, wherein you ask to be advised the status of your claim. You state that you have three children that have not filed argument in support of their claims, and ask to be advised relative thereto.

In reply you are informed that the record in your case, together with the decision of the Commission refusing your application, was on December 19, 1902, forwarded the Department. Up to the present time the Commission has not been advised of any departmental action taken thereon.

You are further advised that the record in the Mississippi Choctaw applications of your children is also in the hands of the Department and the Commission is now without authority to receive or consider further evidence in support of said claims.

Respectfully,

Commissioner in Charge.

M.C.R. 1198.

COPY.

Muskogee, Indian Territory, July 30, 1905.

Mary Goodson,

Baum, Indian Territory.

Dear Madam:-

You are hereby notified that on the 15th day of July, 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 Mary Goodson et al., of which decision you were advised by registered mail on the 3rd day of December, 1902.

Respectfully,

(SIGNED)

T. B. Needles
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, July 30, 1903.

Manfield McMurry & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 15th day of July, 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 Mary Goodson et al., of which decision you were advised by mail on the 3rd day of December, 1902.

Respectfully.

(SIGNED)

T. B. Needles,
Commissioner in Charge.

N. C. B. 1198

Muskogee, Indian Territory, August 25, 1903

Walter Kelley,

Wahki, Indian Territory,

Receipt is hereby acknowledged of your letter of August 10, relative to your application for identification as a Mississippi Choctaw having been refused, and asking if your mother, Mary Goodson, has also been refused.

In reply to your letter you are informed that it appears from our records that on December 3, 1902, the Commission rendered its decision refusing the application of Mary Goodson, et al. for identification as Mississippi Choctaws, and on July 15, 1903, the Secretary of the Interior affirmed this decision. The Commission, therefore, considers this case closed.

Respectfully,

Chairman.

REFER TO M. O. R. 1198

Mary Gordon
et al

Consolidated Case

Ben Ballard 1/2
~~Ben~~
 wife
 Margaret Ballard
 ne Brannon

Thomas Ballard 1/4
 wife
 Rosanna Ballard

^{m/b R}
¹⁹¹⁸
 Mary Ballard 5 3/8
 married
 first Dallas Littlejohn
 then Charley Goodson

^{m/b R}
¹⁹¹⁶
 Eliza Littlejohn 3 3/16
 married
 Ben Kelley
 William Littlejohn

^{m/b R}
¹⁹¹¹
 Maggie Goodson 2 3/16
 married
 Alfred Miller

Annie Miller 5

^{m/b R}
¹⁹¹⁷
 Jessie Goodson
 Addie Goodson 2 1/16
 married
 Andy Day

^{m/b R}
¹⁹¹⁸
 Jackie Goodson 18
 " Elbert Goodson 18
 " Annie Goodson 18

" Ballard or Pyata "
 An affidavit of Willis Jackson
 and John Lewis

Miss P. K.

Mary Goodson
Age 53. 1/8

Baum. J. J.

Father. Thos Bullard dead
Mother Rosanna " ✓

Claim through Father

Husband
Charles Goodson.
No claim for husband.

Children

Goodson.	Teckie ^{girl}	18
"	Elbert boy	14
"	Anna	13

Wellshear
Steu

No. 1198

For Identification as a Mississippi Choctaw.

Date

Name

Age

Blood

Post Office,

Father:

Mother:

Claims through

Children:

DEC 3 1902
NOTICE OF DECISION MAILED APPLICANT

DEC 8 1902
RECORD FORWARDED DEPARTMENT

DEC 14 1902
ACTION APPROVED BY SECRETARY OF INTERIOR

JUL 15 1903
NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

JUL 20 1903
NOTICE OF DEPARTMENTAL ACTION
FORWARD ATTORNEYS FOR CHOCTAW
AND WIKI W. NATIONS

JUL 30 1903

M. C. R. 1196-1197

Choctaw MCR 1199

Elizabeth Kimbell

See MCR 388

MCR 1199

ED.

Elizabeth Kimbell et al

REFUSED

DECISION RENDERED

MAR 25 1903

NOTICE OF DENIAL

MAR 25 1903

NOTICE OF DENIAL
ATTORNEY GENERAL

MAR 25

MAR 25

APR 10 1904

REMANDED BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.

NOV 3- 1903

RECORD FORWARDED DEPARTMENT.

FEB -6 1904

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

NOTICE OF DEPARTMENTAL
ACTION MAILED APR 10 1904

MAR 1 1904

NOTICE OF DEPARTMENTAL

FORWARDED

MAR 17 1904

NOTICE OF DEPARTMENTAL

FORWARDED

MAR 17 1904

REFER TO M. O. R. 388

DECISION REPEARED JUN 13 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I.T. December 11th, 1900.

In the matter of the application of Elizabeth Kimbell for the identification of herself and her three minor children as Mississippi Choctaws.

The said Elizabeth Kimbell, being Sworn and Examined by Acting Chairman Bixby, testified as follows:

- Q What is your name? A Elizabeth Kimbell.
Q How old are you? A Thirty-five.
Q What is your post office address? A Caney, I.T.
Q How long have you lived in the Indian Territory? A It has been about twelve years ago since I came here.
Q Where did you live before coming to the Indian Territory?
A From Texas.
Q How long did you live in Texas? A About three years.
Q Where did you live before moving to Texas? A In Tennessee.
Q How long had you lived in Tennessee? A Well, I was born and raised in Tennessee.
Q You were born in Tennessee and lived there until you moved to Texas? A Yes, sir.
Q You never did live in Mississippi? A No, sir; not that I know of.
Q What was your father's name? A T. J. Hawkins.
Q What is the name of your mother? A Martha Hawkins.
Q Is she living? A Yes, sir.
Q Do you get your Indian blood through your father or your mother? A From my father.
Q Do you know the name of your father's father? A Hawkins.
Q Was he a Choctaw Indian? A Yes, sir.
Q Do you claim identification as a Mississippi Choctaw?
A Yes, sir.
Q Did you ever take advantage of the provisions of the 14th article of the treaty of 1830? A I don't understand it the way you put it.
Q All right, just state what you know. Is that your answer, "I don't understand it?" A I don't understand hardly what you mean. I haven't any learning, that is the reason I spoke it the way I did.
Q Did any of your ancestors ever take advantage of the provisions of the 14th article of the treaty of 1830? A No, sir; 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 No, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Eugene Kimbell.
Q Have you any children under twenty-one years of age?
A Yes, sir.
Q Do you apply for the identification of your children as Mississippi Choctaws? A Yes, sir.
Q Please give the names and ages of your children. A Why William Thomas Basham.
Q How old? A Sixteen years old.
Q The next child? A Verdie May Kimbell.
Q How old? A Eleven years old.
Q The next one? A Denie Kimbell.

Elizabeth Kimbell, M. C. ---B.

Q How old is Donie? A Nine years old.

Q Any more? A No, sir.

Q Are you making any claim on behalf of your husband? A No, sir.

Q Is there any additional statement you would like to make in regard to this application at that time? A No, sir.

Q Have you any documentary evidence that you care to submit? A Yes, sir.

MR. BIXBY: (Acting Chairman of Commission) The affidavit of John Lewis is offered in evidence, placed on file and made a part of the record in this case.

Upon a careful consideration of the testimony in this case and of the documentary evidence offered, the Commission will render its decision and will furnish you with a written copy of the same mailed to your present post office address.

-----o-----

The undersigned, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in the matter of this application for identification, and that the foregoing is a true, correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of December
A. D. 1900.


Acting Chairman.

Muskogee, Indian Territory, March 20, 1903.

W. S. Farmer,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you ask to be advised the status of the application of Elizabeth Kimbell for identification as a Mississippi Choctaw.

In reply to your letter you are informed that the Commission has not up to the present time reached any opinion or decision relative to the rights of Elizabeth Kimbell and her minor children to be identified as Mississippi Choctaws, but is now considering her application and it is probable a decision will be rendered in the near future. She will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Chairman.

Muskogee, Indian Territory, November 14, 1903.

Elizabeth Kimbell,
Caney, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of November 5, 1903, remanded to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Thomas H. Hawkins, 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:

"From the testimony contained in the record it appears that the principal applicant, Thomas H. Hawkins, through whom the others claim, is the son of a half blood Choctaw named Asa (or William) Hawkins, by his half blood Choctaw wife, Nancy Hawkins, nee Noland, and that the said Nancy obtained her Choctaw blood from her mother, Betsy, who was the daughter of a Choctaw woman named Winnie.

From certain petitions for rehearing filed by the principal applicant, it appears that the mother of Nancy was Mrs. Shaddy Noland, nee Elizabeth Hendricks.

From your decision of March 25, 1903, it appears that - The name of Winna appears on pages 225 and 597 of Volume 1 of the Claimants brief and evidence in the case of the Choctaw Nation vs. The United States, before the Court of Claims, No. 18,742; on page 567 thereof is found the name Winnie; on page 689, that of Winny and on page 407, that of Winney, which name is also found on page 77 of Volume VII, American State Papers, Public Lands; all of which citations are references to certain lists, schedules and depositions relating to claims under the treaty of 'Dancing Rabbit Creek.'

It further appears that persons bearing the names of Wima and Wima received scrip as beneficiaries under article fourteen of said treaty.

.....and it is found that on page 109 of Volume I of the Claimants Brief and Evidence, appears the name Elisabeth (Lisy); that on pages 329 and 330 of said record appears the name Bessy and that on pages 241, 250, 216, 622, 625, 625, 735, 736 and 739 of said record, and on page 1222 of Volume II of said record appears the name Betsy, said name also appearing on pages 96, 108, and 117 of Volume VII, American State Papers, Public Lands, all of which citations are to certain schedules and depositions relating to claims under the treaty of 'Dancing Rabbit Creek.' It further appears that persons bearing the names Bessy and Betsy received scrip as beneficiaries under article fourteen of the treaty of 'Dancing Rabbit Creek.'

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 1850, 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, corner, well or road 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 purposes of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

N K 3

The fourteenth article of the Choctaw treaty of 1830, 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 date of 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."

If a Choctaw decided, at the time the treaty of Dancing Rabbit Creek was made, that he wanted to stay in Mississippi and take advantage of the provisions of article 14, he was required to let the Agent of the government in Mississippi know, within six months after the ratification of this treaty, that he wanted to stay there, take land, and become a citizen of the States. After he had done that he was entitled to 640 acres of land. In like manner he was entitled to 320 acres for each child over 10 years of age, living with him at the date of the treaty; and 160 acres for each child under 10. If the Indian lived on said land for five years from the ratification of this treaty—February 24, 1831, the government would give him a deed to it. This article provided that persons who claimed under it should not, by reason of their having done so, lose the privilege of a Choctaw citizen, but if they ever moved out to the new Choctaw country they were not to be entitled

R I 4

to any portion of the money paid to the Indians each year by the government.

You are further 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 Mississippi Choctaw applications, 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 on 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.

Respectfully,

Chairman.

R & R Dep.

Registered

M C R 1199

McAlester, Indian Territory, November 24, 1903.

Elizabeth Kimbell,
Camey, Indian Territory.

Dear Madam:

The Commission is in receipt of a letter from the attorneys for the Choctaw and Chickasaw Nations, in which they request that if it is your desire to offer any testimony or evidence of any character in support of your application for identification as a Mississippi Choctaw, you be required to first serve notice upon them.

In compliance with the request contained in said letter, you are hereby notified that before you can offer any testimony or documentary evidence in support of your case, it will be necessary that you notify Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, of your intention to submit such testimony or evidence.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 11, 1904.

Elizabeth Kimbell,
Caney, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you state that one John Harrison has filed, without your consent, on land where your improvements are located, and ask that the Commission advise you in regard to this matter.

In reply you are informed that on November 3, 1903, the Secretary of the Interior remanded to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Thomas H. Hawkins, et al., of which your application is a part, with instructions that the applicants be allowed an opportunity to introduce additional evidence in support of their claim.

In accordance with the above instructions you were notified on November 14, 1903, that you would be allowed thirty days from the date upon which you received said notice, to offer any testimony or documentary evidence you might desire in support of your application. On December 16, 1903, upon written request of Charles E. McPherrren, attorney at law, Caddo, Indian Territory, an extension was granted in said case until February 1, 1904.

B K 2

At the present time yourself and children occupy the status of applicants for identification as Mississippi Choctaws whose rights to such identification have not yet been finally determined, and pending final departmental action in your case 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,

Chairman.

M.O.R. 1199

COPY.

Muskogee, Indian Territory, March 17, 1905.

Elizabeth Kibell,
Ganey, Indian Territory,

Dear Madam:

You are hereby notified that on the 1st day of March, 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 Thomas H. Hawkins et al., of which decision you were advised by registered mail on the 25th day of March, 1903.

Respectfully,

SIGNED,

James Bixby
Chairman.

M. C. R. 1199

COPY.

Muskogee, Indian Territory, March 25, 1908.

Elizabeth Kimbell,

Caney, Indian Territory.

Dear Madam:

You are hereby advised that on the 25th day of March, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas H. Hawkins, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas H. Hawkins	M. C. R. 388
Nancy Jane Littlejohn	M. C. R. 390
Pearlee Bullard, et al.	M. C. R. 391
Elizabeth Kimbell, et al.	M. C. R. 1199
Anna Henderson, et al.	M. C. R. 1200
J. H. Hawkins, et al.	M. C. R. 1204
George Hawkins, et al.	M. C. R. 1205
Joseph Hawkins, et al.	M. C. R. 1206
Rich Hawkins, et al.	M. C. R. 1207
Will Hawkins	M. C. R. 1208
Andrew Hawkins, et al.	M. C. R. 1210

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."

Elizabeth Kimbell, --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 Thomas H. Hawkins, Nancy Jane Littlejohn, Pearlee Long, Ora I. Bullard, Maggie L. Bullard, Tennie M. Bullard, Willie G. Bullard, Elizabeth Kimbell, William Thomas Basham Kimbell, Verdie May Kimbell, Donie Kimbell, Anna Henderson, Zuler Henderson, Lailer Henderson, J. H. Hawkins, Martha Hawkins, Dessie Hawkins, Zelda Hawkins, Jeff Hawkins, George Hawkins, Bob Hawkins, Joseph Hawkins, Eller Hawkins, Rich Hawkins, Melvin Hawkins, Will Hawkins, Andrew Hawkins, Essie Hawkins and Willis Hawkins 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,

Tams Dixby.
Chairman.

Registered.

Miss Choct

Elizabeth Kimbell

Age 35

1/8

P.O. Caney. I.D.

Father J. H. Hawkins ✓

Mother Marika Hawkins ✓

Claim through
father

Husband. Eugene Kimball

no claim in his behalf

Children.

Kimbell W^m Thos Basham 16

(Vendie)
Vendie May 11

Donie 9

Ms. Wellshear

Sten

No. 1199

For Identification as a Mississippi Choctaw.

Date

Name

Age

Blood

Post Office, .

Father:

Mother:

Claims through

Children:

Choctaw MCR 1200

Annie Henderson

MCR 1200

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I.T. December 11th, 1900.

In the matter of the application of Anna Henderson for the identification of herself and her two minor children as Mississippi Choctaws.

The said Anna Henderson, being sworn and examined by Acting Chairman Bixby, testified as follows:

- Q What is your name? A Anna Henderson.
Q How old are you? A Forty years old.
Q What is your post office address? A Atoka, Indian Territory.
Q How long have you lived in Atoka? A Not but a short time,--just a very short time, hardly two weeks.
Q Where did you come from? A I came from Texas.
Q How long had you lived in Texas? A Well, I have lived in Texas twelve or thirteen years or fourteen, somewhere long there.
Q Where did you live before removing to Texas? A Tennessee.
Q How long had you lived in Tennessee? A I lived there until I was grown.
Q Were you born in Tennessee? A Yes, sir.
Q What was your father's name? A Thomas Hawkins.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Martha Hawkins.
Q Is she living? A Yes, sir.
Q Do you take your Choctaw blood from your father or your mother? A My father.
Q What was his father's name? A His father's name was Hawkins.
Q Well, what was his first name? A William Hawkins.
Q He is dead, is he? A Yes, sir.
Q Where did he live? A I don't know; but they came from Mississippi.
Q Who did? A My father's people.
Q You now claim identification as a Mississippi Choctaw?
AA Yes, sir.
Q Did you overtake advantage of the provisions of the treaty of 1830 in its 14th article? A I can't tell you. I don't understand that.
Q Do you know anything about the treaty of 1830? A Yes, sir; I have been told about it.
Q You never read it yourself? A No, sir.
Q Did any of your ancestors take advantage of the provisions of the 14th article of the treaty of 1830? A No, sir; not that I know of.
Q Did either 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 No, sir; not that I know of.
Q What proportion of Choctaw blood do you claim to have? A One-eighth.
Q Are you married? A Yes, sir.
Q Have you got any children? A Yes, sir.
Q What is the name of your husband? A Jasper Henderson.
Q He is living, is he? A Yes, sir.
Q Do you apply for the identification of your children as Mississippi Choctaws? A Yes, sir.
Q Please give the names and ages of your children under twenty-one.
A Zuler Henderson, she is seventeen years old; Juler Henderson, sixteen years old.
Q Is that all you have? A Yes, sir; that is all the children I have living. 1.

Anna Henderson, N. C. ---2.

Q Are you making any application on behalf of your husband?

A No, sir.

Q Is there any additional statement you would like to make in behalf of your self or children at that time? A No, sir; not that I know of.

Q Have you any papers you would like to file? A Yes sir.
(papers handed to Acting Chairman)

ACTING CHAIRMAN BIXBY: Affidavit of John Lewis offered in evidence and placed on file as a part of the record in this case.

MR. BIXBY: (Acting Chairman of Commission) Upon a careful consideration of the testimony offered in this case and the documentary evidence submitted, the Commission will render its decision, and a copy of the same will be furnished you in writing, mailed to you at your post office address as given to the Commission this day by you.

-----o-----

Wm. S. Wellhear, being sworn and, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in this application for identification, and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 13th day of December,
A. D. 1900.


Acting Chairman.

Miss. Choctaw 1800

Muskogee, Indian Territory, September 26, 1902.

D. A. Henderson,
Duncan, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of September 22, stating that you appeared before the Commission at Atoka, Indian Territory, December, 1900, and giving the names of the members of your family, and this information has enabled the Commission to determine that you appeared before the Commission at Atoka, Indian Territory, December 11, 1900, and made application, under the name of Anna Henderson, for the identification of yourself and your children Zula and Lula Henderson as Mississippi Choctaws. No decision nor opinion has yet been rendered in your case, and it is impossible at this time to say just when the same will be reached for consideration and determination, but as soon as a decision is reached you will be notified of the action of the Commission and of the forwarding of the record in your case to the Secretary of the Interior for review.

Respectfully,

Acting Chairman.

M C R 1200

Muskogee, Indian Territory, March 23, 1903.

Stewart Dennee,
Duncan, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in reply to our communication of the 7th instant. You state that the husband of Mrs. Anna Henderson gave you, by mistake, his initials instead of the christian name of his wife, as it was presented before the Commission. There is also enclosed letter of the Commission of September 26, 1902, addressed to D. A. Henderson, Duncan, Indian Territory. You ask that said letter be returned you.

In reply you are informed that the Commission has not up to the present time reached any opinion or decision relative to the right of Annie Henderson and her two minor children to be identified as Mississippi Choctaws, but is now considering her application and it is probable a decision will be rendered in the near future. Upon the rendition thereof she will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

M.C.R. 1200

COPY.

Muskogee, Indian Territory, March 25, 1903.

Anna Henderson,

Duncan, Indian Territory.

Dear Madam:

You are hereby advised that on the 25th day of March, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas H. Hawkins, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas H. Hawkins,	M.C.R. 388
Nancy Jane Littlejohn	M.C.R. 390
Pearlee Bullard, et al.	M.C.R. 391
Elizabeth Kimball, et al.	M.C.R. 1199
Anna Henderson, et al.	M.C.R. 1200
J. H. Hawkins, et al.	M.C.R. 1204
George Hawkins, et al.	M.C.R. 1205
Joseph Hawkins, et al.	M.C.R. 1206
Rich Hawkins, et al.	M.C.R. 1207
Will Hawkins	M.C.R. 1208
Andrew Hawkins, et al.	M.C.R. 1210

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."

Annie Henderson, --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 Thomas H. Hawkins, Nancy Jane Littlejohn, Pearlee Long, Ora I. Bullard, Maggie L. Bullard, Tennie M. Bullard, Willie C. Bullard, Elizabeth Kimbell, William Thomas Basham Kimbell, Verdie May Kimbell, Donie Kimbell, Anna Henderson, Zuler Henderson, Luler Henderson, J. H. Hawkins, Martha Hawkins, Dizzie Hawkins, Zelde Hawkins, Jeff Hawkins, George Hawkins, Bob Hawkins, Joseph Hawkins, Eller Hawkins, Rich Hawkins, Melvin Hawkins, Will Hawkins, Andrew Hawkins, Essie Hawkins and Willis Hawkins 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,

Tamc Bixby.
Chairman.

Registered.

N.O.R. 1206.

Muskogee, Indian Territory. April 27, 1903.

Marsh & Wolverton,

Attorney at Law,

Duncan, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your communication of April 20, 1903, relative to the application of Anna Henderson for the identification of herself and two minor children as Mississippi Choctaws. You ask, "Will the Commission grant further time for the filing of an argument?"

Replying to your communication, you are advised that it appears from our records that on March 25, 1903, the Commission rendered its decision refusing the application of Anna Henderson, et al., for identification as Mississippi Choctaws, and on the same date notified the principal applicant of such decision and that she would be allowed fifteen days from that date within which to file arguments in support of her claim to be forwarded to the Secretary of the Interior.

The fifteen days heretofore granted in this case expired April 9, 1903, and on April 10, 1903, the record in the consolidated

Mississippi Choctaw case of Thomas H. Hawkins, et al., in which the application of James Henderson, et al., is included, was forwarded to the Secretary of the Interior. The applicants will be duly notified of such action as may be taken by him.

The fifteen days allowed applicants in Mississippi Choctaw cases within which to file arguments in support of their claims are granted under specific departmental instructions, and cannot be extended.

Respectfully,

Chairman.

M. O. R. 1200.

Muskogee, Indian Territory, November 14, 1903.

Arnie Henderson,

Duncan, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of November 3, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Thomas H. Hawkins, 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:

"From the testimony contained in the record it appears that the principal applicant, Thomas H. Hawkins, through whom the others claim, is the son of a half blood Choctaw named Ace (or William), Hawkins, by his half blood Choctaw wife, Nancy Hawkins, nee Noland, and that the said Nancy obtained her Choctaw blood from her mother, Betsy, who was the daughter of a Choctaw woman named Winnie.

From certain petitions for rehearing filed by the principal applicant, it appears that the mother of Nancy was Mrs. Shedy Noland, nee Elizabeth Hendricks.

From your decision of March 26, 1903, it appears that -
The name Winna appears on pages 223 and 597 of Volume 1 of the Claimants Brief and Evidence in the case of the Choctaw Nation vs. The United States, before the Court of Claims No. 12,742; on page 567 thereof is found the name Winnie; on page 689, that of Winny and on page 407, that of Winney, which name is also found on page 77 of volume VII, American State Papers, Public Lands; all of which citations are references to certain lists, schedules and depositions relating to claims under the treaty of 'Dancing Rabbit Creek.'

A 1 2

It further appears that persons bearing the names of
Vinn and Vinn received scrip as beneficiaries under article
fourteen of said treaty.

.....and it found that on page 108 of Volume I, of the
Claimants Brief and Evidence, appears the name Elizabeth
(Liny); that on pages 589 and 590 of said record appears the
names Henny and that on pages 245, 250, 316, 321, 325, 331,
335, 340 and 345 of said record, and on page 1083 of Volume II
of said record appears the name Betsy, said name also appear-
ing on pages 98, 100, and 127 of Volume VII, American State
Papers, Public Lands, all of which citations are to certain
schedules and depositions relating to claims under the treaty
of 'Dancing Rabbit Creek.' It further appears that persons
bearing the names Henny and Betsy received scrip as benefi-
ciaries under article fourteen of the treaty of 'Dancing Rab-
bit Creek.'

The Commission is directed to advise you that said re-
cords relating to the compliance of persons with the provisions of
article 14, contain certain information, as to the year 1830,
relative to the persons whose names appear thereon, showing:

- 1st. Their description.
 - 2nd. Their residences 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 purposes of comparison, testimony of like charac-
ter should be furnished relative to the applicants' ancestors.

The fourteenth article of the Choctaw treaty of 1830,
is as follows:

A B C

"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 date of 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 they ever remove are not to be entitled to any portion of the Choctaw annuity."

If a Choctaw decided, at the time of the treaty of Dancing Rabbit Creek was made, that he wanted to stay in Mississippi and take advantage of the provisions of article 14, he was required to let the Agent of the government in Mississippi know, within six months after the ratification of this treaty, that he wanted to stay there, take land, and become a citizen of the States. After he had done that he was entitled to 640 acres of land. In like manner he was entitled to 320 acres for each child over 10 years of age, living with him at the date of the treaty; and 160 acres for each child under 10. If the Indian lived on said land for five years from the ratification of this treaty—February 24, 1831, the government would give him a deed to it. This article provided that persons who claimed under it should not, by reason of their having done so, lose the privilege of a Choctaw citizen, but if they ever moved out to the new Choctaw country they were not to be entitled to any portion of the money paid to the Indians each year by the government.

A K 4

You are further 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 Mississippi Choctaw applications, 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 on 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.

Respectfully,

Chairman.

R & R Dep.

Registered.

M C R 1200

Muskogee, Indian Territory, November 24, 1903.

Annie Henderson,
Duncan, Indian Territory.

Dear Madam:

The Commission is in receipt of a letter from the attorneys for the Choctaw and Chickasaw Nations, in which they request that if it is your desire to offer any testimony or evidence in support of your application for identification as a Mississippi Choctaw, you be required to first serve notice upon them.

In compliance with the request contained in said letter, you are hereby notified that before you can offer any testimony or evidence in support of your case, it will be necessary that you notify Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, of your intention to submit such testimony or evidence.

Respectfully,

Chairman.

COPY,

M.C.R. 1900

Muskegee, Indian Territory, March 17, 1903.

Anna Henderson,

Duncan, Indian Territory.

Dear Madam:

You are hereby notified that on the 1st 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 Thomas H. Hawkins et al., of which decision you were advised by registered mail on the 25th day of March, 1903.

Respectfully,

SIGNED,

James Bixby
Chairman.

REFUSED

DECISION RENDERED

MAR 25 1903

NOTICE OF DECISION MAILED APPLICANT

MAR 25 1903

NOTICE OF DECISION MAILED APPLICANT

MAR 25 1903

MAR 25 1903

RECORD FORWARDED DEPARTMENT

APR 10 1903

REMANDER BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.

NOV 3- 1903

RECORD FORWARDED DEPARTMENT.

FEB -6 1904

ACTION APPROVED BY SECRETARY OF INTERIOR. MAR 1 1905

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT. MAR 17 1905

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. MAR 17 1905

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT. MAR 17 1905

REFER TO M.O.R. 388.

Wm. R. Sullivan, J. J.

Annie Henderson 40.
Atoka, I. T.
blood.

FATHER: P. W. Hawkins - ✓
MOTHER: Martha Hawkins - ✓
Claims through father.

CHILDREN:

Gula Henderson 17
Gula " " 16

Father:

Gasper Henderson.

No. 1200

For Identification as a Mississippi Choctaw.

Date

Name

Age

Blood

Post Office,

Father:

Mother:

Claims through

Children:

Choctaw MCR 1201

Mary Stuart

See MCR ~~3995~~

MCR 1201

Mary Stuart
REFUSED.

DECISION RENDERED. MAY 17 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 17 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.

3995

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, IT. December 11th, 1900.

In the matter of the application of Mary Stuart for the identification of herself as a Mississippi Choctaw.

The said Mary Stuart, being sworn and examined by Acting Chairman Bixby, testified as follows:

- Q What is your name? A Mary Stuart.
Q How old are you? A Fifty-four.
Q What is your post office address? A Durant, I.T.
Q Do you live at or about Durant? A I live in Durant.
Q How long have you lived in the Indian Territory? A Just a short time. I came there this fall.
Q Where did you come from? A Fort Worth Texas.
Q How long did you live in Texas before removing to the Indian Territory? A Twenty-four years.
Q Where did you come from to Texas? A Kentucky.
Q How long did you live in Kentucky? A I was born and raised in Kentucky. I left there in 1876.
Q Did you ever live in Mississippi? A No, sir; I never lived there.
Q What is your father's name? A William Robinson.
Q Is he living? A No, sir; he died in 1882.
Q How old was he when he died? A Sixty-four.
Q What is your mother's name? A Elmira Murphy was her maiden name.
Q Is she living? A No, sir; she is dead.
Q How old was she when she died? A Thirty nine.
Q You claim to be a Mississippi Choctaw, do you? A Yes, sir.
Q Is your claim for identification as a Mississippi Choctaw based on the provisions of the 14th article of the treaty of 1830? A Yes, sir; I suppose so.
Q Did you ever take advantage of the provisions of the 14th article of the treaty of 1830? A I never did.
Q Did any of your ancestors ever take advantage of the provisions of this article? A I don't know whether any of them ever did or not to my knowledge.
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 whether they did or not.
Q How much Choctaw blood do you claim to have? A One-eighth.
Q Do you claim through your father or your mother? A My father.
Q How much Indian blood did your father have? A One fourth.
Q Do you remember whether he claimed his Indian blood through his father or his mother? A His father, yes, sir.
Q Was his father a half blood? A Yes, sir.
Q What was your father's father's name? A Robinson.
Q What was his first name? A Thomas Robinson.
Q Where was your father born? A In Mississippi.
Q You think so? A Yes, sir; he came to Tennessee and married there and went from there to Kentucky.
Q Well, when did he leave Mississippi? A I don't know that date. I don't know what year.
Q Are you married? A Yes, sir.
Q Have you any children under twenty-one years of age and unmarried? A I haven't got any children at all.
Q Are you claiming any rights for your husband? A No, sir.

Mary Stuart, M.C.----2.

Q Have you anything further to say? Is there anything else you would like to state? A Well, I don't know that I have.

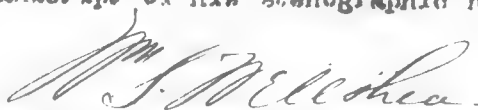
Q Have you any papers that you would like to offer for the consideration of the Commission in your case? A I have got some.

ACTIVE CHAIRMAN BIXBY: The application of Mary A. Stuart and the affidavits of John Lewis, J. E. Nelson and Matilda Glenn, offered in evidence and place on file.

Upon a careful consideration of the testimony offered in this case and the papers submitted, a decision will be ~~rendered~~ rendered by the Commission in regard to your application, and you will be furnished with a written copy of the same mailed to your present post office address as given to the Commission this day.

-----o-----

Wm. S. Wellshear, 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 matter of this application at the time and place abovementioned, and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 19th day of December
A. D. 1900.



Acting Chairman.

M. C. R. 1801

Muskogee, Indian Territory, May 17, 1902.

Mary Stuart,

Durant, 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 Martha F. Taylor, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha F. Taylor, et al.,	M. C. R. 3998
Margaret E. Johnson, et al.,	M. C. R. 397
Mary Stuart,	M. C. R. 1201
John H. Wright,	M. C. R. 1264
Lorena A. Kirby, et al.,	M. C. R. 895
John C. Robinson, et al.,	M. C. R. 899

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the 21st section of the act of Congress of June 23, 1898 (30 Stat., 482), 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 reports 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 Martha F. Taylor, James Arthur Taylor, Nancy Ann Taylor, Lizzie Ellen Taylor, Joseph D. Taylor, Margaret E. Johnson, Abbie Imogen Johnson, Guy Marie Johnson, Temple Houston Johnson, Susie Gail Johnson, Willie Dunn Johnson, Columbus Dewey Johnson, Nellie Minnette Johnson, Mary

2 2

Stuart, John R. Wright, Lorena A. Kirby, William Floyd Kirby, Robert Clifford Kirby, Norma H. Kirby, Aubry Kirby, John C. Robinson and Byron D. Robinson 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,

Acting Chairman.

Registered.

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

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

PLEASE REFER TO THE FOLLOWING

M.C.R. 1201

Muskogee, Indian Territory, June 27, 1902.

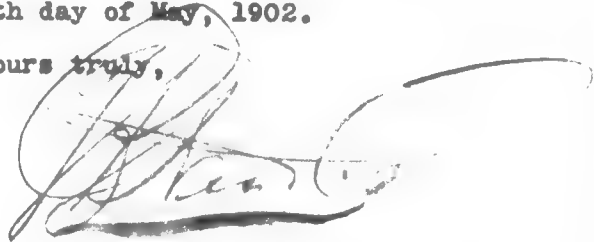
Mary Stuart,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that on the 17th 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 Martha F. Taylor, et al., of which decision you were advised by registered mail on the 17th day of May, 1902.

Yours truly,



Commissioner in Charge.

Mary Stuart 54
Newant, Ind. Ter.

1/8 blood

FATHER: William Robinson - dead

MOTHER: Elvira Robinson - dead

Elvira through

Department of the Interior.

Commissioner to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



UNCLAIMED

Mary Stuart

Surant

J. J.

1201

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

FILED



[Handwritten signature]
MEETING CHAIRMAN





Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Mary Stuart

7586

Account

1201

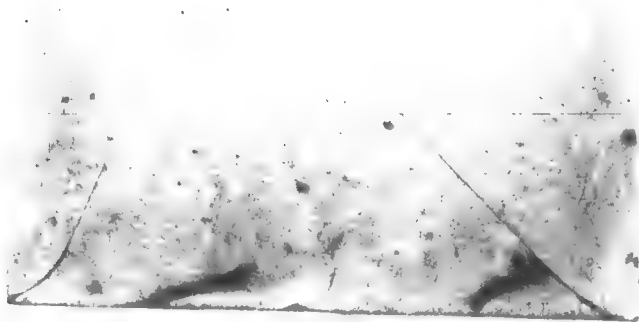
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 7 1902



ACTING CHAIRMAN



Choctaw MCR 1202

Ellen Black

See MCR 1058

MCR 1202

MISSISSIPPI CHOCTAW, R.

Ellen Blacker et al

REFUSED

DECISION RENDERED **JUL 12 1902**

NOTICE OF DECISION SENT TO APPLICANT.

JUL 12 1902

NOTICE OF DECISION SENT TO ATTORNEY FOR APPLICANT.

NOTICE OF DECISION SENT TO ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 12 1902

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY (INTERIOR)

OCT 3 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

OCT 15 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR APPLICANT.

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

OCT 15 1902

REFER TO M. C. R. 1058

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T. December 11th, 1900.

In the matter of the application of Ellen Black for the identification of herself and one minor child, Beulah Black, as Mississippi Choctaws.

The said Ellen Black, being sworn and examined by Acting Chairman Bixby, testified as follows:

- Q What is your name? A Ellen Black.
- Q How old are you? A I am nineteen.
- Q What is your post office address? A Cliff Indian Territory.
- Q Do you live at Cliff? A Near Cliff.
- Q How long have you lived in the Indian Territory? A About six months.
- Q Where did you come from? A Texas.
- Q How long had you lived in Texas? A I was born and raised in Texas.
- Q You never lived in Mississippi? A No, sir.
- Q What is your father's name? A George McNeely?
- Q Is he living? A Yes, sir.
- Q Is he a Choctaw Indian? A Yes, sir; he is a Mississippi Choctaw.
- Q What proportion of Choctaw blood does he claim to have? A He is about one-fourth, I think.
- Q What is your mother's name? A My mother's name was Fannie Pauff before she married.
- Q Is she living? A No, sir.
- Q She was a white woman, was she? A Yes, sir.
- Q How much Indian blood do you claim to have? A One-eighth.
- Q You are now making application for identification as a Mississippi Choctaw, are you? A Yes, sir.
- Q Are you married? A Yes, sir.
- Q Have you got any children? A Yes, sir; I have one.
- Q Is it a boy or a girl? A A Girl.
- Q What is her name and age? A Her name is Beulah and her age is one year.
- Q Are you making application also in her behalf? A Yes, sir.
- Q You claim that she is a Mississippi Choctaw, do you? A Yes, sir.
- Q Do you claim to be a Mississippi Choctaw under the provisions of the 14th article of the treaty of 1830? A Yes, sir.
- Q Did you ever take advantage of any of the provisions of this article? A No, sir; this is the first application.
- Q Did 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 land as beneficiaries under the 14th article of the treaty of 1830? A No, sir.
- Q Did your father claim his Indian blood through his father or his mother? A Through his mother.
- Q What was his mother's name? A Nellie, I believe. Nellie Watson.
- Q When was she born? A Well, I don't know, sir.
- Q Is there anything else you would like to say in regard to this application? A No, sir.
- Q Are there any papers you would like to file in connection with this application? A Yes, sir.

Killen Blank et al-----2.

(Papers offered in evidence and placed on file.)

Q There are no other statements you want to make? A
No, Sir.

(ACTING CHAIRMAN BIXBY) Upon an examination of the testimony and documentary evidence offered in your case the Commission will render its decision, and you will be furnished with a written copy of the same which will be mailed to your present post office address as given to the Commission this day.
-----o-----

The undersigned, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in the matter of the abovementioned application, and that the foregoing is a true, correct and complete transcript of his stenographic notes thereof.

M. J. McShea
Subscribed and sworn to before me this 11th day of December
A. D. 1900.

[Signature]
Acting Chairman.

24.
M.C.R. 1202.

Muskogee, Indian Territory, July 12, 1902.

Ellen Black,
Cliff, 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 Thomas McNeely et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas McNeely et al.,	M.C.R. 1088
Martha L. Sorrels et al.,	M.C.R. 1568
James McNeely et al.,	M.C.R. 1057
William L. McNeely,	M.C.R. 1060
George M. McNeely,	M.C.R. 1089
Laura Paris et al.,	M.C.R. 1062
Joseph E. McNeely,	M.C.R. 1061
Ellen Black, et al.,	M.C.R. 1202

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 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:

-3-

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas McNeely, Thomas Lee McNeely, Martha L. Sorrels, Charles H. Sorrels, John T. Sorrels, Mary E. Sorrels, Gillie P. Sorrels, Edna E. Sorrels, Thomas F. Sorrels, Laura Sorrels, James McNeely, Fred McNeely, William Lafayette McNeely, George H. McNeely, Bess Ann McNeely, Pearl Elizabeth McNeely, Fannie McNeely, Laura Paris Jesse Paris, Luther Paris, Joseph Earnest McNeely, Ellen Black and Beulah Black, 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 further the opinion of this Commission that under the provisions of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and the application made by Thomas McNeely for the identification of his wife, Druscilla McNeely, 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.

COPY.

M. C. R. 1202.

Muskogee, Indian Territory, October 15, 1902.

Ellen Black,

Cliff, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd 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 Thomas McNeely, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

16111

T. D. Jackson

Commissioner in Charge.

No. 1202

For Identification as a Mississippi Choctaw.

Date Dec. 11, 1908.

Name Ellen Black

Age 19 Blood "

Post Office, Cliff, D.T.

Father: Geo. McNely

Mother: Fannie McNely Dead

Claims through Father

Children:

Berulah Black 1 yr.

[Faint handwritten text]

Choctaw MCR 1203

Edward W. Bradshaw

See MCR 1334

MCR 1203

REFUSED.

Edward W. Bradshaw, et al.

DECISION WRITTEN MARCH 29th, 1901, H.H.

REFER TO M. C. R. 1334

DECISION RENDERED: MAR 1 1901

NOTICE OF DECISION MAILED APPLICANT MAY 31 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. MAY 31 1902

RECORD FORWARDED DEPARTMENT. MAY 31 1902

Remanded by Secty. July 8 1902.

Rec'd to Dept. Oct. 17 1902.

ACTION APPROVED BY SECRETARY OF INTERIOR. MAR 11 1903

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT. MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. MAR 24 1903

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 4, 1901.

In the matter of the application for identification of Edward Warren Bradshaw and his minor child as Mississippi Choctaws. Edward W. Bradshaw, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Bradshaw.
 Q Full name? A Edward Warren.
 Q What is your age? A Forty four.
 Q What is your post office address? A Delvelle, Texas.
 Q Are you a resident of that place? A I live there, yes sir.
 Q How long have you lived there? A I have been living there seven years.
 Q Where did you live prior to that? A I lived prior to that time I lived in Texas for several years.
 Q Well, you lived there seven years, you say? A Yes sir.
 Q And how long before you lived in that place-- where did you live and how long did you live before that in Texas? A About twenty years.
 Q Where? A Bastrop, County, Red Rock Post Office.
 Q Where did you live previous to that? A I lived in Arkansas.
 Q How long did you live in Arkansas? A Seven years.
 Q Where did you live previous to living in Arkansas? A I was borned in Arkansas.
 Q You were born there? A Yes sir.
 Q You never lived in Mississippi? A No sir. I never lived there.
 Q What is your father's name? A William.
 Q William Bradshaw? A Yes sir.
 Q Is he living? A No sir.
 Q What is your mother's name? A Margaret Elizabeth.
 Q Is she living or dead? A Yes sir, she is living.
 Q Through which one of your parents do you derive your Choctaw blood?
 A Father.
 Q How much blood do you claim? A I claim an eighth.
 Q Was your father ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? A Not that I know anything 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 enrolled 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 under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes 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 in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
 Q Have you ever prior to this time made application to either the tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
 Q Is this 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 Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
- Q What was the name of your ancestor who resided in Mississippi in 1830? A My father.
- Q Your father? A Yes sir, William Bradshaw.
- Q Was he a Choctaw Indian? A Yes sir.
- Q Was he a full blood? A No, my father was only a quarter.
- Q Have you any documentary evidence showing such to be the fact? A Yes sir.
- Q Have you that evidence with you? A No sir, I haven't it with me.
- Q What does it consist of? A Well, it consists of another man's evidence who has knowed my father and my grandmother, knowed my father from his birth.
- Q Have you any documentary evidence I asked you? A No.
- Q You have no papers that you desire to file? A No sir, not.
- Q Did your father, under whom you now make this claim to be identified as a Mississippi Choctaw, remove from Mississippi to the Indian Territory at the time the Choctaws were removed by the United States Government from 1833 to 1837? A Yes sir.
- Q Did your father, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent of the Choctaw Indians in Mississippi, his intention to remain and become a citizen of the United States? A No sir, I don't think he did; that is a question I could not answer.
- Q Have you any documentary evidence showing that your ancestors ever complied in any manner with the provisions of the fourteenth article of the treaty of 1830? A I have them, but I haven't them with me.
- Q I thought you said a little while ago, Mr. Bradshaw, that you had no documentary evidence? A I haven't got none, no documentary evidence, either.
- Q Do you desire to file such evidence with the Commission? A Yes sir.
- Q Can you state what such evidence will consist of? A Well, I don't understand.
- Q Can you give an idea in what nature that evidence will be; what it is? A It will be in writing because the man is not able to come here himself; it will have to be with the county seal on it.

The Commission will allow applicant fifteen days from the date hereof within which to file such documentary evidence as he may have in support of his application.

Applicant: Could not you allow me a few days more than that; I would like to have about twenty.

Twenty days time is allowed applicant for the purpose of filing additional testimony.

- Q Did your father or 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 Have either you or any of your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Mary Jane.
- Q Mary Jane Bradshaw? A Yes sir.
- Q Are you making any claim for her? A No sir.
- Q Where did you marry her? A I married her in Texas.
- Q When? A In '76.
- Q What day of the month? A October 1st.
- Q Have you your marriage license and certificate? A I haven't them with me; I can get them provided they are not burnt up; our court house burnt up there since I was married and a heap of the papers was destroyed.

Bradshaw-3

Twenty days will be allowed applicant in which to file copies of marriage license and certificate.

- Q Have you any children under twenty one years of age and unmarried for whom you desire to make application? A I have one.
- Q Unmarried and under age? A Yes sir.
- Q What is the name? A George.
- Q Bradshaw? A Yes sir. I have three others, but they are married.
- Q How old is George? A He is twenty.
- Q Twenty? A Yes sir.
- Q This is the only unmarried one? A The only unmarried. I have one younger than he but married.

Your married children, whether over or under age, will have to make application for themselves.

- Q Is this son of yours, George Bradshaw, now living with you at your home? A Yes sir.
- Q Are you and your wife now living together as man and wife? A Yes sir.
- Q Is there any additional statement you desire to make in support of your application and the application you make in behalf of this child? A No sir, I don't know that there.
- Q You say that you will introduce evidence within twenty days from the date hereof? A Yes sir.
- Q In support of your application, and also your marriage license and certificate or a copy? A Yes sir, provided my marriage license is not burnt up.

A copy of the decision of the Commission, when rendered, in regard to your application and the application you make on behalf of your child for identification as Mississippi Choctaws, will be mailed to you at your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 4th day of January, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Subscribed and sworn to before me this 7th day of January, 1901.

Charles H. Sawyer

Notary Public.

M. C. R. 1203

COPY.

Muskogee, Indian Territory, March 20, 1903.

Edward W. Bradshaw,
Delvalle, Texas.

Dear Sir:

You are hereby notified that on the 11th 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 Samuel Bradshaw, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

Wm. C. R.
Chairman.

Muskogee, Indian Territory, February 8, 1901.

Mr. E. W. Bradshaw,
Delvalle, Texas,

Dear Sir:

The Commission is in receipt of the affidavit of Oliver A. Traylor with reference to the Indian blood of W. M. Bradshaw, and the same has been duly filed with the other papers in support of your application for identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

MEMORANDUM
HANK L. DAVIS
TAMM DUNBY
THOMAS H. NEFF
C. R. H. K. NOLAN

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REGISTERED MAIL TO THE FOLLOWING

C R 1203

Muskogee, Indian Territory, May 31, 1902.

Edward W. Bradshaw,

Delvello, Texas.

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 Samuel Bradshaw, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Bradshaw,	M. C. R.	1334
Edward Warren Bradshaw, et al.,	M. C. R.	1203
William H. Bradshaw, et al.,	M. C. R.	1245
James Robert Bradshaw, et al.,	M. C. R.	1246
Mary Hickson, et al.,	M. C. R.	1247
Irene Awalt, et al.,	M. C. R.	1248
Rebecca Smith, et al.,	M. C. R.	1249
Eula May Newberg, et al.,	M. C. R.	1250
Mary Ellen Wheeler, et al.,	M. C. R.	1251
Mary Lou Stone, et al.,	M. C. R.	1252
Lennie Shocklee, et al.,	M. C. R.	1253
Ida Schofield, et al.,	M. C. R.	1254
Ada Trench, et al.,	M. C. R.	1255
Laura Awalt, et al.,	M. C. R.	1256
Dosha Barnard,	M. C. R.	1257
Solomon Awalt, et al.,	M. C. R.	1258
Henry Hickson,	M. C. R.	1259
Warren Bradshaw, et al.,	M. C. R.	1260
James H. Bradshaw, et al.,	M. C. R.	1261
Oliver E. Bradshaw, et al.,	M. C. R.	1262
George Bradshaw, et al.,	M. C. R.	1263
Elizabeth Anderson, et al.,	M. C. R.	1335
Will Anderson, et al.,	M. C. R.	1336
James Anderson,	M. C. R.	1337
Rosie Smith, et al.,	M. C. R.	1338
Elizabeth Bowen,	M. C. R.	1339
Louis S. Bowen, et al.,	M. C. R.	1340
Joe W. Bowen,	M. C. R.	1341
George C. Bowen, et al.,	M. C. R.	1342
Henry M. Bowen, et al.,	M. C. R.	1343
Rebecca J. Hubbard, et al.,	M. C. R.	1344
William H. Bowen, et al.,	M. C. R.	1345
Nancy R. Banks, et al.,	M. C. R.	1346

James A. Bowen, et al.,	M. C. R.	1347
Ed F. Sorrell,	M. C. R.	1348
James S. Sorrell,	M. C. R.	1349
Jesse L. Hubbard,	M. C. R.	1351
Lizzie E. Rambolt, et al.,	M. C. R.	1352
William Sorrell, et al.,	M. C. R.	1445
Jacob Awalt, et al.,	M. C. R.	1536
Eliza Awalt, et al.,	M. C. R.	1537
Daniel Awalt,	M. C. R.	1538
John T. Awalt, et al.,	M. C. R.	3452

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 Samuel Bradshaw, Edward Warren Bradshaw, George Bradshaw, William H. Bradshaw, Hazy Bradshaw, William Bradshaw, James Robert Bradshaw, James Wilson Bradshaw, John Wallace Bradshaw, Elbert Bradshaw, Albert Bradshaw, Mary Hickson, Jimmie Hickson, Delbert Hicks on, Altie May Hickson, Charlie Hickson, Harley Hickson, Irene Awalt, Rebecca Elizabeth Awalt, Martha Pain Awalt, George Awalt, Harry Awalt, Mary Ellen Awalt, Paul Awalt, Rebecca Smith, Hazel Smith, Gifton Smith, Eula May Newberg, Leona Rebecca Newberg, Edward Warren Newberg, Mary Ellen Wheeler, Bailey Wheeler, Mary Lou Stone, Bessie Lee Stone, Lennie Shocklee, William Shocklee, Bertha Shocklee, Ervin Shocklee, Ida Schofield, Lillie Susan Schofield, Viola Schofield, Lula May Schofield, Ada Trench, Jimmie Trench, Laura Awalt, Ethel May Awalt, William Henry Awalt, Dasha Barnard, Solomon Awalt, Dula Awalt, Eddie Awalt, Ear'y Awalt, Henry Hickson, Warren Bradshaw, Emma Bradshaw, Mary Bradshaw, James H. Bradshaw, Tom Bradshaw, Joseph Bradshaw, Lillie Bradshaw, Jesse Bradshaw, Lonzo Bradshaw, Beulah Bradshaw, William Bryan Bradshaw, Rufus Bradshaw, Oliver E. Bradshaw, Edna Bradshaw, Pearl Bradshaw, George Bradshaw, Rubie Bradshaw, Oran Bradshaw, Elizabeth Anderson, Thomas Anderson, Matthew Anderson, Charlie Anderson, Will Anderson, Martha Anderson, Lenna Anderson, Cora Anderson, Katie Anderson, James Anderson, Rosie Smith, Finis Smith, Emma Smith, Sallie Smith, Elizabeth Bowen, Lous S. Bowen, Calvin O. Bowen, Ruth Bowen, Bertha Bowen, Bessie Bowen, Joe W. Bowen, George C. Bowen, Lettie Bowen, Arta Bowen, Floyd Bowen, Lizzie Bowen, Henry M. Bowen, Earl Bowen, Ivy Bowen, Bryan Bowen, Rebecca J. Hubbard, Murray Hubbard, Delma Hubbard, William H. Bowen, Aggie Bowen, Henry Bowen, Nancy R. Banks, John Banks, Miles Banks, Dillie Banks, Fred Banks, James A. Bowen, Alice Bowen, Autrey Bowen, Ed F. Sorrell, James S. Sorrell, Jesse L. Hubbard, Lizzie E. Rambolt, Wanda M. Rainbolt, William Sorrell, Lula Sorrell, Albert Sorrell, Edward Sorrell, Jacob Awalt, William H. Davis, Mattie J. Davis, Eliza Awalt, Elsie R. Awalt, Joe Awalt, Daniel Awalt, John T. Awalt and Rex Awalt as Choctaw Indians entitled to rights in the Choctaw lands under the provisions 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,

[Handwritten signature]

Acting Chairman.

Registered.

No. 1203

For Identification as a Mississippi Choctaw.

Date

Jan 20 1911

Name Edward Warren Bradshaw.

Age 44 Blood 1/8

Post Office, Belville, Texas.

Father: William Bradshaw d.

Mother: Margaret Elizabeth " "

Claims through

Father.

Mother of child

Children:

Mary Jane Bradshaw

George Bradshaw. 20.

Steno grapher.

Belville, Tex.

Choctaw MCR 1204

J. H. Hawkins

MCR 1204

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T. December 12th, 1900.

In the matter of the application of J. H. Hawkins for the identification of himself and his four minor children as Mississippi-Cherokees.

The said J. H. Hawkins, being sworn and examined by Acting Chairman Bixby, testified as follows:

- Q What is your name? A J. H. Hawkins.
Q How old are you? A About thirty-four.
Q What is your post office address? A Baum, I. T.
Q How long have you lived at Baum? A I came there last August.
Q How long have you lived in the Indian Territory? A I came last August, just about the first of August I came.
Q Where did you live before that? A I lived down in Texas.
Q How many years did you live in Texas? A Eleven years.
Q Where did you live before coming to Texas? A Tennessee.
Q How long had you lived in Tennessee? A I was born and raised in Tennessee.
Q Have you ever been in Mississippi? A No, sir; I never lived in Mississippi.
Q You now make application for identification as a Mississippi Cherokee? A Yes, sir.
Q What is the name of your father? A Tom Hawkins.
Q Is he living? A Yes, sir.
Q What is the name of your mother? A Martha Hawkins.
Q Is she living? A Yes, sir.
Q Do you claim your Indian blood from your father or mother?
A My father.
Q What was your father's father's name? A Hawkins.
Q What was his first name? A I don't remember.
Q What proportion of Cherokee blood do you claim? A I claim the 14th article-----
Q How much Cherokee blood do you claim? A About one eighth, or one sixteenth.
Q Do you claim under the provisions of the 14th article of the treaty of 1830? A Yes, 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 any of the provisions of the 14th article of the treaty of 1830? A My father has been before the Dawes Commission here.
Q Where? A I can't call the name of the place now.
Q Was it Colbert? A Yes, sir; Colbert.
Q Have you or any of your ancestors ever claimed or received any land as beneficiaries under the provisions of the 14th article of the treaty of 1830? A No, sir; none that I know of.
Q Are you married? A Yes, sir.
Q Are you making any claim in behalf of your wife? A No, sir.
Q Have you any children? A Yes, sir.
Q Are they under twenty-one years of age? A Yes, sir.
Q Do you claim your children are Mississippi Cherokees? A Yes, sir.
Q Please give the names and ages of your children under twenty-one.
A The oldest one is eight years old, Martha Hawkins.
Q Well, go on. A The next oldest is Dessie Hawkins.

J. H. Hawkins et al, 2.

Q How old is Dessie? A He is six years old.

Q The next? A Zelda.

Q How old is Zelda? A Four years old.

Q Thenext? A The next is Jeff; he is about a year and a half old.

Q Is there any additional statement you would like to make at this time in regard to this case? A No, sir.

Q Do you wish to offer any papers in evidence? A Yes, sir.
(Applicant offers in evidence the affidavit of John Lewis, which is filed and made a part of the record in this case.)

MR. BIXBY: (Acting Chairman of the Commission) This Commission is unable to identify you and your children as Mississippi Choctaws claiming under the provisions of the 14th article of the treaty of 1830, and the application you make on behalf of yourself and your children for identification as Mississippi Choctaws is refused. You will be furnished with a copy of this decision in writing, mailed to your post office address.

---o---

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in this application for identification at the time and place above mentioned and that the foregoing is a true, complete and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of December
A. D. 1900.


Acting Chairman.

Miss. Choctaw R1204
Choctaw 4094

Muskogee, Indian Territory, January 10, 1903.

R. O. Sumter,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 10, stating that you have improvements on a forty acre tract of land which is removed from your other land, and you ask if you will be allowed to take the same in allotment. You also call attention to a certain tract of land which has a railroad right of way running through it, and ask if the allottee in taking this piece of land, will have to lose the right of way out of his one hundred and sixty acres. In conclusion you ask if J. H. Hawkins and James Kimble have been identified as Mississippi Choctaws.

In reply to your letter you are advised that the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902, provides as follows, under the head of reservations:

"All lands to which, at the date of the final ratification of this agreement, any railroad company may under any treaty or Act of Congress, have a vested right for right of way, depots, station grounds, water stations, stock yards or similar uses connected with the maintenance and operation of the railroad . . . shall be reserved from the allotment of lands herein provided for. . . "

R.O.S. 2

Relative to that part of your letter in which you ask if you would be permitted to allot a tract of forty acres of land lying remote from your other lands, your attention is invited to the following provision of the act of Congress above referred to :

"There shall be allotted to each member of the Choctaw and Chickasaw tribes, as soon as practicable after the approval by the Secretary of the Interior of his enrollment as herein provided, land equal in value to three hundred and twenty acres of the average allottable land of the Choctaw and Chickasaw nations, and to each Choctaw and Chickasaw freedman, as soon as practicable after the approval by the Secretary of the Interior of his enrollment, land equal in value to forty acres of the average allottable land of the Choctaw and Chickasaw nations; to conform, as nearly as may be, to the areas and boundaries established by the Government survey, which land may be selected by each allottee so as to include his improvements. For the purpose of making allotments and designating homesteads hereunder the forty acres or quarter-quarter subdivisions established by the Government survey may be dealt with as if further subdivided into four equal parts in the usual manner, thus making the smallest legal subdivision ten acres, or a quarter of a quarter of a quarter of a section."

You are further advised that it appears from our records that J. W. Hawkins, of Baum, Indian Territory, thirty four years of age, on December 12, 1900, appeared before the Commission at Atoka, Indian Territory, and applied for the identification of himself and his four minor children, Martha, Dezzie, Zelda and Jeff Hawkins, as Mississippi Choctaws. No decision nor opinion has yet been reached relative to their rights as such Mississippi Choctaws. It does not appear from our records that any person by the name of James Kimble is an applicant for identification as a Mississippi Choctaw.

The matter of the classification of your lands has been made the subject of another communication.

Respectfully,

Muskogee, Indian Territory, March 25, 1903.

J. H. Hawkins,

Maum, Indian Territory.

Dear Sir:

You are hereby advised that on the 25th day of March, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas H. Hawkins, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas H. Hawkins	M.C.R. 388
Nancy Jane Littlejohn	M.C.R. 390
Pearlee Bullard, et al.	M.C.R. 391
Elizabeth Kimbell, et al.	M.C.R. 1199
Anna Henderson, et al.	M.C.R. 1200
J. H. Hawkins, et al.	M.C.R. 1204
George Hawkins, et al.	M.C.R. 1205
Joseph Hawkins, et al.	M.C.R. 1206
Rich Hawkins, et al.	M.C.R. 1207
Will Hawkins	M.C.R. 1208
Andrew Hawkins, et al.	M.C.R. 1210

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."

J. H. Hawkins, --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 Thomas H Hawkins, Nancy Jane Littlejohn, Pearlee Long, Ora I. Bullard, Maggie L. Bullard, Tennie M. Bullard, Willie C. Bullard, Elizabeth Kimbell, William Thomas Basham Kimbell, Verdie May Kimbell, Donie Kimbell, Anna Henderson, Zuler Henderson, Luler Henderson, J. H. Hawkins, Martha Hawkins, Dezzie Hawkins, Zelda Hawkins, Jeff Hawkins, George Hawkins, Bob Hawkins, Joseph Hawkins, Eller Hawkins, Rich Hawkins, Melvin Hawkins, Will Hawkins, Andrew Hawkins, Essie Hawkins and Willia Hawkins 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,

W. H. ...
Chairman.

Registered.

Muskogee, Indian Territory, November 14, 1903.

J. H. Hawkins,

Baum, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of November 3, 1903, remanded to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Thomas H. Hawkins, 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:

'From the testimony contained in the record it appears that the principal applicant, Thomas H. Hawkins, through whom the others claim, is the son of a half blood Choctaw named Asa (or William) Hawkins, by his half-blood Choctaw wife, Nancy Hawkins, nee Noland, and that the said Nancy obtained her Choctaw blood from her mother, Betsy, who was the daughter of a Choctaw woman named Winnie.

From certain petitions for rehearing filed by the principal applicant, it appears that the mother of Nancy was Mrs. Shaddy Noland, nee Elizabeth Hendricks.

From your decision of March 25, 1903, it appears that -

The name Winna appears on pages 223 and 597 of Volume 1 of the Claimants Brief and Evidence in the case of the Choctaw Nation vs. The United States, before the Court of Claims, No. 12,742; on page 567 thereof is found the name Winnie; on page 689, that of Winny and on page 407, that of Winney, which name is also found on page 77 of Volume VII, American State Papers, Public Lands; all of which citations are references to certain lists, schedules and depositions relating to claims under the treaty of 'Dancing Rabbit Creek.'

It further appears that persons bearing the names of Winna and Winne received scrip as beneficiaries under article fourteen of said treaty.

J. H. Hawkins, --2

.....and it is found that on page 109 of Volume 1, of the Claimants Brief and Evidence, appears the name Elizabeth (Lisy); that on pages 569 and 690 of said record appears the name Bessy and that on pages 243, 250, 616, 623, 625, 665, 735 736 and 789 of said record, and on page 1023 of Volume II of said record appears the name Betsy, said name also appearing on pages 96, 108, and 137 of Volume VII, American State Papers, Public Lands, all of which citations are to certain schedules and depositions relating to claims under the treaty of 'Dancing Rabbit Creek.' It further appears that persons bearing the names Bessy and Betsy received scrip as beneficiaries under article fourteen of the treaty of 'Dancing Rabbit Creek.'"

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 1850, 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 purposes of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

J. H. Hawkins, -5

The fourteenth article of the Choctaw Treaty of 1830,
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 date of 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."

If a Choctaw decided, at the time the treaty of Dancing Rabbit Creek was made, that he wanted to stay in Mississippi and take advantage of the provisions of article 14, he was required to let the Agent of the government in Mississippi know, within six months after the ratification of this treaty, that he wanted to stay there, take land, and become a citizen of the States. After he had done that he was entitled to 640 acres of land. In like manner he was entitled to 320 acres for each child over 10 years of age, living with him at the date of the treaty; and 160 acres for each child under 10. If the Indian lived on said land for five years from the ratification of this treaty--February 24, 1831, the govern-



J. H. Hawkins, --4

ment would give him a deed to it. This article provided that persons who claimed under it should not, by reason of their having done so, lose the privilege of a Choctaw citizen, but if they ever moved out to the new Choctaw country they were not to be entitled to any portion of the money paid to the Indians each year by the government.

You are further 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 Mississippi Choctaw applications, 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 on which you receive this notice, hear the testimony of such witnesses as may present them-

J. H. Hawkins, --5

selves in person, and receive for consideration such documentary
evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep

Registered.

Muskogee, Indian Territory, November 24, 1903.

J. H. Hawkins,
Baum, Indian Territory.

Dear Sir:

The Commission is in receipt of a letter from the attorneys for the Choctaw and Chickasaw Nations, in which they request that if it is your desire to offer any testimony or evidence in support of your application for identification as a Mississippi Choctaw, you be required to first serve notice upon them.

In compliance with the request contained in said letter, you are hereby notified that before you can offer any testimony or evidence in support of your case, it will be necessary that you notify Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, of your intention to submit such testimony or evidence.

Respectfully,

Chairman.

M.C.R. 1204

COPY.

Muskogee, Indian Territory, March 17, 1905.

J. H. Hawkins,
Caney, Indian Territory,

Dear Sir:

You are hereby notified that on the 1st day of March, 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 Thomas H. Hawkins et al., of which decision you were advised by registered mail on the 25th day of March, 1903.

Respectfully,

SIGNED:

Turno Biss

Chairman.

M C R 1204

Muskogee, Indian Territory, April 11, 1905.

Gilbert & Bond,
Attorneys at Law,
Duncan, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 6th instant, asking to be advised the status of the Mississippi Choctaw case of James H. Hawkins, et al.

In reply you are informed that on March 1, 1905, the Secretary of the Interior approved the Commission's decision of March 25, 1905, refusing the several applicants included in the consolidated Mississippi Choctaw case of Thomas H. Hawkins, et al., of which the application of J. H. Hawkins, et al., is a part, and of which departmental action the several applicants were duly notified on March 17, 1905.

This case is now considered closed, and it is not believed that any applicant therein is in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Commissioner in Charge.

No. 1204

For Identification as a Mississippi Choctaw.

Date Dec. 12, 1900

Name J. N. Hawkins

Age 34 Blood $\frac{1}{8}$ or $\frac{1}{16}$

Post Office, Wren, D. C.

Father: Tom Hawkins

Mother: Martha Hawkins

Claims through father

Children:

Martha Hawkins 8

Dezzie Hawkins 6 (M)

Gelda Hawkins 4

Elf Hawkins 1 $\frac{1}{2}$

Photographed by
H. J. ...

J. H. Hawthorne et al

REFUSED

DEPARTMENT OF THE INTERIOR

MAR 25 1903

MAR 25 1903

MAR 25 1903

MAR 25 1903

APR 10 1903

**RECOMMENDED BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.**

NOV 3 - 1903

RECORD FORWARDED DEPARTMENT.

FEB - 6 1904

**ACTION APPROVED BY
SECRETARY OF INTERIOR**

NOTICE OF DEPARTMENTAL ACTION

MAILED APPLICANT

NOTICE OF DEPARTMENTAL ACTION

FORWARDED ATTORNEY

MAR 1 1905

MAR 1 7 1905

MAR 1 7 1905

MAR 1 7 1905

REFER TO M.C.P. 388

4203

Choctaw MCR 1205

George Hawkins

MCR 1205

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Aloka, I. T. December 12th, 1900.

In the matter of the Application of George Hawkins for the identification of himself and one minor child as Mississippi Choctaw.

The said George Hawkins, being sworn and examined by Acting Chairman Elby, testified as follows:

- Q What is your name? A George Hawkins.
Q How old are you? A Twenty-six years old.
Q What is your post office address? A Baum, I. T.
Q Do you live near Baum? A Yes, sir.
Q How long have you lived in the Indian Territory? A Right about a year.
Q Where did you come from here? A From Texas.
Q How long did you live in Texas? A Ten years, I reckon.
Q Where did you live before moving to Texas? A In Tennessee.
Q Were you born in Tennessee? A Yes, sir.
Q Did you ever live in Mississippi? A No, sir.
Q You claim to be a Mississippi Choctaw, do you? A Yes, sir.
Q What is the name of your father? A Tom Hawkins.
Q Is he living? A Yes, sir.
Q What is the name of your mother? A Martha Hawkins.
Q Is she living? A Yes, sir.
Q Do you claim your Indian blood through your father or your mother? A My father.
Q What is the name of your father's father? A I don't know his name.
Q Did your father live in Mississippi? A Yes, sir; he lived on Bear Creek in Mississippi, I believe.
Q Do you claim under the provisions of the 14th article of the treaty of 1830? A Yes, sir.
Q Did you ever take advantage of the provisions of this article of that treaty? A No, sir.
Q Did any of your ancestors ever take advantage of the provision of that article? A No, sir; not that I know of.
Q Did any of your ancestors ever claim or receive any land as beneficiaries under the 14th article of the treaty of 1830? A No, sir; not that I know of.
Q Are you married? A Yes, sir.
Q Are you claiming anything for your wife? A No, sir.
Q Have you any children? A I have got one.
Q Do you claim your child is a Mississippi Choctaw? A Yes, sir.
Q What is the name and age of your child? A His name is Bob. He is six years old the 13th day of this month.
Q Are there any additional statements you would like to make in regard to this application? A No, sir.
Q What proportion of Choctaw blood do you claim? A About one eighth.

Q Have you any papers you would like to file for the consideration of the Commission? A Yes, sir; I have got a paper here.

(Applicant offers in evidence the affidavit of John Lewis, which is filed and made a part of the record in this case.)

MR. ELBY: (Acting Chairman of the Commission) Upon the testimony and documentary evidence submitted in this case, the Commission is unable to identify either you or your child as a Mississippi Choctaw claiming under the provisions of the 14th article of the treaty of 1830, and your application for the identification of yourself and child is refused. You will be furnished

George Hawkins et al-----2.

with a copy of the decision of the Commission, in writing, mailed
to your present post office address.

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The undersigned, being sworn, upon his oath states that
as stenographer to the Commission to the Five Civilized Tribes
he reported in full all proceedings in this application for identifica-
tion had at the time and place abovementioned, and that the fore-
going is a true, correct and complete transcript of his stenographic
notes thereof.

Subscribed and sworn to before me this 20th day of December
A. D. 1900.



Acting Chairman.

M. C. R. 1205

COPY.

Muskogee, Indian Territory, March 25, 1905.

George Hawkins,

Baum, Indian Territory.

Dear Sir:

You are hereby advised that on the 25th day of March, 1905, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas H. Hawkins, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas H. Hawkins	M. C. R. 388
Nancy Jane Littlejohn	M. C. R. 390
Pearlee Bullard, et al.	M. C. R. 391
Elizabeth Kimbell, et al.	M. C. R. 1199
Anna Henderson, et al.	M. C. R. 1200
J. H. Hawkins, et al.	M. C. R. 1204
George Hawkins, et al.	M. C. R. 1205
Joseph Hawkins, et al.	M. C. R. 1206
Rich Hawkins, et al.	M. C. R. 1207
Will Hawkins	M. C. R. 1208
Andrew Hawkins, et al.	M. C. R. 1210

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."

George Hawkins, —>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 Thomas H. Hawkins, Nancy Jane Littlejohn, Pearlee Long, Ora I. Bullard, Maggie L. Bullard, Tennie M. Bullard, Willie C. Bullard, Elizabeth Kimbell, William Thomas Basham Kimbell, Verdie May Kimbell, Donie Kimbell, Anna Henderson, Zuler Henderson, Luler Henderson, J. H. Hawkins, Martha Hawkins, Dessie Hawkins, Zelda Hawkins, Jeff Hawkins, George Hawkins, Bob Hawkins, Joseph Hawkins, Eller Hawkins, Rich Hawkins, Melvin Hawkins, Will Hawkins, Andrew Hawkins, Essie Hawkins and Willia Hawkins 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,

Tennie Dixie
Chairman,

Registered.

N O R 1206

Muskogee, Indian Territory, April 30, 1903.

W. S. Farmer,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the sworn petition of George Hawkins praying for a rehearing in the consolidated Mississippi Choctaw case of Thomas H. Hawkins, et al. Said petition has this day been transmitted to the Secretary of the Interior.

Respectfully,

Chairman.

Muskogee, Indian Territory, November 14, 1903.

George Hawkins,
Baum, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of November 3, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Thomas H. Hawkins, et al., with instructions that the applicants be granted an opportunity to introduce additional testimony and evidence in support of their claim.

The Secretary of the Interior in his letter states:

"From the testimony contained in the record it appears that the principal applicant, Thomas H. Hawkins, through whom the others claim, is the son of a half blood Choctaw named Asa (or William) Hawkins, by his half blood Choctaw wife, Nancy Hawkins, ~~nee Roland, and that the said Nancy obtained her Choctaw blood from her mother, Betsy, who was the daughter of a Choctaw woman named Winnie.~~

From certain petitions for rehearing filed by the principal applicants, it appears that the mother of Nancy was Mrs. Shaddy Roland, nee Elizabeth Hendricks.

From your decision of March 25, 1903, it appears that -

The name Winna appears on pages 223 and 597 of Volume 1 of the Claimants Brief and Evidence in the case of the Choctaw Nation vs. The United States, before the Court of Claims, No. 12,742; on page 867 thereof is found the name Winne; on page 689, that of Winny, and on page 407 that of Winney, which name is also found on page 77 of Volume VII, American State Papers, Public Lands; all of which citations are references to certain lists, schedules and depositions relating to claims under the treaty of 'Dancing Rabbit Creek.'

It further appears that persons bearing the names of Winna and Winne received scrip as beneficiaries under article fourteen of said treaty. and it is found that on page 109 of Volume I, of the Claimants Brief and Evidence, appears the name Elizabeth (Lizy); that on pages 569 and 690 of said record appears the name Bessy and that on pages 243, 250, 616, 625, 626, 666, 735, 736 and 789 of said record, and on page 1023 of Volume II of said record appears the name Betsey, said name also appearing on pages 96, 108, and 137 of Volume VII, American State Papers, Public Lands, all of which citations are to certain schedules and depositions relating to claims under the treaty of 'Dancing Rabbit Creek.' It further appears that persons bearing the names Bessy and Betsey received scrip as beneficiaries under article fourteen of the treaty of 'dancing Rabbit Creek.'"

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

G H 3

should be furnished relative to the applicants' ancestors.

The fourteenth article of the Choctaw treaty of September 27, 1830, 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 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."

If a Choctaw decided, at the time the treaty of Dancing Rabbit Creek was made, that he wanted to stay in Mississippi and take advantage of the provisions of article 14, he was required to let the Agent for the government in Mississippi know, within six months from the ratification of the treaty--February 24, 1831, that he wanted to stay there, take land, and become a citizen of the States. After he had done that he was entitled to 640 acres of land. In like manner he was entitled to 320 acres for each unmarried child which was living with him at the date of the treaty over 10 years of age, and 160 acres for each child under 10. If the Indian lived on said land for five years after the ratification

G H 4

of the treaty, the government would give him a deed to it. This article also provided that persons who claimed under it should not, by reason of their having done so, lose the privilege of a Choctaw citizen, but if they ever removed to the new Choctaw country they were not to be entitled to any portion of the money paid to the Choctaws each year by the government.

You are further 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 on which you receive this notice, hear the testimony of such witnesses as may present them-

C K D

selves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep
Registered

M C R 1205

Muskogee, Indian Territory, November 24, 1903.

George Hawkins,
Baum, Indian Territory.

Dear Sir:

The Commission is in receipt of a letter from the attorneys for the Choctaw and Chickasaw Nations, in which they request that if it is your desire to offer any testimony or evidence in support of your application for identification as a Mississippi Choctaw, you be required to first serve notice upon them.

In compliance with the request contained in said letter, you are hereby notified that before you can introduce any testimony or evidence in support of your case, it will be necessary that you notify Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, of your intention to submit such testimony or evidence.

Respectfully,

Chairman.

M.C.N. 1205

COPY!

Maskogee, Indian Territory, March 17, 1905.

George Hawkins,

Baum, Indian Territory,

Dear Sir:

You are hereby notified that on the 1st day of March, 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 Thomas H. Hawkins et al., of which decision you were advised by registered mail on the 25th day of March, 1903.

Respectfully,
SIGNED

James B. B. B.

Chairman.

No. 1205

For Identification as a Mississippi Choctaw.

Date Dec. 12. 1900

Name George Hawkins

Age 26 Blood

Post Office, Baum, I. T.

Father: Tom Hawkins

Mother: Martha Hawkins

Claims through father

Children:

Bob Hawkins 6

Stenographer:

Wm. J. Hillishear

REFUSED

DECISION RENDERED

MAR 25 1903

NOTICE OF DECISION MAILED APPLICANT.

MAR 25 1903

**NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.**

MAR 25 1903

**NOTICE OF DECISION MAILED ATTORNEY
FOR CHOCTAW AND CHICKASAW NATIONS.**

MAR 25 1903

RECORD FORWARDED DEPARTMENT.

APR 10 1903

**REMANDED BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.**

NOV 3 1903

RECORD FORWARDED DEPARTMENT.

FEB -6 1904

ACTION APPROVED BY

SECRETARY OF INTERIOR.

MAR 1 1905

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. MAR 17 1905**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. MAR 17 1905**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT. MAR 17 1905**

REFER TO M. O. R. 688

Choctaw MCR 1206

Joseph Hawkins

MCR 1206

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I.T. December 14th, 1900.

In the matter of the application of Joseph Hawkins for the identification of himself and one minor child as Mississippi Choctaws.

The said Joseph Hawkins, being sworn and examined by Acting Chairman Bixby, testified as follows:

- Q What is your name? A Joseph Hawkins.
- Q How old are you? A Thirty-two years old.
- Q What is your post office address? A Baum.
- Q How long have you lived at Baum? A About a month, I reckon.
- Q How long have you lived in the Indian Territory? A That is about as long as I have been here.
- Q Where did you come from to the Indian Territory? A From Texas.
- Q How long did you live in Texas? A About ten years.
- Q Where did you live before coming to Texas? A McKanay County Tennessee.
- Q How long did you live in Tennessee. A I lived there until I was about twenty years old.
- Q You were born there? A Yes, sir.
- Q Did you ever live in Mississippi? A No, sir; I lived right close to Mississippi.
- Q What makes you think you are a Mississippi Choctaw? A Well I claim blood on my father's side.
- Q You claim to be a Mississippi Choctaw, do you? A Yes, sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes, sir.
- Q What is your father's name? A Thomas Hawkins.
- Q Is he living? A Yes, sir.
- Q What is your mother's name? A Martha Hawkins.
- Q Is she living? A Yes, sir.
- Q Do you claim your Indian blood through your father or your mother? A My father.
- Q Do you know the name of your father's father? A No, sir.
- Q Do you know where he lived? A No, sir.
- Q You are claiming under the provisions of the 14th article of the treaty of 1830, are you? A Yes, sir.
- Q Did you ever take advantage of the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.
- Q Did any of your ancestors ever take advantage of the provision of this article? A No, sir.
- Q Did any of your ancestors ever claim or receive any land as beneficiaries under the 14th article of the treaty of 1830? A Not that I know of.
- Q Are you married? A Yes, sir.
- Q Are you making any claim for your wife? A No, sir.
- Q Have you any children? A I have got one.
- Q Do you claim your child is a Mississippi Choctaw? A Yes, sir.
- Q What is its name? A Eller.
- Q How old? A She is five years old.
- Q What is the name of the mother of this child? A Maggie.
- Q Where did you marry her? A In Texas.

Joseph Hawkins et al---2.

Q Have you your certificate with you? A No, sir.

Q Is there any additional statement you would like to make at this time? A No, sir.

Q Do you desire to offer any documentary evidence? Have you any papers you want to file? A Yes, sir.

(Applicant offers in evidence the affidavit of John Lewis, which is filed and made a part of the record in this case.)

MR. BIXBY: (Acting Chairman of the Commission) Upon a consideration of the testimony and documentary evidence in this case the Commission is unable to identify either you or your child as a Mississippi Choctaw claiming under the provisions of the 14th article of the treaty of 1830, and your application for the identification of yourself and your child as Mississippi Choctaws is therefore refused. You will be furnished with a copy of the decision of the Commission, in writing, mailed to your present post office address.

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The undersigned, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in this application for identification at the time and place abovementioned, and that the foregoing is a true, correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th day of December
A. D. 1900.



Acting Chairman.

Muskogee, Indian Territory, March 25, 1903.

Joseph Hawkins,

Naum, Indian Territory.

Dear Sir:

You are hereby advised that on the 25th day of March, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas H. Hawkins, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas H. Hawkins	M.C.R. 388
Nancy Jane Littlejohn	M.C.R. 380
Pearlee Bullard, et al.	M.C.R. 391
Elizabeth Kimbell, et al.	M.C.R. 1199
Anna Henderson, et al.	M.C.R. 1200
J. H. Hawkins, et al.	M.C.R. 1204
George Hawkins, et al.	M.C.R. 1206
Joseph Hawkins, et al.	M.C.R. 1206
Rich Hawkins, et al.	M.C.R. 1207
Will Hawkins	M.C.R. 1208
Andrew Hawkins, et al.	M.C.R. 1210

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."

Joseph Hawkins, —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 Thomas H. Hawkins, Nancy Jane Littlejohn, Pearlee Long, Ora I. Bullard, Maggie L. Bullard, Tennie M. Bullard, Willie W. Bullard, Elisabeth Kimbell, William Thomas Basham Kimbell, Verdie May Kimbell, Donie Kimbell, Anna Henderson, Zuler Henderson, Luler Henderson, J. H. Hawkins, Martha Hawkins, Dezzie Hawkins, Zelta Hawkins, Jeff Hawkins, George Hawkins, Bob Hawkins, Joseph Hawkins, Eller Hawkins, Rich Hawkins, Melvin Hawkins, Will Hawkins, Andrew Hawkins, Essie Hawkins and Willia Hawkins 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,

Tamm Dixby.
Chairman.

Registered.

Muskogee, Indian Territory, November 14, 1903.

Joseph Hawkins,
Baum, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of November 3, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Thomas H. Hawkins, 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:

"From the testimony contained in the record it appears that the principal applicant, Thomas H. Hawkins, through whom the others claim, is the son of a half blood Choctaw named Asa (or William) Hawkins, by his half blood Choctaw wife, Nancy Hawkins, nee Holand, and that the said Nancy obtained her Choctaw blood from her mother, Betsy, who was the daughter of a Choctaw woman named Winnie.

From certain petitions for rehearing filed by the principal applicants, it appears that the mother of Nancy was Mrs. Shaddy Holand, nee Elizabeth Hendricks.

From your decision of March 25, 1903, it appears that -

The name Winna appears on pages 223 and 297 of Volume 1 of the Claimants Brief and Evidence in the case of the Choctaw Nation vs. The United States, before the Court of Claims, No. 12,742; on page 267 thereof is found the name Winne; on page 289, that of Winny, and on page 407 that of Winney; which name is also found on page 77 of Volume VII, American State Papers, Public Lands; all of which citations are references to certain lists, schedules and depositions relating to claims under the treaty of 'Dancing Rabbit Creek.'

J H 2

It further appears that persons bearing the names of Wimma and Winne received scrip as beneficiaries under article fourteen of said treaty.

..... and it is found that on page 109 of Volume I, of the Claimants Brief and Evidence, appears the name Elisabeth (Lizy); that on pages 569 and 690 of said record appears the name Bessy and that on pages 243, 250, 616, 623, 625, 665, 735, 736 and ~~665~~ said record, and on page 1023 of Volume II of said record appears the name Betsey, said name also appearing on pages 96, 108, and 137 of Volume VII, American State Papers, Public Lands, all of which citations are to certain schedules and depositions relating to claims under the treaty of 'Dancing Rabbit Creek.' It further appears that persons bearing the names Bessy and Betsey received scrip as beneficiaries under article fourteen of the treaty of 'Dancing Rabbit Creek.'"

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

J H 3

should be furnished relative to the applicants' ancestors.

The fourteenth article of the Choctaw treaty of September 27, 1830, 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 from 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."

If a Choctaw decided, at the time the treaty of Dancing Rabbit Creek was made, that he wanted to stay in Mississippi and take advantage of the provisions of article 14, he was required to let the Agent for the Government in Mississippi know, within six months from the ratification of the treaty--February 24, 1831, that he wanted to stay there, take land, and become a citizen of the States. After he had done that he was then entitled to 640 acres of land. In like manner he was entitled to 320 acres for each unmarried child living with him at the date of the treaty over 10 years of age, and 160 acres for each child under 10. If the Indian lived on said land for five years after the ratification

J H 4

of the treaty, the government would give him a deed to it. This article also provided that persons who claimed under it should not, by reason of their having done so, lose the privilege of a Choctaw citizen, but if they ever removed to the new Choctaw country they were not to be entitled to any portion of the money paid each year to the Choctaw Indians by the government.

You are further 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 on which you receive this notice, hear the testimony of such witnesses as may present them-

J. H. S.

selves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep.
Registered

Muskogee, Indian Territory, November 24, 1903.

Joseph Hawkins,

Baum, Indian Territory.

Dear Sir:

The Commission is in receipt of a letter from the attorneys for the Choctaw and Chickasaw Nations, in which they request that if it is your desire to offer any testimony or introduce documentary evidence in support of your application for identification as a Mississippi Choctaw, you be required to first serve notice upon them.

In accordance with the request contained in said letter, you are hereby notified that before you can offer any testimony or evidence in support of your claim, it will be necessary that you serve notice of the offering ~~to~~ the same upon Messrs. Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

Chairman.

M.C.R. 1206

COPY.

Muskogee, Indian Territory, March 17, 1905.

Joseph Hawkins,

Baum, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior, on March 1, 1905, affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas H. Hawkins et al., of which decision you were advised by registered mail on the 25th day of March, 1903.

Respectfully,

SIGNED

James Brown

Chairman.

No. 1206

For Identification as a Mississippi Choctaw.

Date December 12, 1909

Name Joseph Hawkins

Age 32 Blood

Post Office, Baum. I T.

Father: Thomas Hawkins

Mother: Martha Hawkins

Claims through father

Wife: Maggie Hawkins

Children:

Eller Hawkins 5

Stenographer:

Wm. J. Hillebrand.

J. H. Adams
REFUSED

DECISION RENDERED.

MAR 25 1903

NOTICE OF DECISION MAILED APPLICANT.

MAR 25 1903

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS

MAR 25 1903

NOTICE OF DECISION MAILED APPLICANT
FOR CHOCTAW AND CHICKASAW NATIONS.

MAR 25 1903

RECORD FORWARDED DEPARTMENT.

APR 10 1903

REMANDED BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.

NOV 30 1903

RECORD FORWARDED DEPARTMENT.

FEB -6 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 1 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAR 1 7 1905

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

MAR 1 7 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

MAR 1 7 1905

REFER TO M. O. R. 388.

Choctaw MCR 1207

Rich Hawkins

MCR 1207

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I.T. December 12 th, 1900.

In the matter of the application of Rich Hawkins for the identification of himself and his minor child as Mississippi Choctaws.

The said Rich Hawkins, being sworn and examined by Acting Chairman Bixby, testified as follows:

- Q What is your name? A Rich Hawkins.
Q How old are you? A Twenty-two.
Q What is your post office address? A Norton, Indian Territory.
Q How long have you lived in the Indian Territory? A About four years.
Q Where did you live before you came to the Indian Territory?
A I lived in Texas.
Q How long did you live in Texas? A About eight years.
Q Where did you live before coming to Texas? A Tennessee.
Q Were you born in Tennessee? A Yes, sir.
Q And you lived there until you were of what age? A I was about ten years old, I reckon.
Q Did you ever live in Mississippi? A No, sir; not that I know of.
Q Do you claim to be a Mississippi Choctaw? A Yes, sir.
Q You are making application for identification as a Mississippi Choctaw? A Yes, sir; I suppose so.
Q What is the name of your father? A T. H. Hawkins.
Q Is he living? A Yes, sir.
Q What is the name of your mother? A Martha Hawkins.
Q Is she living? A Yes, sir.
Q Do you claim your Indian blood through your father or your mother? A My father.
Q How much Indian blood do you claim? A One eighth I suppose.
Q Do you know the name of your father's father? A Asa Hawkins.
Q Do you claim under the provisions of the 14th article of the treaty of 1830? A Yes, sir.
Q Did you ever take advantage of the provisions of this article of that treaty? A No, sir.
Q Did any of your ancestors ever take advantage of the provisions of that article? A No, sir.
Q Did any of your ancestors ever receive or claim any land as beneficiaries under the 14th article of the treaty of 1830? A No, sir.
Q Are you married? A Yes, sir.
Q What is the name of your wife? A Jennie Cook.
Q Are you making any claim in behalf of her? A No, sir.
Q Have you got any children? A I have got one.
Q Do you claim your child is a Mississippi Choctaw? A Yes, sir.
Q Where were you married? A Married in Texas.
Q Have you a copy of your marriage certificate with you? A No, sir.
Q What is the name of your child? A Melvin, he is about a year and a half old.
Q Is there any additional statement you would like to make at

Rich Hawkins et al--- -2.

this time? A No, dr.

Q Have you any papers that you wish to offer in evidence? A Yes, dr.

(Applicant offers in evidence the affidavit of John Lewis, which is placed on file and made a part of the record in this case.)

MR. BIXBY: (Acting Chairman of Commission) From the testimony and documentary evidence in this case the Commission is unable to identify either you or your child as a Mississippi Choctaw claiming under the provisions of the 14th article of the treaty of 1830, and therefore your application made in your own behalf and the behalf of your child is refused. You will be furnished with a copy of the decision of the Commission in writing, mailed to your present post office address.

-----o-----
The undersigned, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in this application had at the time and place abovementioned, and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.

J. S. McShane
Subscribed and sworn to before me this 20th day of December
A. D. 1900.

[Signature]
Acting Chairman.

M.C.R. 1207

COPY.

Muskogee, Indian Territory, March 25, 1903.

Rich Hawkins,

Norton, Indian Territory.

Dear Sir:

You are hereby advised that on the 25th day of March, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas H. Hawkins, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas H. Hawkins	M.C.R. 388
Nancy Jane Littlejohn	M.C.R. 390
Pearlee Bullard, et al.	M.C.R. 391
Elizabeth Kimbell, et al.	M.C.R. 1199
Anna Henderson, et al.	M.C.R. 1200
J. H. Hawkins, et al.	M.C.R. 1204
George Hawkins, et al.	M.C.R. 1205
Joseph Hawkins, et al.	M.C.R. 1206
Rich Hawkins, et al.	M.C.R. 1207
Will Hawkins	M.C.R. 1208
Andrew Hawkins, et al.	M.C.R. 1210

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."

Rich Hawkins, --8

said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas H. Hawkins, Nancy Jane Littlejohn, Pearlceelung, Ora I. Bullard, Maggie L. Bullard, Tennie M. Bullard, Willie G. Bullard, Elizabeth Kimbell, William Thomas Basham Kimbell, Verdie May Kimbell, Donie Kimbell, Anna Henderson, Zuler Henderson, Luler Henderson, J. H. Hawkins, Martha Hawkins, Dezzie Hawkins, Zelde Hawkins, Jeff Hawkins, George Hawkins, Bob Hawkins, Joseph Hawkins, Eller Hawkins, Rich Hawkins, Melvin Hawkins, Will Hawkins, Andrew Hawkins, Essie Hawkins and Willia Hawkins 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,

Tanno Bixby.
Chairman.

Registered.

Muskogee, Indian Territory, November 14, 1903.

Rich Hawkins,
Caney, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of November 3, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Thomas H. Hawkins, 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:

"From the testimony contained in the record it appears that the principal applicant, Thomas H. Hawkins, through whom the others claim, is the son of a half blood Choctaw named Asa (or William) Hawkins, by his half blood Choctaw wife, Nancy Hawkins, nee Roland, and that the said Nancy obtained her Choctaw blood from her mother, Betsy, who was the daughter of a Choctaw woman named Winnie.

From certain petitions for rehearing filed by the principal applicant, it appears that the mother of Nancy was Mrs. Shaddy Roland, nee Elisabeth Hendricks.

From your decision of March 25, 1903, it appears that -

The name Winna appears on pages 223 and 597 of Volume 1 of the Claimants Brief and Evidence in the case of the Choctaw Nation vs. The United States, before the Court of Claims, No. 12,742; on page 367 thereof is found the name Winne; on page 689, that of Winny and on page 407, that of Winney; which name is also found on page 77 of Volume VII, American State Papers, Public Lands; all of which citations are references to certain lists, schedules and depositions relating to claims under the treaty of 'Dancing Rabbit Creek.'

It further appears that persons bearing the names of Winna and Winne received scrip as beneficiaries under article fourteen of said treaty.

R H 2

..... and it is found that on page 109 of Volume I, of the Claimants Brief and Evidence, appears the name Elizabeth (Lizy); that on pages 569 and 690 of said record appears the name Bessy and that on pages 243, 250, 616, 622, 628, 635, 736, 736 and 789 of said record, and on page 1025 of Volume II of said record appears the name Betsy, said name also appearing on pages 96, 108, and 137 of Volume VII, American State Papers, Public Lands, all of which citations are to certain schedules and depositions relating to claims under the treaty of 'Dancing Rabbit Creek.' It further appears that persons bearing the names Bessy and Betsy received scrip as beneficiaries under article fourteen of the treaty of 'Dancing Rabbit Creek.'"

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.

The fourteenth article of the Choctaw treaty of September 27, 1830, 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 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."

If a Choctaw decided, at the time the treaty of Dancing Rabbit Creek was made, that he wanted to stay in Mississippi and take advantage of the provisions of article 14, he was required to let the Agent of the Government in Mississippi know, within six months after the ratification of the treaty, that he wanted to stay there, take land, and become a citizen of the States. After he had done that he was entitled to 640 acres of land. In like manner he was entitled to 320 acres for each unmarried child living with him at the date of the treaty over 10 years of age, and 160 acres for each child under 10. If the Indian lived on said land for five years from the ratification of the treaty--February 24, 1831, the government would give him a deed to it. This article

R H 4

provided that persons who claimed under it should not, by reason of their having done so, lose the privilege of a Choctaw citizen, but if they ever moved out to the new Choctaw country they were not to be entitled to any portion of the money paid to the Indians each year by the government.

You are further 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 a time within thirty days from the date on which you receive this notice, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary

R X B

evidence as may be offered in support of this case.

Respectfully,

Chairman.

H & R Dep
Registered

M C R 1207

Muskogee, Indian Territory, November 24, 1903.

Rich Hawkins,
Caney, Indian Territory.

Dear Sir:

The Commission is in receipt of a letter from the attorneys for the Choctaw and Chickasaw Nations, in which they request that if it is your desire to offer any testimony or evidence in support of your application for identification as a Mississippi Choctaw, you be required to first serve notice upon them.

In compliance with the request contained in said letter, you are hereby notified that before you can offer any testimony or evidence in support of your case, it will be necessary that you notify Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, of your intention to submit such testimony or evidence.

Respectfully,

Chairman.

W. O. B.

COMMISSIONERS:
TAMM HIXBY,
THOMAS E. NEEDLES,
C. E. BRICKWRIGHT,
WM. O. BEALL,
Secretary.

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

<p>REFER IN REPLY TO THE FOLLOWING:</p> <p>M.C.R. 1207</p>
--

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 17, 1905.

Rich Hawkins,
Norton, Indian Territory,

Dear Sir:

You are hereby notified that on the 1st day of March, 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 Thomas H. Hawkins et al., of which decision you were advised by registered mail on the 25th day of March, 1903.

Respectfully,



Chairman.

No. 1207

For Identification as a Mississippi Choctaw.

Date Dec. 12, 1900

Name Rich Hawkins

Age 22 Blood $\frac{1}{8}$

Post Office, Norton, D. T.

Father: T. H. Hawkins

Mother: Martha Hawkins

Claims through father

Wife: Jennie Hawkins

Children:

Melvin Hawkins $\frac{1}{2}$

Stenographer

Ann E. Heilshear

REFUSED

DECISION RENDERED.

MAR 25 1903

NOTICE OF DECISION MAILED APPLICANT.

MAR 25 1903

**NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.**

MAR 25 1903

**NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.**

MAR 25 1903

RECORD FORWARDED DEPARTMENT.

APR 10 1903

**REMANDED BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.**

NOV 30 1903

RECORD FORWARDED DEPARTMENT.

FEB -6 1904

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

MAR 1 1905

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. MAR 1 7 1905**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. MAR 1 7 1905**

**NOTICE OF DEPARTMENTAL
FORWARDED ATTORNEY FOR APPLICANT. MAR 1 7 1905**

REFER TO M. C. R. 388.

Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

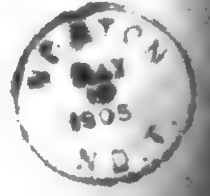


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COMMISSION TO FIVE TRIPES.

Choctaw MCR 1208

Will Hawkins

MCR 1208

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I.T. December 12th, 1900.

In the matter of the application of Will Hawkins for identification as Mississippi Choctaw.

The said Will Hawkins, being sworn and examined by Acting Chairman Rixby, was examined and testified as follows:

- Q What is your name? A Will Hawkins.
Q How old are you? A Twenty-three years old.
Q What is your post office? A Norton.
Q How long have you lived in the Indian Territory? A
A About a month, I reckon.
Q Where did you live before coming to the Indian Territory?
A Texas.
Q How long did you live in Texas? A About a year.
Q Where did you live before that? A In Tennessee.
Q You were born in Tennessee and lived there until you moved
to Texas? A Yes, sir.
Q Did you ever live in Mississippi? A No, sir.
Q Do you claim to be a Mississippi Choctaw? A Yes, sir.
Q You are now making application for identification as a
Mississippi Choctaw, are you? A Yes, sir.
Q What is your father's name? A T. H. Hawkins.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Martha Hawkins.
Q Is she living? A Yes, sir.
Q Do you claim your Indian blood through your mother or your
father? A My father.
Q Do you know the name of your father's father? A Asa Hawkins.
Q Did he ever live in Mississippi? A Yes, sir.
Q Did your father ever live in Mississippi? A Yes, sir;
I think he did.
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 pro-
visions of the 14th article of the treaty of 1830? A No, sir.
Q Did any of your ancestors ever claim or receive any land as
beneficiaries under the 14th article of the 14th article of the
treaty of 1830? A No, sir.
Q Are you married? A No, sir.
Q Is there any additional statement you would like to make
at this time? A No, sir.

Have you any papers you would like to offer? A Yes, sir.
(The applicant offers in evidence the affidavit of John Lewis,
which is filed herewith and made a part of the record.)

MR. RIXBY: (Acting Chairman of Commission) The Commission
is unable, from the testimony and documentary evidence presented in
this case, to identify you as a Mississippi Choctaw claiming under
the provisions of the 14th article of the treaty of 1830, and
your application for identification is therefore refused. You will
be furnished with written copy of the decision of the Commission
mailed to your present post office address.

-----o-----

The undersigned, being sworn, upon his oath states that as

Will Hawkins ----2.

stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in the matter of this application for identification had at the time and place above mentioned, and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th day of December
A. D. 1900.



Acting Chairman.

COPY?

Muskogee, Indian Territory, March 25, 1903.

Will Hawkins,

Worton, Indian Territory.

Dear Sir:

You are hereby advised that on the 25th day of March, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas H. Hawkins, et al., embracing the following applications for identification of Mississippi Choctaws:

Thomas H. Hawkins	M.C.R. 388
Nancy Jane Littlejohn	M.C.R. 390
Peeplee Bullard, et al.	M.C.R. 391
Elizabeth Kimbell, et al.	M.C.R. 1199
Anna Henderson, et al.	M.C.R. 1200
J. H. Hawkins, et al.	M.C.R. 1204
George Hawkins, et al.	M.C.R. 1205
Joseph Hawkins, et al.	M.C.R. 1206
Rich Hawkins, et al.	M.C.R. 1207
Will Hawkins	M.C.R. 1208
Andrew Hawkins, et al.	M.C.R. 1210

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."

Will Hawkins, --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 Thomas H. Hawkins, Nancy Jane Littlejohn, Pearles Long, Ora I. Bullard, Maggie L. Bullard, Tennie M. Bullard, Willie C. Bullard, Elisabeth Kimbell, William Thomas Basham Kimbell, Verdie May Kimbell, Donie Kimbell, Anna Henderson, Zuler Henderson, Waler Henderson, J. H. Hawkins, Martha Hawkins, Dezzie Hawkins, Zelde Hawkins, Jeff Hawkins, George Hawkins, Bob Hawkins, Joseph Hawkins, Eller Hawkins, Rich Hawkins, Melvin Hawkins, Will Hawkins, Andrew Hawkins, Essie Hawkins and Willia Hawkins as ~~UN~~law 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,

Tame Dixby.
Chairman.

Registered.

W. O. B.

COMMISSIONERS:
TAMM HIXBY,
THOMAS B. NEEDLES,
C. E. BRACKENRIDGE.
WM. O. BEALL,
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:
M.C.R. 1208

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 17, 1905.

Will Hawkins,
Norton, Indian Territory,

Dear Sir:

You are hereby notified that on the 1st day of March, 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 Thomas H. Hawkins et al., of which decision you were advised by registered mail on the 25th day of March, 1903.

Respectfully,



Chairman.

Muskogee, Indian Territory, November 14, 1903.

Will Hawkins,
Caney, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of November 3, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Thomas H. Hawkins, et al., with instructions that the applicants be granted an opportunity to introduce further testimony and evidence in support of this case.

The Secretary of the Interior in his letter states:

"From the testimony contained in the record it appears that the principal applicant, Thomas H. Hawkins, through whom the others claim, is the son of a half blood Choctaw named Asa (or William) Hawkins, by his half blood Choctaw wife, Nancy Hawkins, nee Holand, and that the said Nancy obtained her Choctaw blood from her mother, Betsy, who was the daughter of a Choctaw woman named Winnie.

From certain petitions for rehearing filed by the principal applicant, it appears that the mother of Nancy was Mrs. Shaddy Holand, nee Elisabeth Hendricks.

From your decision of March 28, 1903, it appears that -

cThe name Winna appears on pages 225 and 597 of Volume 1 of the Claimants Brief and Evidence in the case of the Choctaw Nation vs. The United States, before the Court of Claims, No. 12, 742; on page 567 thereof is found the name Winne; on page 589, that of Winny, and on page 407 that of Winney, which name is also found on page 77 of Volume VII, American State Papers, Public Lands; all of which citations are references to certain lists, schedules and depositions relating to claims under the treaty of 'Dancing Rabbit Creek.'

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It further appears that persons bearing the names of Winna and Winne received scrip as beneficiaries under article fourteen of said treaty.

..... and it is found that on page 109 of Volume I, of the Claimants Brief and Evidence, appears the name Elisabeth (Lisy); that on pages 667 and 690 of said record appears the name Bessy and that on pages 243, 250, 616, 623, 625, 665, 735, 736 and 789 of said record, and on page 1083 of Volume II of said record appears the name Betsy, said name also appearing on page 96, 108, and 137 of Volume VII, American State Papers, Public Lands, all of which citations are to certain schedules and depositions relating to claims under the treaty of 'Dancing Rabbit Creek.' It further appears that persons bearing the names Bessy and Batsy received scrip as beneficiaries under article fourteen of the treaty of 'Dancing Rabbit Creek.'"

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.

The fourteenth article of the Choctaw treaty of September 27, 1830, 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 from 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."

If a Choctaw decided, at the time the treaty of Dancing Rabbit Creek was made, that he wanted to stay in Mississippi and take advantage of the provisions of article 14, he was required to let the Agent for the government in Mississippi know, within six months from the ratification of this treaty--February 24, 1831, that he wanted to stay there, take land, and become a citizen of the States. After he had done that he was entitled to 640 acres of land. In like manner he was entitled to 320 acres for each unmarried child which was living with him at the time of the treaty over 10 years of age, and 160 acres to each child under 10. If the Indian lived on said land for five years after the ratification

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of the treaty, the government would give him a deed to it. This article also provided that persons who claimed under it should not, by reason of their having done so, lose the privilege of a Choctaw citizen, but if they ever removed out west to the new Choctaw country they were not to be entitled to any portion of the money paid each year by the government to the Indians.

You are further advised that the Commission is averse to the acceptance of ex parte affidavits in support of applications for identification as Mississippi Choctaws, 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 Mississippi Choctaw applications, 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 on which you receive this notice, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary

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evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & B Dep
Registered

M C R 1208

Muskogee, Indian Territory, November 24, 1908.

Will Hawkins,
Caney, Indian Territory.

Dear Sir:

The Commission is in receipt of a letter from the attorneys for the Choctaw and Chickasaw Nations, in which they request that if it is your desire to introduce any testimony or evidence in support of your application for identification as a Mississippi Choctaw, you be required to first serve notice upon them.

In compliance with the request contained in said letter, you are hereby notified that before you can offer any testimony or evidence in support of your case, it will be necessary that you notify Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, of your intention to submit such testimony or evidence.

Respectfully,

Chairman.

M.C.R. 1908

-COPY!

Muskegee, Indian Territory, March 17, 1905.

Will Hawkins,

Norton, Indian Territory,

Dear Sir:

You are hereby notified that on the 1st day of March, 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 Thomas H. Hawkins et al., of which decision you were advised by registered mail on the 25th day of March, 1903.

Respectfully,

ESIGNED

James B. Bixby

Chairman.

No. 1208

For Identification as a Mississippi Choctaw.

Date Dec. 12, 1900

Name Will Hawkins

Age 23 Blood

Post Office, Norton, D. T.

Father: F. H. Hawkins

Mother: Martha Hawkins

Claims through father

Claims for himself
Children: alone

REFUSED

DECISION RENDERED.

MAR 25 1903

NOTICE OF DECISION MAILED APPLICANT.

MAR 25 1903

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

MAR 25 1903

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

MAR 25 1903

RECORD FORWARDED DEPARTMENT.

APR 10 1903

REMANDED BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.

NOV 30 1903

RECORD FORWARDED DEPARTMENT.

FEB -6 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 1 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. **MAR 17 1905**

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. **MAR 17 1905**

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT. **MAR 17 1905**

REFER TO M. C. R. 388.

Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



*Return
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~~Will Hawkins,~~

~~Norton, Indian Territory.~~

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COMMISSION TO FIVE TRIPS

Choctaw MCR 1209

Belle Beatty

MCR 1209

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I.T. December 12th, 1900.

In the matter of the application of Belle Beatty for the identification of herself and one minor child as Mississippi Choctaws.

The said Belle Beatty, being sworn and examined by Acting Chairman Bixby, testified as follows:

- Q What is your name? A Belle Beatty.
Q How old are you? A I am thirty-one.
Q What is your post office address? A Durant I. T.
Q Do you live at Durant? A Yes, sir.
Q How long have you lived in the Indian Territory? A Four years.
Q Where did you live before moving to the Indian Territory? A Texas.
Q How long did you live in the State of Texas? A I was born and raised in Texas.
Q You lived there all the time up until you came to the Indian Territory? A Yes, sir.
Q Do you claim to be a Mississippi Choctaw? A Yes, sir.
Q Are you claiming identification under the provisions of the 14th article of the treaty of 1830? A Yes, sir.
Q What is your father's name? A William Moore.
Q Is he living? A No, sir.
Q What is your mother's name? A Lucinda.
Q Is she living? A Yes, sir.
Q Do you claim your Indian blood through your father or your mother? A Through my mother.
Q Was your mother's father an Indian? A No, sir; I think he was part Indian.
Q Do you claim through him? A No, sir; through my mother.
Q How did your mother get her Indian blood? A Through her father; yes, sir.
Q What was his name? A His name was Jim Brown.
Q He was a Choctaw Indian, was he? A Yes, sir.
Q Did he live in Mississippi? A Yes, sir.
Q You claim to be a Mississippi Choctaw? A Yes, sir.
Q How much Indian blood do you claim? A One fourth.
Q You are now making application for identification as a Mississippi Choctaw? A Yes, sir.
Q Claiming under the provisions of the 14th article of the treaty of 1830? A Yes, sir.
Q Did you ever take advantage of the provisions of that article? A No, sir.
Q Did any of your ancestors ever take advantage of the provisions of that article? A No, sir.
Q Did any of your ancestors ever claim or receive any land as beneficiaries under the 14th article of the treaty of 1830? A No, sir.
Q Are you married? A Yes, sir.
Q What is the name of your husband? A Frank.
Q Are you claiming any rights for him? A No, sir.
Q Have you any children? A One.
Q Do you claim your child is a Mississippi Choctaw? A Yes, sir.
Q Boy or Girl? A Girl.
Q What is her name? A One Beatty. She is 11 months old.

Belle Beatty et al---2.

Q Is there any additional statement you would like to make?
A No, sir.

Q Have you any papers you would like to offer? A Yes, sir.
(Applicant offers in evidence the affidavit of John Lewis,
which is filed and made a part of the record herein.)

MR. BIXBY: (Acting Chairman of Commission) The Commission is unable, from the testimony and the documentary evidence offered in this case, to identify you or your child as a Mississippi Choctaw claiming under the provisions of the 14th article of the treaty of 1830, and the application which you make on your own behalf and on behalf of your child is therefore refused. You will be furnished with a copy of the decisions of the Commission in writing mailed to your present post office address.

-----o-----

Wm. S. Wellshear, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in this application for identification, and that the foregoing is a true, complete and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th day of December
A. D. 1900.



Acting Chairman.

Maskogee, Indian Territory, September 3, 1901.

Belle Beatty,

Madill, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of August 28 in which you state that you were before the Commission in December, and ask what action has been taken in regard to your application for identification of yourself and your children as Mississippi Choctaws.

In reply to your letter you are advised that on December 11, 1900, Belle Beatty, Of Durant, Indian Territory, appeared before the Commission at Atoka, Indian Territory, and applied for identification of herself and her minor child as Mississippi Choctaws. No decision has yet been rendered in this case. As soon as 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.

Your change in post office address has been made a matter of record.

Yours truly,

M.C. 1209

Muskogee, Indian Territory, October 26, 1901.

L. P. Beatty,

Madill, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you state that you are extremely anxious to have the Commission act upon the application made by your wife for enrollment as a citizen of the Choctaw Nation.

Replying to your letter you are informed that it appears from our records that at Atoka, Indian Territory, on December 12, 1900, Belle Beatty made personal application to this Commission for the identification of herself and her minor child as Mississippi Choctaws.

The Commission has not up to this time taken up for consideration or rendered any opinion as to the rights of your wife and child to identification as Mississippi Choctaws and it is probable that no definite action will be taken for some time to come.

When a decision is rendered a copy of the same, stating therein the reason for the action of the Commission, will be mailed to Mrs. Beatty at her post-office address.

Yours truly,

M.C. 1809

Muskogee, Indian territory, March 6, 1902.

Bell Baty,

Madill, Indian territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of February 26, in which you state that you are in possession of a place which you have bought, and that the man from whom you bought it is now trying to take it away from you. You ask to be advised if you have a right to hold this land.

In reply to your letter you are informed that it appears from our records that you are an applicant for identification as a Mississippi Choctaw, and that no decision has yet been reached or opinion rendered relative to your rights as such Mississippi Choctaw. The status of yourself and your child is that of applicants whose claims have in no manner been determined by the Commission. The act of Congress of May 31, 1900, provides:

"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."

But it is believed that the benefits of this legislation would not

U.S. 2

secure to you until after you had been identified by the Commission as a Mississippi Choctaw. As soon as a decision is reached in regard to your case you will be notified of the action taken by the Commission.

There is inclosed you herewith a blank application for enrollment upon which may be forwarded to the Commission evidence of the birth of your child. 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 attached his signature and seal to each separate affidavit. Signatures by mark must be attested by two disinterested witnesses. Upon receipt of the inclosed blank in proper form the matter of the application of your child for identification as a Mississippi Choctaw will receive consideration.

Yours truly,

Commissioner in Charge.

Miss. Choctaw R1209

Muskogee, Indian Territory, June 18, 1902.

Belle Bay,

Hugo, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of June 14, in which you state that you have removed to the Choctaw Nation, to see if you could find any vacant land, and that your post office address is now Hugo, Indian Territory. You ask if any decision has been rendered in your application for identification as a Mississippi Choctaw, and if you are entitled to hold land in the Choctaw Nation.

In reply to your letter you are advised that no decision has yet been reached nor opinion rendered relative to your rights as a Mississippi Choctaw. As soon as a decision is reached you will be notified of the action of the Commission. Your change of address has been made a matter of record.

Relative to that part of your letter in which you ask whether you are entitled to hold land in the Choctaw Nation, your attention is invited to the following provision of the act of Congress of May 31, 1900:

N.B.

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 that the benefits of this 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 between the United States and the Choctaw Nation concluded September 27, 1830.

Yours truly,

Commissioner in Charge.

H C H 1200

Muskogee, Indian Territory, July 23, 1902.

Ball Beatty,

Antlers, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th instant addressed to the Secretary of the Interior and referred to this Commission for consideration and appropriate action. You state that you appeared before the Commission in December, 1900, and have not been able to get any information regarding your case; that you are a granddaughter of James Brown and can prove your Indian blood by several persons whose names you give.

In reply you are informed that the records of the Commission show that at Ateka, Indian Territory, on December 12, 1900, you made application for the identification of yourself and minor child Sam as Mississippi Choctaws. Your case has been consolidated and will be considered with the case of Lucinda Moore and certain other persons applicants to this Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestor, James Brown.

The Commission is now considering the right to identification as Mississippi Choctaws of the several applicants in this consolidated case and will render a decision in the near future.

W. B. Smith,

All of the applicants therein will be duly notified of such action as the Commission may take and of the forwarding of this record to the Secretary of the Interior for review.

Yours truly,

Commissioner in Charge.

M.C.B. 1209

Madgea, Indian Territory, August 1, 1909.

Belle Batty,

Antlers, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 26th inst., relative to your application for identification as a Mississippi Choctaw. In reply you are advised that on the 26th inst., the Commission wrote you fully, advising the present status of your case.

Yours truly,

Acting Chairman.

W.C.S. 1802.

Muskogee, Indian Territory, December 4, 1902.

Belle Beatty,

Antlers, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 2d inst., in which you state that the field party of the Commission operating at Antlers, Indian Territory, refused to enroll your infant child.

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 child as Mississippi Choctaws.

The party operating in the field at the present time is not authorized to receive applications for identification as Mississippi Choctaws.

If you desire to make application for the identification of your infant child as a Mississippi Choctaw, there is enclosed you herewith a blank for proof of birth. In having same executed, be careful to see that all blanks are properly filled, all names written in full, and in event either of the persons whose names

has to be affixed to the application and made to write, and their signatures are by hand, that such signatures are attested by two disinterested parties, witnesses thereof.

The Notary Public before whom the same are acknowledged must affix his Notarial Seal and Seal to each separate affidavit.

Upon return of the application properly executed, the action will proceed further consideration.

Respectfully,

Acting Chairman.

B.C.

N. D. R. 1209

Muskogee, Indian Territory, December 18, 1902.

Belle Beatty,
Antlers, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 11th inst., in which you state that the midwife and physician who attended at the birth of your infant child have removed to the Comanche country, and you are unable to secure their affidavits.

In reply, you are informed that the Commission will accept as evidence of the birth of your child, your affidavit and the affidavits of two responsible persons, tending to show that you are the mother of the infant, and that the midwife and physician who attended you cannot be reached for the purpose of securing their affidavits.

Respectfully,

Acting Chairman.

- COPY.

Muskogee, Indian Territory, December 20, 1902.

Belle Beatty,

Antlers, Indian Territory.

Dear Madam:

You are hereby advised that on the 20th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucinda Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucinda Moore	M.C.R. 3270
Mag Raney, et al.	M.C.R. 3271
Mattie White, et al.	M.C.R. 3273
James M. Moore, et al.	M.C.R. 3755
Mary J. Moore, et al.	M.C.R. 3110
Belle Beatty, et al.	M.C.R. 1209
Sarah Raney, et al.	M.C.R. 3116
Bettie A. Bass, et al.	M.C.R. 3117
William J. Moore, et al.	M.C.R. 1466
Beattie Long	M.C.R. 3100

These applications were made under the provision of the act of Congress of June 28, 1898 (50 Stat., 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."

Belle Beatty. —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 Lucinda Moore, Mag Raney, William Raney, Laura Raney, James Raney, Walter Raney, Johnnie Raney, Cleveland Raney, Leonard Raney, Mattie White, Tommie White, James M. Moore, Rosalee Moore, William Porter Moore, Mary J. Moore, Roscoe Moore, Oscar E. Moore, Royce Arthur Moore, Stirling Moore, Clayton Lancaster Moore, Belle Beatty, Oma Beatty, Sarah Raney, Mentie Lucinda Raney, Willie Ann Raney, Ruthie Elizabeth Raney, Betty Lee Raney, Bettie A. Bass, Vellie Hardean Bass, William J. Moore, Ruth Moore and Neemia Long 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 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,

D. H. ...
Commissioner in charge.

Registered.

Muskogee, Indian Territory, January 6, 1903.

Belle Beatty,
Antlers, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 9th ultimo, to the Secretary of the Interior, and by him referred to this Commission for consideration and appropriate action. Therein you state that you appeared before the Commission in December, 1900, to be enrolled as a Mississippi Choctaw and that you are unable to get any satisfaction as to the status of your case.

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, having submitted such application on December 12, 1900. The Commission on December 20, 1902, rendered its decision refusing your application and on the same day you were notified by registered mail of the action of the Commission, and that you were granted fifteen days from the date of said decision in which to file arguments in support of your claim to be forwarded to the Secretary of the Interior.

The fifteen days from December 20, 1902, heretofore

B. B.---2

granted, expired on January 4, 1903, and on January 5, 1903, the record in your case was forwarded to the Secretary of the Interior. You will be duly notified of any action taken by him.

Respectfully,

Acting Chairman.

M.C.R. 1200.

Muskogee, Indian Territory, January 17, 1903.

Eugene Easton,

Attorney at Law,

Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th inst., in which you enclose argument of Easton & Shull, attorneys for Belle Baty, to be forwarded to the Secretary of the Interior with the record in her case.

You also enclose petition in affidavit form of Belle Baty, praying that her Mississippi Choctaw case be reconsidered and that she and her minor child be "placed upon the rolls as members of the Choctaw Tribe of Indians."

In reply to your letter, you are informed that the fifteen days from December 20, 1902, heretofore granted the applicant in this case for the purpose of filing arguments in support of her claim to be forwarded to the Secretary of the Interior expired January 4, 1903.

On January 5, 1903, the record in the case, together with the decision of the Commission refusing said application, was forwarded to the Secretary of the Interior.

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Due notice of such departmental action as may be taken will be furnished the applicant.

The argument forwarded by you has this day been transmitted to the Secretary of the Interior. The petition enclosed by you, praying that the Mississippi Choctaw case of the applicant be reconsidered, and that she and her minor child be placed upon the rolls as members of the Choctaw Tribe of Indians, is herewith returned to you.

Your attention is invited to the following provision of the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said Commission, commonly known as "delinquents," and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this Act by Congress, and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement; but the application of no person whomsoever for enrollment shall be received after the expiration of the said ninety days."

Respectfully,

Commissioner in Charge.

Enc B I 30.

M C R 1809

Muskogee, Indian Territory, July 3, 1903.

Belle Beatty,

Antlers, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of May 31, 1903, by reference from the Secretary of the Interior, in which you ask that your case be decided at once in order that you may file on land.

In reply you are informed that the record in your case, together with the decision of the Commission refusing your application, was on January 8, 1903, 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 informed of the decision of the Secretary you will be duly notified thereof.

Respectfully,

Commissioner in Charge.

M C R 1209

Muskogee, Indian Territory, July 8, 1903.

Bell Baty,

Antlers, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of May 31, 1903, relative to your right to file on land in the Choctaw Nation.

In reply you are informed that the Commission cannot give you any further information than that contained in its letter to you under date of July 3, 1903.

Respectfully,

Commissioner in Charge.

M.C.R. 1200.

COPY.

Waskohee, Indian Territory, July 14, 1903.

Belle Beatty,

Antlers, Indian Territory.

Dear Madam:

You are hereby notified that on the 6th day of June, 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 Lucinda Moore, et al., of which decision you were advised by registered mail on the 20th day of December, 1902.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M C R 1209

Muskogee, Indian Territory, March 23, 1904.

Bell Baty,

Antlers, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 21, 1904, by reference from the Secretary of the Interior. Therein you state that you have never received any satisfaction from the Commission about your claim, and ask that no one be allowed to file on land that you now occupy.

In reply you are advised that on June 6, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor child as Mississippi Choctaws, of which departmental action you were duly notified on July 14, 1903.

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.

H. C. B. 1207

Muskogee, Indian Territory, July 28, 1904.

Belle Beatty,

Antlers, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 2, 1904, by reference from the Secretary of the Interior. Therein you state that you can furnish more proof relative to your Indian blood if it is necessary.

In regard to your application for identification as a Mississippi Choctaw you are advised that it is not a question of whether or not you are possessed of Indian blood, but what the Commission requires of applicants for identification as Mississippi Choctaws is that they not only show that they are possessed of Choctaw blood but that they must also show that they are the descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830 and that such ancestors complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830 or subsequently had their claims arising thereunder adjudicated by either of the two commissions authorized for this purpose by the Acts of Congress of March 3, 1837 and August 23, 1842. No proof of this character has been submitted in support of your claim.

You are further advised that on June 6, 1903, the Secre-

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Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor child as Klatskanippi Gnostawa, of which departmental notice you were duly notified on July 14, 1903.

The Commission now considers your case closed and is without authority to receive or consider any further evidence in support thereof.

Respectfully,

Commissioner in Charge.

M C R 1208

Washoe, Indian Territory, July 25, 1904.

A. A. Lesueur,
Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, in which you ask if the Mississippi Choctaw case of Belle Beatty can be re-opened.

In reply you are advised that rehearings in Mississippi Choctaw cases are granted only by the Secretary of the Interior and in 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 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 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 benefi-

A A L R

ciaries 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 legal residence and family associations, also their Chaotaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary 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 prove 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.

M C R 1209

Muskegee, Indian Territory, December 7, 1904.

Belle Beatty,

Antlers, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 25th ultimo, by reference from the Secretary of the Interior. You ask to be advised why the Commission refused your application for identification as a Mississippi Choctaw, and state that you intend to appeal your case to the United States Court. You further state that you filed a birth application of your minor child, Minnie Ola Baty, but never received any reply to the same.

In regard to your application for identification as a Mississippi Choctaw you are informed that the Commission requires of applicants that they not only show that they are possessed of Choctaw blood but that they must also show that they are the descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830 or subsequently had their claims arising thereunder adjudicated by either of the two commissions authorized for this purpose by the Acts of Congress of March 3, 1837 and August 23, 1842. No proof of this character has been submitted in support of your claim.

3 3 4

There is now on file in this office an application for the identification of your minor child, Minnie Ola Baty, but up to the present time no action has been taken thereon.

Respectfully,

Chairman.

M C R 1209

Muskegee, Indian Territory, March 4, 1905.

Belle Baty,

Antlers, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 18, 1905, by reference from the Secretary of the Interior. Therein you complain of the decision of the Commission refusing the application for the identification of yourself and minor children as Mississippi Choctaws.

In reply you are informed that as the Commission's decision has heretofore been approved by the Secretary of the Interior, we are now without authority to take any further action in your case.

Respectfully,

Commissioner in Charge.

M.C.R.1209

A 9437.

Muskogee, Indian Territory, March 9, 1907.

Belle Baty,

Antlers, Indian Territory.

Dear Madam:

Your letter to the Secretary of the Interior dated January 22, 1907, requesting to be informed as to the status of the application of yourself and minor children, Oma Lee Baty and Minnie Ola Baty, has been referred to this Office.

In reply thereto, you are advised that the application of yourself and minor child, Oma Lee Baty, under the names of Belle Beatty and Oma Beatty, for identification as Mississippi Choctaws, was refused by a decision of the Commission to the Five Civilized Tribes rendered December 20, 1902, in the consolidated Mississippi Choctaw case of Lucinda Moore et al, M. C. R. 3270, said decision being affirmed by the Secretary of the Interior on June 6, 1903.

You are further advised that on January 10, 1906, the Commissioner to the Five Civilized Tribes refused the application for the identification of Minnie Ola Baty, and of which decision you were notified by letter bearing said date.

Respectfully,

Commissioner.

COPY.

Marietta, Okla., Oct. 19, 1909.

Commissioner to the Five Civilized Tribes.

Kind Sir:-

I will write you a few lines. I am off from home picken cotton an I thought it bess to notify you, so you could notify me what if Congress has taken any act to inroll the cirt clames. Will you pleas notify me?

Yours truly,

Bell Baty.

COMMISSIONER TO FIVE TRIBES.

MAR-12

No. 23664 Recd. Oct. 22, 1909.

Baty, Bell,
Marietta, Okla.,
Chickasaw Nation,
Oct. 19, 1909.

Asks to be notified if Congress
makes provision for enrollment
of Court Claimants.

No. 1209

For Identification as a Mississippi Choctaw.

Date *Dec. 12, 1900*

Name *Belle Beatty*

Age *3 1* Blood

Post Office, *Warrick, D. T.*

Father: *William Moore dead*

Mother: *Nevada Moore*

Claims through *mother*

insured; Frank Beatty

Children:

Oliver Beatty 11 years

Warrick, D. T.

John Hatty et al
REFUSED

DECISION RENDERED **DEC 20 1902**
NOTICE OF DECISION MADE BY COMMISSIONER

DEC 20 1902

NOTICE OF DECISION MADE BY COMMISSIONER
FOR LANDS BELONGING TO THE GOVERNMENT

DEC 20 1902

RECEIVED BY THE DEPARTMENT OF THE INTERIOR

JAN 25 1903

RECEIVED BY THE SECRETARY OF THE INTERIOR

JUN 10 1903

DEPARTMENT OF THE INTERIOR
APPLICANTS

JUL 14 1903

NOTICE OF DECISION MADE BY COMMISSIONER
FOR LANDS BELONGING TO THE GOVERNMENT
AND CHICKASAW NATIONS

JUL 14 1903

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Choctaw MCR 1210

Andrew Hawkins

MCR 1210

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T. December 12th, 1906.

In the matter of the application of Andrew Hawkins for the identification of himself and his two minor children as Mississippi Choctaws.

The said Andrew Hawkins, being sworn and examined by Acting Chairman Bixby, testified as follows:

- Q What is your name? A Andrew Hawkins.
Q How old are you? A About twenty years old.
Q What is your post office address? A Bawn.
Q How long have you lived in the Indian Territory? A We came here last year.
Q Where did you come from? A Texas.
Q How long did you live in Texas? A Eight years.
Q Where did you live before moving to Texas? A Tennessee.
Q Born in Tennessee? A Yes, sir.
Q Lived there until you moved to Texas? A Yes, sir.
Q Do you claim to be a Mississippi Choctaw? A Yes, sir.
Q You are making application now for identification as a Mississippi Choctaw? A Yes, sir.
Q Claiming under the 14th article of the treaty of 1830? A Yes, sir.
Q What is the name of your father? A T. H. Hawkins.
Q Is he living? A Yes, sir.
Q What is the name of your mother? A Martha Hawkins.
Q Is she living? A Yes, sir.
Q Do you claim your Indian blood through your father or your mother? A My father.
Q What was the name of your father's father? A Asa Hawkins.
Q Was he an Indian? A Yes, sir.
Q Did he live in Mississippi? A I suppose so.
Q You just suppose that, do you? A Yes, sir.
Q What proportion of Indian blood have you? A One-eighth.
Q Did you ever take advantage of the provisions of the 14th article of the treaty of 1830, the treaty of Dancing Rabbit Creek? A No, sir.
Q Did any of your ancestors ever take advantage of the provisions of this article of that treaty? A No, sir.
Q Did any of your ancestors ever receive or claim any land as beneficiaries under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Her name is Stella.
Q Do you claim that she is a Mississippi Choctaw? A No, sir.
Q Have you any children? A Yes, sir.
Q Do you claim they are Mississippi Choctaws? A Yes, sir.
Q What are their names and ages? A Willia and Essie.
Q How old is Willia? A About a year old.
Q How old is Essie? A She is three.
Q Is there any additional statement you would like to make at this time? A No, sir.
Q Have you any papers you would like to offer? A Yes, sir.
(Applicant offers in evidence the affidavit of John Iwda, which is filed as page a part of the record herein.)
MR. BIXBY: (Acting Chairman of the Commission) The commission is unable, from the testimony and documentary evidence offered in

Andrew Hawkins et al----2.

this case, to identify either you or your children as Mississippi Choctaws claiming under the provisions of the 14th article of the treaty of 1830, and the application which you make on behalf of yourself and your children is therefore refused. You will be furnished with a copy of the decision of the Commission, in writing, mailed to your present post office address.

The undersigned, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in this application at the time and place above mentioned, and that the foregoing is a true, correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th day of December A. D. 1900


Acting Chairman.

M C R 1210

Muskogee, Indian Territory, January 26, 1903.

Andrew Hawkins,
Atoka, Indian Territory.

Received Balance 27 March 4 1903.
Larry J. ... 20 1903.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of the mother and attending physician to the birth of Mamie Belle Hawkins, infant daughter of Andrew and Stella Hawkins, born August 25, 1902; also of certified copy of marriage record between Jack Hawkins and Stella Massey. Your letter of January 7, 1903, explains that you are the person named in the certified copy of marriage record as Jack Hawkins.

The affidavits above referred to have been accepted as evidence of the birth of your child, Mamie Belle Hawkins, and have been filed and made a part of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, March 25, 1903.

Andrew Hawkins,

Baum, Indian Territory.

Dear Sir:

You are hereby advised that on the 25th day of March, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas H. Hawkins, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas H. Hawkins	M.C.R. 388
Nancy Jane Littlejohn	M.C.R. 390
Pearlee Bullard, et al.	M.C.R. 391
Elizabeth Kimbell, et al.	M.C.R. 1199
Anna Henderson, et al.	M.C.R. 1200
J. H. Hawkins, et al.	M.C.R. 1204
George Hawkins, et al.	M.C.R. 1205
Joseph Hawkins, et al.	M.C.R. 1206
Rich Hawkins, et al.	M.C.R. 1207
Will Hawkins	M.C.R. 1208
Andrew Hawkins, et al.	M.C.R. 1210

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."

Andrew Hawkins, --3

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas H. Hawkins, Nancy Jane Littlejohn, Pearlee Long, Ora I. Bullard, Maggie L. Bullard, Tennie M. Bullard, Willie C. Bullard, Elizabeth Kimbell, William Thomas Basham Kimbell, Verdie May Kimbell, Donie Kimbell, Anna Henderson, Zuler Henderson, Luler Henderson, J. H. Hawkins, Martha Hawkins, Dezzie Hawkins, Zelda Hawkins, Jeff Hawkins, George Hawkins, Bob Hawkins, Joseph Hawkins, Eller Hawkins, Rich Hawkins, Melvin Hawkins, Will Hawkins, Andrew Hawkins, Esale Hawkins and Willia Hawkins 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,

Tamie Dixby.

Chairman.

Registered.

Muskogee, Indian Territory, November 14, 1903.

Andrew Hawkins,
Baum, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of November 3, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Thomas H. Hawkins, 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:

"From the testimony contained in the record it appears that the principal applicant, Thomas H. Hawkins, through whom the others claim, is the son of a half blood Choctaw named Asa (or William) Hawkins, by his half blood Choctaw wife, Nancy Hawkins, nee Holand, and that the said Nancy obtained her Choctaw blood from her mother, Betsy, who was the daughter of a Choctaw woman named Winnie.

From certain petitions for rehearing filed by the principal applicant, it appears that the mother of Nancy was Mrs. Shaddy Holand, nee Elizabeth Hendricks.

From your decision of March 25, 1903, it appears that -

The name Winna appears on pages 223 and 597 of Volume 1 of the Claimants Brief and Evidence in the case of the Choctaw Nation vs. The United States, before the Court of Claims, No. 12,742; on page 567 thereof is found the name Winne; on page 689, that of Winny, and on page 407 that of Winney, which name is also found on page 77 of Volume VII, American State Papers, Public Lands; all of which citations are references to certain lists, schedules and depositions relating to claims under the treaty of 'Dancing Rabbit Creek.'

It further appears that persons bearing the names of

A H 2

Winna and Winne received scrip as beneficiaries under article fourteen of said treaty.
..... and it is found that on page 109 of Volume I, of the Claimants Brief and Evidence, appears the name Elizabeth (Lisy); that on pages 569 and 690 of said record appears the name Bessy and that on pages 243, 250, 616, 623, 625, 665, 736, 736 and 789 of said record, and on page 1023 of Volume II of said record appears the name Betsy, said name also appearing on page 96, 108, and 137 of Volume VII, American State Papers, Public Lands, all of which citations are to certain schedules and depositions relating to claims under the treaty of 'Dancing Rabbit Creek.' It further appears that persons bearing the names Bessy and Betsy received scrip as beneficiaries under article fourteen of the treaty of 'Dancing Rabbit Creek.'"

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.

The fourteenth article of the Choctaw treaty of September 27, 1830, 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 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."

If a Choctaw decided, at the time the treaty of Dancing Rabbit Creek was made, that he wanted to stay in Mississippi and take advantage of the provisions of article 14, he was required to let the Agent for the Government in Mississippi know, within six months from the ratification of this treaty, that he wanted to stay there, take land, and become a citizen of the States. After he had done that he was entitled to 640 acres of land. In like manner he was entitled to 320 acres for each unmarried child living with him at the date of the treaty over 10 years of age, and 160 acres for each child under 10. If the Indian lived on said land for five years from the ratification of the treaty--February 24, 1831, the government would give him a deed to it. This article

A H 4

provided that persons who claimed under it should not, by reason of their having done so, lose the privilege of a Choctaw citizen, but if they ever moved out to the new Choctaw country they were not to be entitled to any portion of the money paid to the Indians each year by the government.

You are further 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 on which you receive this notice, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary

A H 5

evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep
Registered

M C R 1210

Muskogee, Indian Territory, November 24, 1903.

Andrew Hawkins,
Baum, Indian Territory.

Dear Sir:

The Commission is in receipt of a letter from the attorneys for the Choctaw and Chickasaw Nations, in which they request that if it is your desire to offer any testimony or evidence in support of your application for identification as a Mississippi Choctaw, you be required to first serve notice upon them.

In compliance with the request contained in said letter, you are hereby notified that before you can offer any testimony or evidence in support of your case, it will be necessary that you notify Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, of your intention to submit such testimony or evidence.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 17, 1905.

Andrew Hawkins,

Baum, Indian Territory,

Dear Sir:

You are hereby notified that on the 1st day of March, 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 Thomas H. Hawkins et al., of which decision you were advised by registered mail on the 25th day of March, 1903.

Respectfully,

W. H. H. H.

Chairman.

No. 1210

For Identification as a Mississippi Choctaw.

Date Dec 12, 1900

Name Andrew Hawkins

Age 20 Blood 1/8

Post Office, Brum, D.T.

Father: T. H. Hawkins

Mother: Martha Hawkins

Claims through Father

Wife: Stella Hawkins

Children:

Willie 1 yr.

Cessie 3 yr.

Delineographer:

W. H. ...

REFUSED

DECISION RENDERED.

MAR 25 1903

NOTICE OF DECISION MAILED APPLICANT.

MAR 25 1903

**NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.**

MAR 25 1903

**NOTICE OF DECISION MAILED APPLICANT
FOR CHOCTAW AND CHICKASAW NATIONS.**

MAR 25 1903

RECORD FORWARDED DEPARTMENT.

APR 10 1903

**REMANDED BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.**

NOV 3 1903

RECORD FORWARDED DEPARTMENT.

FEB -6 1904

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

MAR 1 1905

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. MAR 1 7 1905**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. MAR 1 7 1905**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT. MAR 1 7 1905**

REFER TO M. C. R. 62

Choctaw MCR 1211

Maggie Miller

See MCR 1198

MCR 1211

REFUSED.

Maggie Miller, et al

DECISION RENDERED. DEC 3 1907

NOTICE OF DECISION MADE BY COURT

DEC 3 1907

RECORDS OF THE COURT

RECORDED AND INDEXED

REFER TO N. C. R. 1198

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T. December 11th, 1900.

In the matter of the application of Maggie Miller for the identification of herself and one minor child as Mississippi Choctaws.

The said Maggie Miller, being sworn and examined by Acting Chairman Bixby, testified as follows:

Q What is your name? A Maggie Miller.
Q How old are you? A Twenty-three years old.
Q What is your post office? A Norton, I. T.
Q How long have you lived in the Indian Territory? A Five years.
Q Where did you come from to the Indian Territory? A Texas.
Q How long had you lived in Texas? A I was born and raised in Texas.
Q Did you ever live in Mississippi? A No, sir.
Q What is your father's name? A Charley Goodson.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Mary Goodson.
Q Is she living? A Yes, sir.
Q Do you get your Indian blood from your father or mother?
A From my mother.
Q What was the name of your mother's father? A Tom Bullard.
Q Was he an Indian? A I was taught so.
Q What proportion of Indian blood do you claim to have?
A My mother is one-eighth.
Q What do you claim? A One-sixteenth.
Q You are now making application for identification as a Mississippi Choctaw, are you? A Yes, 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 provisions of the 14th article of the treaty of 1830? A No, sir.
Q Did any of your ancestors ever claim or receive any lands as beneficiaries under the provisions of the 14th article of the treaty of 1830? A No, sir.
Q Are you married? A Yes, sir.
Q What is the name of your husband? A Alfred Miller.
Q Are you making any application in his behalf? A No, sir.
Q Have you any children? A Yes, sir.
Q Please give the names and ages of your children? A She is five years old, Annie Miller.
Q Just one? A Yes, sir; just one.
Q Do you make application in her behalf for identification as a Mississippi Choctaw? A Yes, sir.
Q Are there any additional statements in regard to this case that you would like to make at this time? A No, sir.
Q Have you any documentary evidence you desire to offer for the consideration of the Commission? A Yes, sir.
MR. BIXBY: (Acting Chairman of the Commission) The applicant offers the affidavit of Willis Jackson and of John Lewis, which are placed on file.

Maggie Miller M. C. -----2.

MR. BIXBY: (Acting Chairman of the Commission)

On consideration of the testimony and the documentary evidence offered in this case the Commission will render its decision, and a copy of the same will be furnished you by mailing to your present post office address.

-----o-----

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in this application at the time and place above mentioned and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of December 1900.


Acting Chairman.

COPY

Muskogee, Indian Territory, December 3, 1902.

Maggie Miller,

Morton, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Goodson, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Goodson, et al.,	M.C.R. 1198
Elisar Kelley,	M.C.R. 1196
Addie Day,	M.C.R. 1197
Maggie Miller, et al.,	M.C.R. 1211

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 Mary Goodson, Teakie Goodson, Elbert Goodson, Annie Goodson, Elisar Kelley, Addie Day, Maggie Miller and Annie Miller as Choctaw Indians

Maggie Miller-2

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 for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

RECORDED

T. J. B. B. B.
Acting Chairman.

Registered.

M. J. H. B. H. H.

COPY.

Muskogee, Indian Territory, July 30, 1902.

Maggie Miller,

Norton, Indian Territory.

Dear Madam:-

You are hereby notified that on the 15th day of July, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification of Miss Elizabeth Charles - of the several names included in the certificate in the case of Mary Godard et al., of which decision you were advised by registered mail on the 3rd day of December, 1902.

Respectfully,

(SIGNED)

T. B. McCall

Commissioner in Charge.

No. 1211

For Identification as a Mississippi Choctaw.

Date Dec 11, 1900

Name Maggie Miller

Age 23 Blood

Post Office, Norton, D. T.

Father: Charley Goodson

Mother: Mary Goodson

Claims through Mother

Husband:

Alfred Miller

Children:

Anna Miller 3

Photographed

at the residence

Choctaw MCR 1212

Michael B. Hickman

MCR 1212

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 5, 1901.

In the matter of the application for identification as a Mississippi Choctaw of Michael B. Hickman. Michael B. Hickman, having been first duly sworn, on his oath testifies as follows:

Examination by the Commission.

- Q What is your full name? A Michael B. Hickman.
 Q What is your age? A Twenty four years.
 Q What is your post office address? A Lehigh, I.T. That is at present, I am expecting to go to Coalgate just a few miles further.
 Q You live there now? A Yes sir.
 Q How long have you lived there, Mr. Hickman? A Well, sir, I haven't been living there but a short time.
 Q About how long? A About a month.
 Q Where did you live previous to your removal to Lehigh? A Well, for the past year I have been down in Texas.
 Q For a year past? A Yes. But before that I had been here in the territory with my father.
 Q How long did you live in Territory before you went down to Texas? A Well, I don't know exactly; about six or seven years.
 Q Well, previous to that where did you live? A We lived in Arkansas.
 Q How long did you live in Arkansas? Born there? A Yes sir.
 Q What place in Arkansas? A Logan County.
 Q Never lived in the state of Mississippi? A No sir.
 Q What is your father's name? A Isaiah B. Hickman.
 Q Is he living or dead? A He is living.
 Q And what is your mother's name? A Cora Hickman.
 Q Is she living? A Yes sir.
 Q Through which one of your parents do you derive your Choctaw blood? A My father.
 Q How much do you claim? A One sixteenth.
 Q Was your father ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? A No sir, I think not.
 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 enrolled 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 10, 1896, make application to the Commission to the Five Civilized Tribes 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 Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or of this Commission? A No sir.
 Q Have you ever before this time made application to either the tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir, I have not.
 Q Is this the first application you have ever made of any description? A It is.
 Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
 Q Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
 Q What was the name of your ancestor who resided in Mississippi in 1830? A It was A. Hickman

- Q Man or woman? A Well, it was a woman, really it was my great grandfather's wife, is the way the blood comes; it was his wife, Delight Krebs
- Q Is that the Choctaw Indian you claim to be your ancestor? A Yes sir
- Q That is the one through whom you claim your blood? A Yes sir.
- Q Have you any documentary evidence showing that she was a Choctaw Indian and lived in Mississippi in 1830? A I think my father has filed with the Commission.
- Q Have you any proof to file now? A None only that we are the children of my father. You see he has made application himself and are over age and we are making our application through him.

The application which you make before the Commission for enrollment must be individual application and must be substantiated by papers which you introduce here as well as by your testimony.

Applicant: Separate?

Commission? Yes. Testimony in any other case cannot be admitted as testimony by inference or reference in a case. Papers must be filed in this particular case by you.

- Q Did your ancestor under whom you now make this application for identification as a Mississippi Choctaw, remove from Mississippi to the Indian Territory at the time the Choctaw tribe were moved here by the United States Government from 1835 to 1837? A Well, I don't know, I suppose she did.
- Q You think she came at that time? A Well, I don't know.
- Q You don't know whether she remained in Mississippi or came here? A No, she was here afterwards, but I don't know what time.
- Q You don't know when she came? A No sir.
- Q Do you know whether she, within six months after the ratification of the treaty of 1830, signified to the United States Indian Agent to the Choctaw Indians in Mississippi, her intention to remain in Mississippi and become a citizen of the United States? A No sir, I don't.
- Q You have no evidence one way or the other about that? A No sir.
- Q Have you any documentary evidence showing that your ancestors ever complied with the provisions of the fourteenth article of the treaty of 1830? A No sir, I have not.
- Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I don't know.
- Q Have either you or your ancestors ever received any benefits in the Indian Territory as Choctaw citizens? A Well, I don't know that for certain, I know that we have not.
- Q You don't know about your ancestors? A I think some of my ancestors have.
- Q As far as you are concerned you have not? A No sir.
- Q Are you married? A No sir, I am not.
- Q You are making this claim simply for yourself are you? A Simply.
- Q Is there any additional statement that you desire to make in support of your application? A No, none that I know of. Well, now, I didn't know about this documentary evidence or that we could not use that.
- Q Have you any written evidence of any kind or documents of any kind that you want to introduce now and make a part of this present application? A Yes sir.
- Q What are these? A They are just some affidavits of my father and mother.
- Q Is Isaiah B. Hickman your father? A Yes sir.
- Q And Cora Hickman your mother? A Yes sir.

Hickman-3

Q And they make affidavits her³ for what purpose? A Why to prove that we are their children, and about our grandparents, we didn 't know that we would have to prove about our grandparents, we thought that in case he was admitted to prove from him on would be sufficient for us.

Affidavit of I. B. Hickman has been offered by applicant, identified and marked as Exhibit "A", filed and made a part of the record in this case; also Exhibit "B", being the affidavit of Cora Hickman introduced by application, identified as Exhibit "B" filed and made a part of the record in this case; Also twenty days from the date of this hearing is allowed the applicant for the purpose of introducing such written testimony as he may desire to produce in support of his application.

The decision of the Commission in regard to your application which you make for identification as a Mississippi Choctaw will be mailed to you at your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 5th day of January, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Subscribed and sworn to before me this 7th day of January, 1901.

Charles H. Langer
Notary Public.

COPY.

M.C.R. 1212

Muskogee, Indian Territory, August 6, 1902.

Michael B. Hickman,
Lehigh, Indian Territory.

Dear Sir:

You are hereby advised that on the 6th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaiah B. Hickman, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaiah B. Hickman, et al.,	M.C.R. 1100
Michael B. Hickman,	" 1212
Willie Hickman Stevens,	" 1213

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

M B H _____ 2

Isaiah B. Hickman, John R. Hickman, Horace Hickman, Burt S. Hickman, Arva A. Hickman, Mattie Irene Hickman, Michael B. Hickman and Willie Hickman Stevens 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 the Commission that under the the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Isaiah B. Hickman for the identification of his wife, Cera Rhyme Hickman, 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,

G. EDI.

Acting Chairman.

Registered.

M.C.R. 1212.

COPY.

Muskogee, Indian Territory, February 21, 1903.

Michael B. Hickman,
Lehigh, Indian Territory.

Dear Sir:

You are hereby notified that on the 6th 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 Isaiah B. Hickman, et al., of which decision you were advised by registered mail on the 6th day of August, 1902.

Respectfully,

James Bixby.

Chairman.

No. 1212

For Identification as a Mississippi Choctaw.

Alaska Date Jan. 5, 1901

Name Michael B. Biedman

Age 24 Blood 1/16

Post Office, Lehigh, D. T.

Father: Isaiah B. Biedman l.

Mother: Cora " l.

Claims through

Father.

Children:

Stenographer
Anna Bell

Michael J. ...

REFUSED

DECISION RENDERED: **AUG 6- 1902**

NOTICE OF DECISION MAILED APPLICANT.

AUG 6 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

AUG 6 1902

RECORD FORWARDED DEPARTMENT.

AUG 6 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 6 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. 1100

Choctaw MCR 1213

Willie H. Stevens

MCR 1213

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, JANUARY 5, 1901.

In the matter of the application for identification as a Mississippi Choctaw of Willie Hickman Stevens. Willie H. Stevens, having been first duly sworn, on her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Willie Hickman Stevens.
Q What is your age? A Twenty three.
Q What is your post office address? A Lehigh, I.T.
Q Are you a resident of Lehigh? A Yes sir.
Q How long have you lived there? A Five months.
Q Where did you live before you lived at Lehigh? A Why last year I lived in Oklahoma; my father was a member of the Indian Mission Conference and he was sent over there.
Q And how long did you live at Oklahoma? A A year.
Q Where did you live before that? A In Indian Territory.
Q How long did you live in Indian Territory at that time? A Seven or eight years I believe.
Q Where did you live previous to living in Indian Territory?
A In Arkansas.
Q Were you born in Arkansas? A Yes sir.
Q You never lived in Mississippi? A No sir.
Q What is your father's name? A Isaiah B. Hickman.
Q Is he living? A Yes sir.
Q What is your mother's name? A Cora Hickman.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim Choctaw blood?
A My father.
Q Was your father ever recognized by any of the authorities of the Choctaw Nation as a Choctaw citizen? A No sir.
Q How much Choctaw blood do you claim? A One sixteenth.
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 enrolled 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, under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes 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 Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
Q Have you ever prior to this time made application to either the tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
Q Is this the first application of any kind that you have ever made?
A Yes sir.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
Q What was the name of your ancestor who resided in Mississippi in 1830? A Delight Krebs Hickman.
Q That was a maternal ancestor was it? A Yes sir.
Q Have you any documentary evidence showing that she was a Choctaw Indian? A No sir.

- Q Did this ancestor through whom you now claim the right to be identified as a Mississippi Choctaw, remove from Mississippi to the Indian Territory at the time the Choctaw tribe was moved here by the United States Government from 1835 to 1837? A I don't know sir.
- Q You don't know whether she came at that time or whether she stayed in Mississippi? A No sir.
- Q Do you know whether she, within six months after the ratification of the treaty of 1830, notified the United States Indian Agent of the Choctaw Indians in Mississippi, her intention to remain in Mississippi and become a citizen of the United States? A No sir.
- Q You have no evidence of that fact? A No sir.
- Q Have you any documentary evidence showing that your ancestors ever complied in any manner with the provisions of the fourteenth article of the treaty of 1830? A No sir.
- Q Did any of your ancestors ever claim or receive any land in Mississippi under the provisions of the fourteenth article of the treaty of 1830? A I don't know sir.
- Q Have either you or your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A I have not; I don't know whether my ancestors did or not.
- Q You say you have not? A No sir.
- Q And you don't know about your ancestors? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Stevens.
- Q Full name? A Oscar Stevens.
- Q Are you making application for him? A No sir.
- Q Have you children? A No sir.
- Q You are making application simply for yourself? A For myself.
- Q You and your husband now living together as man and wife I suppose? A Yes sir.
- Q Is there any additional statement you desire to make in support of your application? A No sir.
- Q Have you any documentary evidence of any description that you desire to submit to the Commission for consideration in support of your application? A Yes.

The affidavit of I. B. Hickman is introduced by the applicant, accepted by the Commission and identified as Exhibit "A", filed and made a part of the record in this case; also the affidavit of Cora Hickman is introduced by the applicant, marked Exhibit "B", filed and made a part of the record in this case.

- Q Have you any other documentary evidence, or do you wish any time given you by the Commission in which to introduce documentary evidence or affidavits in support of your application? A Yes sir.

Twenty days time from the date hereof is granted by the Commission for the applicant to introduce such other written and documentary evidence as she may deem necessary.

The decision of the Commission in regard to your application to be identified as a Mississippi Choctaw will be mailed to you at your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on January 5, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date?

Subscribed and sworn to before me this 7th day of January, 1901.

Chas. A. [unclear]

Notary Public.

COPY.

M.C.R. 1213

Muskogee, Indian Territory, August 6, 1902.

Willie H. Stevens,

Lehigh, Indian Territory,

Dear Madam:

You are hereby advised that on the 6th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaiah B. Hickman, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaiah B. Hickman, et al.,	M.C.R. 1100
Michael B. Hickman,	* 1212
Willie Hickman Stevens,	* 1213

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

V H S _____ 2

Isaiah B. Hickman, John B. Hickman, Horace Hickman, Burt S. Hickman, Arva A. Hickman, Mattie Irene Hickman, Michael B. Hickman, and Willie Hickman Stevens, 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 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 Isaiah B. Hickman for the identification of his wife, Cora Rhys Hickman, 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).

Fane Kirby

Acting Chairman.

Registered.

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. 1213.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 21, 1903.

Willie H. Stephens,
Lehigh, Indian Territory.

Dear Madam:

You are hereby notified that on the 6th 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 Isaiah B. Hickman, et al., of which decision you were advised by registered mail on the 6th day of August, 1902.

Respectfully,



Chairman.

Charles H. Stevens

REFUSED

DECISION RENDERED. AUG 6- 1902

NOTICE OF DECISION MAILED APPLICANT.

AUG 6 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

AUG 6 1902

RECORD FORWARDED DEPARTMENT.

AUG 6 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

FEB 6 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. 1100

KOB

Ford

WEN 1213
~~Signature~~

UNCLAIMED.



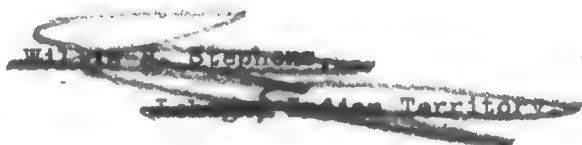
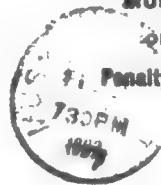
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



1213

File



DEPARTMENT OF THE INTERIOR,
DIVISION OF THE FIVE CIVILIZED TRIBES.

FILED

MAR 21 1903

A handwritten signature in dark ink, appearing to be "W. H. ...".

CHAIRMAN.

No. 1213

For Identification as a Mississippi Choctaw.

State Date Jan. 5. 1901

Name Willie H. Storm

Age 23 Blood 1/16

Post Office, Lehigh, J.T.

Father: Isaiah B. Bierman S.

Mother: Cora " C.

Claims through

Father.

Husband.

Cesar Storm

Children: No children

Claims for self alone.

Stenographer:
Anna Bell.

Choctaw MCR 1214

Floy Harvey

See MCR 480

MCR 1214

CHOCTAW

Choy. Harvey et al

REFUSED

DECISION RENDERED

JUN 10

NOTICE OF DECISION MADE FOR APPLICANT.

JUN 18 1905

FORWARDED TO ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

FORWARDED TO ATTORNEY FOR APPLICANT.

JUN 19

FORWARDED TO ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

FORWARDED TO SECRETARY OF THE INTERIOR.

FORWARDED TO ATTORNEY FOR APPLICANT.

REFER TO M. C. R. 480.

FORWARDED TO ATTORNEYS FOR APPLICANT.

NOV 1

FORWARDED TO ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

NOV 11

REMAINED BY THE SECRETARY OF THE INTERIOR FOR FURTHER HEARING.

APR 2 1906

FORWARDED TO ATTORNEY FOR APPLICANT.

REMAINED BY THE SECRETARY OF THE INTERIOR FOR FURTHER HEARING.

SEP 2 1906

RECORD FORWARDED DEPARTMENT.

DEC 31 1906

ACTION APPROVED BY JUN 21 1905 SECRETARY OF INTERIOR.

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

JUL 15 1905

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT

JUL 15 1905

NOTICE OF DEPARTMENTAL ACTION

JUL 15 1905

JUL 15 1905

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATTIERSBURG, MISSISSIPPI, DECEMBER 19, 1900.

In the matter of the application of Doctor Lockett Harvey to make application for the identification of his wife and minor children as Mississippi Choctaws.

D. T. Harvey, having been first duly sworn by Acting Chairman, Toms Sixby, testifies as follows:

Examination by the Commission.

- Q What is your name? A Doctor Lockett Harvey, I generally just sign it D. L.
- Q What is your post office address? A Tylertown, Mississippi.
- Q It is your purpose to make application for the identification of your wife and your children as Mississippi Choctaws? A Yes sir.
- Q Where is your wife now? A She is at home.
- Q Where is your home? A Perry County, Mississippi.
- Q Why didn't she appear here in person? A She is not able to get here without making herself sick.
- Q What is the matter with her? A Just general health run down, and other troubles, women's troubles.
- Q How much run downs does she have? A I could not just tell you, she is able to get around the house and do her little work there in the house.
- Q Does she ever get out of the house? A Once in a while.
- Q Do you live on a railroad? A No sir.
- Q How far is it from a railroad? A About twenty miles.
- Q Has your wife made any journeys in the last few years? A No sir.
- Q How much disabled is she? A Well, she is just able to get around in the house; she is not able to make any long trips in a buggy or any kind like that without just worrying her mightily.
- Q How long has she been in this condition? A Well, she has been a long time worse than she is now; she has ~~been~~ recruited up considerable in the past month; she has been so she could not get out of bed.
- Q How long has she been so? A For a year.
- Q Is she under a Doctor's care? No, she has, but for the last month she is getting some better.
- Q What does the Doctor say is the matter with her? A Well, womb trouble.
- Q Did he say she would be out? A Yes sir, he said she was beginning to improve and he thought she would be out.
- Q It would be pretty hard for a Doctor to give a certificate of permanent disability from that, wouldn't it? The instructions of the Secretary of the Interior to the Commission relative to hearing applications for identification as Mississippi Choctaws require that each application must appear personally before the Commission for the purpose of examination under oath; exception has been made in case of people who were permanently disabled, United States soldiers and sailors stationed in foreign countries, convicts confined in penitentiaries and incompetents. Does your wife come under any of these heads? A She could, I reckon, come.
- Q Is not permanently disabled is she? A Well she is at times she could not go anywhere, but then she is not every day.
- Q I don't believe any Doctor would give her a certificate as to permanent disability.
- Attorney for applicant, L. F. Nelson:
- Under these circumstances, I don't believe any Doctor would. She might be able to come next week and she might not.

Q Are you competent to testify as to your wife's family?

A Well, I guess so.

Q Are you familiar with all the facts as to their residence in Mississippi? A I know all the facts, we were raised right there together.

Q Do you know about her family in 1830? A No sir, I don't know about that.

Q You believe you are competent to testify? A I can testify as far back as I know.

Q Are you competent to testify as to your wife's ancestors and their residence in Mississippi? Have you any knowledge of that? A Yes sir I can. I thought you asked if I recollected that far back about them in 1830.

The Commission will take your statement relative to your wife's claim, but cannot consider it as any formal application.

Applicant: If you don't think it is lawful, I don't want to go ahead with it.

Commission: Unless it is conclusively shown that she is permanently disabled and it would be impossible for her to appear before the Commission in person--

Applicant: I can do this, I can go home and if she aint able to come I can get a Doctor there and all that.

Anna Bell, having been first duly sworn by Acting Chairman Tams Pixby, states on her oath 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 December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause.

Subscribed and sworn to before me this ^{Anna Bell} 20th day of December, 1900.


Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Hattiesburg, Miss. Dec. 22, 1900.

In the matter of the application for identification as Mississippi Choctaws of Floy Harvey and her seven minor children. Floy Harvey being duly sworn by Acting Chairman Bixby testified as follows:

Examination by the Commission.

- Q What is your name? A Floy Harvey.
Q What is your age? A Thirty five.
Q What is your post-office address? A Tylertown, Mississippi
Q Are you a resident of the state of Mississippi? A Yes sir.
Q How long have you lived here? A All my life.
Q Born here? A Born and raised here.
Q Did you ever live any where else? A No where else.
Q What is your father's name? A James Conerly.
Q Is your father living? A No sir.
Q What is your mother's name? A Mary.
Q Is she living? A She is living.
Q Through which one of your parents do you derive your Choctaw blood? A From my father's side.
Q Was he a Choctaw Indian? A Yes sir.
Q Was he ever recognized as such by either the Choctaw authorities or the authorities of the United States? A Not that I know of.
Q Did he ever receive any benefits as a Choctaw Indian? A Not that I know of.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know.
Q Have you ever lived in the Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for enrollment? A No sir.
Q Did you or any one in your behalf in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of June 10th, 1896? A Not that I know of.
Q Did you make any? A No sir.
Q Did you authorize any one to make an application for you? A I did not.
Q Have you any reason to believe that any application has ever been made for you? A Really I haven't.
Q Have you been admitted to citizenship in the Choctaw Nation in the Indian Territory by judgment of the United States Courts 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 authorities of the United States for citizenship or enrollment as a Choctaw? A No sir.
Q This is your first application of any description? A This is the first of any kind.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q Are you claiming as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.
Q What was the name of your ancestor who resided in Mississippi in 1830? A Owen Conerly.
Q What relation was he to you? A My grand father.
Q Was he a Choctaw Indian? A Yes sir.
Q Have you any evidence of that fact? A Yes sir.
Q What does it consist of? A Or at least they - I don't know exactly. He was one half Indian, my grand father was.

Floy Harvey 2

Q Have you any documentary evidence showing that he was ever recognized as a Choctaw Indian by the Choctaw authorities or by the United States Government? A Yes sir, we have evidence of it.

Q Did he ever receive any benefit as a Choctaw Indian? A None that I knew of.

Q Did he remove from the state of Mississippi to the Indian Territory when the Choctaw tribe removed to the present Indian Territory? A Not that I know of. I don't think he did.

Q Did he die in Mississippi? A I suppose he did. I don't remember just where grand father died. Yes sir I know he died. I was very young and never knew my grand father personally.

Q If he was a Choctaw Indian have you any evidence showing that within six months after the ratification of the treaty of 1830 he signified to the United States Indian Agent his intention to remain and become a citizen of the United States? A I guess I have. I suppose I could show evidence.

Q That he signified to the Indian Agent in 1830 or '31 his intention to remain in Mississippi and become a citizen of the United States? A I think his intention was, yes sir.

Q Well, did he signify such intention to the United States Indian Agent here? A I don't know, sir.

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 Are you claiming under any other treaty stipulation between the United States and the Choctaw Indians? A None at all.

Q Only under the fourteenth article of the treaty of 1830? A That 's all. Yes sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A Doc Harvey.

Q Making any claim for him? A None at all.

Q Is he a white man? A Yes sir.

Q How long have you been married to him? A Twenty years I believe it is.

Q Have you any children for whom you want to make application? A Yes sir, all the children.

Q How many? A Seven.

Q What are their names and ages? A James.

Q How old is he? A He's 18.

Q The next one? A Clarence, fourteen.

Q The next one? A Prentice, thirteen. Grady, eleven. Edwin, nine. May, seven. Cecil, five.

Q Is that all? A That I have living.

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

Q You and your husband live together as man and wife do you? A Yes sir.

Q Is there any additional statement that you desire to make in support of your application? A None I believe.

Q Have you any written evidence showing that your ancestors were ever recognized as Choctaw Indians or ever complied with the provisions of the fourteenth article of the treaty of 1830? A I haven't any right with me but we have it.

Attorney for applicant, L. P. Hudson, asks leave to file written evidence in support of this claim within thirty days from this date.

Permission is granted the attorney for the applicant to file written evidence in support of this application provided the same is submitted to the Commission within thirty days from the date hereof.

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 to your present post-office address.

Floy Harvey 3

Mary 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 22nd day of December, 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 29th day of December, 1900.

Gayle V. Emerson
Notary Public.

Muskogee, Indian Territory, January 16, 1901.

Messrs Hudson & Arnold,

Ardenre, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of January 14, inclosing affidavits to be filed in support of the following applications for identification as Mississippi Choctaws:

1156, Robert A. Conerly
1157, Walter W. Conerly
1120, Mary A. Walker
1214, Florence A. Harvey.
1118, Rufus Dixon
1155, Tilmer S. Conerly.

In reply to your request for fifty blank applications for enrollment of infant children, you are advised that the Commission has no forms for the enrollment of infant applicants for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman

AB

Muskogee, Indian Territory, January 21, 1901.

Messrs Hudson & Arnold,

Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of January 16, inclosing affidavits to be filed in support of the following applications for identification as Mississippi Choctaws:

1159. Ella J. Fosby.
1158. Robert A. Conerly
1157. Walter W. Conerly
1156. Tilman S. Conerly,
1214. Floy Harvey.

The same have been duly filed with the records in the respective cases.

Yours truly,

Acting Chairman.

AB

Muskogee, Indian Territory, June 19, 1902.

Floy Harvey,

Tylerstown, Mississippi.

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 Mary R. Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary R. Johnson, et al.....	M.C.R.	480
Hanna F. Black, et al.....	M.C.R.	612
Tilman S. Conerly, et al.....	M.C.R.	1156
Walter W. Conerly, et al.....	M.C.R.	1187
Robert Arthur Conerly, et al....	M.C.R.	1158
Ellis J. Feisty.....	M.C.R.	1159
Floy Harvey, et al.....	M.C.R.	1214
Stephen Monroe Conerly, et al....	M.C.R.	1222
James J. Ball.....	M.C.R.	1227
William H. Conerly, et al.....	M.C.R.	1232
Mark H. Conerly, et al.....	M.C.R.	1233

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 (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

P.H. 11-11-21

6077

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 Mary E. Johnson, Rufus Johnson, Eva Johnson, Charley Johnson, Luenna Johnson, Emma F. Black, John D. Black, Holly Black, Clay Black, Tilman S. Conerly, Myrtis Conerly, Alvin B. Conerly, James R. Conerly, Margie Conerly, Walter V. Conerly, Clara P. Conerly, Carl S. Conerly, Laurence J. Conerly, Emma Conerly, Arthur P. Conerly, Laura Conerly, Robert Arthur Conerly, Mary H. Conerly, Lucy E. Conerly, S. Belle Conerly, Thomas T. Conerly, Jerome Conerly, Ella W. Conerly, James L. Conerly, Lucile Conerly, Ella J. Fosby, Floy Harvey, James Harvey, Clarence Harvey, Prentice Harvey, Grady Harvey, Edwin Harvey, May Harvey, Cecil Harvey, Stephen Monroe Conerly, Ephraim Conerly, Ophelia Conerly, John D. Conerly, Willis Conerly, Hazel Conerly, Luler Conerly, Beulah Conerly, James J. Hall, William E. Conerly, Helen E. Conerly, Aline W. Conerly, Mark R. Conerly, Willie Marie Conerly and Olive Conerly, 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)

I. D. Woodcock

Registered,

Commissioner in Charge.

M.C.R. 1214.

COPY.

Muskogee, Indian Territory, November 11, 1902.

Floy Harvey,

Tylertown, Mississippi.

Dear Madam:

You are hereby advised that on the 31st 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 Mary R. Johnson, et al., of which decision you were advised by registered mail on the 19th day of June, 1902.

The Commission is directed to advise the applicants that the decision of the Secretary of the Interior is subject to their inspection.

Respectfully,

Sam D. Dixey.

Acting Chairman.

M.O.R. 2414

COPY.

Waskoge, Indian Territory, April 10, 1908.

Wey Harvey,

Tylertown, Mississippi.

Dear Sir:

The Secretary of the Interior with his letter of April 2, 1905, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary R. Johnson, et al., with instructions that in accordance with a petition submitted February 15, 1905, by Mary R. Johnson and Emma F. Black, applicants therein, praying that said case be reopened and the several applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Ispia. The records of the Government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, show that one Ispia was a beneficiary under said article 14.

The Secretary of the Interior in his letter states:

"In view of the fact that they claim descent from the person whose name appears upon the records of the government as a beneficiary under said article 14, it is deemed reasonable and proper, in accordance with the practice followed in other cases of like nature, to grant a re-hearing."

Floy Harvey, --8

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 applicant's 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

File Harvey, --3

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, up to and inclusive of Monday, May 11, 1903, 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,

(SIGNED).

Tams Bixby.

Chairman.

Registered.

W.C.R. 1214.

Muskogee, Indian Territory, October 8, 1903.

Floy Harvey,

Tylertown, Mississippi.

Dear Madam:

The Secretary of the Interior, with his letter of September 25, 1903, returned to this Commission, the record therefore forwarded the Department in the consolidated Mississippi Choctaw case of Mary R. Johnson, et al., with instructions that, in accordance with the petition submitted by J. O. Pool, attorney for applicants, praying that the time for the taking of additional testimony in said case be extended 90 days from May 11, 1903, the applicants and their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations, be notified that the applicants have been allowed 60 days from date hereof within which to submit additional testimony in support of their claim.

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Ispia. The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, show that one Ispia was a beneficiary under said article 14.

The Secretary of the Interior in his letter states:

P H 2

"In view of the fact that they claim descent from the person whose name appears upon the records of the government as a beneficiary under said article 14, it is deemed reasonable and proper, in accordance with the practice followed in other cases of like nature, to grant a re-hearing."

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 applicant's 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

P R 3

the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification to 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, up to and inclusive of Monday December 7, 1903, 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,

R & R Dep.
Register.

Chairman.

H. C. R. 1214

Waukegan, Indian Territory, July 15, 1905.

Floy Harvey,

Tylertown, Mississippi,

Dear Madam:

You are hereby notified that on the 21st day of June, 1905, the Secretary of the Interior reaffirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary R. Johnson et al., of which decision you were advised by registered mail on the 19th day of June, 1902.

Respectfully,

Commissioner.

MCR-1214.

Muskegee, Indian Territory, March 19, 1907.

Fley Harvey,
Tylertown, Mississippi.

Dear Madam:

You are hereby notified that the Secretary of the Interior on February 25, 1907, denied a motion filed with the Department February 10, 1906, for a review of Departmental decision of October 31, 1902, and June 21, 1905, affirming and reaffirming the decision of the Commission to the Five Civilized Tribes of June 10, 1902, denying the applications of Mary R. Johnson et al, and Emma F. Black et al, for identification as Mississippi Choctaws; also denied a motion filed with the Department July 19, 1906, by J. O. Pool on behalf of the applicants for a transfer of said case to some more competent official, a copy of which motion was filed with the Department July 3, 1906, addressed to the President.

Respectfully,

Commissioner.

No. 1214

For Identification as a Mississippi Choctaw.

Date Dec. 22, 1900.

Name Floy Harvey

Age 35 Blood

Post Office, Tylertown, Miss

Father: James Conerly Dead

Mother: Mary Conerly

Claims through father

Husband:

Doctor Sockell Harvey

Children:

James Harvey 18

Clarence " 14

Prentice " 13

Grady " 11

Edivin " 9

May " 7

Cecil " 5

Myra Young

Choctaw MCR 1215

Lola Serna

MCR 1215

REFUSED.

Lola Derna, et al.

DECISION RENDERED. U. I. 174902

NOTICE OF DECISION MAILED APPLICANT.

OCT 17 1902

NOTICE OF DECISION MAILED ATTORNEY FOR APPLICANTS

1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.

NOV 3 1902

FINAL APPROVED BY SECRETARY OF INTERIOR

FEB 17 1903

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

FEB 28 1903

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

1903

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

P.O. 1/7/07 Phillips, D.T.

DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT.

In the matter of the application of Lola Burns, et
al., for identification as Mississippi Choctaws, H.C.R. 1212.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

Original application of Lola Burns, et al.,
to the Board of Commissioners for Identification
as Mississippi Choctaws.....1
Written petition of Lola Burns2
Affidavit of Franklin S. ...3
Decision of the Commission denying the
application of Lola Burns, et al., for
identification as Mississippi Choctaws.....7

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, JANUARY 7, 1901.

In the matter of the application of Lola Serna for the identification of herself and three minor children as Mississippi Choctaws. Lola Serna, having been first duly sworn, on her oath testifies as follows:

Examination by the Commission.

- Q What is your full name? A Lola Serna.
Q What is your age? A Twenty two years old.
Q What is your post office address? A I haven't got any post office; Caddo is where we get our mail.
Q Indian Territory? A Yes sir.
Q Do you live in Caddo? A Yes sir, I live there at Caddo now.
Q How long have you lived there? A Lived there now its been one week yesterday; we have been in Durant about four months I guess.
Q Before you went to Caddo? A Yes sir, before we went to Caddo.
Q And before you went to Durant where did you live? A Before I went to Durant?
Q Yes. A Bell County.
Q What state? A Texas.
Q How long did you live there? A I could not tell you how long but I lived there since I was small; quite a while.
Q And where did you live before you lived there? A Taylor.
Q Taylor where? A Texas.
Q How long did you live in Taylor? A Well, I was small, I could not tell how long.
Q About how long? A I just declare I could not tell, about five or six years I guess.
Q And before you went to Taylor where did you live? A Austin.
Q Austin, Texas? A Yes sir.
Q Born there? A Yes sir.
Q Never lived in Mississippi? A My mother did, I didn't.
Q What was your father's name? A Juan Fernandez; my father was Spanish.
Q Is he living? A No sir, he has been dead since-- he has been dead something like fifteen years.
Q What is your mother's name? A My mother's name? Her name was Maggie Fernandez.
Q Is she living? A Yes-- I don't know whether she is living for sure. We can't find her; she had a little piece of land down there in Bell County--
Q Never mind about that? Do you know whether she is living or not?
A No sir, I don't.
Q Through whom do you claim your Choctaw blood? A Sir?
Q Through whom do you claim your Choctaw blood, your father or your mother? A My mother; my mother is a full blood.
Q How much blood do you claim? A Half.
Q Was your mother ever recognized by any of the authorities of the Choctaw Nation as a Choctaw citizen? A No sir, not that I know of; I don't know.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A Sir
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 application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Have you ever been enrolled by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.
Q Did you, or did any one for you, in 1896, under the act of Congress

- of June 10, 1896, make application to the Commission to the Five Civilized Tribes 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 Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
- Q Have you ever before this time made application to either the tribal authorities 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 ever made of any kind? A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
- Q You understand the provisions of that treaty, do you? A Well, I can't understand it all.
- Q What was the name of your ancestor who lived in Mississippi in 1830? A I don't know.
- Q What are the names of the relative who lived in Mississippi, and through whom you now claim the right to be identified as a Mississippi Choctaw? You know your ancestors, don't you, your mother's mother or father? A No sir, I don't know none of her people at all.
- Q But you claim through your mother? A Yes sir, she is a full blood.
- Q She is a full blood? A Yes sir.
- Q Do you know that she came from Mississippi? A Yes sir, she was raised an orphan girl and they brought her to Texas, white people raised her; she don't know her people.
- Q How old is she now? A She is something like fifty four years old if she is living now she is that old.
- Q She was not living in 1830 then? A Sir?
- Q She was not living in 1830? A No, I guess not.
- Q Well if she was, she would be seventy years old now, and you say she is not as old as that? A No sir.
- Q And not sixty years old is she? A No, I don't think she is hardly sixty.
- Q You don't know the name of her father or mother? A Her name is Maggie Teehorn.
- Q That was her maiden name? A Yes sir.
- Q You don't know the name of her father or mother? A No sir, the people that raised her -- I don't know their given name, their surname was Boyd, but they raised her from a little bit of a girl.
- Q And he was white? A Yes sir.
- Q And he adopted your mother? A Yes sir.
- Q She was an orphan? A Yes sir; said she was so small when they got her the lady raised her on her breast.
- Q Boyd was white and his wife was white also? A Yes sir.
- Q Have you any documentary evidence showing that fact that you are descended from a Mississippi Choctaw Indian who lived in Mississippi in 1830? A Sir?
- Q Have you any documentary evidence of the fact that you are descended from a Mississippi Choctaw Indian who lived in Mississippi in 1830? A No sir.
- Q I mean written evidence when I say documentary evidence? A Yes, I have it here.
- Q What is that? A Just a paper Mr. Horton gave me.
- Q Did you sign this? A Yes sir. I never signed it in my hand, I just only put my hand on the pen.
- Q Well, it is a written and signed statement by you which you now want to introduce, together with your oral testimony? A Sir?
- Q It is a written and signed statement by you, which you now want to introduce, together with your oral testimony? Is that right? A I don't know.

Serna-3

- Q Well, you offer it in evidence, you want to make it a part of the record? A Yes sir.
- Q You say yes? A Yes sir.
- Q Have you any other written testimony that you would like to introduce at this time? A No sir.
- Q Or any other that you want to introduce at this any time? A No sir.
- Q Are you married? A Yes sir.
- Q Have you any children? A Three children.
- Q Do you want to make application for your children? A Yes sir.
- Q Do you want to make application for your husband? A My husband he is Spanish.
- Q You just want to make application for yourself and three children. Have you your marriage license and certificate? A No sir, I was married in Bell County.
- Q You never had one? A No sir.
- Q Do you want to introduce any kind of documentary evidence in proof of your marriage? A I was married in Bell County--
- Q Do you wish to introduce any written testimony to prove it? A No sir.
- Q What is the name of your husband? A Alex Serna.

Affidavit of Lola Serna, signed by herself, introduced by applicant, received by the Commission, marked Exhibit "A" filed and made a part of the record in the case.

- Q Do you know whether your ancestor under whom you now claim the right to be identified as a Mississippi Choctaw-- A Sir?
- Q Do you know whether your ancestor under whom you now claim the right to be identified as a Mississippi Choctaw came to the Indian Territory with other members of the Choctaw tribe? A No sir, I didn't come with any body.
- Q I mean your ancestors, your people that you are descended from? A Yes sir.
- Q Well, I don't think you quite understand me? A I can't understand you when you get to talking too proper to me; I can't understand it.
- Q Do you know whether your mother's father or mother let Mississippi when the other Indians left and came to this country? A I don't know a thing about that, I could not tell you.
- Q Do you know whether either your mother's father or mother, within six months after the ratification of the treaty of 1830, signified to the United States Indian Agent of the Choctaw Indians in Mississippi her or his intention to remain in Mississippi and become citizens of the United States? Do you know anything about that? A No, sir, I don't know a thing.
- Q You have no kind of evidence of that fact, have you? A No sir.
- Q Have you any written evidence or documentary evidence of any kind showing that your ancestors ever complied in any way with the provisions of the fourteenth 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 fourteenth article of the treaty of 1830? A I don't think they ever did.
- Q Have either you or any of your ancestors ever received any benefits in the Indian Territory as Choctaw Indians? A No that I know of.
- Q You are making application now for three children are you? A Yes sir.
- Q What are the names of these children? Are they unmarried? A Yes sir, they are all small.
- Q And all under twenty one years of age? A Yes, all small, all little ones.
- Q What is the name of the eldest one? A Alex Serna.

Serna-4

- Q How old is Alex? A He is going on four years old.
Q What is the name of the next? A Jim.
Q How old is Jim? A Two years old.
Q What is the name of the next? A Lucy.
Q How old is Lucy? A One year old.
Q These are your children? A Yes sir, they are my children.
Q Alex Serna is the father? A Yes sir, he is their father.
Q And they are both living with you at your home? A Yes sir.
Q You and your husband are living together as man and wife? A Yes sir.
Q Is there any additional statement you desire to make in support of your application and the application you make for your three minor children? Anything further you want to say? A No sir.

The decision of the Commission in regard to your application, and the application you make in behalf of your children for identification as Mississippi Choctaws, will be mailed to you at your present post office address at Cadde.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on January 7, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 10 day of January, 1900.

Charles K. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

C. v. W.

In the matter of the application of Kala Berna,
et al., for identification as Mississippi
Choctaw, -----H.C.N. 1218

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

It appears from the record herein that application for identification as Mississippi Choctaw was made to this Commission by Kala Berna for herself and her three minor children, Alan, Jim and Lucy Berna, under the following provision of the act of Congress approved June 22, 1898 (30 Stat., 496):

"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."

From the evidence submitted in support of said application and the records in the possession of the Commission, it does not appear that any of the applicants herein 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, (28 Stat. 521.)

The record herein shows that the applicants are too young to have been living in eighteen hundred and thirty, and fails to show the name of a more remote Choctaw ancestor through whom they claim than the mother of the principal applicant, who, according to the testimony, was fifty-four years of age in 1901, and could not, therefore, have been living in 1830. The record shows that the principal applicant is ignorant of the names of any of her ancestors other than her mother. Although she has had more than a year in which to secure evidence tending to show who said ancestors were, she has not offered to submit such additional proof, and neither have her attorneys of record.

The evidence being insufficient to determine the identity of Lola Berna, Alex Berna, Jim Berna and Lucy Berna as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman


Commissioner

Muskogee, Indian Territory

OCT 17 1902

COPY

M O N 1815.

Muskogee, Indian Territory, October 17, 1902.

Johnson & Horton,

Attorneys at Law,

Durant, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Lola Serna, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 21, 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:

"The evidence being insufficient to determine the identity of Lola Serna, Alex Serna, Jim Serna, and Lucy Serna as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission 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

3. 4. 1909

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)

John W. ...

Acting Chairman.

Registered.

COPY.

N O R 1215.

Muskogee, Indian Territory, October 17, 1902.

Manfield, McHurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Lola Serna, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 466) 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:

"The evidence being insufficient to determine the identity of Lola Serna, Alex Serna, Jim Serna and Lucy Serna as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission 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

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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,

W. G. BIRBY

Wm. G. Birby.
Acting Chairman.

COPY.

NOV 1915

Nowogee, Indian Territory, October 17, 1903.

Lola Serna,

Cardo, Indian Territory.

Dear Madam:

You are hereby advised that on the 17th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Lola Serna, et al., applicants to the Commission 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:

"The evidence being insufficient to determine the identity of Lola Serna, Alex Serna, Jim Serna and Lucy Serna as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission 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 days from the date hereof within which to file arguments in this

Office, and that at the expiration of said term 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.

COPY.

Muskogee, Indian Territory November 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Lola Serna, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 17, 1902.

The Commission has the honor to report that the principal applicant in this case, her 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,

Jame Bixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M U R 1215.

H.C.R. 1212

COPY.

Muskogee, Indian Territory, February 28, 1903.

Johnson & Horton,
attorneys at law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that on the 17th day of February, 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 Lola Berna, et al., of which decision you were advised by registered mail on the 17th day of October, 1902.

Respectfully,

James Diaby.

Chairman.

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DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, January 31, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, for your consideration, application of Lola Serna for herself and for her three minor children, Alex., Jim and Lucy Serna, for identification as Mississippi Choctaws, wherein a decision adverse to them was rendered by the Commission to the Five Civilized Tribes, October 17, 1902.

The testimony in this case shows that the applicants claim rights to identification under the provisions of the 14th article of the treaty of 1830, by reason of their descent from Maggie Frenandez, afterward married to a Lopez (nee Teshorn), mother of the principal applicant.

The Commission rejected the applicants because they are not members of the Choctaw tribe or admitted to citizenship and because the mother of the principal applicant through whom they claim, was fifty-four years of age in 1901, (according to the testimony) and therefore could not have been living in 1830. The principal applicant, Lola Serna, in her affidavit marked Exhibit "A", filed and made a part of the record in this case, states that her

mother, through whom the applicants claim, "was born and lived in Mississippi in about 1860", and that her maiden name was Margrett Tehorn.

The applicants are unable to give the names of any of their ancestors more remote than this Margrett Tehorn, or Teehorn, who was born about 1860, so could not have been alive in 1830, consequently an examination of our records with a view of establishing the identity of the applicants unknown ancestors, is impossible and the name of Teehorn, or Tehorn, does not appear among the names of those Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, nor among the minors in whose behalf scrip was issued.

These being the facts, it is recommended that the decision of the Commission rejecting the applicants hereto, be approved.

Very respectfully,

W. A. Jones,
Commissioner.

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D.C. 4811

DEPARTMENT OF THE INTERIOR.

HAF.

YTD. 1158-1903.

WASHINGTON.

L.H.S.

February 17, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 3^d 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Lola Serna and her minor children, Alex, Jim and Lucy Serna, including your decision of October 17, 1902, adverse to the applicants.

The record shows that the applicant Lola Serna is unable to give the name of any of her ancestors other than her mother, who, it appears, was 54 years of age in 1901 and could not therefore have been living in 1830.

Reporting January 31, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 1216

COPY.

Muskogee, Indian Territory, February 28, 1903.

Mansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

you are hereby notified that on the 17th day of February, 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 Lela Serna, et al., of which decision you were advised by mail on the 17th day of October, 1902.

Respectfully,

(R/S)

Jame Dixby.
Chairman.

COPY.

M.C.R. 1218

Muskogee, Indian Territory, February 28, 1903.

Lola Serna,

Gadsden, Indian Territory.

Dear Madam:

You are hereby notified that on the 17th day of February, 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 Lola Serna, et al., of which decision you were advised by registered mail on the 17th day of October, 1902.

Respectfully,

Tame Bixby.

Chairman.

M C R 1215

Muskogee, Indian Territory, July 27, 1903.

Jas. R. Wood,

Attorney at Law,

Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you ask to be advised the status of the Mississippi Choctaw case of Lola Serna, et al.

In reply you are informed that on February 17, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application of Lola Serna for the identification of herself and minor children as Mississippi Choctaws, of which departmental action she was duly advised on February 28, 1903.

The Commission now considers this case closed.

Respectfully,

Commissioner in Charge.

MUR-1218

Muskogee, Indian Territory, January 12, 1907.

Lola Berna,

Phillips, Indian Territory.

Dear Madam:-

Receipt is hereby acknowledged of your postal card, without date, stating that your present post office address is Phillips, Indian Territory.

You are advised that a proper record has been made of the change of your address.

Respectfully,

Commissioner.

No. 1215

For Identification as a Mississippi Choctaw.

Ala. I. T. Date January 7, 1901

Name Lola Serna.

Age 22 Blood 1/2

Post Office, Caddo. I. T.

Father: Juan Fernandez, d.

Mother: Maggie " —

Claims through

Mother,

Husband.

Alex Serna.

Children:

Alex Serna.

4 yrs

Jim. "

2 "

Luey "

1 "

Stenographer:

Anna Bell.

Choctaw MCR 1216

Sarah E. Reagan

See MCR 2467

MCR 1216

MISSISSIPPI CHOCTAW

Sam E. Reagan, et al

REFUSED.

DECISION RENDERED. MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT.

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.

JUL 19 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.**

JUL 23 1902

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

JUL 23 1902

REFER TO M. C. R. 2467

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 7, 1901.

In the matter of the application for identification as a Mississippi Choctaw of Sarah E. Reagan and her minor children. Sarah E. Reagan, having been first duly sworn, on her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Sarah E. Reagan.
 Q What is your age? A I am thirty seven;
 Q What is your post office address? A Nocona, Texas.
 Q How long have you lived there? A We have lived there sixteen years last fall.
 Q Where did you live before living in Nocona? A Cook County.
 Q Texas? A Yes sir.
 Q How long did you live there? A Well, I was born in Cook County, and went to Missouri and stayed about-- let me see, I was two years old when we went to Missouri and I stayed there until I was ten, and then I come back to Texas and lived in Cook County the rest of the time.
 Q And you have lived there since? A Yes, until we moved to Nocona.
 Q You never did live in Mississippi? A No sir, I never did.
 Q What is your father's name? A My father's name was William Martin.
 Q Is he living? A No sir, he has been dead a long time.
 Q What is your mother's name? A Her name was Sarah Martin. I don't know whether she had any double name or not; mother has been dead a long time, died when I was small.
 Q She is not living? A No sir.
 Q Through which one of your parents do you derive your Choctaw blood?
 A On my father's side.
 Q How much do you claim? A An eighth, I believe.
 Q Was your father ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? A Yes sir. Well, I can't tell you about that; I aint certain.
 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 Did you, or did any one in your behalf, in 1896, under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation?
 A Of the June '86, no sir.
 Q Or under that act of June 10, 1896, did you make application to the Commission? A No sir.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
 Q Have you ever before this time made application to either the tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
 Q Is this 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 Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
 Q What was the name of your ancestor who resided in Mississippi in 1830? A Burks.
 Q What is the full name? A Well, I can't tell you that.

Reagan-2

- Q B-u-r-k-s? A Burris; B-u-r-r-i-s.
- Q You can't tell the full name? A No sir, I can't tell.
- Q Was he a Choctaw Indian? A Yes sir.
- Q Full blood? A No sir, I don't think he was a full blood.
- Q Do you know how much Choctaw blood he had? A Well, he was a half I think.
- Q What relation was he of your father? A He was my father's father.
- Q Your father's father, your grandfather? A Yes, my great grandfather
- Q Your great grandfather? A No, he was my father's father.
- Q He would be your grandfather, would he? A No, it is my great grandfather, sure enough.
- Q How could he be your father's father and be your great grandfather? You just think that out a minute; don't get mixed. Your father's father would be your grandfather? A Yes.
- Q But you say this is your great grandfather? Now what do you think about it? A Well, of course my great grandfather, my grandfather I reckon.
- Q You think it was your grandfather? A Yes sir. I think it was my grandfather; you see I don't know much about it only what I have been told.
- Q Your father's father, you say, or your father's grandfather? Which? Your father's name was what? A Martin.
- Q And his father's name would be what? A Martin.
- Q Now you say your ancestor was Burris? Was he your father's mother's father? A Yes sir, I have got it wrong all around.
- Q Well now, you just got it straight? A It was my grandfather's mother.
- Q Your grandfather's father? A Yes sir.
- Q Did think you have it right now, do you? A Yes sir.
- Q Did they live in Mississippi in 1830? A I can't tell you.
- Q You have no documentary evidence showing that fact? A No sir, I have not.
- Q Did your ancestors under whom you now claim the right to be identified as a Mississippi Choctaw, remove from Mississippi to the Indian Territory at the time the Choctaw tribe was moved by the United States Government in 1833 to 1837? A I can't tell you.
- Q You don't know whether he removed from Mississippi or stayed there do you, is that right? A No sir, I can't tell.
- Q Do you know whether this ancestor under whom you now claim the right to identification as a Mississippi Choctaw, within six months after the ratification of the treaty of 1830, signified to the United States Indian Agent of the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I can't tell.
- Q You can't tell about that? A No.
- Q Have you no evidence of that fact? A No sir.
- Q Have you any documentary evidence showing that your ancestors ever complied in any manner with the provisions of the fourteenth article of the treaty of 1830? A No sir, I only know what I have been told.
- Q Do you know if any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir, I don't.
- Q Have you or your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Reagan; A.J.
- Q Are you making any claim for him? A For him? No sir.
- Q Have you any children? A Yes, I have six.
- Q How many children have you? A I have six.
- Q Are they all minors, that is under twenty one? A Yes sir.
- Q Are they all unmarried? A Yes sir.
- Q What is the name of the oldest one? A Rosa E.
- Q How old is Rosa? A She is seventeen.

Reagan-3

- Q The name of the next? A Myrtle.
Q Myrtle? A Lula Myrtle.
Q How old is she? A She will be fifteen the twenty seventh of this month.
Q What is the name of the next? A William Walter.
Q How old is William Walter? A He is eleven.
Q What is the name of the next? A Lillie Ethel.
Q How old is she? A She is eight.
Q What is the name of the next? A Lelar?
Q Is that the whole name? A Yes sir.
Q How old is Lelar? A She is three.
Q What is the name of the next? A Ora Elizabeth.
Q How old is she? A She is just a year; she aint hardly a year old, she'll be a year old the fourteenth of next month.
Q Is that all? A That is all.
Q These are all your children? A Yes sir.
Q A. J. Reagan is the father? A Yes sir.
Q They are all living with you at your present home? A Yes sir.
Q When and where did you marry A. J. Reagan? A Cook County.
Q Cook County, Texas? A Yes sir.
Q What year, and day of the month? A It was the 25rd of June.
Q Twenty third of June what year? A It was the thirtieth, the last day of June in '80.
Q Have you your marriage license and certificate? A Yes sir, I think we have.
Q Have your license and certificate here so that you can file now or do you want to file them?

Mr. Hudson: Your rules do not require the filing of these when the woman has the blood, do they?

Commission: That is the rule.

- Q And you don't care to file them? A No sir.
Q Are you and your husband living together now as man and wife?
A Yes sir.
Q Is there any additional statement that you desire to make in support of your application and the application of your five minor children; anything further you want to say? A No, I believe not.
Q Have you any documentary evidence that you desire to submit to the Commission for its consideration, in support of your application?

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim within twenty days from this date.

Permission is granted the applicant to file additional evidence within twenty days from this date.

Examination by Mr. Hudson.

- Q Mrs. Reagan, you have relatives who had already appeared before the Commission, have you not? A Yes sir.
Q That are older than you and have looked this matter up? A Yes sir.
Q Are you depending upon them for the evidence so far as you are concerned? A Yes sir, I don't know anything about it only what they say.
Q Now let me ask you again in regard to that relationship; you say your father was named Martin; and his father's name of course was Martin; Now who was this Burris that you speak of? A Well, you see that is where I got mixed.
Q Yes, that is what I understand. Now was that a man or a woman?
A You see we claim from my grandmother.

Reagan-4

Q Your great grandmother? A Yes sir.

Q Then the Burris you speak of was a woman, was she? A Yes sir.

Q What have you known her as you say you don't know her first name, what has she been called in the family? A Well, you see she died a long time ago, and I don't know what they did call her.

Q You say you don't know her given name; but that was a woman?

A Yes sir.

Q And that was your grandfather's mother, your great grandmother? Is that as you understand it? A Yes sir.

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

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on January 7th, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 10 day of January, 1901.

Charles H. Sawyer
Notary Public.

COPY.

-MAR-1216-

Muskogee, Indian Territory, May 27, 1902.

Sarah E. Reagan,

Nocona, Texas.

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 P. Martin et al., embracing the following applications for identification as Mississippi Choctaws:

William P. Martin, et al.,	M.C.R. 2467;
Sarah E. Reagan, et al.,	M.C.R. 1216;
Wesley W. Sullivant, et al.,	M.C.R. 1080;
Frances J. Sullivant, et al.,	M.C.R. 1081;
Nora Lee Sullivant,	M.C.R. 1083;
Mary E. Baker, et al.,	M.C.R. 1082;
Barton B. Martin,	M.C.R. 1084;
Rosa A. Minor et al.,	M.C.R. 1218;
Mary E. Lynch, et al.,	M.C.R. 2391;
Nancy P. O'Neal, et al.,	M.C.R. 2425;
Nora Morris, et al.,	M.C.R. 2426;
Thomas Martin,	M.C.R. 2468;
Minnie Goday, et al.,	M.C.R. 2669.

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, 1895, (50 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 Four-

term 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 William P. Martin, Cora Martin, Henry Martin, Sarah E. Reagan, Rosa E. Reagan, Lula Myrtle Reagan, William Walter Reagan, Lillie Ethel Reagan, Lelar Reagan, Ora Elizabeth Reagan, Wesley W. Sullivant, Artie Benton Sullivant, Frances J. Sullivant, Susan Emiline Sullivant, Minnie Ellen Sullivant, John Thomas Sullivant, James Henry Sullivant, Nora Lee Sullivant, Mary E. Baker, Rosa E. Baker, Georgie Alice Baker, John Wesley Baker, Minnie Myrtle Baker, William Arthur Baker, Katy Florence Baker, Laura L. Baker, Barton B. Martin, Rosa A. Minor, Johnnie B. Minor, Mary E. Lynch, Harry A. Lynch, Nola F. Lynch, Nora P. Lynch, Nancy P. O'Neal, Arthur W. O'Neal, John T. O'Neal, Charles L. O'Neal, Nora Morris, Minnie O. Morris, Clemmett V. Morris, Thomas Martin, Minnie Coday, Mary Coday and Verdie Coday 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."

S. E. R., 3 .

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)

James D. ...

Acting Chairman.

Registered.

PY.

H.C.R. 1216

COPY.

Muskogee, Indian Territory, July 26, 1902.

Sarah E. Reagan,

Hockah, Texas.

Dear Madam:

You are hereby advised that on the 19th day of July, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaw of the several persons included in the consolidated case of William P. Martin, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

No. 1216

For Identification as a Mississippi Choctaw.

Atoka, ~~Ok.~~ Date January 7, 1901

Name Sarah E. Reagan

Age 37

Blood $\frac{1}{8}$

Post Office, Nocona, Texas.

Father: William Martin, d

Mother: Sarah Martin d

Claims through

Father

Husband

A. J. Reagan

Children:

~~Sarah E.~~

Rosa E. Reagan 17

Rula Myrtle " 15

William Walter " 11

Lillie Ethel " 8

Lela " 3

Ora Elizabeth " 1

Stenographer:
Anna Bell.

Choctaw MCR 1217

Sylvester E. Bandy

MCR 1217

Sylvester E. Bandy

REFUSED

DECISION RENDERED: JUL 25 1902

NOTICE OF DENIAL OF APPLICATION

JUL 25 1902

NOTICE OF DENIAL OF APPLICATIONS
FOR ATTORNEYS

JUL 25 1902

RECORD OF DENIAL OF APPLICATION

JUL 25 1902

ACT OF DENIAL OF INTERIOR

OCT 22 1902

NOTICE OF DENIAL OF APPLICATION

FOR DENIAL OF APPLICATION
NOV 1902

NOTICE OF DENIAL OF APPLICATION
FOR DENIAL OF APPLICATION
AND DENIAL OF APPLICATION

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Sylvester
E. Bandy, et al., for identification as Miss-
issippi Choctaws-----M.C.R. 1817

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 Sylvester E. Bandy et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Petition of Sylvester E. Bandy, addressed to the Commission to the Five Civilized Tribes	4
Certified copy of the marriage record between Sylvester E. J. Bandy and Sallie E. Zenos	6
Ex parte affidavit of Andrew Bandy	7
Ex parte affidavit of Ellen Bandy	8
Final decision of the Commission refusing the applica- tions of Sylvester E. Bandy, et al., for identification as Mississippi Choctaws	9

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, JANUARY 7, 1901.

In the matter of the application of Sylvester E. Bandy for the identification of himself and his minor children as Mississippi Choctaws. Sylvester E. Bandy, having been first duly sworn, on his oath states as follows:

Examination by the Commission.

- Q What is your name? A Sylvester E. Bandy.
Q What is your age? A Forty seven.
Q What is your post office address? A Marietta, Indian Territory.
Q How long have you lived at Marietta, Indian Territory? A It will be two years the third day of next May.
Q And where did you live before that, Mr. Bandy? A I lived in Bosky County, Texas.
Q How long did you live there? A Two years.
Q And where did you live prior to that? A I lived in Ellis County, Texas? A Yes sir.
Q How long? A Ever since '76.
Q Where did you live prior to that? A I lived in Arkansas.
Q How long? A Lived there three years.
Q And prior to that where did you live? A Lived in Missouri.
Q How long? A Well, I can't tell you exactly.
Q Well, can you give me an idea how long you lived there? A I think about eight years.
Q Where did you live before that? A I lived in Illinois.
Q How long? A I was born there and lived there till I was twelve years old.
Q Never lived in Mississippi? A No sir.
Q What is your father's name? A James Thompson Bandy.
Q Is he living? A Yes sir.
Q What is your mother's name? A Ellen Bandy.
Q Is she living? A Yes sir.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A About a sixteenth.
Q Was your father ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? A No sir, 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 enrolled 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, under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes 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 Court in Indian Territory on appeal from the decision of the Dawes Commission or of the tribal authorities? A No sir.
Q Have you ever before this time made application to either the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
Q Is this the first application you have made of any kind? A Yes sir.
Q And you now make application for identification as a Mississippi Choctaw? A Yes sir.
Q Are you making this application as a beneficiary under article fourteen of the treaty of 1830? A Yes sir.

Bandy-2

- Q What is the name of your ancestor who resided in Mississippi in 1830, under whom you now make this claim? A Hannah Thompson.
- Q What is that name? A Hannah Thompson.
- Q Was she a Choctaw Indian? A Yes sir.
- Q Full blood? A No sir.
- Q How much? A I don't know whether I can say exactly or not she must have been a quarter.
- Q Have you any documentary evidence showing such to be the fact? A No sir.
- Q Did your ancestor, the one through whom you now make the claim under this application remove from Mississippi to the Indian Territory at the time the Choctaw tribe was moved here by the United States Government from 1833 to 1837? A No sir.
- Q Why did your ancestor not remove together with the other members of the tribe? A I could not tell you.
- Q Did she within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent of the Choctaw Indians in Mississippi her intention to remain in Mississippi and become a citizen of the United States? A I can't tell you.
- Q You have no evidence of that fact one way or the other? A No sir.
- Q Have you any documentary evidence showing that your ancestors ever complied in any manner with the provisions of the fourteenth article of the treaty of 1830? A No sir.
- Q Did any of your ancestors ever claim or receive any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A Not that I know of.
- Q Have either you or your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A No sir.
- Q Are you married? A Yes sir.
- Q What is the name of your wife? A Sarah E.
- Q Bandy? A Yes, sir.
- Q Are you making claim for her? A No sir.
- Q Did you say that you were not? A No she has no blood in her that I know of.
- Q Well, I didn't understand whether you made claim for her? A No sir.
- Q Have you children? A Yes sir.
- Q How many children have you? A Five.
- Q All of them minors? A Yes sir.
- Q And unmarried? A All unmarried.
- Q What is the name of the oldest? A Oliver A.
- Q How old? A He is nineteen.
- Q What is the name of the next? A Oda Edgar.
- Q Girl? A Boy.
- Q How old? A Seventeen.
- Q Next? A Luella Haud.
- Q How old? A Fourteen.
- Q The next? A Jacob Lee.
- Q How old? A Twelve.
- Q Next? A Lillie May.
- Q How old? A She is eight.
- Q Is that all? A Yes sir.
- Q Sarah E. Bandy is the mother of these children? A Yes sir.
- Q Are you the father? A Yes sir.
- Q The basis of their claim is the same as yours? A Yes sir.
- Q Are these children all living with you and your wife? A Yes sir.
- Q And you and your wife are living together now as man and wife? A Yes sir.
- Q Have you a marriage license and certificate? A No sir, they are not here.
- Q Do you wish to introduce your marriage license and certificate to make a part of the record in this case? A If it is necessary.
- Q Do you wish your lawyer to file it? A Yes sir.
- Q Have you any documentary evidence of any description that you desire to submit to the Commission for its consideration at this time?

Bandy-3

Here L. P. Hudson, attorney for applicant, asks leave to file additional written evidence in this case within twenty days from the date hereof.

Permission is granted counsel for the application to file additional written testimony in this case provided the same is filed within twenty days.

Q Is there any additional statement that you desire to make in support of this application and the application you make on behalf of your minor children? A No sir.

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

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 7th day of January, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 10 day of January, 1901.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

J. W. L.
C. v. W.

In the matter of the application of Sylvester E.
Bandy, et al., for identification as Mississippi
Choctaws, -----K. O. R., 1819.

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

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Sylvester E. Bandy for himself and his five minor children, Oliver A., Ota Edgar, Luella Mand, Jacob Lee, and Lillie May Bandy, under the following 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 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 Hannah Bandy, (nee Thompson) who is alleged to have been a quarter blood Choctaw Indian.

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 Hannah Bandy (nee Thompson) or ancestors 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 Commissions authorized to adjust such claims by the acts of Congress approved March 3, 1837 (5 Stats. 160), 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

Sylvester E. Sandy, Oliver A. Sandy, Geo. Edgar Sandy, Lucille Hand
Sandy, Jacob Lee Sandy and Lillie May Sandy 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 application for their identification as such should be
refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


ACTING CHAIRMAN.

Commissioner

Hot Springs, Indian Territory

JUL 25 1902

Muskogee, Indian Territory, January 16, 1901.

Messrs Hudson & Arnold,

Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of January 14, inclosing marriage license between Sylvester E. Bandy and Sallie E. Zenor, and the same has been duly filed with the application for identification as a Mississippi Choctaw of Sylvester E. Bandy on behalf of himself and his minor children.

Yours truly,

Acting Chairman.

AB

COPY.

M.C.R. 1217

Muskogee, Indian Territory, July 25, 1902.

The Honorable,

The Secretary of the Interior.

Sirs

There is transmitted herewith the record in the case of Sylvester H. Bandy, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 25, 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,

T. L. Hedrick

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.
1 enclosure.

COPY.

M.C.R. 1217

Muskegee, Indian Territory, July 25, 1902.

Sylvester E. Bandy,

Marietta, Indian Territory.

Dear Sir:

You are hereby advised that on the 25th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sylvester E. Bandy, et al., applicants for identification as Mississippi Choctaws.

This application was 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 Sylvester E. Bandy, Oliver A. Bandy, Oda Edgar Bandy, Luella Maud Bandy, Jacob Lee Bandy and Lillie May Bandy 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

(S. 2)

Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Registered,

T. B. Needles.
Commissioner in Charge.

COPY

M.C.R. 1817

Maakogee, Indian Territory, July 25, 1902.

Messrs. 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 July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sylvester E. Bandy, 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 Sylvester E. Bandy, Oliver A. Bandy, Oda Edgar Bandy, Luella Maud Bandy, Jacob Lee Bandy and Lillie May Bandy 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

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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.

C o p y.

DEPARTMENT OF THE INTERIOR.

Land
45092-1902.

Office of Indian Affairs

Washington, Oct. 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith for your consideration the record in the matter of the application of Sylvester B. Bandy, et al., for identification as Mississippi Choctaws wherein a decision adverse to the applicants was rendered by the Commission to the Five Civilized Tribes on July 25, 1902.

The applicants in this case base their claims for identification upon descent from one Hannah Thompson who they claim was a member of the Choctaw tribe of Indians in Mississippi in 1830 at the time of the making of the treaty. As to her complying or attempting to comply with the 14th article of that treaty, they are unable to furnish any direct evidence relying for their right to identification upon their descent from Hannah Thompson.

The examination by the representatives of the Commission in this case did not call for nor elicit the name of the ancestor under whom these people claim, the name being learned from the supplemental evidence filed by the claimants.

An examination of the records of this office show that

Hannah Thompson was not one of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, this being the case it is evident that the finding of the Commission was correct.

I therefore recommend that a judgment adverse to Sylvester H. Bandy and his children, Oliver A., Edw Nigar, Luella Maud, Jacob A. and Lillie Bandy be entered by the Department.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

E.B.H.(B).

D.C. 19881.

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DEPARTMENT OF THE INTERIOR.

Washington, October 22, 1902.

ITD.6274-1902.

LRS.

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

Gentlemen:

July 25, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Sylvester E. Bandy and his minor children, Oliver A., Oda Edgar, Luella Maud, Jacob Lee and Lillie May Bandy.

The applicants endeavor to trace their descent from one Hannah Bandy (nee Thompson), alleged to have been a quarter blood Choctaw Indian.

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 Hannah Bandy or a less remote ancestor 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 July 25, 1902.

Forwarding the papers October 13, 1902, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

--2--

The Department has carefully considered the entire record in this case and hereby affirms your decision.

Respectfully,

B. A. HITCHCOCK,

Secretary.

1 inclosure.

H.C.R.1217.

COPY.

Waukegon, Indian Territory, November 7, 1902.

Hylvester E. Bandy,

Marietta, Indian Territory.

Dear Sir:

You are hereby advised that on the 22nd day of October, 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 Hylvester E. Bandy, et al., of which decision you were advised by registered mail on the 25th day of July, 1902.

Respectfully,

SIGNED

Tams Dixey,
Acting Chairman.

COPY.

M.C.R.1817.

Muskogee, Indian Territory, November 7, 1902.

Manfield, McFarrey & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of October, 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 Sylvester E. Bandy, et al., of which decision you were advised by mail on the 25th day of July, 1902.

Respectfully,

Tame Dixey.

Acting Chairman.

No. 1217

For Identification as a Mississippi Choctaw.

Alotta L. Date January 7, 1901

Name Sylvester E. Bandy

Age 47 Blood 1/16

Post Office, Marietta L. T.

Father: James Thompson Bandy. l

Mother: Ellen Bandy l

Claims through

father

-wife-

Laura E. Bandy

Children:

Oliver A. Bandy 19

Oda Edgar (boy) 17

Lurilla Maud " 14

Jacob Lee " 12

Lillie May " 8

Stenographer:

Anna Bell.

Choctaw MCR 1218

Rosa A. Minor

See MCR 2467

MCR 1218

CHOCTAW

Rosa A. Minor, et al

REFUSED.

DECISION RENDERED. MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT.

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.

JUL 19 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JUL 26 1902

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

JUL 26 1902

REFER TO M.O.R. 2467

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 8, 1901.

In the matter of the application for identification as Mississippi Choctaws of Rosa A. Minor and one minor child. Rosa A. Minor, having been first duly sworn, on her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Rosa A. Minor.
 Q What is your age? A Twenty six.
 Q What is your post office address? A Hood, Cook County, Texas.
 Q How long have you lived at Hood? A About seven years.
 Q Where did you live before that? A Lived down below Gainesville.
 Q Texas? A Yes sir.
 Q And how long did you live there? A About ten or fifteen years I guess.
 Q Where did you live before that? A Well, I mostly lived in Cook County all my life.
 Q Always lived in Texas, born there? A Yes sir.
 Q Never lived in Mississippi? A No sir.
 Q What is your father's name? A James R. Martin.
 Q Is he living? A Yes sir.
 Q What is your mother's name? A Tennessee Ruth.
 Q Is she living? A Yes sir.
 Q Through which one of your parents do you claim Choctaw blood?
 A My father.
 Q How much do you claim? A My father?
 Q How much do you? A One thirty second.
 Q Is the name of your father on any of the tribal rolls of the Choctaw Nation? A My father?
 Q Yes? A I don't know.
 Q Is your name on any of the tribal rolls of the Choctaw Nation?
 A No, I guess not, my name.
 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 enrolled 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, under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes 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 Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
 Q Have you ever before this time made application to either the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
 Q Is this 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 Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
 Q What was the name of your ancestor who lived in Mississippi in 1830? A Widow Burris.
 Q Burris? A Yes sir.
 Q The widow Burris; do you know what her full name was, her given name?

Minor-2

A No sir.

Q You just simply know her as the Widow Burris? A Yes sir.

Mr. Hudson: That was her name; she was not necessarily a widow; that was just her name.

Q Have you any documentary evidence showing that she was a Choctaw Indian? A No sir.

Q Did your ancestors, through whom you now make this application, remove from Mississippi to the Indian Territory at the time the Choctaw tribe were moved here by the United States Government in 1833 to 1837? A I don't know.

Q You have no documentary proof of that fact, have you? A No sir, not that I know of.

Q Do you know whether she, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent of the Choctaw Indians in Mississippi, her intention to remain in Mississippi and become a citizen of the United States? A No sir, I don't.

Q Have you any documentary evidence showing that your ancestors ever complied in any manner with the provisions of the fourteenth article of the treaty of 1830? A No sir.

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

Q Have either you or any of your ancestors ever receive any benefits in Indian Territory as Choctaw Indians? A No sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A William T. Minor.

Q Is it Minor? A Yes sir.

Q You have children? A I have one.

Q What is his name? A Johnnie B. Minor.

Q How old is he? A Four years old.

Q Johnnie B. Minor is your son? A Yes sir.

Q And William T. Minor is his father? A Yes sir.

Q The basis of his claim is the same as yours? A Yes sir.

Q Do you appear for your husband or for your son only? A For my son only.

Q Only for your son? A Yes sir.

Q Have you a marriage license and certificate that you would like to file? A No sir.

Q You and your husband are living together are you? A Yes sir.

Q Is there any additional statement that you desire to make in support of your application, and the application you make on behalf of this child? A No sir.

Q Have you any documentary evidence that you desire to submit to the Commission for its consideration at this time?

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim within twenty days from this date.

Motion of counsel for applicant is granted.

Examination by Mr. Hudson.

Q Mrs Minor, you have relatives and older members of the family who have already made application for citizenship, have you? A Yes sir

Q Are you depending upon them for evidence of your case or have you looked this matter up for yourself? A No sir, I depend on them.

Q And it is the evidence in their case which you propose to submit in your case? A Yes sir.

Minor-3

The decision of the Commission in regard to your application and the application you make on behalf of your child for identification as Mississippi Choctaws will be mailed to you at your present post office address.

Anna Bell, having been first duly sworn, on her oath, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 8th day of January, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 10 day of January, 1901.

Charles W. Saurer

Notary Public.

-MCR-1218-
COPY.

Muskogee, Indian Territory, May 27, 1902.

Rosa A. Minor,

Head, Texas.

Dear Madame:-

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 P. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

William P. Martin, et al.,	M.C.R. 2467;
Sarah E. Reagan, et al.,	M.C.R. 1216;
Wesley W. Sullivant, et al.	M.C.R. 1080;
Frances J. Sullivant, et al.	M.C.R. 1081;
Nora Lee Sullivant,	M.C.R. 1083;
Mary E. Baker, et al.,	M.C.R. 1082;
Barton B. Martin,	M.C.R. 1084;
Rosa A. Minor, et al.,	M.C.R. 1218;
Mary E. Lynch, et al.,	M.C.R. 2391;
Nancy P. O'Neal, et al.,	M.C.R. 2425;
Nora Morris, et al.,	M.C.R. 2426;
Thomas Martin,	M.C.R. 2468;
Minnie Coday, et al.,	M.C.R. 2689.

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 Four-

teen 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 William P. Martin, Cora Martin, Henry Martin, Sarah E. Reagan, Rosa E. Reagan, Lula Myrtle Reagan, William Walter Reagan, Lillie Ethel Reagan, Lelar Reagan, Ora Elizabeth Reagan, Wesley W. Sullivant, Artie Benton Sullivant, Frances J. Sullivant, Susan Emiline Sullivant, Minnie Ellen Sullivant, John Thomas Sullivant, James Henry Sullivant, Nora Lee Sullivant, Mary E. Baker, Rosa E. Baker, Georgie Alice Baker, John Wesley Baker, Minnie Myrtle Baker, William Arthur Baker, Katy Florence Baker, Laura L. Baker, Barton B. Martin, Rosa A. Minor, Johnnie B. Minor, Mary E. Lynch, Harry A. Lynch, Nola P. Lynch, Nora P. Lynch, Nancy P. O'Neal, Arthur W. O'Neal, John T. O'Neal, Charles L. O'Neal, Nora Morris, Minnie O. Morris, Clemmett V. Morris, Thomas Martin, Minnie Goday, Mary Goday and Verdie Goday 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.

P. A. M., 3.

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,

James B. Smith

Acting Chairman.

Registered.

M.C.R. 1218

Muskogee, Indian Territory, July 28, 1902 .

Rosa A. Minor,
Hood, Texas.

Dear Madam:

You are hereby advised that on the 19th day of July, 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 P. Martin, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Yours truly,

(SIGNED)

Commissioner in Charge.

No. 1218

For Identification as a Mississippi Choctaw.

Alanta, Ga. Date January 8, 1901

Name Rosa W. Minor

Age, 26 Blood 1/32

Post Office, Wood. Cook Co. Texas

Father: James L. Martin, d

Mother: Tennessee Rusk, d

Claims through

father

husband
Wm T. Minor.

Children:

Johnnie B. Minor 4

Claims for self & child.

Stenographer
Arthur Bell.

Choctaw MCR 1219

Mary E. Arnold

See MCR 1293, 1372, 1373, 1374, 1399,
1400, 1401

MCR 1219

Mary E. Arnold

REFUSED.

DECISION REVIEWED. APR 15 1902

NOTICE OF DECISION MAILED APPLICANT. APR 24 1902

NOTICE OF DECISION FORWARDED ATTORNEY FOR APPLICANTS. APR 24 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. APR 24 1902

RECORD FORWARDED DEPARTMENT. APR 24 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 5 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT. JUN 17 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. JUN 17 1902

REFER TO M. C. R. 1293, 1372, 1373

- 1374, 1399, 1400, 1401

Major P. O. Huber

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, JANUARY 8, 1901.

In the matter of the application of Mary E. Arnold, for the identification of herself and her minor grandchild as Mississippi Choctaws. Mary E. Arnold, having been first duly sworn, on her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Mary E. Arnold now, my maiden name was Parish.
Q What is your age? A My age is about fifty six.
Q What is your post office address? A It is Ada, I.T.
Q How long have you lived in Ada? A I have been living there about not over a month, come from Mill Creek up there.
Q How long did you live at Mill Creek? A We have been living there nearly a year.
Q Where did you live before you lived at Mill Creek? A We lived at Province.
Q Province? A Below Ardmore, I.T.
Q Where did you live before you lived there? A Why we lived in the Choctaw Nation at a place they call Bokoshe.
Q How long did you live there? A We lived there a good while, I don't know how long, three or four years.
Q Where did you live before that? A Why we come from right close to Fort Smith.
Q In Arkansas? A Yes sir.
Q How long did you live there? A We lived there about five years I think.
Q Where did you live before that? A We come from Texas.
Q Where were you born? A I was born in Mississippi, I reckon; my parents lived--
Q And removed from Mississippi to Texas? A To Georgia.
Q And from Georgia to Texas? A Yes sir. And then from Texas to the Nation.
Q Well, you were in Arkansas, you say, a while? A Well, yes sir, we lived in Arkansas right on the line about three or four years.
Q What is your father's name? A James Parish.
Q Parish is it? A Yes sir.
Q Is he living? A No sir.
Q What is your mother's name? A Elizabeth Parish.
Q Living? A No sir.
Q Through which one of these parents do you claim Choctaw blood?
A From my father.
Q How much do you claim? A About an eighth I think.
Q Was your father ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? A I don't know whether he was or not, sir. He started to come with them to this country when they left Mississippi and come part of the way and turned and went back.
Q He went back did he? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation?
A I guess so, I don't know, my grandfather I know is on the roll, John Parish.
Q But you don't know whether you are or not? 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 enrolled by the tribal authorities of the Choctaw Nation as a citizen of the Choctaw Nation? A Not that I know of
Q Did you, or did any one in your behalf in 1896, under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation?
A No sir, I didn't, I didn't know anything about it.
Q You understand that question do you? A Yes sir, I didn't know nothing about it at that time.

Arnold-2

- Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A I don't know.
- Q Have you ever before this time made application to either the tribal authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
- Q Is this the first application of any kind that you have ever made? A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Are you making this claim as a beneficiary under article fourteen of the treaty of 1830? A Yes sir.
- Q You understand the provisions of article fourteen of that treaty? A No sir, I don't.
- Q What was the name of your ancestor who resided in Mississippi in 1830? A My John Parish and --
- Q John Parish? What relative of yours was he? A He was my grandfather.
- Q Your grandfather? A Yes sir.
- Q Was he a Choctaw Indian? A Yes sir.
- Q A full blood? A Yes sir.
- Q Have you any documentary evidence showing that fact? A No sir, our records all got burnt up.
- Q When was that? A Why they have been burnt up about fifteen years ago or twenty, I disremember how long now.
- Q Where were they when they were destroyed? A They were burnt before we left Texas.
- Q Did your ancestor under whom you now make your claim remove from Mississippi to the Indian Territory at the time the Choctaw Indians were moved here by the United States Government from 1833 to 1837? A No sir, they did, they removed from there and went to Georgia, but they didn't stay there.
- Q I understood you to say a little while ago that they started to come to Indian Territory and went back? A That was my father. I understood you were talking about my grandfather.
- Q I was. Why didn't your ancestor remove from Mississippi with the other members of the Choctaw tribe? A I don't know what was the reason.
- Q Did he, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A No sir, I don't know.
- Q Have you any documentary evidence showing that your ancestors ever complied in any manner with the provisions of the fourteenth article of the treaty of 1830? A I don't know; I reckon my grandfather did.
- Q Have you any documentary evidence to show it? A No sir.
- 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 I don't know sir, I was too little to remember anything about it.
- Q Have either you or any of your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A No sir.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A Anderson Arnold.
- Q Have you any children? A Yes sir.
- Q Minors? A Yes, just got one little grandchild I have raised for her mother died when she was only five days old.
- Q Are your children all married? A Yes sir.
- Q And this grandchild, do you want to make application for her? A Yes sir.
- Q What is her name? A Monty Jones.
- Q How do you spell that first name? M-o-n-t-y? A Yes sir.

Arnold-3

- Q Monty Jones is it? A Yes sir.
Q She is your grandchild, is she? A Yes sir.
Q How old is she? A Ten years old.
Q Who is the father of this child? A Ben Jones.
Q And the mother? A Lou Jones.
Q Is she living with you-- A No sir, she is dead.
Q The child? A Yes sir.
Q And the mother and father both dead? A We suppose so, we haven't heard from him for about five years; he had consumption.
Q And the basis of this child's claim is the same as yours? A Yes sir
Q She is living with you? A Yes sir, always has been.
Q Do you make application for your husband? A No sir.
Q Have you your marriage license and certificate that you would like to file? A No sir; aint got them.
Q This is all then that you apply for, this grandchild? A That there is all, my children in all of age and married.
Q Are you living now with your husband? A Yes sir.
Q Is there any additional statement that you desire to make in support of your application and the application you make in behalf of this grandchild? A No sir.
Q Have you any documentary evidence of any kind that you desire to submit to the Commission for its consideration in support of your application at this time? A No sir, I just only make the statement that I taken her, she was born in my house and I taken her when she was five days old and I have raised her.
Mr. Hudson, do you desire to make any statement or ask any questions?

Here L. P. Hudson, attorney for applicant asks leave to file additional testimony in support of this claim within twenty days from this date.

Motion is granted.

The decision of the Commission in regard to your application and the application you make on behalf of your grandchild will be mailed to you at your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the aboveentitled cause on the 8th day of January, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Subscribed and sworn to before me this 10 day of January, 1901.

Charles H. Sawyer

Notary Public.

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

In the matter of the application of Mary E. Arnold, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of

Mary E. Arnold, et al.,	M.C.R. 1219
Sallie Onstott, et al.,	M.C.R. 1293
James H. Arnold, et al.,	M.C.R. 1372
Minnie A. Arnold, et al.,	M.C.R. 1373
Elizabeth I. Neakinen, et al.,	M.C.R. 1374
Robert A. Arnold, et al.,	M.C.R. 1399
William H. Arnold,	M.C.R. 1400
Abijah F. Arnold, et al.,	M.C.R. 1401.

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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H. H. H.
H. H. H.
C. V. W.
(1901)

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

In the matter of the application of Mary E. Arnold et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of

Mary E. Arnold, et al.,	M.C.R. 1219
Sallie Onstett, et al.,	M.C.R. 1293
James H. Arnold, et al.,	M.C.R. 1372
Minnie A. Arnold, et al.,	M.C.R. 1373
Elizabeth I. Heskimen et al.,	M.C.R. 1374
Robert A. Arnold et al.,	M.C.R. 1399
William H. Arnold,	M.C.R. 1400
Abijah F. Arnold, et al.,	M.C.R. 1401

DECISION .

The record in the above consolidated case shows that there were,
originally, eight applications made separately by the parties named
at the times and places herein set forth, to-wit:

In the matter of the application of Mary E. Arnold for the
identification of herself and her minor grand child, Monty Jones,
as Mississippi Choctaws, taken at Ateka, Indian Territory, January
8, 1901.

In the matter of the application of Sallie Onstett for the
identification of herself and her minor child, Lena Onstett, as
Mississippi Choctaws, taken at Ateka, Indian Territory, January 22,
1901.

In the matter of the application of James H. Arnold for the identification of himself and his minor child, Geallie Arnold, as Mississippi Choctaws, taken at Atoka, Indian Territory, February 11, 1901.

In the matter of the application for the identification of Minnie A., Herschel and Benjamin A. Arnold, as Mississippi Choctaws, taken at Atoka, Indian Territory, February 11, 1901.

In the matter of the application of Elizabeth I. Meskimen for the identification of herself and her minor child, Leonard A. Meskimen, as Mississippi Choctaws, taken at Atoka, Indian Territory, February 11, 1901.

In the matter of the application of Robert A. Arnold for the identification of himself and his minor child, Clarence Arnold, as Mississippi Choctaws, taken at Atoka, Indian Territory, February 11, 1901.

In the matter of the application of William H. Arnold for identification as a Mississippi Choctaw, taken at Atoka, Indian Territory, February 11, 1901.

In the matter of the application of Abijah F. Arnold for the identification of himself and his two minor children, Velma and James C. Arnold, as Mississippi Choctaws, taken at Atoka, Indian Territory, February 11, 1901.

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 Mary E. Arnold et al., that on January 8, 1901, the said Mary E. Arnold appeared before the Commission at Atoka, Indian

Territory, and there made personal application for the identification of herself and her minor grand child, Monty Jones, 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 James Parish, an alleged Choctaw (degree of blood not given), who married Elisabeth Parish, (blood not given), and who are the parents of this applicant. Descent is claimed for Monty Jones from Lou Jones (the daughter of the principal applicant herein) who married Ben Jones and who are the parents of said Monty Jones.

The record in this case further shows that the said Mary E. Arnold and the minor grand child for whom application is made have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor has 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 statement of the principal applicant wherein she claims to have been born in the State of Mississippi about the year 1845 and for several years prior to the time of the making of her original application had been a resident of the Indian Territory, and claims to be an one eighth blood Choctaw Indian. She attempted

to trace her alleged Choctaw descent through her father, James Parish, to her grandfather, John Parish, an alleged full blood Choctaw Indian, and who, it is claimed, resided in the State of Mississippi in the year 1830. She offers no testimony tending 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 any of the provisions of article fourteen of the treaty of 1830. She testified further that her grandfather, John Parish, moved from the State of Mississippi to the State of Georgia and did not emigrate to the Choctaw Nation, Indian Territory, between the years 1835 and 1837. She attempts to show that her grandchild, Monty Jones, for whom she makes application, is the lawful issue of Lou Jones, deceased, and Ben Jones, who is supposed to be dead, and that the said grandchild was living with her at the time this application was made. There is filed herewith the written petition of Mary E. Arnold but it cannot be considered in evidence as it is simply a statement of facts attempted to be proven by her.

The next in order of the above applications is that of Sallie Onstott et al., and the record therein shows that on January 22, 1901, the said Sallie Onstott appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of herself and her minor child, Lena Onstott, 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 Mary Arnold, an alleged

Choctaw (degree of blood not given), who married Anderson Arnold, a white man, and who are the parents of this applicant.

The record in this case further shows that the said Sallie Onstott and the 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 statement of the principal applicant wherein she claims to have been born in the State of Georgia about the year 1861, and for about thirty seven years prior to the time of the making of her original application had been a resident of the Indian Territory, and claims to be an one eighth blood Choctaw Indian. She attempted to trace her alleged Choctaw descent through her mother, Mary Arnold, to her grandmother, Lizzie Parish, an alleged full blood Choctaw, but offered no testimony tending to show that the said Lizzie Parish or any of her alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in the State of Mississippi or ever complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830. Upon being asked whether or not her alleged Choctaw ancestor, Lizzie Parish, removed from Mississippi to the Indian Territory at the time of the emigration of the Choctaw Tribe of Indians between 1835 and 1837 she replied: "No sir, I don't think she did".

The next in order of the above applications is that of James H. Arnold et al., and the record therein shows that on February 11, 1901, the said James H. Arnold appeared before the Commission at Ateka, Indian Territory, and there made personal application for the identification of himself and his minor child, Goallie Arnold, 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 Mary¹ Arnold, an alleged Choctaw, (degree of blood not given), who married Anderson Arnold, a white man, and who are the parents of this applicant.

The record in this case further shows that the said James H. Arnold 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 (29Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the marriage record of James H. Arnold and Mattie Miller. By the oral statement of the principal applicant it is attempted to be shown that he was born in the State of Georgia about the year 1870 and for some time

prior to the time of the making of his original application had been a resident of the Indian Territory, and claims to be an one eighth blood Choctaw Indian. He attempted to trace his alleged Choctaw descent through his mother, Mary Arnold, to his grandmother, Lizzie Parish, an alleged one half blood Choctaw, who, it is claimed, lived in the State of Mississippi in 1830, but he offers no testimony tending 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 ever applied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830. The marriage record filed herewith is simply evidence of the marriage of the principal applicant herein to his wife, Mattie Miller, and also of the legitimacy of the issue of said marriage.

The next in order of the above applications is that of Minnie A. Arnold et al., and the record therein shows that on February 11, 1901, Mary I.J. Arnold appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of her three minor children, Minnie A., Herschel and Benjamin A. Arnold, as Mississippi Choctaws, claiming them 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. Descent is claimed for the three minor children herein applied for from Benjamin A. Arnold, an alleged Choctaw, degree of blood not given, who married Mary I.J. Arnold, a white woman and who are the parents of said children.

The record in this case further shows that the 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 evidence offered in support of this application, aside from the oral statement of Mary I.J. Arnold, embraces the marriage record of B.A. Arnold and I.J. Hamilton. By the oral statement of Mary I.J. Arnold it is attempted to be shown that the minor children for whom application is made are possessed of one sixteenth Choctaw blood and claim descent through their father, Benjamin A. Arnold, from their great-grandmother, Lizzie Parish, an alleged Choctaw Indian woman, degree of blood not given, and who, it is claimed, resided in the State of Mississippi in 1830. There is nothing in the testimony of Mary I.J. Arnold tending to show that any of the alleged Choctaw ancestors of the minor children for whom application is made were ever recognized members of the Choctaw tribe of Indians in the State of Mississippi or ever complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830. The marriage record filed herewith is simply evidence of the marriage of B.A. Arnold and his wife, I.J. Hamilton, the parents of the minor children herein applied for.

The next in order of the above applications is that of Elizabeth I. Meskimen et al., and the record therein shows that on February 11, 1901, the said Elizabeth I. Meskimen appeared before the Commission at Ateka, Indian Territory, and there made personal ap-

plication for the identification of herself and her minor child, Leonard A. Meskimen, 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 Mary Arnold, an alleged Choctaw, degree of blood not given, who married Anderson Arnold, a white woman, and who are the parents of this applicant.

The record in this case further shows that the said Elizabeth I. Meskimen and the 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, 1893, (28 Stats., 321).

The only evidence offered in support of this application, is the unsupported oral statement of the principal applicant wherein she attempts to show that she was born in the State of Georgia about the year 1860, and for about fifteen years prior to the time of the making of her original application had been a resident of the Indian Territory. She attempted to trace her alleged Choctaw descent through her mother, Mary Arnold, to Lizzie Parish, an alleged "half breed" Choctaw, and who, it is alleged, resided in the State of Mississippi in 1830. She offered no testimony tending 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 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 Robert A. Arnold et al., and the record therein shows that on February 11, 1901, the said Robert A. Arnold appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of himself and his minor child, Clarence Arnold, 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 Mary Arnold, an alleged Choctaw (degree of blood not given), who married Anderson Arnold, and who are the parents of this applicant.

The record in this case further shows that the said Robert A. Arnold and the 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 marriage record of R.A. Arnold and Rasha Young. By the oral statement of the principal applicant it is attempted to be shown that he was born in

the State of Georgia about the year 1878 and for "about sixteen years" prior to the time of the making of his original application had been a resident of the Indian Territory, and claims to be an one eighth blood Choctaw Indian. He attempted to trace his alleged Choctaw descent from his mother, Mary Arnold, to his grandmother, Lizzie Parish, an alleged one half blood Choctaw, who, it is claimed resided in the State of Mississippi in the year 1830, but he offers no testimony tending 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 any of the provisions of article fourteen of the treaty of 1830. The marriage record of R.A. Arnold and Rusha Young, filed herewith, is simply evidence of the marriage of the principal applicant herein to his wife and of the legitimacy of the issue of said marriage.

The next in order of the above applications is that of William H. Arnold and the record therein shows that on February 11, 1901, the said William H. Arnold appeared before the Commission at Atoka, Indian Territory, and there made personal application for identification 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 Mary Arnold, an alleged Choctaw, degree of blood not given, who married Anderson Arnold, a white man, and who are the parents of this applicant.

The record in this case further shows that the said William H. Arnold 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 evidence offered in support of this application, aside from the oral statement of the applicant, embraces the marriage record of W.H. Arnold and Minnie Finley. By the oral statement of the applicant it is attempted to be shown that he was born in the State of Georgia about the year 1878, and for "about ten or twelve years" prior to the time of the making of his original application had been a resident of the Indian Territory, and claims to be an one eighth blood Choctaw Indian. He attempts to trace his alleged Choctaw descent through his mother, Mary Arnold, to his grandmother, Lizzie Parish, an alleged Choctaw Indian, who it is claimed, resided in the State of Mississippi in 1830, but he offers no testimony tending to show that any 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 any of the provisions of article fourteen of the treaty of 1830. The marriage record of W.H. Arnold and Minnie Finley, filed herewith, is simply evidence of the marriage of the applicant herein and his wife.

The last in order of the above applications is that of Abijah F. Arnold et al., and the record therein shows that on February 11, 1901, the said Abijah F. Arnold appeared before the Commission at Atoka, Indian Territory, and there made personal application for

the identification of himself and his minor children, Velma and James C. Arnold, 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 Mary Arnold, an alleged Choctaw (degree of blood not given), who married Anderson Arnold, a white man, and who are the parents of this applicant.

The record in this case further shows that the said Abijah F. Arnold and the 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 marriage record of A. F. Arnold and Ollie Fenley. By the oral statement of the principal applicant it is attempted to be shown that he was born in the State of Georgia about the year 1865, and for "something like eleven or twelve years" prior to the time of the making of his original application had been a resident of the Indian Territory, and claims to be an one eighth blood Choctaw Indian. He attempts to trace his alleged Choctaw descent through his mother, Mary Ar-

nold, to his grandmother, Lizzie Parish, an alleged Choctaw, degree of blood not given, who, it is claimed, resided in the State of Mississippi in 1830, but he offers no testimony tending to show that any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians or that they ever complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830. The marriage record of A.F. Arnold and Ollie Fenley, filed herewith, is simply evidence of the marriage of the principal applicant herein and his wife, and of the legitimacy of the issue of said marriage.

Under Departmental instructions of June 10, 1901, and July 26, 1901, these several applications have been consolidated under the head of Mary E. Arnold et al., the applicants claiming descent from the same common ancestor.

The Commission, in view of the fact that the several applicants have had sufficient time allowed them in which to present their testimony, considers these cases as closed, and the only evidence offered in support of these applications is the oral statements of the several applicants. By the evidence so submitted it is attempted to be shown that Mary E. Arnold, the principal applicant in this consolidated case and the mother and grandmother of all the other applicants, traced her alleged Choctaw descent through her father, James Parish, to her grandfather, John Parish, who, it is claimed, resided in the State of Mississippi in the year 1830. As the said Mary E. Arnold was born in the State of Mississippi in about the

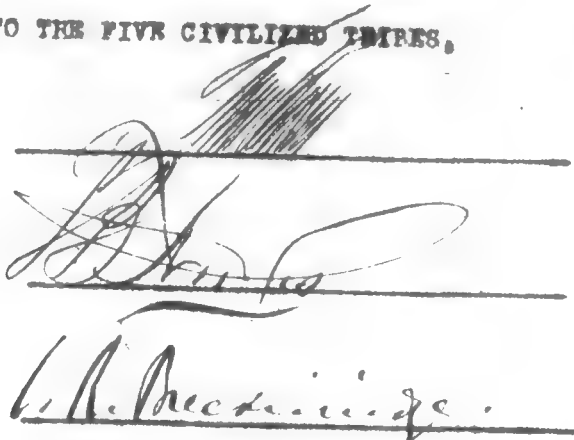
year 1845 it is reasonable to suppose that her alleged Choctaw ancestor, John Parish, was the head of a family in about the year 1830, but no evidence is submitted tending to show that the said John Parish ever complied or attempted to comply with any of the provisions of article fourteen of the treaty of Dancing Rabbit Creek or that he was ever recognized by the Choctaw tribal authorities as a member of the Choctaw tribe of Indians in the State of Mississippi. There is an apparent discrepancy in the testimony of Mary E. Arnold and the other applicants herein, all of whom are children or grandchildren of the said Mary E. Arnold, in as much as the latter claims descent through her father, James Parish, an alleged Choctaw, and says nothing about her mother, Elizabeth Parish, being possessed of Choctaw blood, while the testimony of the other applicants shows that Lissie (Elizabeth) Parish, the mother of Mary E. Arnold, was at least an one half blood Choctaw Indian. 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 persons bearing the names as borne by the alleged Choctaw ancestors of these applicants ever signified their intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented their claims as beneficiaries 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., 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 Mary E. Arnold, Monty Jones, Sallie Onstett, Lena Onstett, James H. Arnold, Goallie Arnold, Minnie A. Arnold, Herschel Arnold, Benjamin A. Arnold, Elizabeth I. Meskimen, Leonard A. Meskimen, Robert A. Arnold, Clarence Arnold, William H. Arnold, Abijah F. Arnold, Velma Arnold and James C. Arnold, 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,



The block contains three handwritten signatures, each written over a horizontal line. The signatures are in cursive and appear to be those of the commissioners mentioned in the text below.

Muskogee, Indian Territory,

Commissioners.

APR 15 1902

C O P Y

Land
25263-1902

Department of the Interior
Office of Indian Affairs

Washington, May 2, 1902

The honorable

The Secretary of the Interior

Sir:

I have the honor to transmit, herewith the papers in the matter of the application of:

Mary E. Arnold, et al.,
Sallie Onstott, et al.,
James H. Arnold, et al.,
Minnie A. Arnold, et al.,
Elizabeth I. Meskimen, et al.,
Robert A. Arnold, et al.,
William H. Arnold, and
Abijah F. Arnold, et al.,

for identification as Mississippi Choctaws, transmitted with the report of the Commission to the Five Civilized Tribes, dated April 24, 1902. The Commission decided adversely to the applicants.

A careful examination of the records of this office fails

to disclose the fact that the claimed ancestors of the applicants ever received the benefits of the 14th article of the treaty of Dancing Rabbit Creek.

It is therefore respectfully recommended that the commission be advised that its opinion is affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner

(W. C. V.)

P.

33129

J.W.H.
CMR

I.T.D. 2828-1902 DEPARTMENT OF THE INTERIOR

WASHINGTON

L.R.S.

June 5, 1902

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory

Gentlemen:-

April 24, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws, of Mary E. Arnold for herself and her minor grandchild, Monty Jones; of Sallie Onstott for herself and her minor child, Lena Onstott; of James H. Arnold for himself and his minor child, Goallie Arnold; of Minnie A. Herchel, and Benjamin A. Arnold; of Elizabeth I. Meskimen for herself and her minor child, Leonard A. Meskimen; of Robert A. Arnold for himself and his minor child, Clarence Arnold; of William H. Arnold; and of Abijah F. Arnold for himself and his two minor children, Velma and James C. Arnold.

Applicant Mary E. Arnold alleges that her father, James Parish, was the son of John Parish, a full blood Choctaw. The other principal applicants, who are the children of the said Mary E. Arnold claim that she derived her Choctaw blood from her mother, Lizzie (Elizabeth) Parish.

April 15, 1902, you refused the applications, and the Acting Commissioner of Indian Affairs forwarded your decision on May 2, 1902, recommending that the same be approved.

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. 513).

The Department, upon review of the whole case, approves your action, and your decision is affirmed. A copy of the Acting Commissioner's report is enclosed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary

1 enclosure

FOR IDENTIFICATION AS
A MISSOURI CHOICE

Consolidated Case

Mary E. Arnold, et al.

M.C.R. 1219-

Muskogee, Indian Territory, February 13, 1902.

A. A. Arnold,
Wiley, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 30, addressed to the Secretary of the Interior, which has been by him referred to this commission for consideration and appropriate action. You ask therein concerning the status of the claim of your wife, Mary E. Arnold, to identification as a Mississippi Choctaw, and give the names of certain of your children who have made application for identification as Mississippi Choctaws.

In reply to your letter you are advised that it appears from our records that Mary E. Arnold, and the children named by you have applied for identification as Mississippi Choctaws, with the exception of B. A. Arnold, who appears to be dead, for whose three children application has been made by their mother, Mary I. J. Arnold. No decision has yet been reached or opinion rendered relative to the rights of these persons as Mississippi Choctaws. As soon as such decision is reached they will be notified of the action taken by the Commission. The Commission cannot render any opinion relative to the rights of any applicants to identification as Mississippi Choctaws until the case is taken up for final consideration and determi-

A.A.A. 2

nation.

If the daughter to whom you refer desires to make application for identification as a Mississippi Choctaw, she will be heard upon her personal appearance at the office of the Commission at Muskogee, Indian Territory, within a reasonable time. It is suggested that if she wishes to make such application she do so as early as practicable.

Yours truly,

Commissioner in Charge.

Muskegee, Indian Territory, April 24, 1902.

Messrs. Mansfield, McMurray & 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 Mary E. Arnold, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary E. Arnold, et al.....	M.C.R. 1219
Sallie Onstett, et al.....	M.C.R. 1293
James H. Arnold, et al.....	M.C.R. 1372
Minnie A. Arnold, et al.....	M.C.R. 1373
Elizabeth I. Meskimen, et al..	M.C.R. 1374
Robert A. Arnold, et al.....	M.C.R. 1399
William H. Arnold.....	M.C.R. 1400
Abijah F. Arnold, et al.....	M.C.R. 1401

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

N., M. & C., 2.

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 Mary E. Arnold, Menty Jones, Sallie Onstott, Lena Onstott, James H. Arnold, Geallie Arnold, Minnie A. Arnold, Herschel Arnold, Benjamin A. Arnold, Elizabeth I. Meskimen, Leonard A. Meskimen, Robert A. Arnold, Clarence Arnold, William H. Arnold, Abijah F. Arnold, Velma Arnold, and James C. Arnold, 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,

Commissioner in Charge.

Register.

M.C.R., 1219.

Muskogee, Indian Territory, April 24, 1902.

Mary E. Arnold,
Ada, Indian Territory.

Dear Madame:

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 Mary E. Arnold, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary E. Arnold, et al.....	M.C.R. 1219
Sallie Onstott, et al.....	M.C.R. 1293
James H. Arnold, et al.....	M.C.R. 1372
Minnie A. Arnold, et al.....	M.C.R. 1373
Elizabeth I. Meskimen, et al..	M.C.R. 1374
Robert A. Arnold, et al.....	M.C.R. 1399
William H. Arnold.....	M.C.R. 1400
Abijah F. Arnold, et al.....	M.C.R. 1401

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

M. E. A., 2.

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 Mary E. Arnold, Monty Jones, Sallie Onstott, Lena Onstott, James H. Arnold, Geallie Arnold, Minnie A. Arnold, Herschel Arnold, Benjamin A. Arnold, Elizabeth I. Meskinen, Leonard A. Meskinen, Robert A. Arnold, Clarence Arnold, William H. Arnold, Abijah F. Arnold, Velma Arnold and James G. Arnold, 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,

Commissioner in Charge.

Register.

M.C.R., 1219.

Muskogee, Indian Territory, April 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mary E. Arnold, 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:

Mary F. Arnold, et al.....	M.C.R.	1219
Sallie Onstott, et al.....	M.C.R.	1293
James H. Arnold, et al.....	M.C.R.	1372
Minnie A. Arnold, et al.....	M.C.R.	1373
Elizabeth I. Meskimen, et al..	M.C.R.	1374
Robert A. Arnold, et al.....	M.C.R.	1399
William H. Arnold.....	M.C.R.	1400
Abijah F. Arnold, et al.....	M.C.R.	1401

The Commission has the honor to report that the principal applicants in these several separate applications, their attorneys of record, and the attorneys for the Choctaw and Chickasaw Nations,

(2).

have 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.

Muskogee, Indian Territory, April 24, 1902.

L. P. Hudson,
Attorney at Law,
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 Mary E. Arnold, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary E. Arnold, et al.....	M.C.R. 1219
Sallie Onstett, et al.....	M.C.R. 1293
James H. Arnold, et al.....	M.C.R. 1372
Minnie A. Arnold, et al.....	M.C.R. 1378
Elizabeth I. Maskinen, et al..	M.C.R. 1374
Robert A. Arnold, et al.....	M.C.R. 1399
William H. Arnold.....	M.C.R. 1400
Abijah F. Arnold, et al.....	M.C.R. 1401.

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

L. P. H., 2.

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 Mary E. Arnold, Monty Jones, Sallie Onstott, Lena Onstott, James H. Arnold, Geallie Arnold, Winnie A. Arnold, Herschel Arnold, Benjamin A. Arnold, Elizabeth I. Meskimen, Leonard A. Meskimen, Robert A. Arnold, Clarence Arnold, William H. Arnold, Abijah P. Arnold, Velma Arnold and James C. Arnold, 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,

Commissioner in Charge.

Register.

Miss. Choctaw 1219

Muskogee, Indian Territory, May 26, 1902.

Mary E. Arnold,

Wilbur, Indian Territory,

Dear Madam:

Your letter of May 10, addressed to the Secretary of the Interior, has been referred to this Commission for consideration and appropriate action. You inclose your picture, and state that your maiden name was Parrish and ask that you be enrolled if you are entitled to enrollment.

In reply to your letter you are advised that on April 15, 1902, the Commission rendered its decision refusing your application for the identification of yourself and your grandchild as Mississippi Choctaws, and on April 24, 1902, you were notified of this decision, and the record in your case was transmitted to the Secretary of the Interior for review. You will be informed at a later date of the action taken by the Secretary.

The authority of the Commission to determine the identity of so-called Mississippi Choctaws is found in the following provision of the act of Congress of June 28, 1898:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the

M.E.A. 2

Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830, referred to in the above legislation, provides:

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

The commission requires of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in 1830, and complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, above quoted, and whose claims under said article were favorably adjudicated. This the evidence in your case failed to show, and the Commission was, therefore, without authority to identify you as a Mississippi Choctaw.

The picture forwarded with your letter is herewith returned to you.

Yours truly,

COPY.

M C R 1219

Muskogee, Indian Territory, June 17, 1902.

Mary E. Arnold,

Wilbur, Indian Territory.

Dear Madam:

You are hereby advised that on the 5th 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 Mary E. Arnold, et al., of which decision you were advised by registered mail on the 24th day of April, 1902.

Yours truly,

(SIGNED).

F. D. Woodlee.

Commissioner in Charge.

M.C.R. 1219

Muskogee, Indian Territory, June 17, 1902.

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

Gentlemen:-

You are hereby advised that on the 5th 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 Mary E. Arnold, et al., of which decision you were advised by mail on the 24th day of April, 1902.

Yours truly,

T. E. McAllester

Commissioner in Charge

Muskogee, Indian Territory, August 12, 1902.

Mary E. Arnold,

Millcreek, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 8th inst., in which you ask to be advised of the decision of the Commission in your case, and for the return of your "picture".

You are informed that the Commission on April 24, 1902, rendered its decision refusing your application for the identification of yourself and minor child as Mississippi Choctaws, and on the same date you were notified by registered letter addressed to you at your latest post office address, Wilbur, Indian Territory, of the decision of the Commission and of the forwarding of the record to the Secretary of the Interior.

On June 5, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application of yourself and minor child for identification as Mississippi Choctaws, and on June 17, 1902, you were duly notified thereof by registered letter addressed to you at Wilbur, I.T.

The Commission also on May 26, 1902, addressed a

W E A 2

communication to you at Wilbur, I.T., in answer to your letter of May 18th addressed to the Secretary of the Interior. Enclosed with this letter was your picture. This letter was returned uncalled for, and together with your picture is now enclosed you.

Yours truly,

Acting Chairman.

Enc. B.I. 89.

No. 1219

For Identification as a Mississippi Choctaw.

Alaska, I.T. Date January 8, 1901

Name Mary E. Arnold

Age 56 Blood 1/8

Post Office, Ada, I.T.

Father: James Parish, d

Mother: Elizabeth, d

Claims through

Father -

Servant

Anderson Arnold,

Children -

Monty Jones - 10.

Grandchild

Claims for self and
grandchild -

Stenographer

Anna Bell

REFER TO M. C. R. 1219.

Mary E. Arnold
et al

Consolidated Case

1

John Parish, Dead,
"Choctaw Indian by
blood" "full blood"

James Parish, Dead,
wife
Elizabeth Parish, Dead,

Mary E Parish, 56 1/8
married
Anderson Arnold

Lou Arnold, Dead, 11 1/2
married
Ben Jones, Supposed Dead,
Mandy Jones

Elizabeth J Arnold, 41 1/8
married
Stephen McKinney
Leonard A. McKinney 4

Callie Arnold, 40 1/8
married
Lu Curtall
Lena Curtall 10

Abijah J Arnold, 36 1/8
married
Ellie Tenley
Velma Arnold -
James C Arnold 2 Wm.

James M Arnold, 31 1/8
married
Mattie Miller
Coallie Arnold 8

Robert A. Arnold, 26 1/8
married
Rutha Young
Clarence Arnold 6 Wm.

Benjamin A Arnold, Dead
married
Mary J. Hamilton, White
Minnie A. Arnold, 5
Berckel Arnold, 3
Benjamin A. Arnold, 8 Wm.

William N. Arnold, 23 1/8
married
Minnie Tenley

Choctaw MCR 1220

M.C. Standford, Sr.

MCR 1220

See MCR 910, 911, 912, 913, 914, 916,
918, 921, 923, 925, 927, 4005,
1221, 1222, 1567, 1568, 1924, 2703
2704, 2705, 3199, 3364, 3365,
3715

NOTIFICATION
APPLICHOCTAV

M. C. Stanford Sr. et al

REFUSED

DECLINER ENDERED. JUL 21 1902

NOTICE OF DEPARTMENTAL ACTION

JUL 21 1902

NOTICE OF DEPARTMENTAL ACTION
FOR THE DEPARTMENT OF AGRICULTURE

NOTICE OF DEPARTMENTAL ACTION
FOR THE DEPARTMENT OF AGRICULTURE

JUL 21 1902

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY THE DEPARTMENT OF INTERIOR

OCT -2 1902

NOTICE OF DEPARTMENTAL ACTION
FOR THE DEPARTMENT OF AGRICULTURE

OCT 14 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT THE DEPARTMENT OF AGRICULTURE

NOTICE OF DEPARTMENTAL ACTION
FOR THE DEPARTMENT OF AGRICULTURE
AND THE DEPARTMENT OF THE INTERIOR

REFER TO M C ⁹¹⁰⁻ 911-912-913-

916- 918- 921- 923- 925- 927- 4005- 1221-
1567- 1568- 1924- 2703- 2704- 2705- 2199-
3364- 3365- 2715.

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

-----;-----

In the matter of the application of W. C. Stanford, Sr.,
 et al., for identification as Mississippi Choctaws, consolidating
 the applications of -

W. C. Stanford, Sr., et al.,	M C R 1220
Mary Hackler,	M C R 910
Harriet Jane McFee, et al.,	M C R 911
John Stanford,	M C R 912
Mary Blue, et al.,	M C R 913
William C. Stanford, et al.,	M C R 914
John Henry Stanford,	M C R 916
Laura R. Stanford,	M C R 918
Pitts M. Stanford, et al.,	M C R 921
James A. Stanford, et al.,	M C R 923
Thomas A. Stanford,	M C R 925
Jesse Stanford, et al.,	M C R 927
Elizabeth G. Smith, et al.,	M C R 1221
J. R. Stanford, et al.,	M C R 1222
Joseph Stanford,	M C R 2703
Ida Milan, et al.,	M C R 2704
Mollie Reynolds, et al.,	X C R 2705
Bertie Day, et al.,	M C R 3199
Albert Sidney Hackler, et al.,	M C R 3365
Mary C. Riddle, et al.,	M C R 3364
Joe Milan, et al.,	M C R 3715
Valeria Cooper, et al.,	M C R 4005
Tempy Hoff,	M C R 1567
Vina Cox, et al.,	M C R 1568
Rubie Nickles, et al.,	M C R 1924

List of papers forwarded to the Secretary of the Interior,
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 et al.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, JANUARY 8, 1901.

In the matter of the application of W. C. Stanford Sr. for the identification of himself and two minor children as Mississippi Choctaws. W. C. Stanford, having been first duly sworn, on his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A W. C. Stanford Sr. I have a cousin of the same name.
- Q What is your age? A Sixty three.
- Q What is your post office address? A Durant.
- Q Indian Territory? A Yes sir.
- Q How long have you lived at Durant? A I come in the last week.
- Q Where did you live before that? A Farmerville in Collin County.
- Q Well, what state? A Texas.
- Q In Texas? A Yes sir.
- Q How long did you live there? A Forty odd years.
- Q At this same place? A Yes sir.
- Q Where did you live before you lived there? A I lived in Fannin County three years; at Farmerville I reckon forty five years.
- Q Were you born in Texas? A No sir, I was born in Tennessee.
- Q And where did you go to when you left Tennessee? A Fannin County, Texas.
- Q And you lived there since? A Collin and Farmerville ever since.
- Q What is your father's name? A Harris Stanford.
- Q Harris or Harrison? A Well Harrison, but they have got it down here Harris.
- Q Is he living? A No sir.
- Q What is your mother's name? A Elizabeth.
- Q Is she living? A No sir.
- Q Through which one of your parents do you claim Choctaw blood?
- A My father.
- Q How much do you claim? A One eighth.
- Q Was your father ever recognized by any of the authorities of the Choctaw Nation as as a Choctaw Indian? A No sir, never made no application.
- Q Is your name on any of the tribal rolls of the Choctaw Nation?
- A No sir, first time I ever applied.
- Q Have you ever made application to any of the authorities of the Choctaw Nation for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever been enrolled by the tribal authorities of the Choctaw Nation? A No sir.
- Q Did you or did any one for you in 1896 under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes 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 in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir, never lived here before.
- Q This is the first application you have ever made the Commission?
- A Yes sir.
- Q Or the first application you ever made to any body? A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Are you making application under the provisions of the fourteenth article of the treaty of 1830? A I make it under all of them.
- Q Not for the one in particular? A No sir.
- Q Do you know anything about the provisions of the fourteenth article of the treaty of 1830? A Very little.

- Q What is the name of your ancestor who lived in Mississippi in 1830
A Philip Payne. My great grandfather.
- Q P-a-y-n-e? A I think that is the way it was spelt.
- Q Was he a full blood Choctaw? A I have always been taught that.
- Q Have you any documentary evidence showing that? A Yes sir.
- Q You have no documentary evidence showing the fact that he was a Choctaw? A No sir.
- Q Did your ancestor remove from Mississippi to the Indian Territory at the time the Choctaw tribe were moved here by the United States Government in 1833 to 1837? A No sir, I was always taught that he lived and died there.
- Q Why did your ancestor not remove together with the other members of the Choctaw tribe? A Could not tell you.
- Q Did he, within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A Don't know sir.
- Q You have no documentary evidence of that fact? A No sir.
- Q Have you any documentary evidence showing that your ancestors in any manner ever complied with the provisions of the fourteenth article of the treaty of 1830? A No sir, I don't know that; I have heard my grandfather say that two of his brothers, Joseph and John Payne came to the Indian Territory.
- Q Did any of your ancestors ever claim or receive any lands in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A If they ever did I don't know any thing about it.
- Q Have either you or any of your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A No sir.
- Q Are you married? A Yes sir.
- Q What is the name of your wife? A Eliza B--- her maiden name?
Q No. A Stanford
- Q Have you children under age and unmarried? A I have two.
- Q Under age and unmarried? A Yes sir.
- Q What is the name of the oldest? A Carl G.
- Q How old? A Eighteen.
- Q What is the name of the next? A Marvin G.
- Q How old? A Sixteen.
- Q Eliza B. Stanford is the mother? A Yes sir.
- Q And you are the father? A Yes sir.
- Q They are living with you? A Yes sir.
- Q The basis of their claim is the same as yours? A Yes sir.
- Q Have you your marriage license and certificate that you wish to introduce in evidence? A Yes, I have a copy of it with me.
- Q You are living with your wife as husband and wife? A Yes sir.
- Q Is there any additional statement that you desire to make in support of your application and the application you make in behalf of these two children? Anything further you want to say? A I don't know anything more than just to identify them.
- Q Have you any documentary evidence of any description that you desire to submit to the Commission for its consideration at this time?
A Yes I want to file this application.
- Q What have you got here Mr. Johnson? (To T. S. Johnson, attorney for applicant. A Just some exparte affidavits tracing them from Philip Payne down to the present applicant, the marriage certificate is attached there.

Stanford-3

Application of W. C. Stanford signed by himself, introduced received, marked Exhibit "A" made a part of the records in this application; affidavit of Mary Hackler introduced, received, marked Exhibit "B", and filed with the records in this case. Affidavit of Jonathan Hackler marked Exhibit "C", introduced, received and filed as part of the record in this case. Affidavit of William V. Higgins, marked Exhibit "D", introduced and accepted as part of the record in this case. Affidavit of John Albertson, marked Exhibit "E", received and filed with the records in this case. Marriage license between William C. Stanford and Eliza B. Casper, marked Exhibit "F", introduced by applicant, received and filed as part of the record in this case.

Q Is this all the documentary evidence you have that you desire to introduce? A Yes sir.

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

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the testimony and proceedings had in the above entitled cause on January 8, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

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

Charles H. Sawyer
Notary public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

J. W. L.
C. O. W.

In the matter of the application of W. C. Stanford, sr.,
et al., for identification as Mississippi Choctaws, consolidating
the applications of -

W. C. Stanford, Sr., et al.,	M C R 1220
Mary Hackler,	M C R 910
Harriet Jane McBea, et al.,	M C R 911
John Stanford,	M C R 912
Mary Blue, et al.,	M C R 913
William C. Stanford, et al.,	M C R 914
John Henry Stanford,	M C R 916
Laura R. Stanford,	M C R 918
Pitts M. Stanford, et al.,	M C R 921
James A. Stanford, et al.,	M C R 923
Thomas A. Stanford,	M C R 925
Jesse Stanford, et al.,	M C R 927
Elizabeth G. Smith, et al.,	M C R 1221
J. R. Stanford, et al.,	M C R 1222
Joseph Stanford,	M C R 2703
Ida Milan, et al.,	M C R 2704
Mollie Reynolds, et al.,	M C R 2705
Bertie Day, et al.,	M C R 3109
Albert Sidney Hackler, et al.,	M C R 3366
Mary O. Riddle, et al.,	M C R 3364
Joe Milan, et al.,	M C R 3713
Valeria Cooper, et al.,	M C R 4008
Tempy Hoff,	M C R 1567
Vina Cox, et al.,	M C R 1568
Rubie Nickles, et al.,	M C R 1924

DECISION.

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by W. C. Stanford, Sr., for himself and his two minor children,
Carl C., and Marvin G. Stanford; by Mary Hackler for herself; by

Harriet Jane McBee for herself and her four minor children, John M., Paul, Ruth, and Effie McBee; by John Stanford for himself; by Mary Blue for herself and her two minor children, James Alfred and Minnie Beulah Blue; by William C. Stanford for himself and his six minor children, William L., Lizzie E., Ethel M., Alva J., Venice B., and George A. Stanford; by John Henry Stanford for himself; by Laura R. Stanford for herself; by Pitts Miller Stanford for himself; and his four minor children, Richard, Charlie, Frankie, and Grady Stanford; by J. A. Stanford for himself and his two minor children, Eula May and Leela Stanford; by Thomas A. Stanford for himself; by Jesse Stanford for himself and his two minor children, Mary Elisabeth and Willie V. Stanford; by Elizabeth G. Smith for herself and her three minor children, Willie A., Myrtle O., and Wyatt G. Smith; by J. R. Stanford for himself and his minor child, Harris Stanford; by Joseph Stanford for himself; by Ida Milam for herself and her three minor children, Luther, Mary B., and Della Milam; by Mollie Reynolds for herself and her four minor children, Hughie, Grover, Minnie, and Robert L. Reynolds; by Bertie Day for herself and her five minor children, Oscar, Cora, Maud, Gracie, and Roy Day; by Albert Sidney Hackler for himself and his minor child, Lillie Hackler; by Mary C. Riddle for herself and her minor child, Albert L. Riddle; by Joe Milam for himself and his minor child, Malcolm Milam; by Valeria Cooper for herself and her five minor children, Ora, Kate, Ruth, Armond, and Willie Cooper; by Tempy Neff for herself; by Vina Cox for herself and her two minor children, Andrew and Ester Cox; and by Rubie Nickles for herself and her minor child, Pearl Jane Nickles, under the following provision of the act of Congress approved June 28, 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 Elizabeth Stanford (nee Paine), who is alleged to have been a half-blood Choctaw Indian; and of Harris, Thomas, and Joseph Stanford, who are alleged to have been quarter-blood Choctaw Indians, and all of whom 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, 1896, (29 Stats., 321).

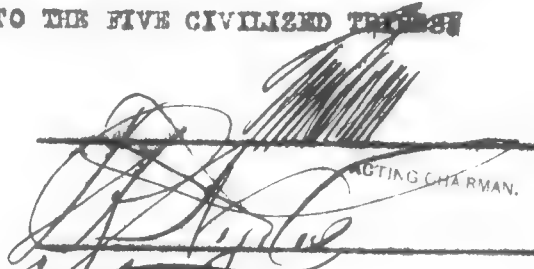
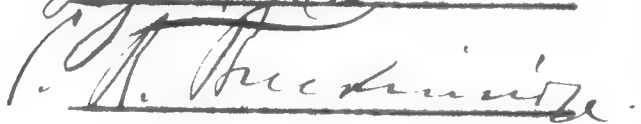
It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Elizabeth Stanford (nee Paine), Harris Stanford, Thomas Stanford, or Joseph

Stanford, or any of the applicants herein, signified, (in person or by proxy) to Colonel William 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 W. C. Stanford, Sr., Carl C. Stanford, Marvin G. Stanford, Mary Hackler, Harriet Jane McBea, John M. McBea, Paul McBea, Ruth W. Beea, Effie McBea, John Stanford, Mary Blue, James Alfred Blue, Minnie Beulah Blue, William C. Stanford, William L. Stanford, Lizzie E. Stanford, Ethel M. Stanford, Alva J. Stanford, Venice P. Stanford, George A. Stanford, John Henry Stanford, Laura R. Stanford, Pitts Miller Stanford, Richard Stanford, Charlie Stanford, Frankie Stanford, Grady Stanford, J. A. Stanford, Eula May Stanford, Leola Stanford, Thomas A. Stanford, Jesse Stanford, Mary Elizabeth Stanford, Willie V. Stanford, Elizabeth G. Smith, Willie A. Smith, Myrtle O. Smith, Wyatt G. Smith, J. R. Stanford, Harris Stanford, Joseph Stanford, Ida Milam, Luther Milam, Mary E. Milam, Della Milam, Nollie Reynolds, Hughie Reynolds, Grover Reynolds, Minnie Reynolds, Robert L. Reynolds, Bertie Day, Oscar Day, Cora Day, Maud Day, Gracie Day, Roy Day, Albert Sidney Hackler, Lillie Hackler, Mary C. Riddle, Albert L. Riddle, Joe Milam, Malcolm Milam, Valeria Cooper, Ora Cooper, Kate Cooper, Ruth Cooper, Armond Cooper, Willie Cooper, Tenny Hoff, Vina Cox, Andrew Cox, Ester Cox, Rubie Nickles and Pearl Jane Nickles, 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.

● THE COMMISSION TO THE FIVE CIVILIZED TRIBES


ACTING CHAIRMAN.


Muskogee, Indian Territory,

JUL 21 1906

COPY.

M C R 1220

Muskogee, Indian Territory, July 21, 1902.

Johnson & Herton,

Attorneys at Law,

Durant, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of July 1902, The Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. C. Stanford, Sr., et al., embracing the following applications for identification as Mississippi

Choctaws:

W. C. Stanford, Sr., et al.,	M C R 1220
Mary Hackler,	" 910
Harrist Jane McBee, et al.,	" 911
John Stanford,	" 912
Mary Elms, et al.,	" 913
William C. Stanford, et al.,	" 914
John Henry Stanford,	" 916
Laura R. Stanford,	" 918
Pitts H. Stanford, et al.,	" 921
James A. Stanford, et al.,	" 923
Thomas A. Stanford,	" 925
Jesse Stanford, et al.,	" 927
Elizabeth G. Smith, et al.,	" 1221
J. R. Stanford, et al.,	" 1222
Joseph Stanford,	" 2703
Ida Milan, et al.,	" 2704
Mollie Reynolds, et al.,	" 2705
Bertie Day, et al.,	" 3199
Albert Sidney Hackler, et al.,	" 3365
Mary C. Riddle, et al.,	" 3366
Joe Milan, et al.,	" 3715
Valeria Cooper, et al.,	" 4005
Topsy Hoff,	" 1567
Vina Cox, et al.,	" 1568
Rubie Nickles, et al.,	" 1924

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 W. C. Stanford, Sr., Carl C. Stanford, Marvin C. Stanford, Mary Hackler, Harriet Jane McBees, John M. McBees, Paul McBees, Ruth McBees, Effie McBees, John Stanford, Mary Blue, James Alfred Blue, Minnie Beulah Blue, William C. Stanford, William L. Stanford, Lizzie E. Stanford, Ethel M. Stanford, Alva J. Stanford, Venice B. Stanford, George A. Stanford, John Henry Stanford, Laura R. Stanford, Pitts Miller Stanford, Richard Stanford, Charlie Stanford, Frankie Stanford, Grady Stanford, J. A. Stanford, Lula May Stanford, Leola Stanford, Thomas A. Stanford, Jesse Stanford, Mary Elizabeth Stanford, Willie V. Stanford, Elizabeth G. Smith, Willie A. Smith, Myrtle O. Smith, Wyatt C. Smith, J. R. Stanford, Harris Stanford, Joseph Stanford, Ida Milan, Luther Milan, Mary B. Milan, Della Milan, Mollie Reynolds, Hughie Reynolds, Grever Reynolds, Minnie Reynolds, Robert L. Reynolds, Bertie Day, Oscar Day, Cora Day, Maud Day, Gracie Day, Ray Day, Albert Sidney Hackler, Lillie Hackler, Mary C. Riddle, Albert L. Riddle, Joe Milan, Malcolm Milan, Valeria Cooper, Ora Cooper, Kate Cooper, Ruth Cooper, Armond Cooper, Willie Cooper, Tenny Hoff, Vina Cox, Andrew Cox, Ester Cox, Rubie Nickles and Pearl Jane Nickles 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 & H 96

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. Neelley.

Commissioner in Charge.

Registered.

COPY.

X G R 1220

Weskegee, Indian Territory, July 21, 1902.

Chester Howe,

Attorney at Law,

Washington, D. C.

Dear Sir:

You are hereby advised that on the 21st day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. C. Stanford, Sr. et al., embracing the following applications for identification as Mississippi Choctaws:

W. C. Stanford, Sr., et al.,	X G R 1220
Mary Hackler,	" 910
Harrist Jane McBe, et al.,	" 911
John Stanford,	" 912
Mary Blue, et al.,	" 913
William G. Stanford, et al.,	" 914
John Henry Stanford,	" 916
Laura R. Stanford,	" 918
Pitts M. Stanford, et al.,	" 921
James A. Stanford, et al.,	" 923
Thomas A. Stanford,	" 925
Jesse Stanford, et al.,	" 927
Elizabeth G. Smith, et al.,	" 1221
J. R. Stanford, et al.,	" 1222
Joseph Stanford,	" 2703
Ida Milan, et al.,	" 2704
Mollie Reynolds, et al.,	" 2705
Bertie Day, et al.,	" 2199
Albert Sidney Hackler, et al.,	" 3363
Mary C. Riddle, et al.,	" 3364
Joe Milan, et al.,	" 3716
Valeria Cooper, et al.,	" 4005
Tempy Hoff,	" 1567
Vina Cox, et al.,	" 1568
Rubie Nichles, et al.,	" 1924

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 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. C. Stanford, Sr., Carl C. Stanford, Marvin G. Stanford, Mary Hackler, Harriet Jane McBee, John M. McBee, Paul McBee, Ruth McBee, Effie McBee, John Stanford, Mary Blue, James Alfred Blue, Minnie Beulah Blue, William C. Stanford, William L. Stanford, Lizzie E. Stanford, Ethel M. Stanford, Alva J. Stanford, Venice B. Stanford, George A. Stanford, John Henry Stanford, Laura R. Stanford, Pitts Miller Stanford, Richard Stanford, Charlie Stanford, Frankie Stanford, Grady Stanford, J. A. Stanford, Eula May Stanford, Leela Stanford, Thomas A. Stanford, Jesse Stanford, Mary Elizabeth Stanford, Willie V. Stanford, Elizabeth G. Smith, Willie A. Smith, Myrtle O. Smith, Wyatt G. Smith, J. E. Stanford, Harris Stanford, Joseph Stanford, Ida Milam, Luther Milam, Mary E. Milam, Della Milam, Mollie Reynolds, Hugh Reynolds, Grover Reynolds, Minnie Reynolds, Robert L. Reynolds, Bertie Day, Oscar Day, Cora Day, Maud Day, Gracie Day, Roy Day, Albert Sidney Hackler, Lillie Hackler, Mary C. Riddle, Albert L. Riddle, Joe Milam, Malcolm Milam, Valeria Cooper, Ora Cooper, Kate Cooper, Ruth Cooper, Armond Cooper, Willie Cooper, Tempy Hoff, Vina Cox, Andrew Cox, Ester Cox, Rubie Nickles and Pearl Jane Nickles 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."

5 1 40

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. Needico.

Commissioner in Charge.

Registered.

COPY.

M C R 1220

Waukegee, Indian Territory, July 21, 1902.

J. O. Peel,

Attorney at Law,

Waco, Texas.

Dear Sir:

You are hereby advised that on the 21st day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. C. Stanford, Sr., et al., embracing the following applications for identification as Mississippi

Chectaws:

	M C R 1220
W. C. Stanford, Sr. et al.,	" 910
Mary Hackler,	" 911
Harriet Jane Mabee, et al.,	" 912
John Stanford,	" 913
Mary Elue, et al.,	" 914
William C. Stanford, et al.,	" 915
John Henry Stanford,	" 916
Laura R. Stanford,	" 917
Pitts M. Stanford, et al.,	" 921
James A. Stanford, et al.,	" 923
Thomas A. Stanford,	" 925
Jesse Stanford, et al.,	" 927
Elizabeth G. Smith, et al.,	" 1221
J. R. Stanford, et al.,	" 1222
Joseph Stanford,	" 2703
Ida Milam, et al.,	" 2804
Mollie Reynolds, et al.,	" 2705
Bertie Day, et al.,	" 3199
Albert Sidney Hackler, et al.,	" 3368
Mary G. Riddle, et al.,	" 3364
Joe Milam, et al.,	" 3715
Valeria Cooper, et al.,	" 4008
Topsy Hoff,	" 1867
Vina Cox, et al.,	" 1868
Rubie Nickles, et al.,	" 1924

J O P #2

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 W. C. Stanford, Sr., Carl C. Stanford, Marvin G. Stanford, Mary Hackler, Harriet Jane McBece, John M. McBece, Paul McBece, Ruth McBece, Effie McBece, John Stanford, Mary Blue, James Alfred Blue, Minnie Beulah Blue, William C. Stanford, William L. Stanford, Lizzie E. Stanford, Ethel M. Stanford, Alva J. Stanford, Venice E. Stanford, George A. Stanford, John Henry Stanford, Laura R. Stanford, Pitts Miller Stanford, Richard Stanford, Charlie Stanford, Frankie Stanford, Grady Stanford, J. A. Stanford, Eula May Stanford, Leola Stanford, Thomas A. Stanford, Jossee Stanford, Mary Elizabeth Stanford, Willie V. Stanford, Elizabeth G. Smith, Willie A. Smith, Myrtle O. Smith, Wyatt G. Smith, J. R. Stanford, Harrie Stanford, Joseph Stanford, Ida Milam, Luther Milam, Mary E. Milam, Della Milam, Mollie Reynolds, Hughie Reynolds, Grover Reynolds, Minnie Reynolds, Robert L. Reynolds, Bertie Day, Oscar Day, Cora Day, Maud Day, Gracie Day, Roy Day, Albert Sidney Hackler, Lillie Hackler, Mary C. Riddle, Albert E. Riddle, Joe Milam, Maleola Milam, Valeria Cooper, Ora Cooper, Kate Cooper, Ruth Cooper Armond Cooper, Willie Cooper, Tempy Hoff, Vina Cox, Andrew Cox, Ester Cox, Rubie Nickles, and Pearl Jane Nickles 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."

7070

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 1220

Muskogee, Indian Territory, July 21, 1902.

The Honorable,

The Secretary of the Interior:

Sir:

There is transmitted herewith the record in the consolidated case of W. C. Stanford, Sr., et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 21, 1902.

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

W. C. Stanford, Sr., et al.,	M C R 1220
Mary Hackler,	" 910
Harriet Jane McBea, et al.,	" 911
John Stanford,	" 912
Mary Blue, et al.,	" 913
William C. Stanford, et al.,	" 914
John Henry Stanford,	" 916
Laura R. Stanford,	" 918
Pitts M. Stanford, et al.,	" 921
James A. Stanford, et al.,	" 923
Thomas A. Stanford,	" 925
Jesse Stanford, et al.,	" 927
Elisabeth G. Smith, et al.,	" 1221
J. R. Stanford, et al.,	" 1222
Joseph Stanford,	" 2703
Ida Milan, et al.,	" 2704
Mollie Reynolds, et al.,	" 2706
Bertie Day, et al.,	" 3199
Albert Sidney Hackler, et al.,	" 3365

Sec. Int. #2

Mary C. Riddle, et al.,	M C R 3364
Joe Milan, et al.,	" 3715
Valeria Cooper, et al.,	" 4005
Tempy Hoff,	" 1567
Vina Cox, et al.,	" 1568
Rubie Nickles, et al.,	" 1924

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


Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

COPY.

M C R 1220

Maizee, Indian Territory, July 21, 1902.

W. C. Stanford, Sr.,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. C. Stanford Sr. et al., embracing the following applications for identification as Mississippi Choctaws:

W. C. Stanford, Sr., et al.,	M C R 1220
Mary Hackler,	" 910
Harriet Jane McBea, et al.,	" 911
John Stanford,	" 912
Mary Blue, et al.,	" 913
William C. Stanford, et al.,	" 914
John Henry Stanford,	" 916
Laura R. Stanford,	" 918
Pitts N. Stanford, et al.,	" 921
James A. Stanford, et al.,	" 923
Thomas A. Stanford,	" 925
Jessie Stanford, et al.,	" 927
Elizabeth G. Smith, et al.,	" 1221
J. R. Stanford,	" 1222
Joseph Stanford,	" 2703
Ida Milan, et al.,	" 2704
Mollie Reynolds, et al.,	" 2705
Bertie Day, et al.,	" 3199
Albert Sidney Hackler, et al.,	" 3368
Mary C. Riddle, et al.,	" 3364
Joe Milan, et al.,	" 3715
Valeria Cooper, et al.,	" 4005
Tempy Hoff,	" 1567
Vina Cox, et al.,	" 1568
Rubie Nickles, et al.,	" 1924

W C S Sr., #8

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 W. C. Stanford, Sr., Carl C. Stanford, Marvin G. Stanford, Mary Hackler, Harriet Jane McBee, John E. McBee, Paul McBee, Ruth McBee, Effie McBee, John Stanford, Mary Blue, James Alfred Blue, Minnie Beulah Blue, William C. Stanford, William L. Stanford, Lizzie E. Stanford, Ethel M. Stanford, Alva J. Stanford, Venice B. Stanford, George A. Stanford, John Henry Stanford, Laura R. Stanford, Pitts Miller Stanford, Richard Stanford, Charlie Stanford, Frankie Stanford, Grady Stanford, J. A. Stanford, Eula May Stanford, Leola Stanford, Thomas A. Stanford, Jesse Stanford, Mary Elizabeth Stanford, Willie V. Stanford, Elizabeth G. Smith, Willie A. Smith, Myrtle O. Smith, Wyatt G. Smith, J. R. Stanford, Harris Stanford, Joseph Stanford, Ida Milam, Luther Milam, Mary E. Milam, Della Milam, Mollie Reynolds, Hughie Reynolds, Grover Reynolds, Minnie Reynolds, Robert L. Reynolds, Bertie Day, Osoar Day, Cora Day, Maud Day, Gracie Day, Roy Day, Albert Sidney Hackler, Lillie Hackler, Mary C. Riddle, Albert L. Riddle, Joe Wilam, Malcolm Milam, Valeria Cooper, Ora Cooper, Kate Cooper, Ruth Cooper, Armond Cooper, Willie Cooper, Temy Hoff, Vina Cox, Andrew Cox, Ester Cox, Rubie Nickles and Pearl Jane Nickles 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."

W O S Br., #8

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.

T. B. Needles.
Commissioner in Charge.

Muskogee, Indian Territory, July 21, 1902.

Mansfield, McKarray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. C. Stanford, Sr., et al., embracing the following applications for identification as Mississippi Choctaws:

W. C. Stanford, Sr. et al.,	M C R 1220
Mary Mackler,	" 910
Harriet Jane McRee, et al.,	" 911
John Stanford,	" 912
Mary Elms, et al.,	" 913
William C. Stanford, et al.,	" 914
John Henry Stanford,	" 916
Laura R. Stanford,	" 918
Pitts E. Stanford, et al.,	" 921
James A. Stanford, et al.,	" 923
Thomas A. Stanford,	" 925
Jesse Stanford, et al.,	" 927
Elizabeth G. Smith, et al.,	" 1221
J. R. Stanford, et al.,	" 1222
Joseph Stanford,	" 2703
Ida Milam, et al.,	" 2704
Mollie Reynolds, et al.,	" 2705
Bertie Day, et al.,	" 3199
Albert Sidney Mackler, et al.,	" 3365
Mary C. Riddle, et al.,	" 3364
Joe Milam, et al.,	" 3715
Valeria Cooper, et al.,	" 4005
Tempy Hoff,	" 1567
Vina Cox, et al.,	" 1568
Rubie Nickles, et al.,	" 1924

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 W. C. Stanford, Sr., Carl C. Stanford, Marvin G. Stanford, Mary Hackler, Harriet Jane McBee, John M. McBee, Paul McBee, Ruth McBee, Effie McBee, John Stanford, Mary Blue, James Alfred Blue, Minnie Beulah Blue, William C. Stanford, William L. Stanford, Lizzie E. Stanford, Ethel M. Stanford, Alva J. Stanford, Venice B. Stanford, George A. Stanford, John Henry Stanford, Laura R. Stanford, Pitts Miller Stanford, Richard Stanford, Charlie Stanford, Frankie Stanford, Grady Stanford, J. A. Stanford, Eula May Stanford, Leola Stanford, Thomas A. Stanford, Jesse Stanford, Mary Elizabeth Stanford, Willie G. Stanford, Elizabeth G. Smith, Willie A. Smith, Myrtle O. Smith, Wyatt G. Smith, J. R. Stanford, Harris Stanford, Joseph Stanford, Ida Milam, Luther Milam, Mary E. Milam, Della Milam, Mollie Reynolds, Maggie Reynolds, Grover Reynolds, Minnie Reynolds, Robert L. Reynolds, Bertie Day, Oscar Day, Cora Day, Maud Day, Gracie Day, Roy Day, Albert Sidney Hackler, Lillie Hackler, Mary C. Riddle, Albert E. Riddle, Joe Milam, Malcolm Milam, Valeria Cooper, Ora Cooper, Kate Cooper, Ruth Cooper, Armond Cooper, Willie Cooper, Tempy Hoff, Vina Cox, Andrew Cox, Ester Cox, Rubie Nickles and Pearl Jane Nickles 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."

M McN & C #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)

T. B. Justice.

Commissioner in Charge.

D.C. 17730.

C o p y.

EAF.

DEPARTMENT OF THE INTERIOR.

Washington, October 2, 1902.

ITD.5884-1902.

L.R.S.

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

Gentlemen:

July 21, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choc-taws, of W. C. Stanford, Sr., and his minor children, Carl C. and Marvin G. Stanford; of Mary Hackler; of Harriet Jane McBee and her minor children, John M., Paul, Ruth and Effie McBee; of John Stanford; of Mary Blue and her minor children, James Alfred and Minnie Beulah Blue; of William C. Stanford and his minor children, William L., Lizzie E., Ethel M., Alva J., Venice B. and George A. Stanford; of John Henry Stanford; of Laura R. Stanford; of Pitts Miller Stanford and his minor children, Richard, Charlie, Frankie and Grady Stanford; of J. A. Stanford and his minor children, Eula May and Leola Stanford; of Thomas A. Stanford; of Jesse Stanford and his minor children, Mary Elizabeth and Willie V. Stanford; of Elizabeth G. Smith and her minor children, Willie A., Myrtle O., and Wyatt G. Smith; of J. R. Stanford and his minor child, Harris Stanford; of Joseph Stan-

ford; of Ida Milam and her minor children, Luther, Mary E. and Della Milam; of Mollie Reynolds and her minor children, Hughie, Grover, Minnie and Robert L. Reynolds; of Bertie Day and her minor children, Oscar, Cora, Maud, Gracie and Roy Day; of Albert Sidney Hackler and his minor child, Lillie Hackler; of Mary C. Riddle and her minor child, Albert L. Riddle; of Joe Milam and his minor child, Malcolm Milam; of Valeria Cooper and her minor children, Ora, Kate, Ruth, Armond and Willie Cooper; of Tempy Hoff; of Vina Cox and her minor children, Andrew and Ester Cox; of Rubie Nickles and her minor child, Pearl Jane Nickles.

The applicants endeavor to trace their descent from one Elizabeth Stanford (nee Paine), alleged to have been a half blood Choctaw Indian; and from Harris, Thomas and Joseph Stanford, alleged to have been quarter blood Choctaw Indians. All of said ancestors are alleged to have resided in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of Choctaw Nation, or that any of said alleged ancestors 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 21, 1902.

Forwarding the papers September 24, 1902, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

--3--

The Department has carefully reviewed the whole record, and finding no reason to disturb your decision, hereby affirms the same.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

C o p y.

Land
45971-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs.

Washington, Sept. 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made July 21, 1902, by 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 in the consolidated Mississippi Choctaw case of W. C. Stanford, Sr., 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 1830.

W. C. Stanford, Sr., applies for the identification of himself and his two minor children, Carl C. and Marvin G; Mary Hackler for herself; Harriet Jane McBee for herself and her four minor children, John M., Paul, Ruth and Effie McBee; John Stanford for himself; Mary Blue for herself and her two minor children, James Alfred and Minnie Beulah; William C. Stanford for himself and his six minor children, William L., Lizzie E., Ethel M., Alva J., Venice B., and George A.; John Henry Stanford for himself; Laura R. Stanford for herself; Pitts Miller Stanford for himself and his four minor children, Richard, Charlie, Frankie and Grady; J. A. Stanford for himself and his

two minor children, Eula May and Leola; Thomas A. Stanford for himself; Jesse Stanford for himself and his two minor children, Mary Elizabeth and Willie V.; Elizabeth G. Smith for herself and her three minor children, Willie A., Myrtle O., and Wyatt G.; J. R. Stanford for himself and his minor child, Harris; Joseph Stanford for himself; Ida Milam for herself and her three minor children, Luther, Mary E., and Della; Mollie Reynolds for herself and her four minor children, Hughie, Grover, Minnie and Robert L.; Bertie Day for herself and her five minor children, Oscar, Cora, Maud, Gracie and Roy; Albert Sidney Hackler for himself and his minor child, Lillie; Mary C. Riddle for herself and her minor child, Albert L.; Joe Milam for himself and his minor child, Malcolm; Valeria Cooper for herself and her five minor children, Ora, Kate, Ruth, Armond and Willie; Tempy Hoff for herself; Vina Cox for herself and her two minor children, Andrew and Ester; and by Rubie Nickles for herself and her minor child, Pearl Jane.

Descent is claimed from Elizabeth Stanford (nee Paine); Harris, Hiram, Thomas or Joseph; Phillip Payne and Rissis Payne.

July 21, 1902, the Commission held that the applicants were not entitled to identification as Mississippi Choctaws.

A careful examination of the records of this office fails to show that any of the above named alleged ancestors complied or attempted to comply with the provisions of the fourteenth article of

the treaty of 1830, or that they or any of them applied to the commissions appointed under 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,

W. A. Jones.

Commissioner.

GAV
D

3 inclosures.

M. C. R. 1220.

Muskogee, Indian Territory, October 14, 1902.

Johnson & Horton,
Attorneys at Law,
Durant, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd 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 W. C. Stanford, Sr., et al., of which decision you were advised by registered mail on the 21st day of July, 1902.

Respectfully,

Commissioner in Charge.

H.C.R. 1220.

Muskogee, Indian Territory, October 14, 1902.

Chester Howe,

Attorney at Law,

#623, F Street, N. W.

Washington, D. C.

Dear Sir:

You are hereby advised that on the 2nd 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 W. C. Stanford, Sr., et al., of which decision you were advised by registered mail on the 21st day of July, 1902.

Respectfully,

Commissioner in Charge.

C

H. C. R. 1220.

Muskogee, Indian Territory, October 14, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd 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 W. C. Stanford, Sr., et al., of which decision you were advised by mail on the 21st day of July, 1902.

Respectfully,

T. D. Wood

Commissioner in Charge.

COF

M. C. R. 1220.

Muskogee, Indian Territory, October 14, 1902.

J. O. Pool, Esq.,
Attorney at Law,
Nocona, Texas.

Dear Sir:

You are hereby advised that on the 2nd 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 W. C. Stanford, Sr., et al., of which decision you were advised by registered mail on the 21st day of July, 1902.

Respectfully,

Commissioner in Charge.

Handwritten mark

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. 1220.

ALLISON L. AVESWORTH,
SECRETARY

Muskogee, Indian Territory, October 14, 1902.

W. C. Stanford, Sr.

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd 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 W. C. Stanford, Sr., et al., of which decision you were advised by registered mail on the 21st day of July, 1902.

Respectfully,



Commissioner in Charge.

M C R 1220
M C R 2705

Muskogee, Indian Territory, July 16, 1906.

Mollie Reynolds,
Caddo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of June 23, 1906, enclosing petition for rehearing of your Mississippi Choctaw application. Said petition has this day been forwarded to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner.

M C R 1220
M C R 2705

Muskogee, Indian Territory, July 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of W. C. Stanford, Sr. et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of July 21, 1902, adverse to the applicants, was, on the same date, forwarded the Department.

October 2, 1902 (I T D 5884-1902), the Department affirmed the decision of said Commission of July 21, 1902.

June 25, 1906, this office received from Mollie Reynolds, Caddo, Indian Territory, one of the applicants in the above consolidated case, a petition for a rehearing of her case. The same is herewith transmitted for the consideration of the Department.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

McM 16/55

1220
M.C.R. 2705.

COPY

Muskogee, Indian Territory, November 14, 1906.

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

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed with this office on June 23, 1906, by Mollie Reynilds of Caddo, Indian Territory, for a rehearing in the consolidated Mississippi Chectaw case of W. C. Stanford, Sr., et al. This case includes the following persons:

W. C. Stanford, Sr.	Carl C. Stanford
Marvin G. Stanford	Mary Hackler
Harriet Jane McBee	John M. McBee
Paul McBee	Ruth McBee
Effie McBee	John Stanford
Mary Blue	James Alfred Blue
Minnie Beulah Blue	William C. Stanford
William L. Stanford	Lizzie E. Stanford
Ethel M. Stanford	Alva J. Stanford
Venice B. Stanford	George A. Stanford
John Henry Stanford	Laura R. Stanford
Pitts Miller Stanford	Richard Stanford
Charlie Stanford	Frankie Stanford
Grady Stanford	J. A. Stanford
Eula May Stanford	Leola Stanford
Thomas A. Stanford	Jessee Stanford
Mary Elizabeth Stanford	Willie V. Stanford
Elizabeth G. Smith	Willie A. Smith
Myrtle O. Smith	Wyatt G. Smith
J. R. Stanford	Harris Stanford.

Chick. L. O. - 2.

Joseph Stanford
Luther Milam
Della Milam
Hughie Reynolds
Minnie Reynolds
Bertie Day
Cora Day
Gracie Day
Albert Sidney Hackler
Mary C. Riddle
Joe Milam
Valeria Cooper
Kate Cooper
Armond Cooper
Tempy Hoff
Andrew Cox
Rubie Nickles

Ida Milam
Mary E. Milam
Mollie Reynolds
Grover Reynolds
Robert L. Reynolds
Oscar Day
Maud Day
Roy Day
Lillie Hackler
Albert L. Riddle
Malcolm Milam
Ora Cooper
Ruth Cooper
Willie Cooper
Vina Cox
Ester Cox
Pearl Jane Nickles

It does not appear that there are any proceedings now pending in this case.

Respectfully,

SIGNED *Tams Rixby.*

Commissioner.

1220
M.C.R. 2705.

COPY

Muskogee, Indian Territory, November 14, 1906.

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

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed with this office on June 23, 1906, by Mollie Reynolds of Caddo, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of W. C. Stanford, Sr., et al. This case includes the following persons:

W. C. Stanford, Sr.
Marvin G. Stanford
Harriet Jane McBee
Paul McBee
Effie McBee
Mary Blue
Minnie Beulah Blue
William L. Stanford
Ethel M. Stanford
Venice B. Stanford
John Henry Stanford
Pitts Miller Stanford
Charlie Stanford
Grady Stanford
Eula May Stanford
Thomas A. Stanford
Mary Elizabeth Stanford
Elizabeth G. Smith
Myrtle O. Smith
J. R. Stanford

Carl C. Stanford
Mary Haekler
John M. McBee
Ruth McBee
John Stanford
James Alfred Blue
William G. Stanford
Lissie E. Stanford
Alva J. Stanford
George A. Stanford
Laura R. Stanford
Richard Stanford
Frankie Stanford
J. A. Stanford
Leola Stanford
Jessee Stanford
Willie V. Stanford
Willie A. Smith
Wyatt G. Smith
Harris Stanford

Choc. L. O. - 2.

Joseph Stanford
Luther Milan
Della Milan
Hughie Reynolds
Minnie Reynolds
Bertie Day
Cora Day
Gracie Day
Albert Sidney Hackler
Mary C. Riddle
Joe Milan,
Valeria Cooper
Kate Cooper
Armond Cooper
Tempy Hoff
Andrew Cox
Rubie Nickles

Ida Milan
Mary E. Milan
Mollie Reynolds
Grover Reynolds
Robert L. Reynolds
Oscar Day
Maud Day
Roy Day
Lillie Hackler
Albert L. Riddle
Malcolm Milan
Ora Cooper
Ruth Cooper
Willie Cooper
Vina Cox
Ester Cox
Pearl Jane Nickles

It does not appear that there are any proceedings now pending in this case.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

M.C.R. 1220.

COPY

Muskogee, Indian Territory, November 14, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is inclosed herewith copy of Departmental letter of November 5, 1906, denying the motion filed with this office on June 23, 1906, by Mollie Reynolds of Caddo, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of W. C. Stanford, Sr., et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

IBA 14-1.

W.C.R. 2705.

COPY

Muskogee, Indian Territory, November 14, 1906.

W. C. Stanford, Sr.,

Caddo, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed with this office on June 23, 1906, by Mollie Reynolds of Caddo, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of W. C. Stanford, Sr., et al.

Respectfully,

Tams Bixby.
Commissioner.

JP
FHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.O. 20686-1906.
48898 LRS

November 5, 1906.

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

Sir:

October 2, 1902, the Department affirmed the decision of the Commission to the Five Civilized Tribes adverse to the applicants in the Mississippi Choctaw case of W. C. Stanford Sr., et. al.

On July 15, 1906, you submitted a motion for rehearing by Mollie Reynolds, one of the applicants in such case.

The motion answers in no particular the requirements of the Department relative to motions for rehearing in Mississippi Choctaw cases. It is not supported by the affidavits of the witnesses proposed to be introduced, and is merely an assertion that evidence can be furnished to show that the claimants are entitled to identification. It is accordingly denied.

A copy of Indian Office letter of October 12, 1906 (Land 62153), submitting your report, is enclosed. The motion and other papers in the case have been sent to the Indian Office for his files.

Respectfully,
E. A. Hitchcock.
Secretary.

Through the Commission
of Indian Affairs.
1 inc. and 4 to Ind. Of.

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

October 12, 1906.

Land.
58660-1902
62153-1903.

The Honorable,
The Secretary of the Interior.

Sir:-

Referring to Departmental letter of October 2, 1902, (I.T.D. 5884-1902), I have the honor to transmit herewith a petition signed by Mollie Reynolds, of Caddo, Indian Territory, one of the applicants in the consolidated Mississippi Choctaw case of W. C. Stanford, et. al., praying for a rehearing in the above entitled case. There is also inclosed the record in the case.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

EBM-KEN.

REFER TO M. C. R. 1220

W. C. Stanford & Co.

Consolidated Case

Phelip Payne or payne
or Payne full
wife
Ressie Payne white
Parents of

Fannie Payne or pane
or Payne
married
Thomas Standford

Harris Standford ^{dece}
wife
Nolly Standford

Joseph Standford

Thomas Standford ^{dece}
wife
Nanny Standford ^{dece}
Marionna Standford ^{dece}

^{m to R}
William C Standford 63 1/8
wife

Elyza R Standford
or Elizabeth

^{m to R}
J. R. Standford 60 1/8
wife

Julia Standford

^{m to R}
Pitts Miller Standford 44 1/8
wife

Mollie E Standford

^{m to R}
John Henry Standford 47 1/8
wife

Clarinda Standford

^{m to R}
William C Standford 44 1/8
wife

Mattie V Standford

^{m to R}
Jesse Standford 31 1/8
wife

Leatha Victoria Standford

Allen Standford

^{m to R}
Elizabeth G. Standford 36 1/16
married

Marion Smith

^{m to R}
Carl C. Standford 18
Marion G. Standford 16

^{m to R}
Harris Standford 13

^{m to R}
Richard Standford 18
Charlie Standford 16

Frankie Standford 8
Grady Standford

^{m to R}
Laura R. Standford 24 1/16

^{m to R}
William L. Standford 15
Lizzie E. Standford 13

Albie M. Standford 11
Alva J. Standford 8

Venice Standford 4
George S. Standford 2

^{m to R}
Elizabeth Standford 9
Willie V. Standford 7

^{m to R}
Willie T. Smith 14
Myrtle O. Smith 12

Myatt G. Smith

Phillip Paine full
wife
Reverie Paine whole
Parent of

Elizabeth Paine Dead
married
Nicom Standford

Mary Standford 66 1/4
married
Jonathan Mackler
Johnston

John or
Jonathan Standford 65 1/4
wife
Jane Standford

Joseph Standford 50 1/4
wife
Jane Standford

Harrist Jome Mackler 41 1/8
married
Jace M'Dee Dead
Harry C Mackler 39 1/8
married
L L Riddle

Sela Mackler Dead
married
James M'Dee

Albert S Mackler 34 1/8
wife
Margaret Mackler

Harrison Standford

Mary Standford 24 1/8
married
James Blue

J. A. Standford 29 1/8
wife
Margaret Standford

Thomas Standford

John M'Dee 10
Paul M'Dee 8
Rold M'Dee 7
Effe M'Dee

Albert L Riddle 13

Charley M'Dee
Teacher, claims school law
applies for identification
of certificates, etc.

Lillie Mackler

James Alfred Blue 2
" Mennie Roulak Blue 6

Eula May Standford 7
" Leta Standford 2

Phillip Paine full
wife
Rice's Son.

Elizabeth Paine
married
Norman Standford

Caroline Standford
married
Theophilus Day

Jane Standford
married
Spencer McGregg

1564
Emmy Standford 60 1/4
married
Carl Hoff

1899
Bertie Day 33 1/8
married
J. Q. Day

1906
Valeria Cooper 31 1/8
married
J. C. Cooper

1905
Mollie Day 28 1/8
married
Wesley Reynolds

1905
Ruby Day 20 1/8
married
Charley Wickles

1911
Ida McGregg 37 1/8
married
Miles L. Milam

1564
Vina Hoff 30 1/8
married
Joseph Cox

1899
Oscar Day 12
Lora Day 10
Maud Day 9
Gracie Day 6
Roy Day 2

1906
Ora Cooper 12
Kate Cooper 10
Ruth Cooper 6
Armond Cooper 3
Willie Cooper 2 m

Hughie Reynolds 10
Eron Reynolds 8
Minnie Reynolds 3
Robert L Reynolds 2

Pearl Jane Wickles 5

1916
Ira Milam 21 1/16
wife
Nannie Milam
Luther Milam 4 1/8
Mary E Milam 15
Hella Milam

Malcolm Milam son

Andrew Cox 7
Ester Cox 4

No. 1220

For Identification as a Mississippi Choctaw.

Alaska, I.T. Date January 8, 1901

Name W. C. Stanford, Sr.

Age 63 Blood $\frac{1}{8}$

Post Office, Kusambh, I.T.

Father: Harris Stanford, d

Mother: Elizabeth " d

Claims through

Father.

wife

Eliza B. Stanford -

Children:

Carl G. " 18

Marvin G. " 16

for self and two
children

Stenographer
Anna Bell



Department of the Interior

Commissioner to the Five-Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

RETURN

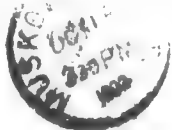
~~W. C. Stanford, Sr.,~~

731

~~Durant,~~

~~Indian Territory~~

Brak again
Wm. C. Stanford
Wm. C. Stanford



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

UNDELIVERED
W. C. Stanford Dr.,
Suwanh
J. J.

1220

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

NOV 7 1902

MUST BE
B P M
1902
RECEIVED



ACTING CHAIRMAN

RECEIVED
NOV 7 1902
DEPARTMENT OF THE INTERIOR

Choctaw MCR 1221

Elizabeth G. Smith

See MCR 1220

MCR 1221

Elizabeth H. Smith

REFUSED

DECISION RENDERED JUL 21 1902

NOTICE OF DECISION FORWARD TO APPLICANT

JUL 21 1902

NOTICE OF DECISION FORWARDED
TO ATTORNEY FOR APPLICANTS

JUL 21 1902

NOTICE OF DECISION MADE BY ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS

RECORD FORWARDED TO DEPARTMENT

ACTION APPROVED BY SECRETARY OF INTERIOR

JUL 21 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

OCT 14 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

OCT 14 1902

REFER TO M. C. R. 1220

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 8, 1901.

In the matter of the application for identification as a Mississippi Choctaw of Elizabeth G. Smith and her three minor children. Elizabeth G. Smith, having been first duly sworn, on her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Elizabeth G. Smith.
 Q What is your age? A Thirty six.
 Q What is your post office address? A Durant, Indian Territory.
 Q How long have you lived in Durant? A About a month.
 Q Where did you live before that? A Texas. McKinney.
 Q How long did you live in Texas? A Born and raised there.
 Q Never lived in Mississippi? A No sir.
 Q What is your father's name? A W. C. Stanford.
 Q And he is living? A Yes sir.
 Q What is your mother's name? A Eliza P. Stanford.
 Q She is living? A Yes sir.
 Q Through which one of these parents do you claim your Choctaw blood?
 A My father.
 Q How much do you claim? A One sixteenth.
 Q Was your father ever recognized by any of the authorities of the Choctaw Nation as a Choctaw citizen? 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 Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
 Q Have you ever been enrolled 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, under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes 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 Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of the Commission? A No sir.
 Q Have you ever prior to this time made application to either the tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
 Q Is this the first application of any kind that you have ever made?
 A Yes sir.
 Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
 Q Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
 Q Do you claim under article fourteen of the treaty of 1830, or under all of the treaties? A Under all of the treaties.
 Q Whatever pertains to the Mississippi Choctaws? A Yes sir.
 Q What was the name of your ancestor who resided in Mississippi in 1830? A Payne.
 Q What is the full name? A I can't call it now. Philip Payne.
 Q Was he a Choctaw Indian? A Yes sir.
 Q Full blood? A I have been taught that.
 Q Have you any documentary evidence showing it? I mean showing that fact? A No sir.
 Q Did your ancestor remove from Mississippi to Indian Territory at the time the Choctaw tribe was moved here by the United States Government from 1833 to 1837? A I don't know.

Smith-2

- Q You have no documentary proof of that? A No sir.
- Q Do you know whether he, within six months after the ratification of the treaty of 1830, signified to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A No sir, I don't know.
- Q You have no evidence of that? A No sir.
- Q Have you any documentary evidence showing that your ancestors ever in any manner complied with the provisions of the fourteenth article of the treaty of 1830? A No sir.
- Q Did any of your ancestors ever claim or receive any lands as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.
- Q Have either you or your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Haskin Smith.
- Q Have you children? A Three.
- Q Males? A Yes sir. Q All unmarried? A Yes sir.
- Q What is the name of the oldest? A Willie A. Smith.
- Q How old is he? A Fourteen.
- Q And the next? A Myrtle O. Smith.
- Q How old? A Twelve.
- Q Next? A Wyatt G. Smith.
- Q How old? A Ten years old.
- Q Haskin Smith is the father of these children? A Yes sir.
- Q You are the mother? A Yes sir.
- Q The basis of their claim is the same as yours? A Yes sir.
- Q You are all living together, husband and children and family? A Yes sir.
- Q Do you wish to introduce your marriage license and certificate? A Yes sir.
- Q Have you it with you? A Yes sir.
- Q Is there anything further that you would like to state in support of your application? A No sir.
- Q Have you any documentary evidence that you would like to file of any kind what ever? A No sir.

D. S. Johnson, attorney for applicant.

- Q There is one question-- they claim under Philip Payne, I want to ask her who her grandmother was? A Fannie Payne.
- Commission: To attorney: Do you want to introduce any documentary evidence? A I want to introduce these papers.

Affidavit of applicant introduced, marked Exhibit "A", made a part of the records in this case; affidavit of Mary Haskler, marked Exhibit "B", introduced and received and made a part of the records in this case; affidavit of Jonathan Haskler, marked Exhibit "C", introduced and made a part of the record in this case; affidavit of William V. Huggins, marked Exhibit "D", filed by the applicant, received and made a part of the records in this case; affidavit of John Albertson, marked Exhibit "E", introduced by the applicant, and received by the Commission and made a part of the records in this case; copy of marriage license between Wyatt H. Smith and certificate between Wyatt H. Smith and Elizabeth Stafford, marked Exhibit "F", filed and made a part of the record in this case.

Applicant: They have my husband's name there Wyatt V. Smith and I gave his name to you as Haskin, does that make any difference? His name is Wyatt Haskin? A It does not make any difference.

Smith-3

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

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above entitled cause on January 8, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 10 day of January, 1901.

Charles H. Sawyer
Notary Public.

COPY.

M C R 1221

Muskogee, Indian Territory, July 21, 1902.

Elizabeth G. Smith,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that on the 21st day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. C. Stanford, Sr., et al., embracing the following applications for identification as Mississippi Choctaws:

W. C. Stanford, Sr. et al.,	M C R 1220
Mary Hackler,	" 910
Harrist Jane McBea, et al.,	" 911
John Stanford,	" 912
Mary Blue, et al.,	" 913
William C. Stanford, et al.,	" 914
John Henry Stanford,	" 916
Laura R. Stanford,	" 918
Pitts K. Stanford, et al.,	" 921
James A. Stanford, et al.,	" 923
Thomas A. Stanford,	" 925
Jessce Stanford, et al.,	" 927
Elizabeth G. Smith, et al.,	" 1221
J. R. Stanford, et al.,	" 1222
Joseph Stanford,	" 2703
Ida Milan, et al.,	" 2704
Mollie Reynolds, et al.,	" 2705
Bertie Day, et al.,	" 3199
Albert Sidney Hackler, et al.,	" 3366
Mary C. Riddle, et al.,	" 3364
Joe Milan, et al.,	" 3715
Valeria Cooper, et al.,	" 4005
Tempy Hoff,	" 1367
Vina Cox, et al.,	" 1368
Rubie Nickles, et al.,	" 1924

10842

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 W. C. Stanford, Sr., Carl C. Stanford, Marvin G. Stanford, Mary Hackler, Harriet Jane McBee, John M. McBee, Paul McBee, Ruth McBee, Ernie McBee, John Stanford, Mary Blue, James Alfred Blue, Minnie Beulah Blue, William C. Stanford, William L. Stanford, Lissie E. Stanford, Ethel M. Stanford, Alva J. Stanford, Venice B. Stanford, George A. Stanford, John Henry Stanford, Laura R. Stanford, Pitts Miller Stanford, Richard Stanford, Charlie Stanford, Frankie Stanford, Grady Stanford, J. A. Stanford, Lula May Stanford, Leola Stanford, Thomas A. Stanford, Jesse Stanford, Mary Elizabeth Stanford, Willie V. Stanford, Elizabeth G. Smith, Willie A. Smith, Myrtle O. Smith, Wyatt G. Smith, J. R. Stanford, Harris Stanford, Joseph Stanford, Ida Milam, Luther Milam, Mary B. Milam, Della Milam, Mollie Reynolds, Hughie Reynolds, Grover Reynolds, Minnie Reynolds, Robert L. Reynolds, Bertie Day, Oscar Day, Gera Day, Maud Day, Gracie Day, Roy Day, Albert Sidney Hackler, Lillie Hackler, Mary C. Riddle, Albert L. Riddle, Joe Milam, Malcolm Milam, Valeria Cooper, Ora Cooper, Kate Cooper, Ruth Cooper, Armond Cooper, Willie Cooper, Tenny Hoff, Vina Cox, Andrew Cox, Ester Cox, Rubie Nickles and Pearl Jane Nickles 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."

1000

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,

GNEY.

T. D. Woodlee.

Commissioner in Charge.

Registered.

MM

REFER IN REPLY TO THE FOLLOWING.

M.C.R. 1221.

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

Muskogee, Indian Territory, November 14, 1906.

Elizabeth C. Smith,
Durant, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed with this office on June 23, 1906, by Mollie Reynolds of Caddo, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of W. C. Stanford, Sr., et al.

Respectfully,



Commissioner.

COPY.

M. C. R. 1221.

Muskogee, Indian Territory, October 14, 1902.

Elizabeth G. Smith,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that on the 2nd 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 W. C. Stanford, Sr., et al., of which decision you were advised by registered mail on the 21st day of July, 1902.

Respectfully,

Commissioner in Charge.

No. 12

For Identification as a Mississippi Choctaw

Alaska, D. T. Date January 8, 1901

Name Elizabeth A. Smith.

Age 36 Blood 1/16

Post Office, Hurant, D. T.

Father: W. C. Stanford l

Mother: Eliza B. " l

Claims through

father

Husband

Walter Smith -

Children:

Willie A. Smith, 14

Myrtle O. " 12

Myrtle G. " 10

for self and children

Stenographer;

Anna O. Bell



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

~~Elizabeth G. Smith,~~

Durant,

~~Indian Territory.~~

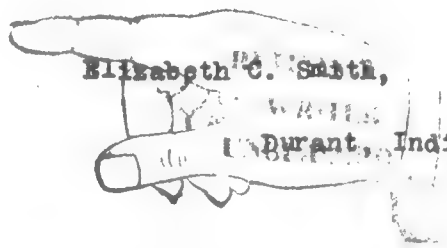
Department of the Interior.

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



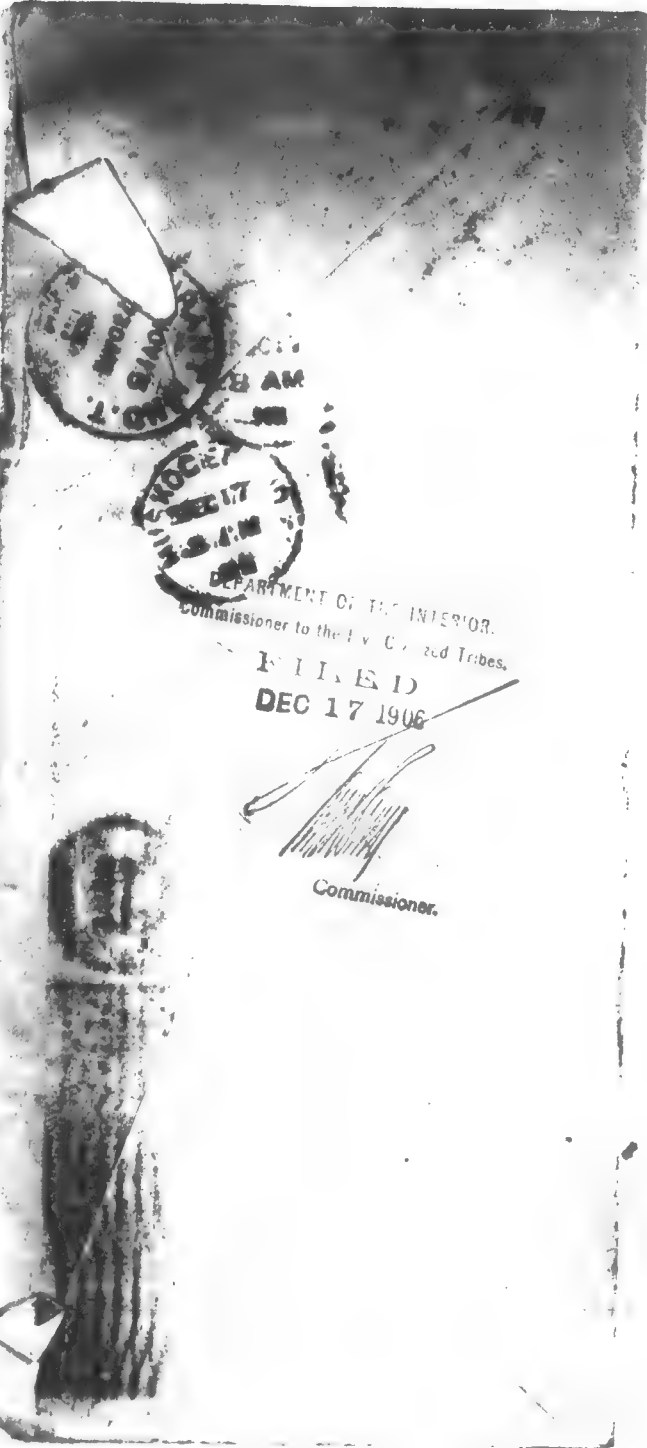
1221

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Elizabeth C. Smith,

Durant, Indian Territory.



DEPARTMENT OF THE INTERIOR,
Commissioner to the Civilized Tribes.

FILED
DEC 17 1906

Commissioner.

Choctaw MCR 1222

J. R. Stanford

See MCR 1220

MCR 1222

MISSION AS
CHOCTAW.

J. R. Stanford

et al

REFUSED

DECISION RENDERED. JUL 21 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 21 1902

NOTICE OF DECISION MAILED
ATTORNEY FOR APPLICANT.

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 21 1902

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR

OCT -2 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

OCT 14 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

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

OCT 14 1902

REFER TO M. C. R. 1220

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 8, 1901.

In the matter of the application of J. R. Stanford for the identification of himself and his minor child as Mississippi Choctaw J. R. Stanford, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Stanford.
 Q What is the full name? A J. R. Stanford.
 Q What is your age? A Sixty. Sixty years old.
 Q What is your post office address? A Bee, Indian Territory.
 Q How long have you lived in Bee? A I aint been there hardly a month.
 Q Where did you live before you lived in Bee? A Lived at Farmersville Collin County.
 Q Texas? A Yes sir.
 Q How long did you live there? A I been living there about ever since before the war except about two years when I was in Wilson County.
 Q And where did you live before you lived there? A I was born in Fannin County.
 Q You were born in Fannin County? A Yes sir.
 Q Always lived there? A Yes sir all except the little time I was in the war.
 Q What is your father's name? A Harris Stanford.
 Q What is your mother's name? A Holly Stanford.
 Q Through which one of your parents do you claim your Choctaw blood?
 A My father's side.
 Q How much? A About an eighth I reckon.
 Q Was your father ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? 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 enrolled 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, under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation?
 A Not that I know of.
 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 the Choctaw tribal authorities or the decision of this Commission?
 A No sir.
 Q Have you ever prior to this time made application to either the tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
 Q Is this the first application you have ever made of any kind?
 A Yes sir.
 Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
 Q Are you making your claim as a beneficiary under the provisions of article fourteen of the treaty of 1830? A Yes sir.
 Q What is the name of your ancestor who lived in Mississippi in 1830 under whom you claimed the right to be identified as a Mississippi Choctaw? A My grandmother was a Payne before she was married to my grandfather; she married a Stanford.
 Q Do you claim under her? A Yes sir; she had a brother by the name of Philip; I claim under him I reckon; her brother.
 Q You claim under her brother; and what was his name? A Philip Payne.
 Q She was your grandmother I think you said? A Yes, Fannie Stanford,

- my grandfather's wife.
- Q Was it Stanford? I thought you said Payne a while ago? Fannie Payne married a Stanford? A Yes sir.
- Q And her brother was Philip Payne? Is that right? A I reckon so.
- Q Well, do you know? You are talking about your ancestors and this is your case? A Well, Philip Payne was her brother.
- Q Was he a Choctaw Indian? A They say he was.
- Q You don't know? A No sir, I guess he was though.
- Q Have you any documentary evidence that he was a Choctaw Indian? A No sir.
- Q Did your ancestor remove from Mississippi to the Indian Territory at the time the Choctaw tribe were moved here by the United States Government in 1833 to '37? A No sir, I reckon not.
- Q Why did your ancestor not remove, together with the other members of the Choctaw tribe? A Can't tell you that; don't know.
- Q Did he, within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I don't know, sir, whether he did or not.
- Q You have no evidence of that fact? A No sir.
- Q Have you any documentary evidence showing that your ancestors ever complied in any manner with the provisions of the fourteenth article of the treaty of 1830? A No sir.
- Q Did any of your ancestors ever claim or receive any land as beneficiaries under the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q Have either you or any of your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A Not that I know of.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Julia Stanford.
- Q Are you making any claim for her? A No sir.
- Q For your children? A One.
- Q Unmarried and a minor? A Yes sir.
- Q What is the name? A Harris Stanford.
- Q H-a-r-r-i-s? A Yes sir.
- Q How old is he? A He is thirteen years old, going on fourteen.
- Q Julia Stanford is his mother? A Yes sir.
- Q And you are his father? A Yes sir.
- Q His claim is the same as yours? A Yes sir, I reckon so.
- Q Have you your marriage license and certificate that you would like to file? A Yes sir, I have got them.
- Q Have you any documents of any kind that you would like to file and make a part of your case?

Affidavit of applicant introduced, marked Exhibit "A", and filed with the records in this case; affidavit of Mary Hackler, marked Exhibit "B", introduced by applicant, filed and made a part of the record in this case; affidavit of Jonathan Hackler, marked Exhibit "C", introduced by applicant, filed and made a part of the records in this case. Affidavit of William V. Huggins, marked Exhibit "D", introduced by applicant, filed and made a part of the records in this case. Affidavit of John Albertson, marked Exhibit "E", introduced, filed, and made a part of the records in the case. Copy of marriage license between J. R. Stanford and Julia Curtis, marked Exhibit "F", introduced, received and made a part of the records in this case.

Attorney for applicant, B. S. Johnson, asks leave to file additional written evidence in this case within twenty days.

Motion granted.

Stanford-3

Q Is there anything further you would like to say in support of your application? A Nothing that I know of.

The decision of the Commission in regard to the application which you make on your own behalf and on behalf of your son for identification as Mississippi Choctaws will be mailed to you at your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the five civilized Tribes she reported in full all proceedings had in the above entitled cause on January 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 14 day of January, 1901.

Charles H. Sawyer

Notary Public.

COPY.

M C R 1222

Muskogee, Indian Territory, July 21, 1902.

J. R. Stanford,

Bee, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. G. Stanford, Sr. et al., embracing the following applications for identification as Mississippi Choctaws:

W. G. Stanford, Sr., et al.,	M C R 1220
Mary Hackler,	" 910
Harriet Jane Moses, et al.,	" 911
John Stanford,	" 912
Mary Blue, et al.,	" 913
William C. Stanford, et al.,	" 914
John Henry Stanford, et al.,	" 915
Laura R. Stanford,	" 916
Pitts N. Stanford, et al.,	" 921
James A. Stanford, et al.,	" 923
Thomas A. Stanford,	" 925
Jessie Stanford, et al.,	" 927
Elizabeth G. Smith, et al.,	" 1221
J. R. Stanford, et al.,	" 1222
Joseph Stanford,	" 2703
Ida Milan, et al.,	" 2704
Mollie Reynolds, et al.,	" 2705
Bertie Day, et al.,	" 3199
Albert Sidney Hackler, et al.,	" 3365
Mary C. Riddle, et al.,	" 3364
Joe Milan, et al.,	" 3715
Valeria Cooper, et al.,	" 4005
Topsy Hoff,	" 1567
Vina Cox, et al.,	" 1568
Rubie Nickles, et al.,	" 1924

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 W. C. Stanford, Sr., Carl C. Stanford, Marvin G. Stanford, Mary Hackler, Harriet Jane McBee, John M. McBee, Paul McBee, Ruth McBee, Effie McBee, John Stanford, Mary Blue, James Alfred Blue, Minnie Beulah Blue, William C. Stanford, William L. Stanford, Lizzie E. Stanford, Ethel M. Stanford, Alva J. Stanford, Venice B. Stanford, George A. Stanford, John Henry Stanford, Laura R. Stanford, Pitts Miller Stanford, Richard Stanford, Charlie Stanford, Frankie Stanford, Grady Stanford, J. A. Stanford, Eula May Stanford, Leola Stanford, Thomas A. Stanford, Jesse Stanford, Mary Elizabeth Stanford, Willie V. Stanford, Elizabeth G. Smith, Willie A. Smith, Myrtle O. Smith, Wyatt C. Smith, J. R. Stanford, Harris Stanford, Joseph Stanford, Ida Milam, Luther Milam, Mary E. Milam, Della Milam, Mollie Reynolds, Hughie Reynolds, Grover Reynolds, Minnie Reynolds, Robert L. Reynolds, Bertie Day, Oscar Day, Cora Day, Maud Day, Gracie Day, Roy Day, Albert Sidney Hackler, Lillie Hackler, Mary C. Riddle, Albert L. Riddle, Joe Milam, Malcolm Milam, Valeria Cooper, Ora Cooper, Kate Cooper, Ruth Cooper, Armond Cooper, Willie Cooper, Tempy Hoff, Vina Cox, Andrew Cox, Ester Cox, Rubie Nickles and Pearl Jane Nickles 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."

1110

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. Woodlee

Commissioner in Charge.

Registered.

COPY

W. C. R. 1222.

Muskogee, Indian Territory, October 14, 1902.

J. M. Stanford,
Bee, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd 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 W. C. Stanford, Sr., et al., of which decision you were advised by registered mail on the 21st day of July, 1902.

Respectfully,

Commissioner in Charge.

mm

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 1222.

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

Muskogee, Indian Territory, November 14, 1906.

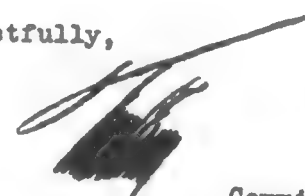
J. R. Stanford,

Bee, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed with this office on June 23, 1906, by Mollie Reynolds of Caddo, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of W. C. Stanford, Sr., et al.

Respectfully,



Commissioner.

No. _____
For Identification as a Mississippi Choctaw.

State, D. T. Date January 8, 1901

Name J. R. Stanford

Age 60 Blood 1/8

Post Office, Bee, D. T.

Father: Harris Stanford 1

Mother: Kelly " 1

Claims through

Father

wife

Julia Stanford -

Children:

Harris Stanford, 13

for self and
son -

Stenographer

Anna Bell

Department of the Interior.

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



J. R. Stanford,

Indian Territory.

Hard Antlers

1222

*Muskegee
BETTER*

DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes

FILED
DEC 17 1906

Commissioner



Choctaw MCR 1223

Luther Alma Rogers

MCR 1223

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 8, 1901.

In the matter of the application of Luther Alma Rogers for the identification of herself and her five minor children as Mississippi Choctaws. Luther A. Rogers, having been first duly sworn, on her oath testifies as follows:

Examination by the Commission.

- Q What is your full name? A Luther Alma Rogers.
 Q What is your age? A Thirty two.
 Q What is your post office address? A Durant, Indian Territory.
 Q How long have you lived at Durant? A About a month.
 Q Where did you live before that? A Peora Texas, Hill County.
 Q How long did you live in Peora? A Six years.
 Q Where did you live before that? A Alabama, Franklin.
 Q How long did you live in Alabama? Born and raised there? A Yes sir.
 Q Never lived in Mississippi? A Right on the edge of Mississippi in Tishomingo County.
 Q What is your father's name? A Fred Anderson Britton.
 Q Is he living? A No sir.
 Q What is your mother's name? A Matilda Britton.
 Q Living or dead? A Living.
 Q Through which one of your parents do you claim Choctaw blood?
 A Father.
 Q How much do you claim? A An eighth. It is not the Britton name it comes through, it comes on his mother's side; Gates is the name it comes in on.
 Q You claim through your father's mother's side? A Yes sir. Her father and mother was both Choctaws.
 Q Was your father ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? A No sir, 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 enrolled by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.
 Q Did you or did any one for you in 1896 under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir, not that I know of.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission? A No sir.
 Q Have you ever prior to this time made application to either the tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
 Q Is this the first application you have ever made of any kind?
 A Yes sir.
 Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
 Q Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Well, under all.
 Q What was the name of your ancestor who resided in Mississippi in 1830? A Gates, my grandmother, Katherine Gates, she was a Hampton before she married Gates; my great grandfather's name was Philip Gates.
 Q And under whom do you claim the right to be identified now? A Gates
 Q Well, which Gates? A Philip Gates.

- Q Was he a Choctaw Indian? A Three fourths.
- Q Have you any documentary evidence showing such to be the fact?
- A Well, I don't know-- no sir, only just what I have heard them say.
- Q Did your ancestor remove from Mississippi to the Indian Territory at the time the Choctaw tribe were removed here by the United States government from 1833 to 1837? A No sir.
- Q They didn't? A No sir.
- Q Why did your ancestors not remove together with the other members of the Choctaw tribe? A Well, my grandmother she married a white man and of course he would not come; I think there were some of her people come but she didn't.
- Q Did your ancestor, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw Indians in Mississippi her intention to remain in Mississippi and become a citizen of the United States? A I don't know, sir.
- Q You have no evidence of that fact? A No sir.
- Q Have you any documentary evidence showing that your ancestors ever complied in any manner with the provisions of the fourteenth 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 fourteenth article of the treaty of 1830? A Not that I know of.
- Q Have you or any of your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Jacob Rogers.
- Q Do you make any application for him? A No sir.
- Q Have you children under age and unmarried? A Five.
- Q Under age and unmarried? A Yes sir.
- Q What is the name of the oldest? A Oscar; Oscar Rogers.
- Q How old? A Fourteen.
- Q The next? A Pearl.
- Q How old? A Twelve.
- Q Next? A Hosie? Q How old? A Ten.
- Q Next? A Rufus Webb? Q How old? A Four.
- Q Next? A Volver? Q How old? A About one year old.
- Q These are all your children and Jacob Rogers is the father? A Yes sir.
- Q You and he are living together, I suppose, as man and wife?
- A Yes sir.
- Q Have you any documents that you desire to file at this time and make a part of your application? A Yes sir I have some; this here.

Application of Luther Alma Rogers, marked Exhibit "A", introduced and filed as a part of the record in this case.
Affidavit of John Hampton Britton marked exhibit "B" introduced by applicant, filed and made a part of the record in this case.

Motion is made by B. S. Johnson, counsel for applicant, for leave within twenty days to file other documentary evidence in support of the claim of the applicant.

Motion is granted.

- Q Do you wish to file your marriage license? A Well, I can't get the certificate, the court house is burnt; I can get the proof.

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

Page 1

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on January 8, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 14 day of January, 1901.

Charles Kelanper

Notary Public.

NOT FOR PUBLICATION

W.O.R. 1233.

Muskogee, Indian Territory, August 27, 1902.

Luther A. Rogers,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th inst., in which you state that you appeared before the Commission in January, 1901, and that you have been advised "to take land", that you now have "a chance to get some land and want the advice of the Commission."

In reply, you are advised 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, having submitted such application on January 3, 1901.

The Commission has not up to this time rendered its decision relative to the right of yourself and children to be identified as Mississippi Choctaws, but it is probable a decision will be rendered in the near future. Upon the rendition thereof, 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 present status of yourself and children is that of

L A R 2

applicants for identification as Mississippi Choctaws, whose right to such identification has in no manner been determined.

Relative to that part of your letter asking to be advised whether you can locate on land in the Choctaw-Chickasaw country, your attention is invited to the following provision of the act of Congress approved May 31, 1900:

"Provided; 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 that the benefits of this legislation will in any manner accrue to an applicant for identification as a Mississippi Choctaw until duly identified as such by the Commission to the Five Civilized Tribes, and that yourself and children are not at this time entitled in any manner to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

The agreement recently entered into between the government of the United States and the Choctaw and Chickasaw Nations as affirmed by the act of Congress approved July 1, 1903, further defines the limit of time in which duly identified Mississippi Choctaws must remove to and make settlement within the Choctaw-Chickasaw country in order to receive the benefits of such

L A R 8

identification, such provision being as follows:

"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 Stat., 498) 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 proof of such settlement within the Choctaw-Chickasaw country, and upon 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."

And further:

"When such Mississippi Choctaw shall have in good faith continuously resided upon the lands of the Choctaw and Chickasaw Nations for a period of three years, including his residence thereon before and after such enrollment, he shall, upon due proof of such continuous, bona fide residence, made in such manner and before such officer as may be designated by the Secretary of the Interior, receive a patent for his allotment, as provided in the Atoka agreement, and he shall hold the lands allotted to him as provided in this agreement for citizens of the Choctaw and Chickasaw Nations."

This agreement is not effective at this time, being subject to ratification by the citizens of the two nations at a special election to be held September 28, 1902.

We cannot presume at this time to render any opinion upon the probable identification of yourself and children as Mississippi Choctaws. We can only advise you that the decision of the Commission will be rendered upon such evidence as is submitted in support of your application.

Yours truly,

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.

REFER IN REPLY TO THE FOLLOWING

M.C.N. 1222

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 15, 1902.

Luther Alma Rogers,

Durant, Indian Territory

Dear Madam:-

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

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emly Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John R. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.,	M C R 4438
Josie Cox, et al.,	M C R 5081
Eva Hardy, et al.,	M C R 5120
John H. Britton,	M C R 3605
Arthur E. Britton, et al.,	M C R 3606
Alice N. Sanders, et al.,	M C R 4439
Luther Alma Rogers, et al.,	M C R 1223
William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.,	M C R 3616
Sarah Wilson Dye, et al.,	M C R 3612
Buena Vista Ivey, et al.,	M C R 3615
Add Benton Britton, et al.,	M C R 3820
William Robert Britton, et al.,	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

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 William H. Gates, Sarah (A) Lytal, Virder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emly Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunis Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Amie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallmage Britton, Billy O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Verver Rogers, William Clifton Britton, Mertie Blanch Britton, Pearlie Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, Add Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox 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 William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married 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 for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

SIGNED, *I. B. Needles.*
Commissioner in Charge.

COPY,

M.C.R. 1221

Waskogen, Indian Territory, December 22, 1902.

Luther Allen Rogers,

Durant, Indian Territory.

Dear Madam:

You are hereby notified that on the 12th day of December, 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 H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

Texas Rimb...
Acting Chairman.

MUR-1225

Muskogee, Indian Territory, October 19, 1906.

Luther Alma Rogers,
Durant, Indian Territory.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

No. 159 B "R.V."



2720



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

Luther Alma Rogers
Surrent
J.F.

1228

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 19 1902


ACTING CHAIRMAN



Handwritten signature

No. 1223

For Identification as a Mississippi Choctaw.

Alaska I. T. Date January 8, 1901

Name Luther Alma Rogers

Age 32 Blood $\frac{1}{8}$

Post Office, Klucant, I. T.

Father: Fred Anderson Britton

Mother: Matilda " I

Claims through

Father
Henson
Jacob Rogers.

Children:

Oscar Rogers	14
Paul "	12
Nozie "	10
Rufus Webb "	4
Velour	1

app for self and
children.

Stenographers
Anna Bell

NOTICE OF DECISION MAILED APPLICANT

OCT 15 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS

OCT 13 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS

OCT 15 1902

RECORD FORWARDED DEPARTMENT

OCT 31 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

DEC 12 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

DEC 29 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

DEC 29 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

DEC 29 1902

REFER TO M. C. R. 3287

Choctaw MCR 1224

Luella Gutsinger

MCR 1224

Luella Gutsinger et al

REFUSED

DECISION RENDERED. JUL 28 1902

NOTICE OF DECISION MADE BY APPLICANT:

JUL 28 1902

NOTICE OF DECISION MADE BY APPLICANT
FOR CHECKING AND CHECKING BY NATIONALS.

JUL 28 1902

RECORD FORWARDED DEPARTMENT.

JUL 28 1902

ACTION APPROVED BY SEC. OF INTERIOR.

OCT 20 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOV 7 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO COMMISSIONER OF TAW
AND CHECKED BY NATIONALS.

1902

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

**In the matter of the application of Luella Gotsinger
et al., for identification as Mississippi Choctaws. M.C.R. 1234.**

List of papers forwarded to the Secretary of the Interior
comprising the record in the above entitled case.

Original application of Luella Gotsinger,
et al., to the Dawes Commission for iden-
tification as Mississippi Choctaws.....1

Written petition of Luella Gotsinger.....6

Minutes of the Commission covering the
application of Luella Gotsinger, et al.,
for identification as Mississippi Cho-
ctaws.....7

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 8, 1901.

In the matter of the application of Luella Cutsinger for the identification of herself and her two minor children as Mississippi Choctaws. Luella Cutsinger, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your full name? A Luella Cutsinger.
 Q What is your age? A Twenty five.
 Q What is your post office address? A South McAlester, Indian Territory.
 Q How long have you lived in South McAlester? A Why, I have lived there three years now.
 Q Where did you live before that? A You mean where is my native home?
 Q No, where did you live before you lived in South McAlester.
 A Why, I lived back east on the Frisco road, about seventy miles from South McAlester.
 Q In Indian Territory? A Yes sir, near Wister Junction.
 Q Where did you live before that time? A I lived farther east in the Choctaw Nation.
 Q How long have you lived in Indian Territory? A About seventeen years.
 Q Have not been out? A No sir.
 Q Where did you live before that time? A In Mississippi.
 Q Were you born in Mississippi? A Yes sir.
 Q Where did you live in Mississippi? A Ellawamba County.
 Q What is your father's name? A John Thomas.
 Q Is he living? A No sir.
 Q What is your mother's name? A Laurinda Thomas.
 Q Is she living? A No sir.
 Q Under which one of your parents do you claim Choctaw blood?
 A My mother.
 Q How much do you claim? A One eighth.
 Q Was your mother ever recognized by any of the authorities of the Choctaw Nation as a Choctaw citizen? A No sir, she was not.
 Q Is your name on any of the tribal rolls of the Choctaw Nation?
 A No sir, not that I know of.
 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 enrolled 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, under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation?
 A No sir, not that I know of.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory, on appeal from the decision of the tribal authorities or of this Commission?
 A No sir.
 Q Have you ever before this time made application to either the tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
 Q Is this the first application you have ever made of any kind?
 A Yes sir.
 Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
 Q Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
 Q What is the name of your ancestor who lived in Mississippi in 1830

- under whom you now claim the right to identification as a Mississippi Choctaw? A Downs.
- Q What is the full name? A I can't tell you, my great grandfather and I was small and don't remember his given name.
- Q Was he a Choctaw Indian? A Yes.
- Q Full blood? A Yes sir, he was something near a full blood.
- Q Have you any documentary evidence showing such to be the fact? A No sir, I haven't.
- Q Did your ancestor remove from Mississippi to the Indian Territory at the time the Choctaw tribe was moved here by the United States Government in 1833 to 1837? A No sir.
- Q Why did he not remove here with the other members of the Choctaw tribe? A Well, I couldn't tell you why. He, I suppose, wanted to live there that was his choice.
- Q Did he within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I didn't understand you exactly.
- Q Did he within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent of the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States.
- A Yes sir, I suppose he did.
- Q Have you evidence of that fact? A No sir, I have not.
- Q Have you any documentary evidence showing that your ancestors ever in any manner complied with the provisions of the fourteenth 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 fourteenth article of the treaty of 1830? A In Mississippi?
- Q Yes? A Yes sir, I suppose he did.
- Q Have you any proof that he did? A No sir, I haven't any.
- Q What makes you think he did? A Well, I don't know; I could not say for sure but he had land there and I suppose maybe he---
- Q You don't know whether he got it as a beneficiary under article fourteen of the treaty do? A No sir, I don't; I didn't just exactly understand you at first.
- Q Do you understand the question now plainly? The question is: I will put it a little plainer, is, if he received land in Mississippi or made application for land in Mississippi from the United States Government as a beneficiary under any of the articles of the treaty of 1830? A No sir, not that I know of, he didn't.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A William Cutsinger.
- Q Do you make application for him? A No sir.
- Q Do you make application for any one beside yourself? A Yes sir, my two children.
- Q What is the name of the oldest? A Elmer.
- Q How old? A Seven years.
- Q The next? A Tolbert Cutsinger.
- Q How old? A Eleven months.
- Q William Cutsinger is the father of these two children? A Yes sir.
- Q You are the mother? A Yes sir.
- Q The basis of their claim is the same as your? A Sir?
- Q I say the basis of their claim is the same as yours? They claim through you? A Yes sir.
- Q Is there anything further you would like to state in support of your application and the application you make for these two children? A No sir, I suppose not.
- Q Have you any documentary evidence of any kind that you desire to submit to the Commission for its consideration at this time?

Cutsinger-5

Here L. P. Hudson, attorney for applicant, asks leave to file additional testimony in support of this claim within twenty days.

Motion granted.

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

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on January 8, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 14 day of January, 1901.

Charles K. Sawyer,
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Asst. Secy
J. R. B.
D. S. W.

In the matter of the application of Lucilla Gotsinger
et al., for identification as Mississippi Choctaws. M.C.R. 1824.

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

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Lucilla Gotsinger for herself and her two minor children, Elmer and Volbert Gotsinger, under the following provisions of the act of Congress approved June 23, 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

(8).

Twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one _____ Downs (first name not given), who is alleged to have been a fullblood Choctaw Indian, and Elizabeth Downs, who is alleged to have been a Choctaw Indian (degree of blood not given) both of whom are alleged 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 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, 1894, (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 said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said _____ Downs, Elizabeth Downs, or any 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., 120), and August 23, 1848, (9 Stat., 613).

It is, therefore, the opinion of this Commission that

(3).

the evidence herein is insufficient to determine the identity of
Luella Gotsinger, Elmer Gotsinger and Volbert Gotsinger, as Cheateau
Indians entitled to rights in the Cheateau lands under the provisions
of said article fourteen of the Treaty of 1839, and that the applica-
tion for their 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 28 1902

Muskogee, Indian Territory, March 20, 1901.

M. A. German,

Kennedy, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant in which you desire information relative to the claim of Ella Cutsinger, applicant for identification as a Mississippi Choctaw.

Replying to your letter you are informed that the records of this Commission show that on January 8th, 1901, Luella Cutsinger 25 years of age, of South McAlester, Indian Territory, appeared before the Commission at Atoka, Indian Territory, and made application for identification as a Mississippi Choctaw and also made application for the identification of her two minor children as Mississippi Choctaws.

The Commission has not up to this time rendered a decision in the matter of this application but anticipates doing so in the near future, when a copy of the same, stating fully therein the reason for any action that may be taken by the Commission, will be mailed to Mrs. Cutsinger at her post-office address.

Yours truly,

Acting Chairman.

M. C. R-1224

COPY.

M. C. P. 1234

Muskogee, Indian Territory, July 25, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Luella Gutsinger, et al, applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 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. Noedles.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

M.C.A. 1224

COPY.

Muskogee, Indian Territory, July 26, 1908.

Messrs 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 July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of Luella Cutsinger, 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 Luella Cutsinger, Elmer Cutsinger and Tolbert Cutsinger, 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 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

W. Hall & Co.

action as may be taken by him.

Yours truly,

SIGNED,

T. B. Needles.

Commissioner in Charge

COPY

W.D. No. 1000

Washoe, Indian Territory, July 28, 1902.

Luella Cutsinger,
South McAlester, Indian Territory.

Dear Madam:

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 Luella Cutsinger, et al., applicants for identification as Mississippi Choctaws.

This application was 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 Luella Cutsinger, Elmer Cutsinger and Tolbert Cutsinger, 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 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

Yours sincerely,

Yours truly,

Yours truly,

SIGNED

T. B. Needles

Commissioner in Charge

Registered

NOV 1902

Mustagee, Indian Territory, August 9, 1902.

Leslie G. Galt,

North McAlester, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 3rd inst., relative to the decision of the Commission in the matter of your application for the identification of yourself and minor children as Mississippi Choctaws.

We can render you no further information in regard to this matter than to advise you that the Commission has refused your application for the identification of yourself and minor children as Mississippi Choctaws, and the record in the 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 thereof.

Yours truly,

Acting Chairman.

COPY.

Land
45,525-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

WASHINGTON,

October 7, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the Mississippi Choctaw case of Luella Cutsinger for the identification of herself and her two minor children, Elmer and Talbert Cutsinger as Mississippi Choctaw Indians.

The principal applicant herein files a written application with the commission setting out that she is a Choctaw Indian by blood and a lineal descendant of Elizabeth Downs who was a Choctaw Indian and who, during her lifetime, resided in the State of Mississippi and was one of the Choctaw Indians who elected to remain in the State of Mississippi when a large portion of said tribe removed to the Indian Territory.

The applicant further states that the said Elizabeth Downs was the mother of Lucinda Gilmore who married John Thomas and who are the parents of this applicant.

There is no record evidence which furnishes any proof that the said Elizabeth Downs or any of the ancestors of the applicant ever complied or attempted to comply with the provisions of the 14th

article of the treaty of 1830 or that they ever received a patent for land thereunder.

There is no office record of any compliance or attempted compliance with the provisions of said article on the part of said Elizabeth Downs or of any person by the name of Downs, nor is there any office record of any patent for land ever having been issued to any person by the name of Downs under the provisions of said 14th article.

The record evidence shows that none of these applicants are of the full blood. It is therefore considered by the office that the decision of the commission finding that the evidence is insufficient to identify the applicants as Chestaw Indians is correct, and it is hereby recommended that the same be approved and affirmed by the Department.

Very respectfully,

Your obedient servant,

A.C. Tenner,

Acting Commissioner.

(W.C.B.)

P.

D. C. 19738

Copy.

RAF.

DEPARTMENT OF THE INTERIOR.

ITD. 6268-1902.

WASHINGTON?

October 20, 1902.

LRS.

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

Gentlemen:

July 28, 1902, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Luella Cutsinger and her minor children, Elmer and Telbert Cutsinger.

The applicants endeavor to trace their descent from one Downs, whose first name is not given, and who is alleged to have been a full blood Choctaw Indian, and one Elizabeth Downs, an alleged Choctaw Indian, both of whom are said to have resided 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 either of said alleged ancestors, or a less remote ancestor 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 application July 28, 1902.

The Acting Commissioner of Indian Affairs forwarded the papers October 7, and recommended approval of your decision. A copy

of his letter is inclosed. Finding no reason to distrust your decision after a careful review of the record, the Department affirms the same.

Respectfully,

(Signed)

E. A. Hitchcock.
Secretary.

EMD.

1 inclosure.

COPY,

M. C. N. 1224.

Muskogee, Indian Territory, November 7, 1902.

Luella Oatsinger,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that on the 20th day of October, 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 Luella Oatsinger, et al., of which decision you were advised by registered mail on the 28th day of July, 1902.

Respectfully,

(SIGNED)

Tamm Bixby.

Acting Chairman.

COPY.

H. C. S. 1224.

Muskogee, Indian Territory, November 7, 1902.

Mansfield, McFarrey & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 20th day of October, 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 Luella Cutsinger, et al., of which decision you were advised by mail on the 28th day of July, 1902.

Respectfully,

(SIGNED)

Thomas C. ...
Acting Chairman.

H.C.R. 1884.

Muskogee, Indian Territory, February 4, 1903.

Luella Cutsinger,

South McAlester, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 24th ultimo, in which you ask that your case be reopened and that you be permitted to introduce additional testimony in support of your claim.

In reply to your letter, you are informed that the Secretary of the Interior, on October 20, 1902, having approved the decision of this Commission refusing the right of yourself and children to be identified as Mississippi Choctaws, the Commission considers the case closed; and cannot receive or consider further evidence therein.

Respectfully,

Acting Chairman.

COPY.
DEPARTMENT OF THE INTERIOR.
WASHINGTON.

JP
VHE

I T D 3447- 1903.
D.C. 10829
L R S

April 8, 1903.

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

Gentlemen:

There has been filed by Luella Cutsinger, F. V Sprinkle, attorney (no address given), an affidavit executed by T. D. Taylor, Notary Public, in the form of a motion for rehearing in the matter of her application for identification as a Mississippi Choctaw, apparently involved in the case disposed of by the Department October 20, 1902, in a letter to you.

It is requested that you advise the party that any motion for rehearing should be in the form of an affidavit, and should show what means of knowledge the witnesses proposed to be introduced had as to the actions of the alleged ancestor who it is claimed complied or attempted to comply with the 14th article of the treaty of September 27, 1830; that evidence can be produced to show that such ancestor was the head of a family and did signify his intention to become a citizen of the States within the limits

prescribed by the Treaty of 1830, and that such witnesses would be able to show the time of such ancestor's application to be registered, and the conversation and circumstances relating to it; unless, the applicant claims to be entitled to identification under section 41 of the act of July 1, 1902 (32 Stat., 641), as a full blood or the descendant of a full blood, in which case he must show specifically in what manner and by whom he expects to prove his right, and what the witnesses proposed to be introduced would testify.

Respectfully,

(signed)

THOS RYAN,
Acting Secretary.

COPY.
DEPARTMENT OF THE INTERIOR.
WASHINGTON.

JP
FILE

I T D 3447- 1903.
D.C. 10329
L R S

April 8, 1903.

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

Gentlemen:

There has been filed by Luella Cutsinger, F. V Sprinkle, attorney (no address given), an affidavit executed by T. D. Taylor, Notary Public, in the form of a motion for rehearing in the matter of her application for identification as a Mississippi Choctaw, apparently involved in the case disposed of by the Department October 20, 1902, in a letter to you.

It is requested that you advise the party that any motion for rehearing should be in the form of an affidavit, and should show what means of knowledge the witnesses proposed to be introduced had as to the actions of the alleged ancestor who it is claimed complied or attempted to comply with the 14th article of the treaty of September 27, 1830; that evidence can be produced to show that such ancestor was the head of a family and did signify his intention to become a citizen of the States within the limits

-2-

prescribed by the treaty of 1830, and that such witnesses would be able to show the time of such ancestor's application to be registered, and the conversation and circumstances relating to it; unless, the applicant claims to be entitled to identification under section 41 of the act of July 1, 1864 (Stat., 541), as a full blood or the descendant of a full blood, in which case he must show specifically in what manner and by whom he expects to prove his right, and what the witnesses proposed to be introduced would testify.

Respectfully,

(signed)

THOS RYAN.
Acting Secretary.

Muskogee, Indian Territory, April 18, 1903.

Luella Cutsinger,

South McAlester, Indian Territory.

Dear Madam:

The Commission is in receipt of a communication from the Secretary of the Interior, dated April 8, 1903, relative to an affidavit executed by T. D. Taylor, notary public, in the form of a motion for a rehearing in the matter of your application for identification as a Mississippi Choctaw.

The Secretary of the Interior in his letter states:

"It is requested that you advise the party that any motion for rehearing should be in the form of an affidavit, and should show what means of knowledge the witnesses proposed to be introduced, had as to the actions of the alleged ancestor who it is claimed complied or attempted to comply with the 14th article of the treaty of September 27, 1830; that evidence can be produced to show that such ancestor was the head of a family and did signify his intention to become a citizen of the States within the limits prescribed by the treaty of 1830, and that such witnesses would be able to show the time of such ancestor's application to be registered, and the conversation and circumstances relating to it; unless, the applicant claims to be entitled to identification under section 41 of the act of July 1, 1902 (32 Stat., 641), as a full blood or the descendant of a full blood, in which case he must show specifically in what manner and by whom he expects to prove his right, and what the witnesses proposed to be introduced would testify."

You are advised that the Commission will, up to and inclusive of May 18, 1903, receive for transmission to the Secretary of the Interior a motion, in the form of an affidavit duly executed

in conformity with the instructions of the Secretary of the Inter-
ior above quoted, for a rehearing in your case.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 18, 1903.

T. V. Sprinkle,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

The Commission is in receipt of a communication from the Secretary of the Interior, dated April 8, 1903, relative to an affidavit executed by T. D. Taylor, notary public, in the form of a motion for a rehearing in the matter of the application of Luella Cutsinger for identification as a Mississippi Choctaw.

The Secretary of the Interior in his letter states:

"It is requested that you advise the party that any motion for rehearing should be in the form of an affidavit, and should show what means of knowledge the witnesses proposed to be introduced, had as to the actions of the alleged ancestor who it is claimed complied or attempted to comply with the 14th article of the treaty of September 27, 1830; that evidence can be produced to show that such ancestor was the head of a family and did signify his intention to become a citizen of the States within the limits prescribed by the treaty of 1830, and that such witnesses would be able to show the time of such ancestor's application to be registered, and the conversation and circumstances relating to it; unless, the applicant claims to be entitled to identification under section 41 of the act of July 1, 1902 (32 Stat., 641), as a full blood or the descendant of a full blood, in which case he must show specifically in what manner and by whom he expects to prove his right, and what the witnesses proposed to be introduced would testify."

You are advised that the Commission will, up to and inclusive of May 18, 1903, receive for transmission to the Secretary

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of the Interior a motion, in the form of an affidavit duly executed in conformity with the instructions of the Secretary of the Interior above quoted, for a rehearing in this case.

Respectfully,

Chairman.

1884

Madame, Indian Territory, May 2, 1884.

Springer & Seal,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the affidavits of
Mrs. Lucilla Outlinger and E. W. Fry, in the form of a petition for
a showing in the Mississippi Choctaw case of Lucilla Outlinger,
et al. The same have this day been transmitted to the Secretary
of the Interior.

Respectfully,

Chairman.

Washburne, Indian Territory, May 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the Mississippi Choctaw case of Luella Gotsinger, et al., the record therein, together with the decision of the Commission refusing said application, was on July 26, 1902, transmitted to the Department.

On October 20, 1902, the Department approved the decision of the Commission in this case, and on November 7, 1902, the applicants were notified of such departmental action.

On this date the Commission received from Sprinkel & Oneal, attorneys for the applicant, Luella Gotsinger, the affidavits of said applicant and T. V. Fry, in the form of a petition, for a rehearing in this case. The affidavits are herewith transmitted.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

D.C. 10450

Copy
DEPARTMENT OF THE INTERIOR.
WASHINGTON.

TP. FHE.

I.T.D. 4504-1903.
LRS.

May 21, 1903.

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

Gentlemen:

May 5, 1903, you transmitted the affidavits of Luella Cutsinger and T. W. Fry in the form of a petition for rehearing in the case of Luella Cutsinger, et al., applicants for identification as Mississippi Choctaws.

The main allegation in these affidavits is that the alleged ancestor through whom the applicants claim, is a Choctaw Indian by blood. Admitted that such ancestor was a Choctaw Indian, that fact alone would not entitle the applicants to identification. It is true that Fry states that at one time in the State of Alabama, in conversation with John Downs and his wife, Elizabeth Downs, the alleged ancestor, to the best of his recollection that Downs stated to him that he and his wife "had been on a trip to the State of Mississippi to enroll before the agent appointed by the United States Government, in order that they might prove up on their land and get what belonged to them under the 14th article of the treaty of 1830".

Even if this witness and others could give such testimony before you, it would not be sufficient to show any compliance or attempted compliance with the 14th article of the treaty of 1830. The motion is denied for these reasons and further, because the atten-

-2-

neys presenting the same, Thomas Vincent Sprinkle and Ray Alva-
dore Onzal, have never been admitted to practice before the Depart-
ment.

A copy of the Acting Commissioner of Indian Affairs letter
of May 16, 1903, transmitting your communication, is inclosed.

Respectfully,

THOS. RYAN.

Acting Secretary.

1 inclosure.

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30157-1903.

Copy
Department of the Interior,
Office of Indian Affairs,
Washington, May 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a communication from the Commission to the Five Civilized Tribes dated May 5, 1903, in which it states that "in the matter of the Mississippi Choctaw case Luella Cutsinger, et al., the record therein together with the decision of the Commission refusing said application was on July 28, 1902, transmitted to the Department.

On October 20, 1902, the Department approved the decision of the Commission in this case and on November 7, 1902, the applicants were notified of such departmental action.

On this date the Commission received from Sprinkel & Oneal attorneys for the applicant, Luella Cutsinger, the affidavit of said applicant and T. W. Fry in the form of a petition for a rehearing in this case, the affidavits are herewith transmitted."

In connection with this matter the office finds that on April 8, 1903, the Department in its letter to the Commission of that date (I.T.D. 3447-1903), requested, the Commission to advise said Luella Cutsinger that any motion for rehearing should be in the form of an affidavit and should show what means of knowledge the witness, proposed to be introduced, had as to the action of the alleged ancestor who it is claimed complied or attempted to comply

-2-

with the 14th article of the treaty, September 27, 1830. While the Commission makes no reference to this departmental instruction in its said letter the office presumes that the enclosed affidavits are the result of said departmental instructions aforesaid.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

W.C.B. -R.

K O B 1224

Muskogee, Indian Territory, July 19, 1903.

Sprinkle & Untal,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the motion heretofore made before the Secretary of the Interior to re-open the application of Mrs. Lucila Gutsinger for the identification of herself and minor children, was denied by the Department on May 21, 1903; a copy of the letter of the Secretary of the Interior being herewith enclosed.

Respectfully,

M C R 1224

Muskogee, Indian Territory, September 26, 1903.

Luella Cutsinger,

South McAlester, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 21st ultimo, in which you ask that the name of T. V. Sprinkel be entered as your attorney of record in your application for identification as a Mississippi Choctaw.

In reply you are informed that it appears from our records that on October 20, 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 duly advised on November 7, 1902.

~~You are further informed that on July 12, 1903, Messrs.~~
Sprinkel & Oneal, attorneys at law, South McAlester, Indian Territory, were notified that the motion heretofore made before the Secretary of the Interior to re-open your application for identification as a Mississippi Choctaw was denied by the Department on May 21, 1903, and a copy of the Secretary's letter was enclosed them.

Respectfully,

Chairman.

3617-1901

M. A. German, Kennady, I.T.
MCH1224 , Luella Gutsinger,
et al.

On January 8, 1901, Luella Gutsinger, of South McAlester I.T., 25 years old, father and mother John and Laurinda Thomas, appeared before the Commission at Atoka, I.T. and applied for identification of herself and her two minor children as Mississippi Choctaws. No action has yet been taken in this case.

Atoka, March 19, 1901.

AB

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No. 1224

For Identification as a Mississippi Choctaw.

Ala. & T. Date January 8, 1901.

Name Luella Cuttenger

Age 25 Blood 1/8

Post Office, South Mealester, D. T.

Father: John Thomas, d

Mother: Laurinda " d

Claims through

Claims through Mother
Husband
Wm Cuttenger.

Children:

Elmer " 7
Solbert " " m.

For self and 2 children

Stenographer:
Anna Bell.

Choctaw MCR 1225

Joseph L. Costiloe

MCR 1225

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 8, 1901.

In the matter of the application for identification as Mississippi Choctaws of Joseph Leonard Costiloe and his minor children. Joseph L. Costiloe, having been first duly sworn, on his oath testifies as follows:

Examination by the Commission.

- Q What is your full name? A Costiloe.
 Q Full name? A Joseph Leonard Costiloe.
 Q What is your age? A Forty years old; forty one years old.
 Q What is your post office address? A Emet.
 Q Indian Territory? A Yes sir.
 Q How long have you lived in Emet? A I don't live in Emet; that is my post office; about a month.
 Q In that neighborhood? A Yes sir.
 Q And where did you live before that? A In Mississippi.
 Q Always lived in Mississippi? A Yes sir.
 Q Always in the same place? A Yes sir.
 Q Where was that? A Winston County, Mississippi.
 Q What is your father's name? A John Hiram Costiloe.
 Q Is he living? A No sir.
 Q What is your mother's name? A Emily; Emily Susan, Susan Emily.
 Q Is she living? A No sir.
 Q Through whom do you claim Choctaw blood? A From my father.
 Q How much do you claim? A A quarter.
 Q Was your father ever recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A I don't know, sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation? A I don't know, sir, hether it is or not.
 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 enrolled 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, under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes, for citizenship in the Choctaw Nation? A No sir.
 Q How long have been in the Indian Territory altogether? A A little over a month.
 Q You make no application in Mississippi for enrollment? A I made application in June.
 Q You did make application in June? A Yes sir.
 Q Where was this? A I made it there and moved over here.
 Q Well, did you come before the Commission? A No sir.
 Q Is this the first time you ever appeared before the Commission? A Yes sir.
 Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
 Q Are you making your claim as a beneficiary under the provisions of article fourteen of the treaty of 1830? A Yes sir.
 Q What was the name of your ancestor who resided in Mississippi in 1830? A That was my father.
 Q Your father? A Yes sir.
 Q Was he a Mississippi Choctaw? A Yes sir.
 Q Full blood? A No sir.
 Q How much? A Half.
 Q Have you any documentary evidence showing such to be the fact? A No sir.

Costiloe-2

- Q Did your father remove from Mississippi to the Indian Territory at the time the Choctaw tribe were moved here by the United States Government from 1833 to '77? A No sir.
- Q Do you know why he did not remove together with other members of the tribe? A No sir.
- Q Did he within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent of the Choctaw Indians in Mississippi, his intention to remain in Mississippi and become a citizen of the United States? A I don't know, sir.
- Q Have you any evidence at all of that fact? A No sir.
- Q Have you any documentary evidence showing that your ancestors ever complied in any manner with the provisions of the fourteenth article of the treaty of 1830? A No sir.
- Q Did your father or any of your ancestors ever claim or receive any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know sir.
- Q How old was your father when he died? A I could not tell you, I don't remember him. He died at the close of the war.
- Q You remember-- A I don't remember my father.
- Q How was that? A I was a little fellow.
- Q Then you don't remember ever talking with him about this? A Oh, no, sir, I don't remember ever seeing him.
- Q Do you know whether he ever had land in Mississippi as a beneficiary under article fourteen of the treaty of 1830? A No sir, don't think he ever owned any.
- Q Did he or did any of your ancestors or did you ever receive any benefits in Indian Territory as Choctaw Indians? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Virginia Winston.
- Q Have you any children? A Yes sir.
- Q Do you make application for your wife? A No sir.
- Q How many children who are unmarried and under age? A All under age
- Q Please give me the name of the oldest will you? A Ethel.
- Q How old? A Twelve.
- Q Next? A Birdie. Q How old? A Ten years old.
- Q Next? A Mara. Q How old? A Eight years.
- Q Next? A Wiggins? Wiggins is it? A Yes. Q How old? A He is seven years old.
- Q Next? A Rafael. Q How old? A Five years old.
- Q Next. A Rogers? Q How old? A He is three years old.
- Q Next. A Erval. Q How old? A About 11 months old.
- Q That is the end? A Yes sir, that is all.
- Q These are all your children? A Yes sir.
- Q And Virginia Winston Costiloe is the mother? A Yes sir.
- Q They all live with you? A Yes sir.
- Q The basis of their claim is the same as yours? A Yes sir.
- Q Anything further you want to state in support of your application? A No sir.
- Q Have you any documentary evidence of any kind that you desire to submit to the Commission for consideration in support of your application?

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim, including marriage certificate, within ten days from this date. Motion granted.

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

Costilos-3

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on January 8, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 14 day of January, 1901.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, May 20, 1901.

Mr. E. L. Costilow,

Ego, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of May 12, in which you state that you have a right in the Nation as a Mississippi Choctaw, and that your brother, Joe Costilow, and two nephews, Jeff Crowson and Prentice Foster, enrolled at Atoka, and another, Arris Foster, enrolled in Mississippi. You ask what steps to take in order to be enrolled.

In reply to your letter, you are advised that on January 8, 1901, Joseph Leonard Costilow appeared before the Commission at Atoka, Indian Territory, and applied for identification as Mississippi Choctaws for himself and seven minor children. On the same date William Prentice Foster and Joe Crowson appeared before the Commission and applied for identification as Mississippi Choctaws. On December 20, 1900, Arris Foster appeared before the Commission at Hattiesburg, Mississippi, and applied for identification for himself and one minor child as Mississippi Choctaws. No decisions have yet been rendered in any of these cases.

You ask whether you can appear and offer proof that Joe Costilow is your brother, and use the same evidence filed by him in support of your claim. You are advised that the rules of the Commission require that each case must be decided on the evidence filed in that individual case. Affidavits filed in one case cannot be considered

E.L.C.

in support of another application. If you desire to use the same evidence which was filed in your brother's case, it will be necessary to have certified copies of the same, or procure other affidavits from the same parties.

You may appear before the Commission at its office in Atoka whenever you desire to do so, and a record will be made of your application.

Yours truly,

Acting Chairman.

Miss. Cheetaw 122

Muskogee, Indian Territory, April 3, 1902.

W. F. Foster,

Fishemingo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 26, asking if any evidence has been filed with the Commission in support of the application of J. L. Costello for identification as a Mississippi Cheetaw.

In reply to your letter you are advised that it appears from our records that there have been filed in support of the application for identification as Mississippi Cheetaws of Joseph Leonard Destlee, et al. the affidavits of J. M. Files and J. W. Miller, and marriage bond, license and certificate between J. L. Costello and Miss Winston Shaw.

Yours truly,

Commissioner in Charge.

COF,

Muskogee, Indian Territory, October 13, 1902.

Joseph Leonard Costiloe,
Kmet, Indian Territory.

Dear Sir:-

You are hereby advised that on the 13th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel M. Costiloe, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel M. Costiloe, et al.,	M.C.R. 2452
Arrie Foster, et al.,	M.C.R. 1168
Joseph Leonard Costiloe, et al.,	M.C.R. 1225
William Prentice Foster,	M.C.R. 1226
Jeff Crowson,	M.C.R. 1227
Euel Castillo, et al.,	M.C.R. 3686.

These applications were made under the provision of the Act of Congress of June 23, 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."

Said decision concludes as follows:

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

J. L. C.-2

Samuel M. Costiloe, Alma Costiloe, Arris Foster, Nora Foster, Joseph Leonard Costiloe, Ethel Costiloe, Birdie Costiloe, Mara Costiloe, Wiggins Costiloe, Rafael Costiloe, Rogers Costiloe, Rival Costiloe, William Prentice Foster, Jeff Crossen, Euel Costiloe, Charlie Costiloe, Robert Costiloe and Ruthie Costiloe 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 for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

[Signature]
Commissioner in Charge.

Registered.

W. O. Crosby

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
Miss. Choctaw R1225

ALLISON I. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 3, 1902.

Joseph L. Costiloe,
Emet, Indian Territory,

Dear Sir:

There are returned you herewith the affidavits of J. H. Fulcher, W. O. Crosby, Caroline Whitten and William J. Barron, which have been offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws for the reason that, the fifteen days granted you within which to submit argument in your case for the consideration of the Secretary of the Interior, expired on October 28, 1902, and on October 29, 1902, the record in the case, together with the decision of the Commission denying your application was forwarded to the Secretary of the Interior, for review; and for the further reason that there is nothing contained in the said affidavits showing the compliance of the ancestors through whom you claim your Choctaw blood with the provisions of the fourteenth article of the treaty of September 27, 1830.

Respectfully,

Tamm Bixby
Acting Chairman. *ala*

M.C.R. 1225.

COPY.

Muskegee, Indian Territory, January 8, 1903.

Joseph L. Costiloe,
Muset, Indian Territory.

Dear Sir:

You are hereby notified that on the 27th day of December, 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 Samuel M. Costiloe, et al., of which decision you were advised by registered mail on October 13, 1902.

Respectfully,

Tamm H. H. H.
Acting Chairman.

MCR-1225

Muskogee, Indian Territory, October 26, 1906.

J. L. Costiloe,
Ravia, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant in which you state that on February 5, 1906, you placed in the hands of one John Huse, an agent of A. D. Goodenough, all the papers relating to your claim for identification as a Mississippi Choctaw, with the understanding that for and in consideration of the sum of Ten Dollars cash and notes to the amount of Two Hundred Dollars the said Huse and Goodenough would secure the reopening of your Mississippi Choctaw application. You now request to be advised if any action has ever been taken in the matter.

In reply you are informed it appears from the records of this office that you are one of the applicants in the consolidated Mississippi Choctaw case of Samuel M. Costiloe et al., in which case the adverse decision of the Commission to the Five Civilized Tribes was affirmed by the Secretary of the Interior December 27, 1902.

It does not appear that any motion for review or reconsideration of this case has ever been filed. The Department's decision

J L C - - - - - (2)

of December 27, 1902, is considered final.

Respectfully,

Commissioner.

N O R 1228

Muskogee, Indian Territory, December 3, 1906.

J. L. Costilo,
Ravia, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 15th, by reference from the Secretary of the Interior. Therein you request to be advised as to how you should proceed to secure a rehearing of your Mississippi Choctaw application.

It appears that this office advised you fully as to your claim, under date of October 26, 1906. However, you are again informed that your case is considered closed and there is now no authority of law for the reopening of the same.

Respectfully,

Acting Commissioner.

State of Mississippi

Choctaw County

Personally
came before me the undersigned
authority, Wm. Barron, who by ^{me} being
duly sworn deposed and said:—
"That he is a citizen of Choctaw County
Mississippi, that he has resided in said state
all of his life. That he was personally and
intimately acquainted with John Costelaw
deceased father of Joe Costelaw, late
of Winston County Mississippi, that the said
John Costelaw, deceased, was always known
and recognized as a Choctaw Indian by
blood, that the said John Costelaw, looked
very much like an Indian, his hair being
entirely straight long and black, and
his features resembling that of a
Choctaw Indian man.

To Wm. J. Barron.

Sworn to and subscribed before me
the 26th day of April, 1902—

L. D. Cook
Mayor
of Choctaw.

Richard L
H. J. Brown,
J. Costelou
Clamant

State of Mississippi

County of Choctaw

Personally
came before me the undersigned Mayor
of Ashman & Officer S. J. H. Tucker, who
by me being duly sworn, deposed
and said that he is a citizen of
Choctaw County Mississippi, and has
resided in said County State 65 years,
that he is now 73 years old. That he
was personally and intimately acquainted
with John Costelow, deceased the father
of J. L. Costelow, late of Winston County
Mississippi, and that the said John Costelow
was always known and recognized
as a Choctaw Indian by blood. That
his hair was entirely straight, long and
black, and his features that of a
Choctaw Indian man.

J. H. Tucker

Sworn to and subscribed before
me the 26th day of April, 1902 -

J. H. Tucker
Mayor of Ashman,
Mississippi

Richard of
Gulcher

Joe Costelow
Chairman
=====

Affidavit of
W. C. Costlow

Joe Costlow
claimant

State of Mississippi
Choctaw County

Personally came
before me, the undersigned authority, M. O. Crosby,
who after being duly sworn, deposed and said:
That I am a citizen of Winston County, Mississippi
and have resided in said county and state
64 years. That I was personally and intimately
acquainted with John Costelow, deceased, the
father of Joe Costelow, and the said John Costelow,
was always known and recognized as a Choctaw
Indian by blood, and the said John Costelow
looked, very much like an Indian, his
hair being long and black and his
features resembling that of a Choctaw
Indian man. That the said John Costelow,
always claimed to be Choctaw Indian
blood the fact of which he never denied
to the knowledge of this affiant -

M. O. Crosby

Sworn to and subscribed before me
the 26th day of April 1902 -

J. B. Bacht
Mayor of Choctaw
for Office

AB1-3

Affidavit of
Caroline Whitten

Joe Castelan
Plaintiff

AB1-3

State of Mississippi
Choctaw County

Personally
appear before me the undersigned Mayor
of the town of Ashtown, R. Office of
said County & State, Mrs Caroline Whitton,
who by me being duly sworn, deposes
and saith; That I am a citizen
of Winston County Mississippi, and
have resided in said County & State
all my life, that I am now 80 years
old, that I was personally & intimately
acquainted with John Costelow, ^{deceased} of
Winston County Mississippi, the father
of Jas Costelow, late of said County State,
& said the said John Costelow, deceased
was always known and recognized
a Choctaw Indian man by blood,
the fact of which he never denied to the
knowledge of this affiant, that the said
John Costelow's hair was long straight
and black and his features resembled
that of a Choctaw Indian man - I
was also acquainted with the mother of
John Costelow, deceased, the grave mother of
the said Jas Costelow, and she was
unquestionably a full blood Choctaw Indian
woman -

Sworn to and subscribed before me
the 26th day of April, 1902

Caroline Whitton
G. A. Black
Mayor & Co.

AB1-3

Affidavit of
Caroline Whitten

Joe Castelane
claimant

AB1-3

Department of the Interior.

Commissioner of the Five Civilized Tribes,
Tulsa, Okla., Terr.
BUSINESS.
Postage not paid.

Returned to Writer



Returned to Writer
Department of the Interior

~~Joseph L. Costiloe,~~

~~Agent, Indian Territory.~~

Unclaimed

Handwritten scribbles and lines on the left side of the envelope flap.

TIPAHMING
DEC 15 189

DEPARTMENT OF THE INTERIOR,
TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 8 1903

[Signature]
ACTING CHAIRMAN

INDIAN
DEC 15 189

INDIAN
DEC 15 189

MUSKOGEE
RECID.
JAN 8 1903

9.16

12201

DECISION BY SECRETARY OF THE INTERIOR

OCT 18 1902

MAILED APPLICANT

OCT 13 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS

OCT 13 1902

RECORD FORWARDED DEPARTMENT

OCT 29 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

DEC 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

JAN 8 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

JAN 8 1903

REFER TO M.C.R. 2652

No. 1225

For Identification as a Mississippi Choctaw.

Altoa, I.T. Date January 8, 1901

Name Joseph Leonard Costilow

Age 44 Blood 1/4

Post Office, Emet, I.T.

Father: John Hiram Costilow d

Mother: Emily Susan " d

Claims through Father

wife.

Virginia Marston
Costilow.

Children:

Ethel — 12

Birdie — 10

Mara — 8

Wiggins — 7

Rafael — 5

Rogers — 3

Erol — 11 m.

for self and children

Stenographer:

Anna Bell.

Choctaw MCR 1226

Wm. Prentice Foster

MCR 1226

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 8, 1901.

In the matter of the application for identification as a Mississippi Choctaw of William Prentice Foster. William P. Foster, being first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your full name? A William Prentice Foster.
 Q What is your age? A Twenty one years old.
 Q What is your post office address? A Emet, Indian Territory.
 Q How long have you lived there? A About two months.
 Q Where did you live before you lived in Emet? A Well, I have lived in the Territory about three months.
 Q Altogether? A Yes sir, I lived in Mississippi before I came here
 Q Always lived in Mississippi? A Yes sir.
 Q Born there? A Yes sir.
 Q What place? A Winston County.
 Q What is your father's name? A Foster.
 Q Yes, full name? A Clark Foster.
 Q Living? A No sir.
 Q What is your mother's name? A Elizabeth.
 Q Living? A No sir.
 Q Under which of your parents do you claim Choctaw blood? A Neither one; I claim under my grandfather.
 Q He was the father of which? A My mother.
 Q You claim on your mother's side, don't you? A Yes sir.
 Q How much? A One eighth.
 Q Was your mother ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? A No sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation?
 A No sir, not as I know of.
 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 enrolled by the tribal authorities of the Choctaw Nation as a citizen of the Choctaw Nation? A No sir.
 Q Did you, or did any one in your behalf in 1896 under the act of June 10, 1896, make application to the Commission to the Five Civilized Tribes 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 Court in Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission? A No sir.
 Q Have you ever before this time made application either to the tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
 Q Is this the first application of any kind that you have ever made?
 A Yes sir.
 Q Are you making application now for identification as a Mississippi Choctaw? A Yes sir.
 Q What is the name of your ancestor who lived in Mississippi in 1830?
 A John Hiram Costiloe.
 Q What relation was he to you? A He was my grandfather.
 Q Was he a Choctaw Indian, a Mississippi Choctaw? A Yes sir.
 Q A full blood? A No sir, half.
 Q Have you any documentary evidence showing such to be the fact?
 A Yes sir.
 Q Any documents? A Yes sir.
 Q Have you them with you? A No sir, I haven't them. My attorneys possession.
 Q Did your ancestor remove from Mississippi to the Indian Territory

at the time the Choctaw tribe were moved here by the United States Government in 1833 to 1837? A No sir, he didn't.

- Q Do you know why he didn't come here with the other members of the tribe? A No sir, I do not.
- Q Did he, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent of the Choctaw Indians in Mississippi, his intention to remain in Mississippi and become a citizen of the United States? A I don't know sir.
- Q You have no evidence about that? A No sir.
- Q Have you any documentary evidence showing that your ancestor ever complied in any manner with the provisions of the fourteenth 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 fourteenth article of the treaty of 1830? A I don't know sir.
- Q Have either you or any of your ancestors ever received any benefits in the Indian Territory as Choctaw Indians? A No sir.
- Q Are you married? A No sir.
- Q You make application for yourself alone? A Yes sir.
- Q Is there anything further you would like to state in support of your application? A No sir.
- Q Have you any documentary evidence that you would like to file for the consideration of the Commission in support of your application?

Here L. P. Hudson, attorney for applicant, asks leave to file written testimony in support of this claim within twenty days from this date.

Motion granted.

The decision of the Commission in regard to this application which you make for identification as a Mississippi Choctaw will be mailed to you at your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on January 8, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said cause on said date.

Anna Bell

Subscribed and sworn to before me this 14 day of January, 1901.

Charles Mc Sawyer
Notary Public.

Muskogee, Indian Territory, May 20, 1901.

r. E. I. Costilow,

Eco, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of May 15, in which you state that you have a right in the Nation as a Mississippi Choctaw, and that your brother, Joe Costilow, and two nephews, Jeff Croason and Prentice Foster, enrolled at Atoka, and another, Arris Foster, enrolled in Mississippi. You ask what steps to take in order to be enrolled.

In reply to your letter, you are advised that on January 8, 1901, Joseph Leonard Costilow appeared before the Commission at Atoka, Indian Territory, and applied for identification as Mississippi Choctaws for himself and seven minor children. On the same date William Prentice Foster and Joe Croason appeared before the Commission and applied for identification as Mississippi Choctaws. On December 20, 1900, Arris Foster appeared before the Commission at Hattiesburg, Mississippi, and applied for identification for himself and one minor child as Mississippi Choctaws. No decisions have yet been rendered in any of these cases.

You ask whether you can appear and offer proof that Joe Costilow is your brother, and use the same evidence filed by him in support of your claim. You are advised that the rules of the Commission require that each case must be decided on the evidence filed in that individual case. Affidavits filed in one case cannot be considered

E.L.C.

in support of another application. If you desire to use the same evidence which was filed in your brother's case, it will be necessary to have certified copies of the same, or procure other affidavits from the same parties.

You may appear before the Commission at its office in Atoka whenever you desire to do so, and a record will be made of your application.

Yours truly,

Acting Chairman.

Miss. Choc. 1226.

Muskogee, Indian Territory, March 21, 1902.

W. P. Poster,
Tishomingo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the seventeenth instant asking what has been done with your application for identification as a Mississippi Choctaw and whether J. E. Arnold your attorney has furnished the Commission with your testimony. You state that you appeared at Atoka, Indian Territory, in January 1901, and applied for identification as a Mississippi Choctaw.

In reply to your letter you are advised that it appears from the records of the Commission that on January 8, 1901, at Atoka, Indian Territory, you applied for identification as a Mississippi Choctaw, and the Commission has your oral testimony given at the time of such application. It does not appear that any other evidence has been offered in support of your claim. No decision has yet been reached nor opinion rendered relative to your rights as a 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. 1226

Muskogee, Indian Territory October 13, 1902.

William Prentice Foster,
Enet, Indian Territory.

Dear Sir:-

You are hereby advised that on the 13th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel N. Costiloe, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel N. Costiloe, et al.,	M.C.R. 2652
Arris Foster, et al.,	M.C.R. 1168
Joseph Leonard Costiloe, et al.,	M.C.R. 1225
William Prentice Foster,	M.C.R. 1226
Jeff Crowson,	M.C.R. 1217
Euel Costillo, et al.,	M.C.R. 3586.

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

W. P. N.-2

Samuel M. Costiloe, Alma Costiloe, Arris Foster, Nora Foster, Joseph Leonard Costiloe, Ethel Costiloe, Birdie Costiloe, Mara Costiloe, Wiggins Costiloe, Rafael Costiloe, Rogers Costiloe, Erval Costiloe, William Prentice Foster, Jeff Crowson, Fuel Costiloe, Charlie Costiloe, Robert Costiloe and Ruthie Costiloe 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 for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in charge.

Registered.

M.C.R. 1226.

Copy

Muskegee, Indian Territory, January 8, 1903.

Wm. Prentice Foster,
Tishomingo, Indian Territory.

Dear Sir:

You are hereby notified that on the 27th day of December, 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 Samuel M. Costlee, et al., of which decision you were advised by registered mail on October 13, 1902.

Respectfully,

Acting Chairman.

No. 1226

For Identification as a Mississippi Choctaw.

Alaska, I T. Date January 1, 1901

Name Wm Pruitie Foster

Age 21 Blood 1/8

Post Office, Emmit, I T.

Father: Clark Foster d

Mother: Elizabeth " d

Claims through mother.

Children:

Stenographers
Anna Bell

OCT 13 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 13 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 13 1902

RECORD FORWARDED DEPARTMENT.

OCT 29 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

DEC 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JAN -8 1903

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

JAN -8 1903

REFER TO M. C. R. 2652

Choctaw MCR 1227

Jeff Growson

MCR 1227

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 ATOKA, INDIAN TERRITORY, JANUARY 27 1881/

In the matter of the application of Jeff Crowson for identification as a Mississippi Choctaw. Jeff Crowson, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Jeff Crowson.
 Q What is your age? A Twenty six.
 Q What is your post office address? A Emet, Indian Territory.
 Q How long have you lived in Emet? A I have been living in Emet and near Emet in that neighborhood near on twelve months.
 Q Where did you live before that? A In Mississippi.
 Q Always live in Mississippi? A Yes sir.
 Q Born in Mississippi and raised there? A Yes sir.
 Q What place? A Winston County.
 Q What is your father's name? A John Crowson.
 Q Living? A Yes sir.
 Q Your mother's name? A Mary Jane Crowson.
 Q Living? A No sir.
 Q Through which one of your parents do you claim Choctaw blood?
 A My mother.
 Q How much do you claim? A An eighth.
 Q Was your mother ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? 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 Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
 Q Have you ever been enrolled 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, under the act of Congress of June 10, 1896, make application to the Commission to the five Civilized Tribes 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 Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
 Q Have you ever prior to this time made application either to the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
 Q Is this the first application you ever made of any description?
 A Yes sir.
 Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
 Q Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830 A Yes sir.
 Q What is the name of your ancestor who lived in Mississippi in 1830 under whom you now claim the right to identification as a Mississippi Choctaw? A John Costiloe.
 Q What relation was he to you? A Grandfather.
 Q Have you any evidence showing that he was a Choctaw Indian?
 A No sir.
 Q Or do you wish to have that incorporated in the motion by your attorney? A Yes sir.
 Q Was he a full blood? A He was half Choctaw.
 Q Did your ancestor remove from Mississippi to the Indian Territory at the time the Choctaw tribe were moved here by the United States Government in 1833 to 1837? A No sir.

Crowson-2

- Q Do you know why he did not remove from Mississippi together with the other members of the Choctaw tribe? A No sir.
- Q Did he within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent of the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I don't know, sir.
- Q You have no evidence of any kind about that? A No sir.
- Q Have you any documentary evidence showing that your ancestors ever complied in any manner with the provisions of the fourteenth 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 article fourteen of the treaty of 1830? A I don't know, sir.
- 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 I don't know, sir.
- Q As beneficiaries? A I don't know.
- Q Have either you or your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A No sir.
- Q Are you married? A No sir.
- Q You make application for yourself alone? A Yes sir.
- Q Is there anything further you would like to say in support of your claim? A No sir.
- Q Is there any documentary evidence that you would like to submit now and make a part of your application?
Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this application within twenty days from this date.

Motion granted.

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

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the five civilized tribes she reported in full all proceedings had in the above entitled cause on January 8, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 14 day of January, 1901.

Charles H. Sawyer
Notary Public.

McKehee, Indian Territory, May 20, 1901.

Mr. H. L. Costilow,

Ego, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of May 18, in which you state that you have a right in the Nation as a Mississippi Choctaw, and that your brother, Joe Costilow, and two nephews, Jeff Crowson and Prentice Pester, enrolled at Atoka, and another, Arris Pester, enrolled in Mississippi. You ask what steps to take in order to be enrolled.

In reply to your letter, you are advised that on January 8, 1901, Joseph Leonard Costilow appeared before the Commission at Atoka, Indian Territory, and applied for identification as Mississippi Choctaws for himself and seven minor children. On the same date William Prentice Pester and Joe Crowson appeared before the Commission and applied for identification as Mississippi Choctaws. On December 20, 1900, Arris Pester appeared before the Commission at Hattiesburg, Mississippi, and applied for identification for himself and one minor child as Mississippi Choctaws. No decisions have yet been rendered in any of these cases.

You ask whether you can appear and offer proof that Joe Costilow is your brother, and use the same evidence filed by him in support of your claim. You are advised that the rules of the Commission require that each case must be decided on the evidence filed in that individual case. Affidavits filed in one case cannot be considered

B.L.G.

in support of another application. If you desire to use the same evidence which was filed in your brother's case, it will be necessary to have certified copies of the same, or procure other affidavits from the same parties.

You may appear before the Commission at its office in Atoka whenever you desire to do so, and a record will be made of your application.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, October 31, 1901.

Jeff Crowson,

East, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 27, 1901, in which you state that in January last you applied for identification as a Mississippi Choctaw, and ask to be advised what disposition has been made of your application.

In reply to your letter, you are advised that it appears from our records that on January 8, 1901, Jeff Crowson applied for identification as a Mississippi Choctaw. No decision has yet been reached in your case, or an opinion rendered. When such an opinion is rendered, you will be duly informed of the action taken by the Commission.

No evidence of any nature has been offered in support of your application. The Commission is averse to accepting affidavits but if you wish to offer the testimony of witnesses in support of your claim, and are unable to procure their attendance in person before the Commission at its office at Muskogee, Indian Territory, upon a proper showing of this fact, it may be possible to arrange for taking the depositions of witnesses whose testimony you desire.

Mr. C. R. R.

is enclosed in support of your application.

No agreement or ruling is effective at this time looking
to the closing of the unexpired rolls.

Yours truly,

MC 1227

Acting Chairman

RECEIVED
MAY 10 1947

RECEIVED
MAY 10 1947

Muskogee, Indian Territory October 13, 1902.

Jeff Crowson,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 13th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel H. Costiloe, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel H. Costiloe, et al.,	M.C.R. 2682
Arris Foster, et al.,	M.C.R. 1168
Joseph Leonard Costiloe, et al.,	M.C.R. 1225
William Prentice Foster,	M.C.R. 1226
Jeff Crowson,	M.C.R. 1227
Huel Costillo, et al.,	M.C.R. 3686.

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:

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

J. C. -2

Samuel M. Costilo, Alma Costilo, Arris Foster, Nora Foster, Joseph Leonard Costilo, Ethel Costilo, Birdie Costilo, Mera Costilo, Wiggins Costilo, Rafael Costilo, Rogers Costilo, Erval Costilo, William Prentiss Foster, Jeff Crowson, Huel Costilo, Charlie Costilo, Robert Costilo and Ruthie Costilo 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 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,

J. C.

Commissioner in charge.

Registered.

M.C.R. 1257.

COPY.

Muskogee, Indian Territory, January 8, 1903.

Jeff Green,

East, Indian Territory.

Dear Sir:

You are hereby advised that on the 27th day of December, 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 Samuel M. Costello, et al., of which decision you were advised by registered mail on October 13, 1902.

Respectfully,

Tom Doby

Acting Chairman

For Identification as a Mississippi Choctaw.

Alanta, Ga. Date January 6, 1901

Name Jeff Crovion

Age 26 Blood

Post Office, Ematt, Ga.

Father: John Crovion d

Mother: Mary Jane " d

Claims through Mother

Children:

Stenographer,
Anna Bell.

DECISION RENDERED: OCT 13 1902

NOTICE OF DECISION MAILED APPLICANT:

OCT 13 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 13 1902

RECORD FORWARDED DEPARTMENT:

OCT 29 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

DEC 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JAN -8 1903

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

JAN -8 1903

REFER TO M. C. R. 2652

Choctaw MCR 1228

William Hobgood

See MCR 1230

MCR 1228

CHOCTAW

William Hobgood et al

REFUSED

DECISION RENDERED. AUG 7 1902

NOTICE OF DECISION MAILED APPLICANT:
AUG 7 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHUKASAW NATIONS.
AUG 7 1902

RECORD FORWARDED DEPARTMENT.
AUG 7 1902

ACTION APPROVED BY SECRETARY OF INTERIOR:
OCT 22 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. OCT 31 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHUKASAW NATIONS. OCT 31 1902

REFER TO M. C. R. / 230

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

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

William Hobgood, et al.,
Robert N. Hobgood, et al.,

M. C. R. 1228
M. C. R. 1230

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 William Hobgood, et al., for identification as Mississippi Choctaws.	1
Ex parte affidavit of Caswell Childs.	4
Ex parte affidavit of John W. Duncan.	8
Ex parte affidavit of William Hobgood.	6
Original application of Robert N. Hobgood, et al., for identification as Mississippi Choctaws.	7
Ex parte affidavit of Robert N. Hobgood.	10
Ex parte affidavit of John W. Duncan.	11
Ex parte affidavit of Robert N. Hobgood (No. 2).	12
Final decision of the Commission in the con- solidated case of William Hobgood, et al., appli- cants for identification as Mississippi Choctaws, denying said application.	14

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 8, 1901.

In the matter of the application for identification as Mississippi Choctaws of William Hobgood and his minor children, William Hobgood, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A William Hobgood.
 Q What is your age? A Forty eight.
 Q What is your post office address? A Dexter.
 Q That Indian Territory? A Dexter, Marion County, Mississippi.
 Q How long have you lived in Dexter, Mississippi? A Well, I have lived there---
 Q All your life? A All my life.
 Q Were you born there? A Yes sir.
 Q And always lived there? A Yes sir.
 Q What is your father's name? A Oliver.
 Q Oliver? A Yes sir.
 Q H-o-b-g-o-o-d? A Yes sir.
 Q Is he living? A No sir, he is dead.
 Q Your mother's name? A Gracie.
 Q G-r-a-c-i-e? A Yes sir.
 Q Is she living? A No sir.
 Q Through which one of your parents do you derive your Choctaw blood?
 A My grandfather.
 Q On which side, father or mother? A Father.
 Q How much do you claim? A One eighth.
 Q Was your father ever recognized by any of the authorities of the Choctaw Nation as a Choctaw citizen? A Was he ever recognized?
 Q Yes. A Why 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 enrolled 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, under the act of Congress of June 10, 1896, make application to the Commission to the five civilized tribes 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 Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
 Q Have you ever prior to this time made application to either the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
 Q Is this 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 Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
 Q What was the name of your ancestor who resided in Mississippi in 1830? A His name was John Hobgood.
 Q What relation was he to you? A He was my grandfather.
 Q On your father's side? A Father's side.
 Q Was he a Choctaw Indian? A Yes sir.
 Q Full blood? A Half blood.
 Q Have you any documentary evidence showing that fact? A No sir.

Hobgood-2

- Q Did your ancestor, this grandfather that you have spoken of, remove from Mississippi to the Indian Territory at the time the Choctaw tribe was moved here by the United States Government between 1833 and 1837? A No sir.
- Q Do you know why he didn't come here with the other members of the Choctaw tribe? A No sir.
- Q Did he within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaw Indians in Mississippi his intention to remain there in Mississippi and become a citizen of the United States? A How was that?
- Q Did he within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I don't know.
- Q You have no evidence of that fact? A No sir.
- Q Have you any documentary evidence showing that your ancestors ever complied in any manner with the provisions of the fourteenth 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 fourteenth article of the treaty of 1830? A No sir.
- Q Have either you or your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Nancy.
- Q Nancy Hobgood? A Yes sir.
- Q Make any claim for her? A No sir.
- Q Have you any children? A Yes sir.
- Q How many children minors and unmarried? Under twentyone and unmarried? A Let me see; I haven't got so many but I have got to study.
- Q Give me the oldest under twenty one? A Luther.
- Q How old is Luther? A Nineteen.
- Q Next. A Gracie.
- Q How old is Gracie? A Fifteen.
- Q The next? A Johnston.
- Q How old is Johnston? A He is ten.
- Q The name of the next? A Let me see if I have got them all coming down to it; that is right. Carlos.
- Q How old is Carlos? A He is five years.
- Q What is the name of the next? A That is all.
- Q Are these children all living with you at your home? A Yes sir.
- Q And you support them? A Yes sir.
- Q Nancy Hobgood is their mother? A Yes sir.
- Q The basis of their claim is the same as yours? A Yes sir.
- Q Have you your marriage license and certificate that you want to file now and make part of your application? A No sir, I haven't; the records of county burned up; he has the certificate in with the papers.
- Q Have you any documentary evidence of any character that you desire to submit to the Commission for its consideration in support of this application?

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this application, including proof of the destruction of records of court, within twenty days from this date.

Motion is granted.

- Q Is there anything further that you would like to state in support of your application and the application you make on behalf of these children? A Well, no sir, not that I know of.

Nobgerd-3

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

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the five Civilized Tribes she reported in full all proceedings had in the above entitled cause on January 8, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 14 day of January, 1901.

Charles Kesawyer
Notary Public.

J. R. B.
Gov. W.

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

-----;-----

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

William Hobgood, et al.,
Robert E. Hobgood, et al.,

M C R 1226
M C R 1230

--: 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 William Hobgood for himself and his four minor children, Lather, Gracie, Johnston and Charles Hobgood, and by Robert E. Hobgood for himself and his five minor children, Benjamin, Edmund, Robert O., Nvy and Nfy Hobgood, under the following provision of the act of Congress approved June 23, 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 John Hobgood, 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 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 John Hobgood, or a less remote ancestor of 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., 280), and August 23, 1842, (5 Stat., 615).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Hobgood, Luther Hobgood, Gracie Hobgood, Johnsten Hobgood, Carlos Hobgood, Robert E. Hobgood, Benjamin Hobgood, Edmund Hobgood, Robert O. Hobgood, Ivy Hobgood and Ivy Hobgood 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.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory.

AUG 7 1902

COPY.

M.C.R. 1228.

Muskogee, Indian Territory, August 7, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William Hobgood, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 7, 1902.

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

William Hobgood, et al.,	M.C.R. 1228
Robert E. Hobgood, et al.,	" 1230.

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)

Tamie Dixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.
1 inclosure.

M.C.R. 1228.

COPY.

Muskegee, Indian Territory, August 7, 1902.

William Hobgood,
Dexter, Mississippi.

Dear Sir:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Hobgood, et al., embracing the following applications for identification as Mississippi Choctaws:

William Hobgood, et al.,	M.C.R. 1228
Robert E. Hobgood, et al.,	" " 1230.

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 William Hobgood, Luther Hobgood, Gracie Hobgood, Johnston Hobgood, Charles Hobgood, Robert E. Hobgood, Benjamin Hobgood, Edmond Hobgood, Robert O. Hobgood, Evy Hobgood and Efy Hobgood as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article

W. H. 48.

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)

Tams Bixby.

Acting Chairman.

Registered.

H.C.R. 1222.

COPY.

Muskogee, Indian Territory, August 7, 1902.

Manfield, Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Hobgood, et al., embracing the following applications for identification as Mississippi Choctaws:

William Hobgood, et al.,	H.C.R. 1222
Robert E. Hobgood, et al.,	" 1230.

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 William Hobgood, Luther Hobgood, Gracie Hobgood, Johnston Hobgood, Charles

M. H. & C. 90.

Hobgood, Robert H. Hobgood, Benjamin Hobgood, Edward Hobgood, Robert G. Hobgood, Bry Hobgood and Fry Hobgood 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 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 Dixby.

Acting Chairman.

Copy

Land.
47,486-1902

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.

WASHINGTON, October 13, 1902.

The Honorable,

The Secretary of the Interior .

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the consolidated Mississippi Choctaw case of William Hobgood, et al., in which the applicants ask to be identified as Mississippi Choctaws with rights in the lands of the Choctaw Nation.

The cases consolidated therein are as follows:

William Hobgood, et al.

Robert E. Hobgood, et al.

On August 7, 1902, said commission rendered a decision in this case finding that the evidence submitted by the applicants is insufficient to determine their identify as Choctaw Indians entitled to rights in the lands of the Choctaw Nation under the provisions of article 14 of the treaty of 1830, and that their applications for identification should be refused.

The office has examined the evidence submitted by the applicants in behalf of their claims and finds that the principal applicant, William Hobgood, claims to have derived his Choctaw blood through his grandfather on his father's side. He knows nothing about any of

his ancestors having ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, nor does he give any testimony which tends to establish the fact that any of his ancestors ever received a patent for lands under the provisions of said article.

The affidavit of Caswell Childs, aged 82 years, is made a part of the record and shows that he resides in Marion County State of Mississippi; that he is well acquainted with William Hobgood; that said William Hobgood is the son of Oliver Hobgood and Mrs. Gracie Hobgood, and that said Oliver Hobgood was the son of John Hobgood and Mrs. Mary Hobgood.

The affiant says that he was intimately acquainted with said Oliver Hobgood, he being a son of John Hobgood who was a full blooded Choctaw Indian. This affidavit appears to present a clear statement as to the father and grandfather of William Hobgood, but there is no record evidence showing that either Oliver or John Hobgood ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830 nor is there any evidence that either of them ever received a patent for land under said article, and an examination of the office records also shows that no patent for lands was ever issued to them because of their compliance with said 14th article.

The record evidence shows that none of the applicants are Choctaw Indians of the full blood.

It is therefore considered by the office that the decision

of the commission in this case, set forth above, is correct and it is recommended that the same be affirmed by the Department.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

(W.C.B.).
P.

D.C. 19878

Copy

MAF.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

ITD.6362-1902

October 22, 1902.

L.R.S.

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

Gentlemen:

The Department has received the record in the consolidated case embracing the applications for identification as Mississippi Choctaws, of William Hobgood for himself and his four minor children Luther, Gracie, Johnston and Carlos Hobgood; and of Robert N. Hobgood for himself and his five minor children, Benjamin, Edmond, Robert O., Evy and Efy Hobgood.

Your decision of August 7, 1902, denies to said applicants the right to be enrolled.

The applicants claim to be descended from one John Hobgood, an alleged half blood Choctaw Indian, who is said to have resided in Mississippi in 1830.

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 ancestor, John Hobgood, ever complied or attempted to comply with the provisions 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 forwarding the case, October 15, 1902, recommends the approval of your decision

A copy of his letter is inclosed herewith. Upon a careful review of the whole case, the Department finds no cause to disturb your decision, and it is accordingly affirmed.

Respectfully,

(Signed) E.A. Hitchcock.

Secretary.

1 inclosure.

END.

COPY.

M C R 1822

Muskogee, Indian Territory, October 31, 1902.

Mansfield, McHurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of October, 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 consolidated case of William Hobgood, et al, of which decision you were advised by mail on the 7th day of August, 1902.

Respectfully,

James Dixey

Acting Chairman.

COPY

N C R 1228

Muskogee, Indian Territory, October 31, 1902.

William Hobgood,
Dexter, Mississippi.

Dear Sir:

You are hereby advised that on the 22nd 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 William Hobgood, et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

Acting Chairman.

No. 1228

For Identification as a Mississippi Choctaw:

Atoka, I. T. Date January 18, 1901.

Name Wm Hobgood

Age 48 Blood 1/8

Post Office, Wexler, Miss

Father: Oliver Hobgood d.

Mother: Maria " d.

Claims through father

wife
Nancy Hobgood,

Children:

Luther 19

Marie 15

Johnston - 10

Carlos, 5

For self and children

Stenographer:
Anna Bell

CHEROKEE NATION.

CH
(NOT INCL)

BLOOD

TRIBAL ENROLLMENT

TRIBAL ENROLLMENT OF PARENT

YEAR

DISTRICT

NO.

NAME OF FATHER

YEAR

DISTRICT

NAME OF MO

REFER TO M. O. R. 1228

*William Adgoot
et al*

Consolidated Case

John Hobgood 1/2
wife
Mary Hobgood

Oliver Hobgood
wife
Gracie Hobgood
Dease

mbR
12 28

William Hobgood 48/8
wife
Nancy Hobgood

Mantora Hobgood 28
W. O. Hobgood 22
" Luther Hobgood 19
" Gray Hobgood 18
" Johnston Hobgood 10
" Charles Hobgood 5

mbR
12 30

Robert O. Hobgood 42/8
wife
Marriet Hobgood

Flora Hobgood 24
Floyd Hobgood 22
Allie Hobgood 20
" Benjamin Hobgood 18
" Edmund Hobgood 16
" Robert O. Hobgood 13
" Emy Hobgood 10
" Efy Hobgood 7

Choctaw MCR 1229

Stephen Monroe Conerly

See MCR 480

MCR 1229

Stephen Monroe Conroy et al

REFUSED

DECISION RENDERED

JUN 10

NOTICE OF DECISION MAILED APPLICANT.

RECORD FORWARDED TO ATTORNEY GENERAL

JUN 15

FOR RECORD AND CERTIFICATION

RECORD FORWARDED DEPARTMENT.

RECORD FORWARDED TO DEPARTMENT OF INTERIOR.

RECORD FORWARDED TO

RECORD FORWARDED TO ATTORNEY GENERAL.

KEYS FOR CHOCTAW

AND CHICKASAW NATIONS.

DEPARTMENT OF THE INTERIOR, SECRETARY OF THE INTERIOR, FOR RECORD AND CERTIFICATION.

RECORD FORWARDED TO DEPARTMENT OF THE INTERIOR, FOR RECORD AND CERTIFICATION.

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY JUN 21 1905
SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL ACTION FORWARDED AT TORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. **JUL 15 1905**

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT. **JUL 15 1905**

NOTICE OF DEPARTMENTAL ACTION. **JUL 15 1905**

REFER TO M. C. R. 480.

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 8, 1901.

In the matter of the application of Stephen Monroe Conerly for identification of himself and minor children as Mississippi Choctaws. Stephen M. Conerly, having been first duly sworn, on his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Stephen Monroe Conerly.
 Q What is your age? A Thirty seven.
 Q What is your post office address? A Dexter, Mississippi.
 Q How long have you lived in Dexter, Mississippi? A Always.
 Q Born there? A Yes sir, born there.
 Q Never lived anywhere else? A No sir.
 Q What is your father's name? A Stephen Conerly.
 Q Is he living? A No sir.
 Q What is your mother's name? A Asenath.
 Q Is she living or dead? A She is dead.
 Q Through which one of your parents do you claim Choctaw blood?
 A My father.
 Q How much do you claim? A One eighth.
 Q Was your father ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? 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.
 Q Have you ever been enrolled 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 under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes 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 Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
 Q Have you ever prior to this time made application to either the tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
 Q Is this 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 Are you making your claim as a beneficiary under provisions of the fourteenth article of the treaty of 1830? A Yes sir.
 Q What was the name of your ancestor who resided in Mississippi in 1830? A William, William Conerly.
 Q Was he a full blood Choctaw Indian? A Half.
 Q Half? A Yes sir.
 Q Have you any documentary evidence showing such to be the fact?
 A Nothing only what I have heard always.
 Q Did your ancestor remove from Mississippi to the Indian Territory at the time the Choctaw Tribe were moved here by the United States Government in 1833 to 1837? A No sir.
 Q Do you know why your ancestor did not remove, together with the other members of the Choctaw tribe? A No sir, I don't.
 Q Did he, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw Indians in Mississippi, his intention to remain in Mississippi and

Conerly-2

- become a citizen of the United States? A No sir, not as I know of.
- Q You have no evidence of that fact? A No sir.
- Q Have you any documentary evidence showing that your ancestors ever complied in any manner with the provisions of the fourteenth article of the treaty of 1830? A I didn't understand.
- Q Have you any documentary evidence showing that your ancestors ever complied in any manner with the provisions of the fourteenth article of the treaty of 1830? A No sir.
- Q Did any of your ancestors ever claim or receive any lands in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No sir.
- Q Have either you or any of your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Margaret.
- Q Have you children? A Yes sir.
- Q How many under twenty one years of age and unmarried? A Seven.
- Q Will you give me the oldest under twenty one? A Ephraim.
- Q How do you spell it? A E-p-h-r-a-i-m.
- Q How old is Ephraim? A He is fifteen years old.
- Q The next? A Ophelia.
- Q How old? A She is about thirteen.
- Q Next? A John D.
- Q How old? A He is about ten years old.
- Q Next? A Willis.
- Q How old is Willis? A Seven.
- Q Next? A Ruell, five.
- Q The next? A Iular, three.
- Q Next? A Beulah.
- Q What is her age? A She is about one year old.
- Q That is all I guess? A Yes sir.
- Q These are all your children? A Yes sir.
- Q Margaret Conerly is the mother? A Yes sir.
- Q You are not making application for her? A For my wife?
- Q Yes. A No sir.
- Q But for the children? A Yes sir.
- Q They are living with you? A Yes sir.
- Q Do you wish to file your marriage license and certificate to make a part of the application with other documentary evidence in support of your claim?

Here L. P. Hudson, attorney for applicant asks leave to file written evidence including marriage license in support of this claim within twenty days from date hereof.

Motion is allowed.

- Q Is there any thing further that you would like to say in support of your application, and the application you make for these children? A No sir.

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

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on January 8, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 14 day of January, 1901.

Charles Kellogg

Notary Public

COPY

M.C.R. 1229

Muskogee, Indian Territory, June 19, 1902.

Stephen Monroe Conerly,
Dexter, Mississippi.

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 Mary R. Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary R. Johnson, et al.....	M.C.R.	480
Emma F. Black, et al.....	M.C.R.	615
Tilman S. Conerly, et al.....	M.C.R.	1156
Walter W. Conerly, et al.....	M.C.R.	1157
Robert Arthur Conerly, et al.....	M.C.R.	1158
Ella J. Fosby,.....	M.C.R.	1159
Floy Harvey, et al.....	M.C.R.	1214
Stephen Monroe Conerly, et al.....	M.C.R.	1229
James J. Ball,.....	M.C.R.	1237
William H. Conerly, et al.....	M.C.R.	1238
Mark R. Conerly, et al.....	M.C.R.	1239

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, 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

M.C.R. 10000-2.

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 Mary R. Johnson, Rufus Johnson, Eva Johnson, Charley Johnson, Lucena Johnson, Emma F. Black, John B. Black, Molly Black, Clay Black, Tillman S. Conerly, Myrtis Conerly, Alvin B. Conerly, James R. Conerly, Margie Conerly, Walter W. Conerly, Clara F. Conerly, Carl S. Conerly, Laurence J. Conerly, Emma Conerly, Arthur P. Conerly, Laura Conerly, Robert Arthur Conerly, Mary H. Conerly, Lucy E. Conerly, S. Belle Conerly, Thomas T. Conerly, Jerome Conerly, Ella H. Conerly, James L. Conerly, Lusile Conerly, Ella J. Yecky, Floy Harvey, James Harvey, Clarence Harvey, Prentice Harvey, Grady Harvey, Edwin Harvey, Hay Harvey, Cecil Harvey, Stephen Monroe Conerly, Ephraim Conerly, Ophelia Conerly, John D. Conerly, Willis Conerly, Esell Conerly, Lular Conerly, Beulah Conerly, James J. Ball, William H. Conerly, Helen H. Conerly, Aline W. Conerly, Mark R. Conerly, Willie Marie Conerly and Olive Conerly, 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) *I. B. Needles.*

Commissioner in Charge.

Registered.

M.C.R. 1289.

COPY

Madagee, Indian Territory, November 11, 1902.

Stephen M. Conerly,
Dexter, Mississippi.

Dear Sir:

You are hereby advised that on the 31st 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 Mary R. Johnson, et al., of which decision you were advised by registered mail on the 19th day of June, 1902.

The Commission is directed to advise the applicants that the decision of the Secretary of the Interior is subject to their inspection.

Respectfully,

SIGNED:

Tamc Dixby
Acting Chairman.

COPY. M.S.R. 1229

McAlester, Indian Territory, April 10, 1903.

Stephen M. Gentry,
Dexter, Mississippi.

Dear Sir:

The Secretary of the Interior with his letter of April 2, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary R. Johnson, et al., with instructions that in accordance with a petition submitted February 13, 1903, by Mary R. Johnson and Emma F. Black, applicants therein, praying that said case be reopened and the several applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Ispia. The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, show that one Ispia was a beneficiary under said article 14.

The Secretary of the Interior in his letter states:

"In view of the fact that they claim descent from the person whose name appears upon the records of the government as a beneficiary under said article 14, it is deemed reasonable and proper, in accordance with the practice followed in other cases of like nature, to grant a re-hearing."

Stephen M. Conerly, --2

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 1850, 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 numbers 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 applicant's 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

Stephen M. Conroy, -2

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, up to and inclusive of Monday, May 11, 1903, 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,

(SIGNED)

Tams Bixby.
Chairman.

R A R Dep.

Registered.

Muskogee, Indian Territory, October 8, 1903.

Stephen Monroe Conerly,
Dexter, Mississippi.

Dear Sir:

The Secretary of the Interior, with his letter of September 25, 1903, returned to this Commission, the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary R. Johnson, et al., with instructions that in accordance with the petition submitted by J. O. Pool, attorney for applicants, praying that the time for the taking of additional testimony in said case be extended 90 days from May 11, 1903, the applicants and their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations, be notified that the applicants have been allowed 60 days from date hereof within which to submit additional testimony in support of their claim.

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Ispia. The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, show that one Ispia was a beneficiary under said article 14.

The Secretary of the Interior in his letter states:

S M C 2

"In view of the fact that they claim descent from the persons whose name appears upon the records of the government as a beneficiary under said article 14, it is deemed reasonable and proper, in accordance with the practice followed in other cases of like nature, to grant a re-hearing."

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 applicant's 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

S M C 3

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, up to and inclusive of Monday December 7, 1903, 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,

B & R Dep.
Register.

Chairman.

K. O. R. 1229

Muskogee, Indian Territory, July 18, 1902.

Stephen M. Conroy,
Dexter, Mississippi,

Dear Sir:

You are hereby notified that on the 21st day of June, 1902, the Secretary of the Interior reaffirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary R. Johnson et al., of which decision you were advised by registered mail on the 19th day of June, 1902.

Respectfully,

Commissioner.

MCR-1229

Muskogee, Indian Territory, March 19, 1907.

Stephen Monroe Genarly,
Dexter, Mississippi.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 25, 1907, denied a motion filed with the Department February 10, 1906, for a review of Departmental decision of October 31, 1902, and June 21, 1905, affirming and reaffirming the decision of the Commission to the Five Civilized Tribes of June 10, 1902, denying the applications of Mary R. Johnson et al., and Emma F. Black et al., for identification as Mississippi Choctaws; also denied a motion filed with the Department July 19, 1906, by J. O. Pool, on behalf of the applicants, for a transfer of said case to some more competent official, a copy of which motion was filed with the Department July 3, 1906, addressed to the President.

Respectfully,

Commissioner.

No. 1229

For Identification as a Mississippi Choctaw.

Alata J. P. Date January 8-1901

Name Stephen Monna Conerly

Age 37 Blood $\frac{1}{8}$

Post Office, Welfor, Miss.

Father: Stephen Conerly, d

Mother: Aenath " l

Claims through father

Wife

Margaret Conerly

Children:

Ephraim	15
Cephelia	13
John D.	10
Millie -	7
Ezell -	5
Lular	3
Beulah	1

for self and children

Stenographer:

Anna Bell

Choctaw MCR 1230

Robert E. Hobgood

See MCR 1228

MCR 1230

A MISSISSIPPI CHOCTAW

Robert E. Hobgood et al

REFUSED

DECISION RENDERED. AUG 7 1902

NOTICE OF DECISION MAILED APPLICANT.

AUG 7 1902

NOTICE OF DECISION MAILED AT TORNEYS
FOR CHOCTAW AND CHICKSAW NATIONS.

AUG 7 1902

RECORD FORWARDED DEPARTMENT.

AUG 7 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

OCT 22 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

OCT 31 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT TORNEYS FOR CHOCTAW
AND CHICKSAW NATIONS.

OCT 31 1902

REFER TO M. C. R. 1228

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 8, 1901.

In the matter of the application for identification as Mississippi Choctaws of Robert R. Hobgood and his minor children. Robert R. Hobgood, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Robert R. Hobgood.
 Q What is your age? A Forty two.
 Q What is your post office address? A Dexter, Mississippi.
 Q How long have you lived in Dexter? A All my life I reckon.
 Q Born there? A Yes sir.
 Q What is your father's name? A Oliver.
 Q Is he living? A No sir.
 Q What is your mother's name? A Gracie.
 Q Is she living? A No sir.
 Q Through which one of your parents do you claim Choctaw blood?
 A On my father's side.
 Q How much do you claim? A One eighth.
 Q Are you married? A Yes sir.
 Q What is your wife's name? A Harriet.
 Q Have you children? A Yes sir.
 Q Under twenty one years of age and unmarried? A Six.
 Q What was the name of the oldest? A Benjamin.
 Q How old? A Eighteen.
 Q Next? A Edmond.
 Q How old? A Sixteen.
 Q Next? A Robert O. Hobgood.
 Q How old? A Fifteen.
 Q Next? A Evy.
 Q How old? A She is ten.
 Q That is a girl is it? A Yes sir.
 Q Next? A Efy.
 Q Girl? A Yes sir.
 Q How old? A She is seven.
 Q Is that all? A That is all.
 Q Harriet is the mother of these children? A Yes sir.
 Q And you are the father? A Yes sir.
 Q And they are all living together with you at your home? A Yes sir.
 Q And you support them? A Yes sir.
 Q You say you claim your Choctaw blood through your father? A Yes sir.
 Q Was he ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? 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 any of the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
 Q Have you ever been enrolled by the tribal authorities of the Choctaw Nation as a Choctaw citizen? A No sir.
 Q Did you, or did any one in your behalf in 1896 under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes 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 Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
 Q Have you ever, prior to this time made application to either the

Hobgood-2

- Choctaw tribal authorities or the authorities of the United States Government for either citizenship or enrollment as a Choctaw?
- A No sir.
- Q Is this 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 Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
- Q What is the name of your ancestor who resided in Mississippi in 1830? A John Hobgood.
- Q Was he a full blood Choctaw Indian? A No sir, half.
- Q Have you any documentary evidence showing such to be the fact? Any documentary evidence to show that John Hobgood was a half blood Indian? A Yes sir.
- Q You have such documentary evidence? A Yes sir.
- Q Do you want to introduce it now? A Yes sir.

Attorney here says that he wants to introduce it with the other.

- Q You wish your lawyer to introduce it and make a motion to that effect later on in the hearing? A Yes sir.
- Q Did your ancestor remove from Mississippi to the Indian Territory at the time the Choctaw tribe were moved here by the United States Government in 1833 to 1837? A I don't know sir.
- Q You know nothing about that one way or the other? A No sir.
- Q You have no documentary evidence? A No sir.
- Q Do you know whether he, within six months after the ratification of the treaty of 1830, signified to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I don't know.
- Q Have you any evidence to show that your ancestors ever complied in any manner with the provisions of the fourteenth 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 the fourteenth article of the treaty of 1830? A I don't know, sir.
- Q Have either you or your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A No sir.
- Q Have you your marriage license and certificate? A No sir. They got burnt up when the court house burnt up; I have an affidavit of the certificate here with me.
- Q Do you wish your attorney now to make a motion as to the introduction and for leave to file certain documentary evidence in support of your application? A Yes sir.

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim; also written evidence showing the destruction of the records where the marriage license and certificate were recorded; the court house that was burnt, and other proof of marriage.

Motion of counsel is granted.

- Q Is there anything further you would like to state in support of your application? A No sir.

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

Hobgood

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes, reported in full all proceedings had in the above entitled cause on January 8, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 14 day of January, 1901.

Charles Kesinger

Notary Public.

COPY.

Muskogee, Indian Territory, August 7, 1902.

Robert E. Hobgood,
Dexter, Mississippi.

Dear Sir:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Hobgood, et al., embracing the following applications for identification as Mississippi Choctaws:

William Hobgood, et al.,	H.C.R. 1228
Robert E. Hobgood, et al.,	" 1230.

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 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 William Hobgood, Luther Hobgood, Gracie Hobgood, Johnston Hobgood, Carlos Hobgood, Robert E. Hobgood, Benjamin Hobgood, Edmund Hobgood, Robert

W. C. H. 1904.

O. Hedgood, Ely Hedgood and W. Hedgood as Cheatew Indians entitled to rights in the Cheatew Indian under the provisions of said article fourteen of the Treaty of Wagon Mound 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,

M C R 1230

Mustang, Indian Territory, October 21, 1908.

Robert B. Hobgood,
Dexter, Mississippi.

Dear Sir:

You are hereby advised that on the 22nd day of October, 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 William Hobgood, et al., of which decision you were advised by registered mail on the 7th day of August, 1908.

Respectfully,

Jame Binoy.

Acting Chairman.

Choctaw MCR 1231

Ella Fannin

See 225

MCR 1231

CHOCOTAW

Cella Fannin et al

REFUSED.

DECISION RENDERED. APR 15 1902

NOTICE OF DECISION MAILED APPLICANT. APR 22 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS APR 22 1902

NOTICE OF DECISION MAILED AT BARNEYS
FOR CHOCOTAW AND CHICKA SAUCTIONS APR 22 1902

RECORD FORWARDED DEPARTMENT.

APR 22 1902

ACTION APPROVED BY SECRETARY. PER OR.

JUN 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JUN 17 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.
AND CHICKA SAUCTIONS

JUN 17 1902

REFER TO M. C. R. 225

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 8, 1901.

In the matter of the application for identification as Mississippi Choctaws of Ella Fannin and her minor children. Ella Fannin, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Ella Fannin.
 Q What is your age? A Twenty.
 Q What is your post office address? A Mill Creek, Indian Territory
 Q How long have you lived in Mill Creek? A Why, I aint been there a great while myself.
 Q About how long do you think? A few months? A Yes sir, just about.
 Q Half a dozen do you think? Just give your idea. A Well I come there just the week before Christmas myself; well I was down in Choctaw Nation, just went up there from my mother's.
 Q How long have you lived in the Indian Territory? A About eight years.
 Q Where did you live before you moved to the Indian Territory?
 A Down in Texas.
 Q What place? A Eason County.
 Q Do you remember the name of the town? A Yes sir, Eason Town.
 Q How long did you live there? A I don't know.
 Q Where were you born? A In Denton County.
 Q Where, in what state? A Texas.
 Q Did you ever live in any other state than Texas until you came to the Indian Territory? A Not that I know of.
 Q Never lived in Mississippi? A No sir.
 Q What is the name of your father? A Armstrong.
 Q What is his full name? A George W.
 Q Is he living? A Yes sir.
 Q What is the name of your mother? A Sallie F. Armstrong.
 Q Is she living? A Yes sir.
 Q Through which one of your parents do you claim Choctaw blood?
 A My mother's side.
 Q How much Choctaw blood do you claim? A One eighth.
 Q Was your mother ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? 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.
 Q Have you ever been enrolled 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 under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation?
 A I don't know.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A I don't know.
 Q Have you ever before this time made application to either the tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
 Q Well then if you have not made application before either to the Commission or the Choctaw tribal authorities, you know, as a matter of fact, that you have not been admitted by United States Court in the Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities, don't you?
 A Well, my mother did; she put in my application.

- Q Was that before you were married? A I was living with her then.
- Q Were you married then at that time she put in an application?
- A Yes sir.
- Q Well, you know an application made by your mother for you if you were married would not be a good application, so this is really your first application isn't it, legal application? A Yes.
- Q You are now making application for identification as a Mississippi Choctaw are you not? A Yes sir.
- Q Are you making your claim as a beneficiary under the provisions of article fourteen of the treaty of 1830? A Yes sir.
- Q Do you think you base your claim under article fourteen rather than any and all provisions pertaining to Mississippi Choctaws?
- A Any and all the Choctaws.
- Q You claim by virtue of any laws or treaties that will give you a right now to submit this application for identification? A Yes sir
- Q What is the name of your ancestor who resided in Mississippi in 1830? A I don't know.
- Q You claim to be a descendant from a Mississippi Choctaw? A Yes sir
- Q Don't the name of this ancestor who lived in Mississippi in 1830, and under whom you now base your right or claim your right for identification as a Mississippi Choctaw? A No sir, I don't know nothing about it.
- Q Can you state to the Commission why you don't know the name of this ancestor? A I never did hear it called.
- Q Has your mother made an application for identification? A Yes sir.
- Q Did she know the name of the ancestor do you know? A I don't know whether she did or not.
- Q Have you any documentary evidence to show that your ancestor under whom you now claim the right to be identified, and who resided in Mississippi in 1830, was a Choctaw Indian? A I don't know.
- Q Do you know whether this ancestor removed from Mississippi to the Indian Territory at the time the Choctaw tribe were moved here by the United States Government in 1833 to 1837?
- A No sir, I don't.
- Q You have no proof whatever to show whether she did or did not?
- A No sir.
- Q Do you know whether this ancestor, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent of the Choctaw Indians in Mississippi an intention to remain in Mississippi and become a citizen of the United States?
- A No sir, I don't.
- Q Have you any documentary evidence showing that your ancestor ever complied in any manner with the provisions of the fourteenth 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 fourteenth article of the treaty of 1830? A I don't know.
- Q Have either you or your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A No sir.
- Q Are you married? A Yes sir.
- Q Have you children? A Yes sir.
- Q What is your husband's name? A Andy Fannin.
- Q F-a-n-n-i-n? A Yes sir.
- Q Do you wish to put in an application for your children? A Yes sir.
- Q What is the name of the oldest? A Andrew Jackson.
- Q How old is Andrew Jackson? A He is five years old the third day of next July.
- Q What is the name of the next? A Yottonner.
- Q How do you spell that? A Y-o-t-t-o-n-n-e-r.
- Q Girl? A Boy.
- Q How old? A Six months old.
- Q Is Andy Fannin the father of these two children? A Yes sir.
- Q You are the mother? A Yes sir.

Yannin-2

- Q And the basis of their claim is the same as yours? A Yes sir.
Q Do you make application for your husband? A No sir.
Q Simply for these children and yourself? A Yes sir.
Q Have you any documents of any kind that you would like to submit in this case for the consideration of the Commission in support of your application? A No sir.
Q Marriage license and certificate you would like to introduce?
A No sir.
Q Is there anything further you would like to state in support of your application? A No sir.

Here L. F. Hudson, attorney for applicant asks leave to file written evidence consisting of certified copies of the records now in the possession of this Commission in the case of Sarah Armstrong versus the Choctaw Nation and other affidavits within twenty days from date hereof.

Motion of counsel for applicant is granted.

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

Anna Bell, being 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 cause on January 8, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 14 day of January, 1901.

Charles H. Sawyer
Notary Public.

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

In the matter of the application of Ella Fannin for the identification of herself and her minor children, Andrew Jackson and Yottonner Fannin, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Ella Fannin appeared before the Commission at Atoka, Indian Territory, January 8th, 1901, and there made application for the identification of herself and her minor children, Andrew Jackson Fannin and Yottonner Fannin, as Mississippi Choctaws. The provision of law vesting the 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 27th, 1830, is found in Section 21 of the act of Congress approved June 28th, 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."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ella Fannin and her minor children, Andrew Jackson Fannin and Yottonner Fannin, 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,

DATED AT MUSKOGEE, INDIAN TERRITORY

ACTING CHAIRMAN.

THIS _____ DAY OF _____ 1901.

COPY.

M C R - 1231

Muskogee, Indian Territory, April 28, 1902.

Ella Fannin,

Hill Creek, 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 Nellie F. Armstrong, et al., embracing the following applications for identification as Mississippi Choctaws:

Nellie F. Armstrong, et al.,	M C R 228
Ella Fannin, et al.,	" 1231
Lien Bordeaux, et al.,	" 2427

Said decision, after a review of the evidence submitted,

concluded as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 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 Sallie F. Armstrong, Jesse F. Armstrong, William Thomas Armstrong, Jimmie Dalton Armstrong, Georgia Ann Armstrong, Lorena K. Armstrong, Lucy Mahette Armstrong, Dewey Lee Armstrong, Ella Fannin, Andrew Jackson Fannin, Watterman Yamin, Ideu Berdeaux, Sarah V. Berdeaux, Mary E. Berdeaux, Lola V. Berdeaux, James E. Berdeaux, Ida D. Berdeaux, Ellen J. Berdeaux, Dewey L. Berdeaux and Charles W. Berdeaux as Cheotaw Indians entitled to rights in the Cheotaw 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,

Tames Birby

Acting Chairman

Registered.

COPY

M D R 1421

Wahkago, Indian Territory, June 17, 1908.

Miss Farris,

Mill Creek, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th 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 Belle F. Armstrong, et al., of which decision you were advised by registered mail on the 22nd day of April, 1908.

Yours truly,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

No. 1231

For Identification as a Mississippi Choctaw.

State I.T. Date January 8, 1901

Name Ella Fannin

Age 20 Blood 1/8

Post Office, Mill Creek, I.T.

Father: George W. Armstrong

Mother: Sallie F. "

Claims through Mother

Husband

Andy Fannin

Children:

Andrew Jackson 5

Yottoner (boy) 6 m.

For self and children

Stenographer:
Anna Bell

Choctaw MCR 1232

Benjamin F. Boone

MCR 1232

CHICKASAW

Benjamin F. Boone et al

REFUSED

DECISION RENDERED. **AUG 11 1902**

NOTICE OF DECISION MAILED APPLICANT.
AUG 11 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHICKASAW AND CHICKSAW NATIONS.
AUG 11 1902

RECORDS FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR.
OCT 21 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.
NOV 7 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHICKASAW
AND CHICKSAW NATIONS.
NOV 7 1902

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

In the matter of the application of Benjamin Franklin
Beane, et al., for identification as Mississippi Choctaws, M C R
1220.

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 Benjamin Franklin Beane, et al., for identification as Mississippi Choctaws.	1
Joint ex parte affidavit of E. P. Duke and Mary Duke.	4
Final decision of the Commission in the case of Benjamin Franklin Beane, et al., applicants for identification as Mississippi Choctaws, refusing said application.	5

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 8, 1901.

In the matter of the application for identification as Mississippi Choctaws of Benjamin Franklin Boone and his minor children, Benjamin F. Boone, being first duly sworn, testifies as follows

Examination by the Commission.

- Q What is your name? A Ben Poone.
 Q Give your full name? A Benjamin Franklin Boone.
 Q What is your age? A Forty five.
 Q What is your post office address? A Jefferson, Marion County Texas
- Q How long have you lived in Jefferson, Marion County Texas? A Well I have only been living in that country to stay one year.
 Q Where did you live prior to living in Jefferson? A Cass County.
 Q Texas? A Yes sir.
 Q How long did you live there? A I lived there about seven years.
 Q Where did you live before that? A Camp County.
 Q Texas? A Yes sir.
 Q How long? A I suppose it would be about fifteen years.
 Q And where did you live before that? A Mississippi.
 Q Were you born in Mississippi? A No sir.
 Q How long did you live in Mississippi before you moved to Texas?
 A Two years I think it was as well as I can recollect, I was small.
 Q Where did you live before you moved to Mississippi? A I was born in Georgia.
 Q And always lived in Georgia before you went to Mississippi? A Yes sir, moved from Georgia to Mississippi and from Mississippi to Texas.
 Q Where did you live in Georgia? A Carrall County.
 Q What is your father's name? A Martin Boone.
 Q Is he living? A No sir.
 Q What is your mother's name? A Mary Boone, they called her Polly.
 Q Polly is a nick name of Mary isn't it? A Yes sir.
 Q Is she living? A No sir.
 Q Through which one of your parents do you claim Choctaw blood?
 A My mother.
 Q How much do you claim? A I claim an eighth..
 Q Was your mother ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? 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 Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
 Q Have you ever been enrolled by the Choctaw tribal authorities as a Choctaw Indian? A No sir.
 Q Did you, or did any one in your behalf in 1896 under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes 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 Court in Indian Territory on appeal from the decision either of the Choctaw tribal authorities or the decision of this Commission? A How was that first part.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.

- Q Have you ever before this time made application to either the tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
- Q Is this the first application you ever made of any description? A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
- Q What was the name of your ancestor who lived in Mississippi in 1830? A She didn't live-- Oh yes, Mary McIntosh, my great grandmother.
- Q She lived there in 1830 and prior to that? A I suppose so, I don't recollect seeing her.
- Q Was she full blood Choctaw? A She was half.
- Q Have you any documentary evidence showing such to be the fact? A No sir.
- Q Did this ancestor, this grandmother through whom you now claim the right to be identified as a Mississippi Choctaw remove from Mississippi to the Indian Territory at the time the Choctaw tribe were moved here from Mississippi? A I don't know.
- Q Why did your ancestor not remove together with the other members of the Choctaw tribe? A I don't know, sir.
- Q Did she within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent of the Choctaw Indians in Mississippi her intention to remain in Mississippi and become a citizen of the United States? A I don't know, sir.
- Q You have no evidence of that fact? A No sir.
- Q Have you any documentary evidence showing that your ancestor ever complied in any manner with the provisions of the fourteenth 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 fourteenth article of the treaty of 1830? A No sir.
- Q Have either you or your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A No sir.
- Q Are you married? A Yes sir.
- Q What is the name of your wife? A Ella Boone.
- Q When and where were you married to her? A I was married at Hughes's Spring, Texas.
- Q When were you married to her? A In '93.
- Q What day of the month? A The third day of June '93 if I mistake not.
- Q Have you your marriage license and certificate? A Not with me.
- Q Have you any children under twenty one years of age and unmarried for whom you desire to make application at this time? A I have one over age.
- Q That person would have to appear and make application for himself. Give the name of the oldest child under age and unmarried? A George Knox Boone is the oldest.
- Q How old is George Knox Boone? A He is nineteen.
- Q The next? A Ella Pearl.
- Q How old is Ella Pearl? A She is seventeen.
- Q The next? A Willie Maud Boone, she is fifteen.
- Q The next? A Nollia Boone.
- Q How old is Nollia? A Four years old.
- Q And the next? A Judge Boone.
- Q How old is Judge? A Two.
- Q You are the father of these children? A Yes sir.
- Q Ella Boone is the mother? A She is the mother of the last two.
- Q Who is the mother of the other three that you have named? A Lily Boone.
- Q She was your first wife? A Yes sir.

- Q She is dead? A Yes sir.
Q And she was a white woman? A Yes sir.
Q The basis of the claim of these children is the same as yours? They claim through you? A yes sir.
Q Is there anything further that you would like to say in support of your application at this time; any further statement that you would like to make? A None that I know of sir.
Q Have you any documentary evidence of any description that you desire to submit to the Commission for its consideration in support of your application at this time?

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim within twenty days from this date; also proof of marriage.

Motion of counsel for applicant is granted.

The decision of the Commission in regard 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 at your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on January 8, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell.

Subscribed and sworn to before me this 14 day of January 1901.

Charles Kesinger.
Notary Public.

C. J. W.

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

-----|-----
In the matter of the application of Benjamin Franklin
Boone, et al., for identification as Mississippi Choctaws, M. C. R.
1232.

--: 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 Commis-
sion by Benjamin Franklin Boone for himself and his five minor
children, George Knox, Ella Pearl, Willie Haud, Nellie and Judge
Boone, under the following provision of the act of Congress ap-
proved June 28, 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 Mary McIntosh, 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 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 10, 1896, (29 Stat., 321).

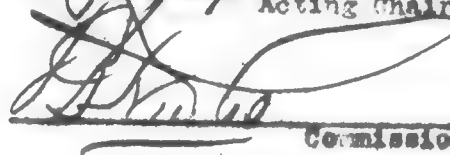
It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary McIntosh, 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 23, 1842, (5 Stat., 513).

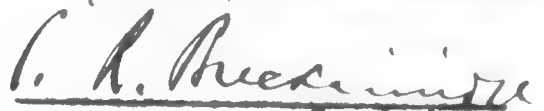
3.

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Benjamin Franklin Boone, George Knox Boone, Ella Pearl Boone, Willie Maud Boone, Nellie Boone and Judge Boone 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,


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

AUG 9 1902

Muskogee, Indian Territory, March 15, 1901.

Messrs Hudson & Arnold,

Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of March 9, inclosing affidavit of E. P. Duke and Mary Duke for filing in support of the application of Benjamin F. Boone for identification as a Mississippi Choctaw. The same has been made a part of the record in this case.

Yours truly,

MC 1252

Muskogee, Indian Territory, August 9, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Benjamin Franklin Boone, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 9th, 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,

Sam E. Luby.
Acting Chairman.

Through the
Commissioner of Indian Affairs.

1 enclosure.

Muskogee, Indian Territory, August 9th, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 9th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Benjamin Franklin Boone, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 8, 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 Benjamin Franklin Boone, George Knox Boone, Ella Pearl Boone, Willie Maud Boone, Melia Boone and Judge Boone 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."

M. Hall & C-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,

Acting Chairman.

Muskogee, Indian Territory, August 9, 1902.

Benjamin P. Boone,
Jefferson, Texas.

Dear Sir:

You are hereby advised that on the 9th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Benjamin Franklin Boone, 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 Benjamin Franklin Boone, George Knox Boone, Ella Pearl Boone, Willie Maud Boone, Melia Boone and Judge Boone 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."

benjamin Franklin Reese-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]
Acting Chairman.

Registered.

COPY.

Land.
48,298-1902.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.

WASHINGTON.
October 7, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted, herewith, the proceedings had before the Commission to the Five Civilized Tribes in the Mississippi Choctaw case of Benjamin Franklin Boone, et al., in which the principal applicant, Benjamin Franklin Boone, makes application for himself and his five minor children, to wit., George Knex, Ella Pearl, Willie Maude, Nolia and Judge Boone.

The said principal applicant claims that his ancestor from whom he claims to inherit his Choctaw blood and his rights as a Mississippi Choctaw, was Mary McIntosh, but he does not know whether she or any of his ancestors ever complied with the provisions of the 14th article of the treaty of 1830 or received any patent for land thereunder.

His evidence shows that none of the applicants are Choctaws of the full blood.

An examination of the office records adds nothing to the record evidence and the office considers such record evidence insufficient to warrant the identification of the applicant and his minor children as Mississippi Choctaws under the 14th article of said treaty.

---2---

It is therefore recommended that the decision of the commission refusing the identification of the applicants on the ground that the evidence is insufficient to warrants the same, be affirmed by the Department.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(W.C.B.).

P.

D.C. 19749

Copy.

RAF.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

October 21, 1902.

ITD. 62 26-1902

LRS.

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

Gentlemen:

August 9, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Benjamin Franklin Boone and his minor children, George Knox, Ella Pearl, Willie Maud, Nolia and Judge Boone.

The applicants claim to be descendants of one Mary McIntosh, 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 Mary McIntosh, or a less remote ancestor 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 application August 9, 1902.

Forwarding the papers October 7, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed herewith.

---2---

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

Respectfully,

(Signed)

E.A. Hitchcock.

Secretary. EMD.

1 inclosure.

M.C.R. 1232

COPY.

Muskegee, Indian Territory, November 7, 1902.

Mansfield, McMurray & Cernish,
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 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 Benjamin Franklin Boone, et al., of which decision you were advised by mail on the 9th day of August, 1902.

Respectfully,

James D. [Signature]
Acting Chairman.

M.C.R. 1232

COPY.

Muskegee, Indian Territory, November 7, 1902.

Benjamin Franklin Boone,
Jefferson, Texas.

Dear Sir:

You are hereby advised that on the 21st day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Cheetaws of the several persons included in the application of Benjamin Franklin Boone, et al., of which decision you were advised by registered mail on the 9th day of August, 1902.

Respectfully,

(S. 10)

James Dwyer,
Acting Chairman.

No. 1232
For Identification as a Mississippi Choctaw.

Alata J. P. Date January 8, 1901

Name Benjamin Franklin Boone

Age 45 Blood 1/8

Post Office, Jefferson, Texas

Father: Martin Boone d

Mother: Mary " d

Claims through mother

wife

Ella Boone

Children:

George Knox Boone 19

Ella Pearl " 17

Willie Maud " 15

Nola " 4

Judge " 2

Claims for self and children.

Stenographer:

Anna Bell

Choctaw MCR 1233

Johnnie Thompson

MCR 1233

A MISSISSIPPI CHOCTAW

Jennie Thompson et al

REFUSED

DECISION RENDERED. AUG 14 1902

NOTICE OF DECISION MAILED TO APPLICANT.
AUG 14 1902

NOTICE OF DECISION MAILED TO ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.
AUG 14 1902

RECORDED IN THE BUREAU OF LANDS DEPARTMENT.
AUG 14 1902

ACTION APPROVED BY SECRETARY OF THE INTERIOR
OCT 16 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT
OCT 25 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
OCT 25 1902

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

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**In the matter of the application of Jahnnie Thompson,
et al., for identification as Mississippi Choctaws. H.C.R. 1222.**

List of papers forwarded to the Secretary of the Interior
comprising the record in the above entitled case.

**Original application of Jahnnie Thompson
et al., to the Bureau Commission for iden-
tification as Mississippi Choctaws.....1**

Written statement of Jahnnie Thompson.....4

**Decision of the Commission denying the
application of Jahnnie Thompson, et
al., for identification as Mississippi
Choctaws:8.**

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DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY? JANUARY 8, 1901.

In the matter of the application of Johnnie Thompson for identification of himself and minor child as Mississippi Choctaws. Johnnie Thompson, having been first duly sworn, on his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Johnnie Thompson.
 Q What is your age? A Thirty three.
 Q What is your post office address? A Alvord, Texas.
 Q How long have you lived in Alvord? A Only been there two weeks.
 Q Where did you live before you lived there? A State of Nevada.
 Q State of Nevada? A Yes sir.
 Q How long did you live there? A Fourteen years.
 Q Where did you live before you lived in Nevada? A California.
 Q How long did you live in California? A Four years.
 Q Where did you live before that? A Mostly on the road from here back. I was born in Texas.
 Q Did you ever live in Mississippi? A No sir.
 Q What is the name of your father? A George Thomson.
 Q Is he living or dead? A He is dead.
 Q What is the name of your mother? A Ann Thompson.
 Q Living or dead? A Dead.
 Q Through which one of your parents do you claim Choctaw blood?
 A My father.
 Q How much Choctaw blood do you claim? A Myself?
 Q Yes sir? A Half.
 Q Half? A Yes sir.
 Q You said that you claimed through your father, was your father half or a full blood? A Full blood.
 Q Was your mother a white woman or a Choctaw? A Choctaw.
 Q Full blood? A No, half.
 Q Was she a Mississippi Choctaw? A I don't know; I could not say.
 Q Was he? A Yes sir.
 Q You said your father was a full blood and your mother half?
 A Yes sir.
 Q Do you wish to change that and make you three quarters instead of half? A Yes sir.
 Q Was your father ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? A I don't know; I could not tell you.
 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 enrolled 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, under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes 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 in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
 Q Have you ever prior to this time made application to either the tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A Made enrollment?
 Q Have you ever made application? A No sir.

- Q Is this 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 Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
- Q What was the name of your ancestor who resided in Mississippi in 1830? A I don't know.
- Q Do you know whether it was a man or a woman? A No sir.
- Q Don't know what relative? A No sir.
- Q Have you any documentary evidence to establish the fact that you had an ancestor who lived in Mississippi in 1830? A No sir, only I have got witnesses in Nevada.
- Q You think you have proof in Nevada? A Yes sir.
- Q But you haven't it with you now? A No sir.
- Q Did this ancestor under whom you now make this claim for identification as a Mississippi Choctaw remove to Indian Territory from Mississippi, do you know, at the time the Choctaw tribe were moved here by the United States Government from 1833 to 1837?
- A Yes sir.
- Q You know that for a fact? A Yes sir.
- Q Why, if you know that your ancestor removed from Mississippi to the Indian Territory at that time, are you unable now to give the name of that ancestor? A I don't understand you.
- Q If you knew-- the question is-- if you knew that your ancestor removed from Mississippi to the Indian Territory during this time between the year 1833 and 1837, how is you do not know that ancestor's name? A The only way I know is that parties talking about it. Stewart he was going with my father the time we were starting to come.
- Q Why is you don't remember the name? You remember the fact that he did remove to the Indian Territory? Is that right? A I guess that is right.
- Q You have no documentary evidence here now have, you prove this fact? A No sir.
- Q Do you know whether any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.
- Q Have you or any of your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A No sir.
- Q Are you married? A Yes sir.
- Q Have you children? A One, a minor.
- Q What is the name of your wife? A Lennie.
- Q Do you make any claim for her? A No sir.
- Q What is the name of your child? A Leslie.
- Q Leslie Thompson? A Yes sir.
- Q How old is Leslie? A Ten months old.
- Q Boy or girl? A Boy.
- Q Have you any other that you desire to make application for?
- A No sir.
- Q Is this the son of Lennie Thompson, your wife? A Yes sir.
- Q And your son? A Yes sir, my son.
- Q Is your wife and this little child living with you now? A Yes sir.
- Q Have you your marriage license and certificate that you would like to file? A Not with me.
- Q Is there anything further you would like to state in support of your case? A No, I believe not.
- Q Is there any evidence of any kind, documentary or otherwise, that you desire to introduce and make a part of your application?

Here L. P. Hudson, attorney for application, asks leave to file written evidence including marriage license and certificate, in support of this claim within thirty days from the date hereof.

Thompson-3

In consideration of the fact that the evidence may be somewhat difficult to obtain, the time stated by attorney for application, for thirty days in which to file documentary and other evidence is granted.

The decision of the Commission in regard to your application and the application you make on behalf of your child for identification as Mississippi Choctaws, will be mailed to you at your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on January 8, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Anna Bell

Subscribed and sworn to before me this 14 day of January, 1901.

Charles H. Sawyer
Notary Public.

John W. Thompson
J. W. T.
C. v. W.

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

In the matter of the application of Jehuie Thompson,
et al., for identification as Mississippi Choctaws, H. S. R. 1833.

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

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Jehuie Thompson, for himself and his minor child, Leolis Thompson, under the following provision of the act of Congress approved June 20, 1898, (30 Stat., 492):

"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 applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

(2).

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

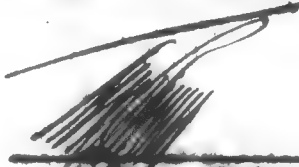
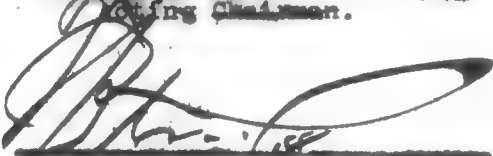
It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe or admitted to Choctaw citizenship by a duly 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 George Thompson, or Ann Thompson, 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., 100) and August 23, 1848, (5 Stats., 813).

(3).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jehmie Thompson and Leslie Thompson 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 application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.


Commissioner.

Muskogee, Indian Territory,

AUG 9 1902.

Muskogee, Indian Territory, February 13, 1901.

Messrs Hudson & Arnold,

Attorneys at Law,

Ardmore, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of the sixth instant, inclosing the affidavit of John Thompson which you request to have filed in his application for identification as a Mississippi Choctaw. The same has been duly filed with the other papers in this case and will receive the consideration of the Commission in the disposition of his application for identification as a Mississippi Choctaw.

Yours truly,

COPY.

Muskogee, Indian Territory, August 9, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 9th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Johnnie Thompson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 27, 1890 (50 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 Johnnie Thompson and Leslie Thompson 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. H. A. 1947

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

Yours truly,

SIGNED

James Birby
Acting Chairman

COPY.

Muskogee, Indian Territory, August 9, 1902.

Johnnie Thompson,
Alford, Texas.

Dear Sir:

You are hereby advised that on the 9th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Johnnie Thompson, Et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1893 (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 Johnnie Thompson and Lealie Thompson 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 application for their identification as such should be refused, and it is so ordered."

J. V. S.

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 Bixby.
Acting Chairman.

Registered.

COPY.

McKeesport, Indian Territory, August 9, 1902.

The Honorable:

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Johnnie Thompson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 9, 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)

Tamm Bixby.

Acting Chairman.

Through the Commissioner
of Indian Affairs.
1 enclosure.

(C O P Y)

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

Land
48289-1902.

Washington, Oct. 4, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made August 9, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Johnnie Thompson for the identification of himself and his minor child, Leslie, as Mississippi Choctaws.

They claim descent from George Thompson, and Ann Thompson, his wife.

The applicants are not full-blood Choctaw Indians; and the records of this office do not show that either George or Ann Thompson received a patent for land under the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek, or that they, or either of them received or attempted in any manner to secure the benefits of said article fourteen.

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.

WCV
D

3 inclosures.

(C O P Y)

DO. 19354-1902.

DEPARTMENT OF THE INTERIOR.

RAV.

Washington, October 16, 1902.

ITD., 6114-1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:-

August 9, 1902, you transmitted the record in the matter of the application for identification of Johnnie Thompson and his minor child, Leslie Thompson, as Mississippi Choctaws.

The applicants endeavor to trace their descent from one George Thompson, alleged to have been a full blood Choctaw, and Ann Thompson, alleged to have been a half blood Choctaw Indian.

The record fails to show that either of the applicants was ever admitted or enrolled as a Choctaw citizen, or that said George Thompson or Ann Thompson complied or attempted to comply with article IIV 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 that application August 9, 1902.

Submitting the papers October 4, the Acting Commissioner of Indian Affairs recommends your decision be approved. A copy of his letter is inclosed.

-2-

Having carefully considered the whole record, the
Department affirms the decision rendered.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

E.M.D.

COPY.

M.C.A. 1213.

Mustoge, Indian Territory, October 25, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 16th day of October, 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 Johnnie Thompson, et al., of which decision you were duly advised by mail on the 9th day of August, 1902.

Respectfully,

SIGNED

James Dixby,
Acting Chairman.

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

M.C.R. 1233.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 25, 1902.

Johnnie Thompson,
Alvord, Texas.

Dear Sir:-

You are hereby advised that on the 16th day of October, 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 Johnnie Thompson, et al., of which decision you were duly advised by registered mail on the 9th day of August, 1902.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.
~~Acting Chairman.~~

M.C.R. 1233.

Muskogee, Indian Territory, February 4, 1903.

L.D. Douglas,

Bee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th ultimo, in which you ask to be advised if John Lessley and Dora Lee Thompson are enrolled.

In reply to your letter, you are informed that it appears from the records of the Commission that Johnnie Thompson, residence, Alvord, Texas, age 33 years, is an applicant for the identification of himself and his minor child, Leslie Thompson, as Mississippi Choctaws.

The Commission on August 9, 1902, rendered its decision refusing their right to be identified as such Mississippi Choctaws, and on October 16, 1902, said decision was approved by the Secretary of the Interior; and on October 25, 1902, the applicant was notified of such departmental action.

It does not appear from the records of the Commission that any person by the name of Dora Lee Thompson is listed for

L R D 2

as either a citizen or freedman of the Choctaw or Chickasaw Nation,
or is an applicant for identification as a Mississippi Choctaw.

Respectfully,

Acting Chairman,

No. 1233

For Identification as a Mississippi Choctaw.

Atoka I.T. Date January 8. 1901

Name Johnnie Thompson

Age 33 Blood 3/4

Post Office, Alvord, Texas

Father: George Thompson d

Mother: Ann " d

Claims through father

wife

Lennie Thompson

Children:

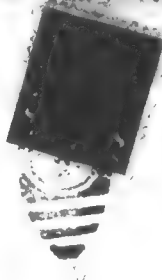
Leslie Thompson, 10 m
(boy)

for ref and chid.

Stenographer:

Arna Bell

Reg 7/20



Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Johnnie Thompson,
Wood.

733



U.S. MAIL

Exptd.

party address cannot be found.

50

RETURN TO WRITER

ALVORD
NOV

RETURN TO WRITER

OCT 28
336-N
1932

Department of the Interior.

Commissioner of the Five Civilized Tribes,
MUSKOGEE, IND. TERR.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

UNCLAIMED

Jennie Thompson,

Alvord, Texas.

UNCLAIMED

UNCLAIMED

1233

RECORDED
NOV 28 1902
U.S. DEPT. OF THE INTERIOR

RECORDED
NOV 28 1902
U.S. DEPT. OF THE INTERIOR

DEPT. OF THE INTERIOR,
MISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 26 1902

[Signature]
ACTING CHAIRMAN

Choctaw 1234

Campbell E. Gault

MCR 1234

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 9, 1901.

In the matter of the application of Campbell E. Galt for the identification of himself and one child as Mississippi Choctaws. Campbell E. Galt, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Campbell E. Galt.
 Q What is your age? A Twenty four; I will be twenty five in November.
 Q What is your post office address? A Pauls Valley, Indian Territory.
 Q How long have you lived there? A I have lived there four years this coming March.
 Q Where did you live before you lived in Pauls Valley? A Mount Vernon, Franklin County, Texas.
 Q How long did you live there? A I lived there my whole life till I moved to the Territory.
 Q Born there? A Yes sir.
 Q You never lived in Mississippi? A No sir.
 Q What is your father's name? A Wilborn J.
 Q Is he living? A He is.
 Q What is your mother's name? A Dora C.
 Q Is she living? A She is dead.
 Q Through which one of your parents do you claim Choctaw blood?
 A My mother.
 Q How much blood do you claim? A I claim a sixteenth.
 Q Was your mother ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? A She was not.
 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 enrolled 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 under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes 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 in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
 Q Have you ever before this time made application to either the tribal authorities 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 ever made of any kind?
 A Yes sir.
 Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
 Q Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
 Q What is the name of your ancestor who lived in Mississippi in 1830, under whom you now claim the right to identification as a Mississippi Choctaw? A My grandmother, Eliza English.
 Q Your grandmother Eliza English? A Yes sir.
 Q Was she a Choctaw Indian? A She was.
 Q Was she a full blood do you know? A No sir, she was a quarter Indian.
 Q Have you any documentary evidence of the fact that she was a Choctaw Indian and lived in Mississippi? A I haven't it in my possession now.

- Q Did your ancestor, that is your grandmother, you say it is your grandmother? A Yes sir.
- Q Did she remove from Mississippi to the Indian Territory at the time the Choctaw tribe were moved here by the United States Government from 1833 to 1837? A I could not say for certain about that.
- Q You don't know whether she did come or not?
- A Not at that particular time, I could not say.
- Q Do you know whether she, within six months after the ratification of the treaty of 1830, signified to the United States Indian Agent to the Choctaw Indians in Mississippi, her intention to remain in Mississippi and become a citizen of the United States?
- A No sir.
- Q You have no evidence of that fact? A No sir.
- Q Have you any documentary evidence showing that your ancestor ever complied in any manner with the provisions of the fourteenth article of the treaty of 1830? A I haven't in my possession.
- Q Did any of your ancestors ever claim or receive any lands in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I could not say.
- Q Have you or any of your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A How is that.
- Q Have either you or any of your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A No sir, none that I know of.
- Q Are you married? A I am.
- Q What is your wife's name? A Ada V. Galt.
- Q Do you make any claim for her? A I do not.
- Q Have you any children you wish to make application for? A One.
- Q What is his name? A Wilborn J.
- Q He is a minor and unmarried? A He is.
- Q How old is he? A Thirteen months old.
- Q Have you your marriage license and certificate that you would like to introduce? A I haven't them with me.
- Q Is Ada V. Galt the mother of Wilborn J.? A She is.
- Q And you are his father? A I am.
- Q And the basis of his claim is the same as yours? A It is.
- Q And your wife and child are living with you at your home?
- A They are.
- Q Is there any additional statement that you wish to make in support of your application, that you can think of? A Well, I don't know, I might give the reasons why I make the application.
- Q All right; anything you would like to state.
- Q Do you want to make that statement orally now or do you wish it be filed in writing with your application? A It might be filed in writing with my application.
- Q Have you any documentary evidence of any description that you desire to introduce in support of your application at this time?

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim, within twenty days from this date, including marriage license and certificate.

Motion granted.

The decision of the Commission in regard to your application, and the application you make on behalf of your child for identification as Mississippi Choctaws, will be mailed to you in writing to your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the five civilized tribes she reported in full all proceedings had in the above entitled cause on January 9, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 14 day of January, 1901.

Charles H. Sawyer
Notary Public.

COPY.

Muskogee, Indian Territory, September 3, 1902.

Campbell E. Galt,
Pauls Valley, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elisha Clapp, et al., embracing the following applications for identification as Mississippi Choctaws:

Elisha Clapp, et al.,	M.C.R. 1407
Campbell E. Galt, et al.,	" 1234
Hollie Beck, et al.,	" 4318
David Clapp, et al.,	" 1404
Mary E. Clapp,	" 1408
John W. Clapp,	" 1405.

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."

C.E.O. #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 Elisha Clapp, David M. Clapp, Wilburn S. Clapp, Evey L. Clapp, Carrie M. Clapp, Elisha Clapp (2), T. L. Clapp, Campbell E. Galt, Wilborn J. Galt, Hollie Beck, Winnie M. Beck, Combes H. Beck, Marvin E. Beck, Bentley M. Beck, Ray E. Beck, Mary G. Beck, David Clapp, Melton Clapp, James W. Clapp, John A. Clapp, Elisha P. Clapp, William T. Clapp, Vinnie O. Clapp, David G. Clapp, Bessie Clapp, Odom Clapp, Mary E. Clapp and John W. Clapp, 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,

WHD:MC

Fame Derby
Acting Chairman.

Registered.

Land.

55818-1902.

C O P Y.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, December 2, 1902.

The Honorable,

The secretary of the Interior.

Sir:

There is respectfully submitted herewith the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties, wherein a decision adverse to their claims was rendered by the Commission on September 3, 1902:

Elisha Clapp for himself and six children, David E., Wilburn S., Evey L., Carrie E., Elisha and T. L. Clapp; Campbell E. Galt for himself and child, Wilborn J. Galt; Mollie Beck for herself and six children, Mimmie M., Compos H., Marvin E., Bentley E., Ray R. and Mary G. Beck; David Clapp for himself and nine children, Melton, James W., John A., Elisha P., William T., Vinnie O., David O., Bessie and Odem Clapp; Mary E. Clapp for herself and John W. Clapp for himself.

It appears from the testimony taken in this case that the applicants base their claims to identification as Mississippi Choctaws on their descent from one David Clapp, who is alleged to have been a half blood Choctaw Indian, except in the case of Campbell E. Galt and child, who claim identification by reason of being de-

scendants of one Nancy Clapp, a sister of David Clapp who is alleged to have been of Choctaw blood but to what degree is not stated.

The Commission bases its decision rejecting these parties on the ground that its records fail to show that either David Clapp or Nancy Clapp or any other ancestor less remote or any of the applicants themselves ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

Upon examination of the records of this office, it does not appear that the names of David Clapp or Nancy Clapp are among the names of those Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and neither are there so found the names of any of the descendants of David Clapp or Nancy Clapp, and the office recommends that the finding of the Commission rejecting the parties be approved.

Very respectfully,

W. A. Jones,

Commissioner.

E.B.H. H'r.

D. C. No. 24200-1902

C O P Y

DEPARTMENT OF THE INTERIOR,

J. W. H.

I. T. D. 7420-1902.

WASHINGTON,

FHE

File 896-1898.

L. R. S.

December 8, 1902.

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

Gentlemen:

September 3, 1902, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws of Elisha Clapp (M.C.R.1407) for himself and his six minor children, David E., Wilburn S., Evey L., Carrie E., Elisha and T. L. Clapp; of Campbell E. Galt for himself and minor child, Wilborn J. Galt; of Mollie Beck for herself and her six minor children, Minnie M., Cosmos H., Marvin E., Bently E., Ray R., and Mary G. Beck; of David Clapp for himself and his nine minor children, Melton, James W., John A., Elisha P., William T., Vinnie O., David O., Bessie and Odem Clapp; of Mary E. Clapp for herself; and of John W. Clapp for himself, including your decision of said date which was adverse to the applicants.

These applicants, except Campbell E. Galt and his minor child, attempt to trace their Choctaw descent through one John Clapp, who was the son of David Clapp. Campbell E. Galt alleges that his mother, Dora G. Galt, was the daughter of a quarter blood Choctaw woman named Eliza English, and that the latter was the daughter of one Nancy Clapp, a sister of the said David Clapp.

Claiming identification as Mississippi Choctaws, it was

incumbent upon these applicants to show their descent from an ancestor who had complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the provisions of the acts of March 3, 1837, (5 Stat., 180), and August 23, 1842 (5 Stat., 513), relating thereto. The record, however, fails to show that any of said ancestors so complied or attempted to comply. The records in the possession of the Indian Office fail to show that any one of said alleged ancestors was, or was entitled to be, a beneficiary under the provisions of said article or acts; it can not, therefore, be held that these parties are entitled to enrollment as Mississippi Choctaws.

December 2, 1902, the Commissioner of Indian Affairs, reporting in the matter, recommended that your action be approved. The department concurs therein and your decision is accordingly affirmed. A copy of the Commissioner's letter is inclosed.

Respectfully,

(signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

M. U. R. 1234

COPY.

Muskogee, Indian Territory, December 22, 1902.

Campbell E. Galt,

Pauls Valley, Indian Territory.

Dear Sir:

You are hereby notified that on the 8th day of December, 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 Elisha Clapp, et al., of which decision you were advised by registered mail on the 3d day of September, 1902.

Respectfully,

W. S. D.

Wm. S. Dixby.

No. 1234

For Identification as a Mississippi Choctaw.

Alta. I. T. Date January 9, 1901

Name Campbell C. Galt,

Age 24 Blood 1/16

Post Office, Pauls Valley I. T.

Father: Wilborn J. Galt

Mother: Flora C. " d

Claims through Mother

wife

Ada V. Galt.

Children:

Wilborn J. Galt, 13. m.

Stenographer:

Anna Bell.

REFUSED

NOTICE OF DECISION MAILED APPLICANT.

SEP - 8 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

SEP - 8 1902

RECORD FORWARDED DEPARTMENT.

SEP - 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

DEC - 8 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

DEC 22 1902

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

DEC 22 1902

REFER TO M. C. R. 1407

Choctaw MCR 1235

Frank Duke

MCR 1235

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 9, 1901.

In the matter of the application for identification as a Mississippi Choctaw of Frank Duke. Frank Duke, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Frank Duke.
 Q What is your age? A Eighteen.
 Q What is your post office address? A Roanoke, Texas.
 Q How long have you lived in Texas? A Four years the 8th of January
 Q And where did you live before you lived there? A In the state of Georgia.
 Q How long did you live in Georgia? A About sixteen years.
 Q You lived there sixteen years? A Yes sir.
 Q All your life? A Yes sir.
 Q Were you born there? A Yes sir, I was born in Georgia.
 Q Did you never live in any other state until you went to Texas?
 A It was fourteen years instead of sixteen.
 Q You were born in Georgia? Do I understand? A Yes, I was born in Georgia.
 Q Always lived there until you went to Texas? A Yes sir.
 Q Never lived in Mississippi? A No sir.
 Q Where did you live in Georgia? What place? A Jackson County.
 Q All the time? A Yes sir.
 Q What is your father's name? A Crawford Duke.
 Q Is he living? A No sir he is dead.
 Q What is your mother's name? A Aggie Duke.
 Q Is she living? A No sir, she is dead.
 Q Through which one of your parents do you claim Choctaw blood?
 A Father.
 Q How much do you claim? A Father is one fourth Choctaw.

Attorney: The question is how much do you claim?

- A One eighth.
 Q Was your father ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? A Yes sir.
 Q When, where and in what way? A In the Mississippi Choctaws.
 Q Your father? A Yes sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation?
 A What is that?
 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 enrolled 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, under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes 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 Courts in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
 Q Have you ever before this time made application to either the tribal authorities or the authorities of the United States for

Duke-2

- either citizenship or enrollment as a Choctaw? A No sir.
- Q Is this 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 Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
- Q Do you fully understand that question? Do you know what I mean when I ask if you are making a claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830?
- A No sir, I don't fully understand that question I don't think.
- Q Well, I will put it this way. Do you understand what the provisions of the fourteenth article of the treaty of 1830 are? Have you had it explained to you? A No, I haven't had it explained to me.
- Q The fourteenth article of the treaty of 1830 provides that any Mississippi Choctaw Indians who elected to remain in the State of Mississippi, who elected to remain in the state of Mississippi after the treaty of 1830, could do so, by declaring his intention to the Indian Agent who was located there of his desiring to remain there and become a citizen of the United States. Do you know whether your ancestor, the one under whom you now claim the right to be identified did do that or not? A Yes sir, my father.
- Q Do you claim under your father? A Yes sir.
- Q Do you know that he elected to remain in the state of Mississippi? A Yes sir.
- Q What is the name of your father? A Crawford Duke.
- Q Is he the ancestor who lived in Mississippi in 1850? A Yes sir.
- Q Was he a Choctaw Indian? A Yes sir by blood.
- Q How much blood? A One fourth.
- Q One fourth? A Yes sir.
- Q Have you any documentary evidence showing such to be the fact? A Yes sir.
- Q Any papers? A Yes sir.
- Q You desire to file those papers with the Commission at this time and make them a part of your application? A Yes sir.
- Q Did your ancestor remove from Mississippi to the Indian Territory at the time the Choctaw tribe were moved here by the United States Government from 1833 to 1837? A Well, I don't remember.
- Q You have no knowledge of that fact one way or the other? A No sir.
- Q Do you know whether your father, the ancestor under whom you now claim the right to be identified, within six months after the ratification of the treaty of 1830, signified to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States?
- A I don't know sir.
- Q You have no evidence of that fact, have you? A No sir.
- Q Have you any documentary evidence showing that your ancestor ever complied in any manner with the provisions of the fourteenth article of the treaty of 1830? A No sir.
- Q Did any of your ancestors ever claim or receive any lands in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I don't know, sir, whether he did or not.
- Q Do you understand what the word beneficiary means? Do you? If you don't, just say so and I will explain it? A No sir.
- Q When I ask if any of your ancestors ever claimed or received any lands in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830, I mean that the fourteenth article of the treaty of 1830 was enacted for the benefit of Mississippi Choctaw Indians and not only for their benefit, as the word beneficiary means one who has received a benefit, but also for the benefit of their descendants; you claim to be the

Duke-5

- descendant of a Mississippi Choctaw, therefore as it was passed for your benefit as well as your ancestors, also a beneficiary; now you understand the question do you not? The question is, did any of your ancestors or have you as a descendant of a Mississippi Choctaw ancestor, ever claim or receive any land in Mississippi as a beneficiary under the fourteenth article of the treaty of 1830? A No sir.
- Q Are you married? A No sir.
- Q Yes are making your claim for yourself alone? A Yes sir.
- Q And you claim your father, Crawford Duke, to be the ancestor who lived in Mississippi in 1830? A Yes sir.
- Q When did he die, do you remember? A No sir, I don't just remember.

Attorney: He died when you were small didn't he?
A Yes, he died when I was small.

- Q Is there any additional statement you desire to make in support of this application you make for yourself? A No sir.
- Q Have you any documentary evidence of any description that you desire to submit to the Commission in support of your application at this time?

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence, consisting of certified copies of records now on file with the Commission and affidavits in support of his claim within twenty days from this date.

Motion of counsel for applicant is granted.

The decision of the Commission in regard to your application which you make on your own behalf for identification as a Mississippi Choctaw, will be mailed to you at your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on January 9, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Anna Bell

Subscribed and sworn to before me this 14 day of January, 1901.

Charles H. Sawyer

Notary Public.

Washoe, Indian Territory, January 3, 1902.

Frank Duke,

Washoe, Texas.

Dear Sir:

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 report 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 Alicka, Indian Territory on January 6, 1901, 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

testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

W. O. 1888

Commissioner in charge.

COPY H.C.B. 1222

Muskogee, Indian Territory, November 24, 1902.

Frank Duke,

Beacons, 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 E. Nixon, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Respectfully,

(SIGNED)

James G. Barbu

Acting Chairman.

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 1235

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 27, 1902.

Frank Duke,

Beanoke, 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 Kesiah 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	828
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 B	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	2774
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 Kesiah Moore, William Elmer Moore, Effic 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, Claude 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 Ellinina 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.

— 3 —

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, Lookey 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,

Tama Quinn

Acting Chairman.

Register.

Muskogee, Indian Territory, December 7, 1903.

Frank Duke,

Roanoke, 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 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 Duke.

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 claims, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that

-1-

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.

M.C.R. 1236.

Muskogee, Indian Territory, May 11, 1905.

Frank Duke,

Roanoke, 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.R. 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-1235

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


Muskogee, Indian Territory, March 9, 1907.

Frank Duke,
Beaneke, Texas.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied the motions filed by J. O. Peol, 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. Mixon et al.

Respectfully,



Commissioner.

No. 1235

For Identification as a Mississippi Choctaw.

Atoka, I.T., Date January 9, 1901

Name Frank Klucke

Age 18 Blood '18

Post Office, Roanoke, Texas

Father: Crawford Klucke, d

Mother: Aggie Klucke d

Claims through father

~~Children:~~

Stenographer:

Anna Bell.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

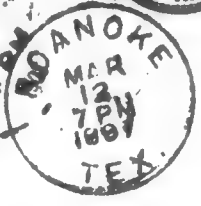
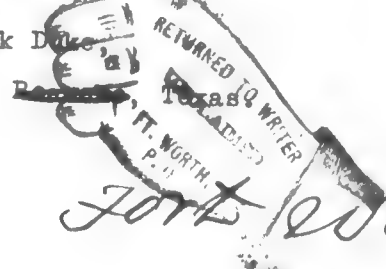
MUSKOGEE, IND. TER.

1235

4/13



Frank D. ...



Fort Worth

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DELIVERY

GENERAL DELIVERY
MAR 18
A.M.
FORT WORTH, TEX.

DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.

FILED

APR 16 1907



Commissioner.



NOTICE OF DECISION FOR APPLICANTS

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

REMANDED BY THE SECRETARY OF
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
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAY 11 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAY 11 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANTS

MAY 11 1905

REFER TO M.C. B. 788

Choctaw MCR 1236

Henderson Duke

MCR 1236

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 9, 1901.

In the matter of the application of Henderson Duke for identification of himself and minor children as Mississippi Choctaws. Henderson Duke, having been first duly sworn, on his oath states as follows:

Examination by the Commission.

- Q What is your name? A Henderson Duke.
- Q What is your age? A I don't just remember what my age is. I have got it here; born March 28, 1861, thirty nine years old.
- Q What is your post office address? A Reanoke, Texas.
- Q How long have you lived in Reanoke? A I don't know exactly how long I have lived thar.
- Q Two years or months? A I have been thar eight or nine I never paid no attention.
- Q Where did you live before you lived in Reanoke? A I have lived in some parts of Georgia. Well, I left Georgia, I don't know what time it was, nothing at all about it, I was young and small.
- Q About how long do you think you lived in Georgia, different places?
- Q It must have been fifteen years.
- Q Fifteen years altogether? A Almost fifteen years if I aint mistaken when I left Georgia.
- Q Well, where did you live previous to living in Georgia? What state
- A I was born in Mississippi.
- Q Born in Mississippi, in what place in Mississippi? A I don't know, exactly what place but then in the Choctaw I guess.
- Q What? A In the Territory I guess.
- Q Do you mean you were born among the Choctaw people in Mississippi? Is that it? A Yes, to my knowledge that is where I was born.
- Q And did you live in different places in Mississippi or only one place? A I don't know.
- Q But you are very sure you were born in Mississippi? A Yes sir.
- Q And did you go from Mississippi to Georgia? A Yes sir.
- Q You didn't go to any other state? A No sir.
- Q And you lived there about fifteen years? A Yes sir.
- Q And you went from there to Texas? A Yes sir.
- Q And been there ever since? A Yes sir.
- Q What is your father's name? A Crawford Duke.
- Q Is he living? A No sir.
- Q What is your mother's name? A Aggie.
- Q Living? A No sir.
- Q Through which one of your parents do you claim Choctaw blood?
- A Father.
- Q How much do you claim? A One eighth, I claim the same as my brother.
- Q Was your father ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? 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 Choctaw tribal authorities for citizenship in the Choctaw Nation?
- A No sir.
- Q Have you ever been enrolled by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.
- Q Did you, or any one for you, in 1896, under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation?

Daks-X

A I don't know.

Q What is your answer? A I don't know.

Q Do you know whether you ever made application for enrollment or citizenship before this time? A No sir, I haven't.

Q Then you did not in 1896, or any one for you, make application under the act of Congress of June 10, 1896, did you, if you never made any application before? A I don't know.

Q This is your first application? A Yes sir this is my first.

Q You are sure about this? A Yes sir.

Q And is this the first application ever made for your? A Yes sir.

Q No one ever made any for you before? A No sir.

Q And you have never then before this time made application to the tribal authorities or the authorities of the United States for either citizenship or enrollment? A No sir.

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

Q Are you making this claim so that you can have the benefits of the provisions of the fourteenth article of the treaty of 1830?

A Yes sir.

Q What was the name of your ancestor who lived in Mississippi in 1830. What is the name of the relative that you claim under in Mississippi in 1830, and who was a Mississippi Choctaw? A Moses Duke.

Q Is that right? What relative of yours was he? What kin?

A He was my father's father.

Q Your father's father, Your grandfather? A Yes sir.

Q Was he a Choctaw Indian? A Yes sir.

Q Full blood? A Yes sir.

Q Have you any writing or papers of any kind that show that he was a full blood Choctaw Indian and lived in Mississippi in 1830?

A No sir.

Q Did he remain in Mississippi at 1830 at the time the United States Government moved the Indians from Mississippi to the Indian Territory? A I don't know, sir.

Q You don't know? A No sir, I don't.

Q You have no evidence of that fact? A No sir.

Q Have you any writing or other documentary evidence of any kind showing that your ancestor, I mean your father, grandfather, or grandmother, ancestors, ever complied in any manner with the provisions of the fourteenth article of the treaty of 1830?

A No sir.

Q Did any of your ancestors, your father or grandfather or mother or grandmother or any of your relatives back 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 Do you know whether they ever held any land in Mississippi?

A No sir.

Q Have either you or any of your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A I don't know that.

Q Do you know whether you have ever received any benefits?

A No sir, I have not.

Q And you don't know whether they have? A No sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Frankie.

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

Q Have you children? A Yes sir.

Q How many? A Three.

Q Are they unmarried? A Yes sir.

Q All under twenty one years of age? A Yes sir.

Q What is the name of the oldest? A Carrie.

Q How old is Carrie? A Eleven.

Q What is the name of the next? A Claude.

Q Boy? A Yes sir.

Duke-3.

- Q How old is Claude? A Twelve.
Q Twelve? A No, eleven.
Q You gave Carrie Duke as eleven? A Carrie Eleven?
Q You gave her eleven, I don't know whether that is right.
A Carrie is twelve and Claude is eleven.
Q Carrie is twelve, you change that? A Yes sir.
Q And Claude is eleven? A Yes sir.
Q What is the name of the aunt? A Ella.
Q How old is Ella? A Twelve months.
Q Twelve months, one year? A Yes sir.
Q And you are their father? A Yes sir.
Q They claim through your ancestry, I suppose? A Yes sir.
Q You said yes? A Yes sir.
Q Have you your marriage license and certificate? A Sir.
Q Have you your marriage license and certificate? A Not with me.
Q Is there anything further you would like to say in support of your application? A No sir.
Q Have you any documentary evidence of any kind that you desire to submit to the Commission for its consideration at this time?

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim, including marriage, license and certificate, within twenty days from this date.

Motion of counsel for applicant is granted.

The decision of the Commission in regard to your application and the application you make on behalf your children will be mailed to you at your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reports & in full all proceedings had in the above entitled cause on January 9, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 14 day of January, 1901.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, February 4, 1901

Messrs Hudson & Arnold,

Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of January 25, inclosing marriage license between H. Duke and Miss F. A. McCarty, for filing with the records in the application for identification of Henderson Duke as a Mississippi Choctaw. The same has been duly filed with the other records in this case.

Yours truly,

Muskogee, Indian Territory, January 4, 1902.

Henderson Duke,
Reaneke, Texas.

Dear Sir:

In the matter of the application for identification as a Mississippi Choctaw of Herga 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 Atoka, Indian Territory on January 9, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and 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 Meridian, Mississippi, on Thursday,

R. 2.

February 2, 1938 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. G. 1234.

Commissioner in charge.

COPY.

N.O.R. 1236

Muskegee, Indian Territory, November 24, 1902.

Henderson Duke,

Reanoke, 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,

Tame Bixby.

Acting Chairman.

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

ALLISON G. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Y O R 1230

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 27, 1902.

**Henderson Duke,
Roanoke, 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, Effic 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 R. 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, 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 Leo 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, Lookey 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, 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,

W. C.

W. C. Dyer

Acting Chairman.

Register.

Muskogee, Indian Territory, December 7, 1903.

Henderson Duke,
Roanoke, 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 go, 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 applied 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. 1250

Muskogee, Indian Territory, May 11, 1908.

Henderson Duke;

Beaumont, Texas.

Dear Sir:

You are hereby notified that on the 29th day of April, 1908, 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. Her-
ten, Attorney at Law, Durant, Indian Territory, and Messrs. Her-
bert, Walker & Cannon, Attorneys at Law, Ardmore, Indian Territory,
attorneys for the several applicants included in this consolidated
case.

Respectfully,

Chairman.

MCB-1254

Muskogee, Indian Territory, March 9, 1907.

Henderson Duke,
Beanoke, Texas.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied the motions filed by J. O. Peol, 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.

GEORGE WENDERSO

MAY 18 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 27 1902

NOTICE OF DECISION FORWARDED ATTORNEY FOR APPLICANTS.

MAY 27 1902

NOTICE OF DECISION FOR ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 27 1902

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MAY 27 1902

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NOV 14 1902

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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

1903

RECORD FORWARDED DEPARTMENT. AUG 24 1904

ACTION APPROVED BY SECRETARY OF INTERIOR. APR 25 1905

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

MAY 17 1905

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT

MAY 1905

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT

MAY 11 1905

REFER TO M. C. R. 788

No. 1236

For Identification as a Mississippi Choctaw.

Atoka, I. T. Date January 9, 1901

Name Henderson Hinkle

Age 39 Blood 1/8

Post Office, Rosamata, Texas.

Father: Crawford Hinkle, d

Mother: Aggie " d

Claims through father

wife, Frankie Hinkle

Children:

Carrie Hinkle 12

Claude " (boy) 11

Ella Hinkle 1.4r.

For self and children.

Stenographer:

Anna Bell

Choctaw MCR 1237

James J. Ball

See MCR 480

MCR 1237

James J. Ball

REFUSED

DECISION BY
JUN 10

NOTICE OF DECISION MADE APPLICANT
JUN 14 1905

NOTICE OF DECISION FORWARDED
ATTORNEYS FOR APPLICANT

FOR CHICHOCTAW AND CHICKASAW NATIONS.

JUN 19 1905

RECORD FORWARDED DEPARTMENT.

APPROVED BY SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR APPLICANT.

DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHICHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R. 480

REMAIN IN THE OFFICE OF THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.

RECORD FORWARDED DEPARTMENT.

REMAIN IN THE OFFICE OF THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.

RECORD FORWARDED DEPARTMENT.
DEC 30 1903

ACTION APPROVED BY JUN 21 1905
SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL ACTION,
FORWARDED ATTORNEYS FOR CHICHOCTAW
AND CHICKASAW NATIONS. JUL 15 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT. JUL 15 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. JUL 15 1905

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 9, 1901.

In the matter of the application of James J. Ball for identification as a Mississippi Choctaw. James J. Ball, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A My full name?
- A Yes, as you give it? A James J. Ball.
- Q What is your post office address? A Tylertown, Mississippi.
- Q How long have you lived in Tylertown, Mississippi? A Well, I have been living there for about twenty five years.
- Q Where did you live before you lived in Tylertown Mississippi?
- A I lived in Marion County, Mississippi.
- Q How long did you live there? A Well, we moved from Tylertown down there and we stayed there nine years in my recollection.
- Q Where were you born? A Tylertown, Mississippi.
- Q So you lived in Mississippi all your life? A Yes sir.
- Q And have lived in those two different places, Tylertown and Marion?
- A Yes, those two counties have been my home all my life.
- Q What is your father's name? A Newton.
- Q What is your mother's name? A Elizabeth.
- Q Is Newton Ball living? A Dead.
- Q Is your mother living? A Yes sir, she was when I left home.
- Q Through which one of your parents do you claim? A Father.
- Q How much Choctaw blood do you claim? A One sixteenth.
- Q Was your father ever recognized by any of the tribal authorities of the Choctaw Nation as a citizen of that Nation? A I---
- Q In any formal manner I mean? A It was general talk.
- Q That would be gossip; was she ever in any way recognized by the authorities, understand, not by neighbors but by the authorities?
- A I could not--- I really don't know about that.
- 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 Have not.
- Q Have you ever been enrolled by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A Have not.
- Q Did you, or did any one in your behalf, in 1896, under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation?
- A Don't know.
- Q Do you know what I mean by the Commission to the Five Civilized Tribes? A I don't exactly understand.
- Q You have heard of the Dawes Commission haven't you? A well, since I have been out here.
- Q Well the Commission to the Five Civilized Tribes is the proper name
- A Yes sir.
- Q Has any one for you, or have you made application to them under the act of June 10, 1896? A No sir.
- Q Have you ever before this time made application to either the tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
- Q Is this the first application you have ever made of any kind?
- A It is.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? Under what law,

- treaty or rights do you claim now the right to be identified as a Mississippi Choctaw? A Under article fourteen and 1830.
- Q Under the fourteenth article of the treaty of 1830? A Yes sir.
- Q What was the name of your ancestor who lived in Mississippi in 1830? A Conerly.
- Q Conerly? A Yes sir.
- Q What was his full name? A It was my grandmother, Eliza Conerly.
- Q Was she a Choctaw Indian? A I don't know whether she was a full Choctaw; she contained the blood, that is where I get it, one fourth.
- Q You have got one fourth? A No sir.
- Q How much have you? A One sixteenth.
- Q But how much did she have? Do you know? A A quarter.
- Q Have you any documentary evidence showing such to be the fact? Have you any writing of any kind to show this fact? A No sir.
- Q Did your ancestor, Eliza Conerly, remove from Mississippi to the Indian Territory at the time the Choctaw tribe were moved here by the United States Government from 1833 to 1837? A No sir.
- Q She stayed in Mississippi? A Stayed in Mississippi.
- Q Do you know why she did not remove, together with the other members of the Choctaw tribe? A Do not.
- Q Did she within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent to the Choctaw Indians her intention to remain in Mississippi and become a citizen of the United States? A Don't know.
- Q You have no evidence in reference to that matter? A No sir.
- Q Have you any documentary evidence showing that your ancestors ever complied in any manner with the provisions of the fourteenth article of the treaty of 1830? A No sir.
- Q Did any of your ancestors ever claim or receive any lands in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Don't know.
- Q Do you know whether they ever held land in Mississippi? Did your ancestor Eliza Conerly own any land in Mississippi?
- A I don't know whether she owned any or not. My grandfather did though.
- Q You mean her husband? A Yes sir.
- Q Was he a white man or Indian? A He was a white man.
- Q You don't know whether she did or not? A No sir.
- Q Have either you or any of your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A I have not. Not as I know of. I don't know about that.
- Q Are you married? A No sir.
- Q You are making this application for yourself alone? A Yes sir.
- Q Is there any additional statement that you would like to make in support of your application that you make at this time for identification as a Mississippi Choctaw? Anything further that you think of that you would like to say? A Well, no sir, I don't know as there is.
- Q Have you any documentary evidence of any kind that you wish to submit to the Commission at this time for its consideration?

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim within twenty days from date hereof.

Motion of counsel for applicant is granted.

The decision of the Commission in regard to your application which you make for your own identification as a Mississippi Choctaw will be mailed to you at your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above entitled cause on January 8, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 14 day of January, 1901.

Charles H. Sawyer

Notary Public.

United States of America,
Indian Territory,
Central District.

Before me, the undersigned authority, personally appeared Mrs _____ York, who being first duly sworn, upon her oath deposes and says:

My name is Mrs _____ York, I am a full blood Chectaw Indian and reside in the Chectaw Nation, and have resided here for more than nine years last past., my residence being about nine miles northeast of the town of South McAlester, in said Nation and Territory. I am 90 years of age, and am known and recognized as a full blood Chectaw Indian woman, and am on the tribal rolls, myself and the son who lives in the Chectaw Nation also. I lived in the state of Mississippi all of my life, prior to the time that myself, my husband _____ York, (now dead), and my said son moved to the Chectaw Nation, which was about the year 1891. While in Mississippi, I lived on the old Chectaw nation there, and while so living there I knew a family by name of Gonerly Gonerly, one of the members of whom, Owen Gonerly, lived among the Chectaws and was recognized as a Chectaw by all the members of the tribe living there; another one of the Gonerly family that I knew in Mississippi was Luke Gonerly, who was an Indian doctor there. Said Luke Gonerly was a brother of Owen Gonerly. I knew the Gonerlys in Marion county, and afterwards in Leek and Pike Counties, Mississippi. I also knew a son of Owen Gonerly named William. Owen Gonerly and my husband, now dead, used to be well acquainted with one another and would run together. In addition to the son now living in the Chectaw Nation, I have two sons in Mississippi, full bloods, who have never moved to the Chectaw Nation, Indian Territory, but still reside in Leek County, Mississippi.

Subscribed and sworn to before me this _____ day of January, 1901

Muskogee, Indian Territory, February 8, 1901.

Messrs Hudson & Arnold,

Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your two letters of January 31 and February 2, inclosing affidavits for filing with the following applications for identification as Mississippi Choctaws:

1237, James J. Ball

1238, William R. Conerly, et al.

1239, William H. Conerly et al.

The same have been made a part of the records in these cases.

Yours truly,

Acting Chairman.

COPY.

N.C.R. 1237

Muskogee, Indian Territory, June 19, 1902.

James J. Ball,
Tylertown, Mississippi.

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 Mary R. Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary R. Johnson, et al.....	N.C.R.	480
Emma F. Black, et al.....	N.C.R.	618
Tilman S. Conerly, et al.....	N.C.R.	1156
Walter W. Conerly, et al.....	N.C.R.	1157
Robert Arthur Conerly, et al.....	N.C.R.	1158
Hila J. Fosby.....	N.C.R.	1159
Floy Harvey, et al.....	N.C.R.	1214
Stephen Monroe Conerly, et al.....	N.C.R.	1237
James J. Ball.....	N.C.R.	1237
William M. Conerly, et al.....	N.C.R.	1238
Mark R. Conerly, et al.....	N.C.R.	1239

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 Stat., 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

J. J. B. _____

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 Mary R. Johnson, Rufus Johnson, Eva Johnson, Charley Johnson, Luemma Johnson, Emma F. Black, John D. Black, Welly Black, Clay Black, Tilman S. Conerly, Myrtis Conerly, Alvin B. Conerly, James R. Conerly, Margie Conerly, Walter W. Conerly, Clara P. Conerly, Carl S. Conerly, Laurence J. Conerly, Emma Conerly, Arthur P. Conerly, Laura Conerly, Robert Arthur Conerly, Mary H. Conerly, Lucy B. Conerly, S. Belle Conerly, Thomas T. Conerly, Jerome Conerly, Ella H. Conerly, James L. Conerly, Lucile Conerly, Ella J. Fosby, Floy Harvey, James Harvey, Clarence Harvey, Prentice Harvey, Grady Harvey, Edwin Harvey, May Harvey, Cecil Harvey, Stephen Monroe Conerly, Ephraim Conerly, Ophelia Conerly, John D. Conerly, Willis Conerly, Ezell Conerly, Lular Conerly, Beulah Conerly, James J. Ball, William H. Conerly, Helen H. Conerly, Aline W. Conerly, Mark R. Conerly, Willie Marie Conerly and Olive Conerly, 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)

T. E. Hodges

Commissioner in Charge.

Registered.

M.C.R. 1237.

COPY.

Muskogee, Indian Territory, November 11, 1902.

James J. Ball,

Tylertown, Mississippi.

Dear Sir:

You are hereby advised that on the 31st 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 Mary R. Johnson, et al., of which decision you were advised by registered mail on the 19th day of June, 1902.

The Commission is directed to advise the applicants that the decision of the Secretary of the Interior is subject to their inspection.

Respectfully,

(SIGNATURE)

James Dixby.

Acting Chairman.

COPY.

M. S. R. 1257

Muskogee, Indian Territory, April 10, 1905.

James J. Hall,

Tylertown, Mississippi.

Dear Sir:

The Secretary of the Interior with his letter of April, 8, 1905, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary R. Johnson, et al., with instructions that in accordance with a petition submitted February 13, 1903, by Mary R. Johnson and Emma F. Black, applicants therein, praying that said case be re-opened and the several applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The records in this consolidated case shows that the several applicants claim Choctaw descent from one Iepia. The records of the government relative to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, show that one Iepia was a beneficiary under said article 14.

The Secretary of the Interior in his letter states:

"In view of the fact that they claim descent from the person whose name appears upon the records of the government as a beneficiary under said article 14, it is deemed reasonable and proper, in accordance with the practice followed in other cases of like nature, to grant a re-hearing."

T.S.O. 2

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 applicant's 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

T. 8, C. 3

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, up to and inclusive of Monday, May 11, 1903, 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,

(SIGNED).

James Bixby.
Chairman.

R. A. E. Dep.

Registered.

M.C.R. 1237.

Muskogee, Indian Territory, October 8, 1903.

James J. Hall,

Tylertown, Mississippi.

Dear Sir:

The Secretary of the Interior, with his letter of September 26, 1903, returned to this Commission, the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary R. Johnson, et al., with instructions that, in accordance with the petition submitted by J. O. Pool, attorney for applicants, praying that the time for the taking of additional testimony in said case be extended 90 days from May 11, 1903, the applicants and their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations, be notified that the applicants have been allowed 60 days from date hereof within which to submit additional testimony in support of their claim.

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Ispia. The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, show that one Ispia was a beneficiary under said article 14.

The Secretary of the Interior in his letter states:

J J B 2

"In view of the fact that they claim descent from the person whose name appears upon the records of the government as a beneficiary under said article 14, it is deemed reasonable and proper, in accordance with the practice followed in other cases of like nature, to grant a re-hearing."

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 applicant's 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

J J B 3

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, up to and inclusive of Monday December 7, 1902, 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,

R & R Dep.
Register.

Chairman.

M.C.R. 1237

Muskogee, Indian Territory, July 15, 1905.

James J. Hall,

Tylertown, Mississippi,

Dear Sir:

You are hereby notified that on the 21st day of June, 1905, the Secretary of the Interior reaffirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary R. Johnson et al., of which decision you were advised by registered mail on the 19th day of June, 1902.

Respectfully,

Commissioner.

MOR-1437.

Muskogee, Indian Territory, March 19, 1907.

James J. Hall,
Tylertown, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 25, 1907, denied a motion filed with the Department February 10, 1906, for a review of Departmental decision of October 31, 1902, and June 21, 1905, affirming and reaffirming the decision of the Commission to the Five Civilized Tribes of June 10, 1902, denying the applications of Mary R. Johnson et al, and Emma F. Black et al, for identification as Mississippi Choctaws; also denied a motion filed with the Department July 19, 1906, by J. O. Pool on behalf of the applicants for a transfer of said case to some more competent officials, a copy of which motion was filed with the Department July 3, 1906, addressed to the President.

Respectfully,

Commissioner.

No. 1237

For Identification as a Mississippi Choctaw.

Altoona, I. T. Date January 9, 1901.

Name James J. Bell

Age 41 Blood 1/16

Post Office, Tyler Town, Miss.

Father: Newton Ball d

Mother: Elizabeth Bass l

Claims through Father

~~Children:~~

Stenographer:
Anna V. Bell.

Choctaw MCR 1238

William H. Conerly

See MCR 480

MCR 1238

A MISSISSIPPI CHOCTAW R 12

William H. Bourly et al

REFUSED

RECEIVED
JUN 1 1905

NOTICE OF DEPARTMENTAL ACTION

JUN 1

FORWARDED APPLICANTS

FORWARDED DEPARTMENT

FORWARDED DEPARTMENT

ACTION BY SECRETARY OF INTERIOR

FORWARDED DEPARTMENT

FORWARDED DEPARTMENT

NOV 11 1905

NOV 11

REMAINED BY THE SECRETARY OF THE INTERIOR FOR FURTHER HEARING.

RECORD FORWARDED DEPARTMENT

REMAINED BY THE SECRETARY OF THE INTERIOR FOR FURTHER HEARING.

RECORD FORWARDED DEPARTMENT

DEC 30 1905

ACTION APPROVED BY JUN 21 1905 SECRETARY OF INTERIOR.

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

JUL 15 1905

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

JUL 15 1905

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT

JUL 15 1905

REFER TO M. C. R. 480.

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 9, 1901.

In the matter of the application for identification as Mississippi Choctaws of William H. Conerly and his two minor children William H. Conerly, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your full name? A William H. Conerly.
 Q What is your age? A Thirty three years.
 Q What is your post office address? A Tylertown, Mississippi.
 Q How long have you lived in Tylertown? A Well, I have lived right in the place twenty one years and near by Tylertown, it is the post office, ever since I was born.
 Q What is the name of your father? A James R. Conerly.
 Q Is he living? A Yes sir.
 Q What is the name of your mother? A Elizabeth Conerly.
 Q Is she living? A Yes sir.
 Q Through which one of your parents do you claim Choctaw blood?
 A My father.
 Q Was your father ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? A By any of the authorities?
 Q Yes, by the authorities, 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 Not that I know of.
 Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A I have not.
 Q Have you ever been enrolled 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, under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes 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 Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
 Q Have you ever prior to this time made application to either the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
 Q Is this the first application you have ever made of any description?
 A It is.
 Q You are now making application for identification as a Mississippi Choctaw? A I am.
 Q Are you making this claim as a beneficiary under provisions of the fourteenth article of the treaty of 1830? A Yes sir.
 Q What was the name of your ancestor who resided in Mississippi in 1830? A William Conerly.
 Q Was he a Choctaw Indian? A One fourth Choctaw Indian.
 Q Have you any documentary evidence showing such to be the fact, that you wish to introduce now? A No sir.
 Q Did your ancestor remove from Mississippi to the Indian Territory at the time the Choctaw tribe were moved here by the United States Government in 1833 to 1837? A How was that?
 Q Did your ancestor remove from Mississippi to the Indian Territory at the time the Choctaw tribe were moved here by the United States Government from 1833 to 1837? A No sir.
 Q Do you know why your ancestor did not remove, together with the

- other members of the Choctaw tribe? A No sir.
- Q Did he, within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I don't know.
- Q You have no evidence of that? A No sir.
- Q Have you any documentary evidence showing that your ancestors ever complied in any manner with the provisions of the fourteenth article of the treaty of 1830? A No sir.
- Q Did any of your ancestors ever claim or receive any lands in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Don't know.
- Q Have either you or any of your ancestors ever received any benefits in Indian Territory as Choctaws? A No, I havent.
- Q You don't know about them? A No sir.
- Q Are you married? A Yes sir.
- Q What is the name of your wife? A Gertrude E. Conerly.
- Q Have you your marriage license and certificate? A Yes sir.
- Q Do you wish to file them at this time? A No.
- Q Have you any children for whom you desire to make application? A I have two.
- Q Unmarried, are they? A Yes sir.
- Q And under age, under twenty one? A Yes sir.
- Q What is the name of the oldest? A Helen H. Conerly.
- Q How old is he? A She--
- Q Oh, this is a girl? A She is one year and eleven months.
- Q Girl, is it? A Yes sir.
- Q What is the name of the next? A Aline W.
- Q How old? A Five months.
- Q Gertrude E. Conerly is the mother of these two children? A Yes sir
- Q And you are the father? A Yes sir.
- Q And they are all living with you at your home? A Yes sir.
- Q You and your wife are living together as man and wife? A Yes sir.
- Q Is there any additional statement that you wish to make in support of your application and the application which you make on behalf of these two children? Anything further you think of that you want to say? A I don't know that there is.
- Q Are you making application for your wife, or only for the two children? A Well, if the wife is allowed----- for the two children.
- Q Have you any documentary evidence of any kind that you wish to submit to the Commission at this time in support of your application and the application you make on behalf of these children?

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim, including marriage license and certificate, within twenty days from this date.

Motion of counsel for applicant is granted.

The decision of the Commission in regard to this application which you make on your own behalf and on behalf of these two children for identification as Mississippi Choctaws, will be mailed to you at your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on January 9, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell.

Subscribed and sworn to before me this 14 day of January, 1901.

Charles H. Stamp.

Notary Public.

Muskegee, Indian Territory, February 8, 1901.

Messrs Hudson & Arnold,
Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your two letters of January 31 and February 2, inclosing affidavits for filing with the following applications for identification as Mississippi Choctaws:

1237, James J. Ball

1238, William R. Conerly, et al.

1239, William H. Conerly et al.

The same have been made a part of the records in these

cases.

Yours truly,

Acting Chairman.

COPY

M.C.R. 1238

Muskogee, Indian Territory, June 19, 1902.

William H. Conerly,
Tylertown, Mississippi,

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 Mary R. Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary R. Johnson, et al.....	M.C.R.	480
Emma F. Black, et al.....	M.C.R.	615
Tilman S. Conerly, et al.....	M.C.R.	1156
Walter W. Conerly, et al.....	M.C.R.	1157
Robert Arthur Conerly, et al.....	M.C.R.	1158
Ella J. Fosby.....	M.C.R.	1159
Floy Harvey, et al.....	M.C.R.	1214
Stephen Monroe Conerly, et al.....	M.C.R.	1229
James J. Ball.....	M.C.R.	1237
William H. Conerly, et al.....	M.C.R.	1238
Mark R. Conerly, et al.....	M.C.R.	1239

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., 405) 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

W.H.C.-----

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 Mary B. Johnson, Rufus Johnson, Eva Johnson, Charley Johnson, Luanna Johnson, Emma F. Black, John D. Black, Molly Black, Clay Black, Tilman B. Conerly, Myrtis Conerly, Alvin B. Conerly, James R. Conerly, Margie Conerly, Walter W. Conerly, Clara P. Conerly, Carl S. Conerly, Laurence J. Conerly, Emma Conerly, Arthur P. Conerly, Laura Conerly, Robert Arthur Conerly, Mary H. Conerly, Lucy B. Conerly, S. Belle Conerly, Thomas T. Conerly, Jerome Conerly, Ella N. Conerly, James L. Conerly, Lucile Conerly, Ella J. Fosby, Floy Harvey, James Harvey, Clarence Harvey, Prentice Harvey, Grady Harvey, Edwin Harvey, May Harvey, Cecil Harvey, Stephen Monroe Conerly, Ephraim Conerly, Ophelia Conerly, John D. Conerly, Willis Conerly, Esell Conerly, Lular Conerly, Beulah Conerly, James J. Ball, William H. Conerly, Helen H. Conerly, Aline W. Conerly, Mark R. Conerly, Willie Maria Conerly and Olive Conerly, 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) *F. B. Needles.*

Registered .

Commissioner in Charge.

COPY.

M.C.R. 1238.

Muskogee, Indian Territory, November 11, 1902.

William H. Conerly,
Tylertown, Mississippi.

Dear Sir:

You are hereby advised that on the 31st 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 Mary R. Johnson, et al., of which decision you were advised by registered mail on the 19th day of June, 1902.

The Commission is directed to advise the applicants that the decision of the Secretary of the Interior is subject to their in-

Respectfully,

Tamm Dixey.
Acting Chairman.

COPY.

M. C. R. 1258

Muskogee, Indian Territory, April 10, 1903.

William H. Conery,

Tylertown, Mississippi.

Dear Sir:

The Secretary of the Interior with his letter of April, 2, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary R. Johnson, et al., with instructions that in accordance with a petition submitted February 13, 1903, by Mary R. Johnson and Emma F. Black, applicants therein, praying that said case be reopened and the several applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims,

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Iypia. The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, show that one Iypia was a beneficiary under said article 14.

The Secretary of the Interior in his letter states:

"In view of the fact that they claim descent from the person whose name appears upon the records of the government as a beneficiary under said article 14, it is deemed reasonable and proper, in accordance with the practice followed in other cases of like nature, to grant a re-hearing."

William H. Conerly, --3

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 1850, 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 applicant's 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

COPY.

William H. Conerly, —3

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, up to and inclusive of Monday, May 11, 1903, 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,

(SIGNED),

Tame Bixby.
Chairman.

R & H Dep.

Registered.

M.C.R. 1238.

Muskogee, Indian Territory, October 8, 1903.

William H. Conerly,
Tylertown, Mississippi.

Dear Sir:

The Secretary of the Interior, with his letter of September 25, 1903, returned to this Commission, the record therefore forwarded the Department in the consolidated Mississippi Choctaw case of Mary R. Johnson, et al., with instructions that, in accordance with the petition submitted by J. O. Pool attorney for applicants, praying that the time for the taking of additional testimony in said case be extended 90 days from May 11, 1903, the applicants and their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations, be notified that the applicants have been allowed 60 days from date hereof within which to submit additional testimony in support of their claim.

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Iapia. The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, show that one Iapia was a beneficiary under said article 14.

The Secretary of the Interior in his letter states:

W H C 2

"In view of the fact that they claim descent from the person whose name appears upon the records of the government as a beneficiary under said article 14, it is deemed reasonable and proper, in accordance with the practice followed in other cases of like nature, to grant a re-hearing."

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 applicant's 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

W H G 3

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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, up to and inclusive of Monday December 7, 1903, 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,

R & R Dep.
Register.

Chairman.

M. C. R. 1838

Muskogee, Indian Territory, July 15, 1905.

William H. Conerly,
Tylertown, Indian Territory,

Dear Sir:

You are hereby notified that on the 21st day of June, 1905, the Secretary of the Interior reaffirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary R. Johnson et al., of which decision you were advised by registered mail on the 19th day of June, 1902.

Respectfully,

Commissioner.

MOR-1538.

Muskogee, Indian Territory, March 19, 1907.

William H. Conerly,
Tylertown, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 25, 1907, denied a motion filed with the Department February 10, 1906, for a review of Departmental decision of October 31, 1902, and June 21, 1905, affirming and reaffirming the decision of the Commission to the Five Civilized Tribes of June 10, 1902, denying the applications of Mary R. Johnson et al, and Emma F. Black et al, for identification as Mississippi Choctaws; also denied a motion filed with the Department July 19, 1906, by J. O. Pool on behalf of the applicants for a transfer of said case to some more competent official, a copy of which motion was filed with the Department July 3, 1906, addressed to the President.

Respectfully,

Commissioner.

No. 1238

For Identification as a Mississippi Choctaw.

Atoka, I. T. Date January 9, 1901

Name William H. Conerly

Age 33 Blood

Post Office, Tyler Town, Miss.

Father: James R. Conerly, I

Mother: Elizabeth Conerly, I

Claims through father

wife

Esther Conerly

Children:

William H. Conerly (girl) 1-11 y. m.

Aline W. " " 5 m.

For self and children.

Stenographer;
Anna Bell

Choctaw MCR 1239

Mark R. Conerly

See MCR 480

MCR 1239

CHICKASAW. R. 1239

Mark R. Beverly, et al.

REFUSED

DECISION RENDERED

JUN 10

NOTICE OF DECISION MADE APPLICANT.

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS

FORWARDED TO APPLICANT
JUN 10 1905

RECORDED

INTERNAL

FOR FURTHER HEARING

ATTORNEY FOR APPLICANT

RECORDED AND INDEXED

REFER TO R. 480

RECORDED AND INDEXED
INTERNAL FOR FURTHER HEARING

RECORDED AND INDEXED

RECORDED AND INDEXED
INTERNAL FOR FURTHER HEARING

RECORDED AND INDEXED

ACTION APPROVED BY JUN 21 1905
SECRETARY OF INTERIOR.

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

JUL 15 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUL 15 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

1905

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 9, 1901.

In the matter of the application for identification as Mississippi Choctaws of Mark Conerly and his minor children. Mark R. Conerly, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Mark R. Conerly.
 Q What is your age? A Thirty six.
 Q What is your post office address? A Tylertown, Mississippi.
 Q How long have you lived in Tylertown? A Well, I lived right around near the place, I lived a mile from the city all my life.
 Q Always lived there? A Yes, thirty six years.
 Q What is your father's name? A James R. Conerly.
 Q Is he living? A Yes sir.
 Q What is your mother's name? A Elizabeth Conerly.
 Q Living? A Yes sir.
 Q Through which one do you claim your Choctaw blood? A My father.
 Q How much? A One sixteenth for myself.
 Q Was your father ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? 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 enrolled by the Choctaw tribal authorities as a citizen? A No sir.
 Q Did you or any one in your behalf in 1896 under the act of Congress of June 10, 1896, make application to the Dawes 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 Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
 Q Have you ever, prior to this time, made application to either the tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
 Q Is this the first application you have ever made of any kind?
 A It is.
 Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
 Q Are you making your claim as a beneficiary under provisions of article fourteen of the treaty of 1830? A Yes sir.
 Q What is the name of your ancestor who lived in Mississippi in 1830? A William Conerly.
 Q Was he a Choctaw Indian? A He was a quarter.
 Q One quarter? A Yes sir.
 Q Have you any documentary evidence showing such to be the fact?
 A Well not with me right here.
 Q Did your ancestor remove from Mississippi to the Indian Territory at the time the Choctaw tribe were moved here by the United States Government from 1833 to 1837? A No sir.
 Q Why did your ancestor not remove together with the other members of the Choctaw tribe? A I don't know.
 Q Did he, within six months after the ratification of the treaty signify to the United States Indian Agent to the Choctaw Indians in Mississippi, his intention to remain in Mississippi and become a citizen of the United States?

Conerly-2

A I don't know that he did.

Q You have no evidence of that fact? A No sir.

Q Have you any documentary evidence showing that your ancestors ever complied in any manner with the provisions of the fourteenth article of the treaty of 1830? A No sir, I haven't.

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

Q Have either you or any of your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A I haven't, and I don't think they have.

Q Are you married? A Yes sir.

Q What is the name of your wife? A Lizzie Conerly.

Q Do you make application for her? A No sir, for my children.

Q Have you any children? A Two children.

Q What is the name of the eldest? A Willie Marie.

Q This is a girl? A Yes sir.

Q How old is she? A She is four years and eleven months.

Q What is the name of the next? A Olive Conerly.

Q How old is she? A She is two months old.

Q Lizzie Conerly is the mother of these two? A Yes sir.

Q And you are the father? A Yes sir.

Q And the basis of their claim is the same as yours? A Yes sir.

Q Have you your marriage license and certificate? A I haven't them with me; my attorney has them.

Here attorney for applicant asks leave to file written evidence in support of this claim, also marriage certificate, within twenty days from this date.

Motion granted.

Q Are you and your wife and these children all living together now? A Yes sir.

Q Is there anything additional you would like to state in support of your application which you make in your own behalf and in behalf of these children? A Not that I know of.

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

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above cause on January 9, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 14 day of January, 1901.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, February 6, 1901.

Messrs Hudson & Arnold,

Armore, Indian Territory,

Gentlemen:

The Commission is in receipt of your two letters of January 31 and February 2, inclosing affidavits for filing with the following applications for identification as Mississippi Choctaws:

1237, James J. Ball

1238, William R. Conerly, et al.

1239, William H. Conerly et al.

The same have been made a part of the records in these cases.

Yours truly,

Acting Chairman .

COPY.

M.C.R. 1239

Muskogee, Indian Territory, June 19, 1902.

Mark R. Conerly,
Tylertown, Mississippi.

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 Mary R. Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary R. Johnson, et al.....	M.C.R.	480
Emma J. Black, et al.....	M.C.R.	615
Tilman S. Conerly, et al.....	M.C.R.	1156
Walter W. Conerly, et al.....	M.C.R.	1157
Robert Arthur Conerly, et al.....	M.C.R.	1158
Ella J. Fosby.....	M.C.R.	1159
Floy Harvey, et al.....	M.C.R.	1214
Stephen Monroe Conerly, et al.....	M.C.R.	1229
James J. Ball.....	M.C.R.	1237
William H. Conerly, et al.....	M.C.R.	1238
Mark R. Conerly, et al.....	M.C.R.	1239

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 (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

H. A. C. 100-100-2.

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 Mary R. Johnson, Rufus Johnson, Eva Johnson, Charley Johnson, Luemma Johnson, Emma F. Black, John D. Black, Molly Black, Clay Black, Tillman S. Conerly, Myrtis Conerly, Alvin B. Conerly, James R. Conerly, Margie Conerly, Walter W. Conerly, Clara F. Conerly, Carl S. Conerly, Laurence J. Conerly, Emma Conerly, Arthur F. Conerly, Laura Conerly, Robert Arthur Conerly, Mary H. Conerly, Lucy E. Conerly, S. Belle Conerly, Thomas T. Conerly, Jerome Conerly, Ella S. Conerly, James L. Conerly, Lucile Conerly, Ella J. Fosby, Floy Harvey, James Harvey, Clarence Harvey, Prentice Harvey, Grady Harvey, Edwin Harvey, May Harvey, Cecil Harvey, Stephen Monroe Conerly, Ephraim Conerly, Ophelia Conerly, John D. Conerly, Willis Conerly, Essell Conerly, Lular Conerly, Beulah Conerly, James J. Ball, William H. Conerly, Helen H. Conerly, Aline W. Conerly, Mark R. Conerly, Willie Marie Conerly and Olive Conerly, 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)

T. B. Mason

Registered.

Commissioner in Charge.

COPY.

M.C.R. 1239.

Muskogee, Indian Territory, November 11, 1902.

Mark R. Conerly,

Tylertown, Mississippi.

Dear Sir:

You are hereby advised that on the 31st 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 Mary R. Johnson, et al., of which decision you were advised by registered mail on the 19th day of June, 1902.

The Commission is directed to advise the applicants that the decision of the Secretary of the Interior is subject to their inspection.

Respectfully,

James D. Doby.

Acting Chairman.

COPY.

M.C.R. 1230

Muskogee, Indian Territory, April 10, 1903.

MARK H. Gensley,

Tylertown, Mississippi.

Dear Sir:

The Secretary of the Interior with his letter of April 2, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary R. Johnson, et al., with instructions that in accordance with a petition submitted February 15, 1903, by Mary R. Johnson and Emma F. Black, applicants therein, praying that said case be reopened and the several applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Ispia. The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, show that one Ispia was a beneficiary under said article 14.

The Secretary of the Interior in his letter states:

"In view of the fact that they claim descent from the person whose name appears upon the records of the government as a beneficiary under said article 14, it is deemed reasonable and proper, in accordance with the practice followed in other cases of like nature, to grant a re-hearing."

Mark R. Conerly, --2

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 1880, 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 applicant's 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

MART H. CONERLY, --3

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, up to and inclusive of Monday, May 11, 1903, 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,

(SIGNED).

Tama Bixby.
Chairman.

R & B Dep.
Registered.

M.C.R. 1239.

Muskogee, Indian Territory, October 8, 1903.

Mark R. Conerly,

Tylertown, Mississippi.

Dear Sir:

The Secretary of the Interior, with his letter of September 25, 1903, returned to this Commission, the record therefore forwarded the Department in the consolidated Mississippi Choctaw case of Mary R. Johnson, et al., with instructions that, in accordance with the petition submitted by J. O. Pool, attorney for applicants, praying that the time for the taking of additional testimony in said case be extended 90 days from May 11, 1903, the applicants and their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations, be notified that the applicants have been allowed 60 days from date hereof within which to submit additional testimony in support of their claim.

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Ispia. The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, show that one Ispia was a beneficiary under said article 14.

The Secretary of the Interior in his letter states:

M 1 0 2

"In view of the fact that they claim descent from the person whose name appears upon the records of the government as a beneficiary under said article 14, it is deemed reasonable and proper, in accordance with the practice followed in other cases of like nature, to grant a re-hearing."

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 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 applicant's 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

M R C 3

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, up to and inclusive of Monday December 7, 1903, 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,

R & R Dep.
Register.

Chairman.

M. O. W. 1220

Muskogee, Indian Territory, July 13, 1902.

Mark K. Conerly,

Waltham, Mississippi.

Dear Sir:

You are hereby notified that on the 11th day of June, 1902, the Secretary of the Interior reaffirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary R. Johnson et al., of which decision you were advised by registered mail on the 19th day of June, 1902.

Respectfully,

Commissioner.

MCR-1859.

Muskogee, Indian Territory, March 19, 1907.

Mark R. Conerly,
Tylertown, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 25, 1907, denied a motion filed with the Department February 10, 1906, for a review of Departmental decision of October 31, 1902, and June 21, 1905, affirming and reaffirming the decision of the Commission to the Five Civilized Tribes of June 10, 1902, denying the applications of Mary R. Johnson et al, and Emma F. Black et al, for identification as Mississippi Choctaws; also denied a motion filed with the Department July 19, 1906, by J. O. Pool on behalf of the applicants for a transfer of said case to some more competent OFFICIAL, a copy of which motion was filed with the Department July 3, 1906, addressed to the President.

Respectfully,

Commissioner.

No. 1239

For Identification as a Mississippi Choctaw.

Alto. S. P. Date January 9, 1901

Name Mark R. Conerly

Age 36 Blood 1/16

Post Office, Tyler Town, Miss

Father: James R. Conerly, l

Mother: Elizabeth Conerly l.

Claims through father

wife

Lizzie Conerly

Children:

Willie Marie (girl) " 4-11 y m

Olive " " 2 m

For self and children

Stenographer:

Anna Bell.

Choctaw MCR 1240

Clarissa J. McReynolds

MCR 1240

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 9, 1901.

In the matter of the application for identification as Mississippi Choctaws of Clarissa J. McReynolds and her minor children. Clarissa J. McReynolds, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Clarissa J. McReynolds.
 Q What is your age? A Forty eight.
 Q What is your post office address? A Lloyd, Denton, County, Texas.
 Q How long have you lived at Lloyd? A I have lived there-- came there in '74.
 Q You have lived there since? A Yes sir, right there in Denton County.
 Q Where did you live before you lived there? A In Mississippi, Winston County.
 Q Always there? A Yes sir, until I moved to Texas.
 Q What is the name of your father? A John M. Ball.
 Q Is he living or dead? A He is living.
 Q What is your mother's name? A Peninnah Ball.
 Q Is she living? A Yes sir.
 Q Through which one of these parents do you claim Choctaw blood?
 A My mother.
 Q How much do you claim? A Well, I don't know; my grandmother-- I have heard my grandmother say that her mother was a full blood Choctaw and her father was a Frenchman, Leflore; she married a Leflore.
 Q Well, your great grandmother was a full blood; your grandmother was half? A Yes sir.
 Q And your mother was a fourth and you are an eighth? A Yes sir, I reckon that would be the way, I don't know.
 Q You claim through whom, your mother? A Yes sir, my mother.
 Q Was your mother ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? A No sir, she never was here, never put in an application.
 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 Yes sir, about eleven years ago I put in my name with the council and I don't know why they didn't put me on the roll.
 Q They didn't put you on at that time? A No sir.
 Q Is that the only application you ever made? A No sir, I made an application four years ago.
 Q When and where? A To the Dawes Commission, through an attorney.
 Q Did you appear in person? A No sir.
 Q But they didn't put you on? A No sir, I don't know why they didn't.
 Q Then an attorney in 1896, made application under the act of Congress of June 10, 186--- A Yes sir, he said he did.
 Q What was done with that application? A I never knew.
 Q Did you never hear that you were refused? A Yes, well he just put a little slip refused, and sent it to us.
 Q The notification that you received was that you were refused?
 A Yes sir.
 Q Did you take an appeal from the decision of the Dawes Commission

- to the United States Court in Indian Territory? A No sir.
- Q Never have been admitted to citizenship in the Choctaw Nation on appeal from the decision of the Dawes Commission? A No sir.
- Q Or of the tribal authorities? A No sir.
- Q This is the third application that you have made? A Yes sir.
- Q One to the tribal authorities about eleven years ago? A Yes about eleven years ago last fall.
- Q And one to the Dawes Commission about four years ago, and this? A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
- Q What is the name of your ancestor who lived in Mississippi in 1830 and under whom you now claim the right to be identified as a Mississippi Choctaw? A Clarissa Leflore.
- Q Was she a full blood Choctaw Indian? A She was my grandmother, no sir, she was half. Her mother was a full blood.
- Q Her mother was a full blood and married a Frenchman? A Yes sir.
- Q Was she some of the Leflores who were admitted in the Choctaw Nation? A Yes sir, my grandmother was the sister of the chief.
- Q Have you any documentary evidence showing that such is the fact? A Yes sir I have affidavits here showing.
- Q Did your ancestor under whom you now claim the right to be identified as a Mississippi Choctaw, remove from Mississippi to the Indian Territory at the time the Choctaw Indians were moved here by the United States Government? A No sir, they didn't come.
- Q Do you know why? A No sir, I don't know why they didn't come.
- Q You have no documentary evidence at all on that subject? A No sir, not why they didn't come.
- Q On the subject of removal or non-removal? A Of course part of them came to the Indian Territory but my grandmother didn't come, her children some of them came.
- Q Have you any documentary evidence showing that your ancestors ever complied in any manner with the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
- Q Do you wish to introduce that later? A Yes sir.
- Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Yes sir, they say they have, I have the papers here showing that my grandmother got land there.
- Q Have either you or any of your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A McReynolds. Frank McReynolds.
- Q Do you make application for him? A No sir.
- Q For your children? A Yes sir.
- Q How many children who are under twenty one years old and not married? A I have five.
- Q All under age? A Yes sir.
- Q What is the name of the oldest? A Edna J.
- Q These are not married, any of them? A No sir, they are not married.
- Q How old is Edna J. A Fifteen.
- Q And the next? A Ida.
- Q How old? A Twelve.
- Q Next? Grace.
- Q How old is she? A She is eight.
- Q Next? A Clara.
- Q Age? A Five.
- Q Next? A Winnie.
- Q How old? A Two.

McReynolds-3

- Q Frank McReynolds is the father of these children? A Yes sir.
Q You are the mother of them? A Yes sir.
Q And the basis of their claim is the same as yours? That is, they claim through you? A Yes sir.
Q And you through your mother? A Yes sir.
Q Are you and your husband living together, and these children all living with you? A Yes sir.
Q Have you your marriage license and certificate that you would like to introduce? A Well, I sent my marriage ~~license~~ certificate up with my petition and never got it back, I don't know what ever become of the papers that were sent up; I have a witness right here though that saw me married to Frank McReynolds.
Q Is there anything additional that you would like to state in support of your application at this time? A No sir, I don't know that there is.
Q Have you documentary evidence of any description you wish to submit to the Commission for its consideration in support of your application at this time; you have some papers there?
A Yes sir, I have some papers.

Affidavit of S. F. Clark introduced by applicant, marked Exhibit A, filed and made a part of the records in this case; also affidavit of Mary Gardner, introduced by applicant, marked Exhibit "B", received for record filed and a part of the applicant's case.

- Q Do you wish time extended to you in which to file other documentary evidence?
A Well, if that is not sufficient I can get plenty more evidence in the Territory.
Q How much time do you wish, twenty days? A Twenty or thirty days.

Twenty days further time from this date is granted the applicant to file further evidence which she may deem necessary in support of her case.

D. W. Blair, having been called on behalf of the applicant, sworn, on his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A D. W. Blair.
Q State anything you know about her and her ancestors, if you know anything about her being descended from a Mississippi Choctaw?
A Yes I have known her since she was a child and know that-- knew her mother and grandmother and knew that her grandmother was an Indian and to all intents and purposes in appearance; had some Indian blood.
Q Did she use broken English? A Very broken.
Q You were acquainted with these Indians there in that place?
A Raised amongst them sir.
Q Where was this? A Winston County, Mississippi.
Q Was she dark? A Dark sir, yes sir.
Q Was reputed to be an Indian? A Yes sir, general understanding.
Q Full blood? A If one had judged from appearance, sir, one would have taken her for full blood, but it was generally understood she inherited some French blood from her father's side, the Laflores, I never knew how much.
Q Do you know whether this ancestor of hers held any office or position among the Indians if there was any such? Her great grandfather? A I don't know sir.
Q Which ancestor of hers was it that you know so well? A It was her grandmother, Mrs. Leech whose maiden name was Laflore I suppose.

McReynolds-4

- Q How old are you? A I am about sixty years old, will be in a few months.
- Q How old was she? A When I knew her? She was a tolerably old woman, I knew her from the time I was a child to the time I left Mississippi thirty years ago, she was alive then, but I could not tell exactly how old she was, she was an old lady.
- Q To the best of your knowledge and belief she was living in Mississippi in 1830? A Well sir, I just suppose that she was; I was born in '41, and Mrs. Leech must have been more than ten or eleven years older than I was.
- Q Well, she would have been quite young in 1830? A Well I suppose she would have been a young woman perhaps.
- Q A young woman? A Yes.
- Q You were born in 1841? A Yes, my first knowledge of her she was a grown woman.
- Q How much older than you was she? A Well, that I cannot tell.
- Q I understood you to say ten years older? A Well, I said she must have been ten or twelve years or more older than me.
- Q Well then, she must have been a mere child in 1830? A Well, I don't know; it is a bit of guesswork.
- Q Did you know her father or mother? A I didn't know her parents.
- Q Were you present when this applicant was married? A Yes sir.
- Q Where was she married and when? A She was married at her father's house, I can't tell just when: Near where I lived; I was living about half a mile from them.
- Q Who did she marry? A She married Frank McReynolds.
- Q You knew them both? A Yes sir.
- Q And attended the wedding? A Yes sir.
- Q And you remember who ~~was~~ performed the ceremony? A Why unless it was a preacher there in the neighborhood at the time, but I don't believe that I could call his name now, it has been ~~as~~ a long time ago.
- Q You don't remember the date, do you? A No I don't. I think I could come within a few years of it, but I would not attempt to say.
- Q But you are positive that you remember her and was at the wedding and knew her husband? A Oh, yes.
- Q You had known them for a long time? A Yes, from children up.

Examination by Mr. Hudson, attorney for applicant

- Q Mr. Blair, did you know Mrs. McReynolds' mother? A Yes sir.
- Q And also knew her mother, that is Mrs. McReynolds' grandmother? A How is that.
- Q You knew Mrs. McReynolds' grandmother? A Yes sir.
- Q You know that Mrs. McReynolds is the grand-daughter of Clarissa Leech, do you? A Yes sir.
- Q Now Mr. Now, Mr. Blair I would like to have you think of that matter a moment and see if you can't remember something about how much older Clarissa Leech was than you, whether or not she was quite an old woman when you first remember her? A Well, sir, I judge that she was-- might have been termed also an old woman; ~~about~~ my first recollection of the old woman was when she was the wife of Alfred Leech, she had been married before that and had children that I understand since I remember about it to have been most grown, the woman's children.

Witness excused.

Clarissa J. McReynolds, being recalled, testifies as follows:

Examination by Mr. Hudson.

- Q Mrs. McReynolds, how long has your grandmother been dead, Clarissa

McReynolds-5

- Leech? A She died in '72
- Q And how old was she at that time? A She has told me they kept no record of the ages at that time.
- Q Was she a very old woman? A Yes sir.
- Q Probably seventy or seventy five? A Yes sir, she was seventy five and maybe older, she was a very old woman.
- Q Well, then, she must have been born as early as 1800? A I could not say. She said she didn't know herself.
- Q Well, from what you remember of her yourself, she must have been a very old woman? A Yes sir, she was an old woman.
- Q Mrs. McReynolds, what was your grandmother, Clarissa Leech's maiden name? A Leflore.
- Q Clarissa Leflore? A Yes sir.
- Q To whom was she first married? A Wilson.
- Q Do you know his first name? A No sir.
- Q Now you understand the land she secured from the Government as a beneficiary under the fourteenth article of the treaty of 1830 was secured while she was a Wilson and in that name? A Yes sir.
- Q And after that she married a Leech? A Yes sir.
- Q And you are a descendant of that marriage? A Yes sir, she had only one child; that was my mother.
- Q Mrs. McReynolds, you have a son, John V. McReynolds, have you not? A Yes sir
- Q And he appeared before the Commission as you understand, at Nattiesburg, Mississippi? A Yes sir.

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

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on January 9, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Subscribed and sworn to before me this 14 day of January, 1901.

Charles H. Sainper
Notary Public.

Atoka, Indian Territory, February 12, 1901.

The Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of February 4, inclosing letter addressed to Mrs. E. J. McReynolds, Floyd, Texas, of November 8, 1900, and returned to the Commission as unclaimed. We have to inform you that the records of this office show that Clarissa J. McReynolds appeared before the Commission as an applicant for identification of herself and her minor children at Atoka, Indian Territory, January 9, 1901. The letter forwarded by you has been filed with the other papers in this case.

Yours truly,

COPY.

M.C.R. 1240

Muskogee, Indian Territory, January 27, 1903.

Clarissa J. McReynolds,
Lloyd, Texas.

Dear Madam:

You are hereby advised that on the 27th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Penninah Ball, et al., embracing the following applications for identification as Mississippi Choctaws:

Penninah Ball,	M.C.D. 27
Clarissa J. McReynolds, et al.,	M.C.R. 1240
John V. McReynolds, et al.,	M.C.R. 1147
Mary P. McKnight,	M.C.R. 1241
Stephen L. McReynolds,	M.C.R. 1242
Willie E. Hill,	M.C.R. 1243
Emily Black, et al.,	M.C.R. 1243
Mary Bevell, et al.,	M.C.R. 1243
Everette E. Bevell,	M.C.R. 1243
Martha E. Sharp, et al.,	M.C.R. 1243
Frances E. Ray, et al.,	M.C.R. 1243
Lenora A. Ray, et al.,	M.C.R. 1243
John W. Ray,	M.C.R. 1243

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:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Penninah Bell, Clarissa J. McReynolds, Edna J. McReynolds, Ida McReynolds, Grace McReynolds, Clara McReynolds, Winnie McReynolds, John V. McReynolds, Lloyd McReynolds, Orton McReynolds, Ethel Bernice McReynolds, Mary P. McKnight, Stephen L. McReynolds, Willie H. Hill, Emily Black, Clarence Milton Black, Penninah Harrietta Black, Vera Ella Irene Black, John Winston Black, William Lee Black, Mary Edna Black, Charlie Swinton Black, Mary Beeswell, Mamie Beeswell, Everette E. Beeswell, Martha E. Sharp, Marion L. Sharp, Cleveland E. Sharp, Willis V. Sharp, Minnie M. Sharp, Penninah J. Sharp, John N. Sharp, Lena P. Sharp, Hazel Adell Sharp, Frances E. Ray, Emmett E. Ray, Alma E. Ray, Lenora A. Ray, Emily Ray, Theo Ray, Estell Ray, Mary B. Ray, William L. Ray and John W. Ray 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)

Frank D. Doby

Registered.

Acting Chairman.

(COPY)

DC-26748. DEPARTMENT OF THE INTERIOR.

WCF
EAF.

ITD.3100-1903.
LRS

Washington, September 19, 1903.

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

Gentlemen:

February 12, 1903, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Penninnah Ball; of Clarissa J. McReynolds and her minor children, Edna J., Ida, Grace Clara and Winnie McReynolds; of John V. McReynolds and his minor children, Lloyd, Orton and Ethel Bernice McReynolds; of Mary P. McKnight; of Stephen L. McReynolds; of Willie E. Hill; of Emily Black and her minor children, Clarence Milton, Penninnah Narcissus, Vera Ella Irene, John Winston, William Lee, Mary Edna and Charlie Swinton Black; of Mary Boswell and her minor child, Mamie Boswell; of Everette E. Boswell; of Martha E. Sharp and her minor children, Marion L., Cleveland E., Willie V., Minnie M., Penninnah J., John N., Lena P. and Hazel Adell Sharp; of Frances E. Ray and her minor children, Emmett N. and Alma E. Ray; of Cyrus P. Ray for his wife, Lenora A. Ray, and his minor children, Emily, Theo, Estell, Mary B., and William L. Ray; and of John W. Ray.

The applicants base their claim to a right to identification as Mississippi Choctaws on their descent from Clarissa (or Louisa) Leflore (or La Flore), mother of the principal applicant, and her mother, whose name was Leflore but whose given name is not stated. It is alleged that said ancestors were Choctaw Indians and that the said Clarissa Leflore, who first married James Wilson and afterwards married Alfred Leech, received land under the 14th article of the Choctaw treaty of 1830, under the name of Mrs. Wilson, said lands being described as the whole of section 27, T 14, R. 11 E., Mississippi.

It appears from your decision that the records in your possession show that the name of one Mrs. Wilson appears upon the list of persons who received land under the provisions of the 19th article of said treaty. You refused the applications January 27, 1903.

Reporting March 18, 1903, the Acting Commissioner of Indian Affairs states that the records of the Indian Office show that "a Mrs. Wilson received land in Mississippi, to wit, Section 27, T. 14 N., R. 11 E., under the 19th article of the treaty of 1830," and recommends that your decision be approved.

Inasmuch as the evidence furnished by the record as well as the records of the Indian Office, fails to show that said ancestors complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, the Department concurs in the recommendation of the Acting Commissioner, and your decision is hereby affirmed.

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

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure..

Land.
15727-1903.

(COPY)

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON, March 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes, in the consolidated case of Penninnah Ball, et al., applicants for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on January 27, 1903.

Said consolidate case embraces the applications of Thomas J. Boswell, for his mether-in-law Penninnah Ball; ~~Clarence J. McReynolds~~, for herself and her five minor children, Edna J., Ida, Grace, Clara and Winnie McReynolds; John V. McReynolds, for himself and his three minor children Lleyd, Orten and Ethel Bernice McReynolds; Mary P. McKnight; Stephen L. McReynolds; Willie E. Hill; Emily Black, for herself and her seven minor children, Clarence Milton, Penninnah Narcissus, Vera Ella Irene,

John Winsten, William Lee, Mary Edna and Charlie Swinton Black; Mary Boswell, for herself and her minor child Mamie Boswell; Everette E. Boswell; Martha E. Sharp, for herself and her eight minor children, Marion L., Cleveland H., Willie W., Minnie M., Penninah J., John N., Lena P. and Hazel Adell Sharp; Nathan G. Ray for his wife Frances E. Ray and his two minor children Emmett N. and Alma K. Ray; Cyrus B. Ray for his wife Leonora A. Ray and his five minor children Emily, Theo, Estell, Mary B. and William L. Ray; and by John W. Ray.

The applicants claim the right to be identified as Mississippi Choctaws by reason of their descent from Clarissa (or Clarisey, or Clarissa, or Clarrisa, or Larissy, or Louisa) Leflere (or Le Flore), who was first married to James Wilson and who afterwards, in 1833, ~~married Alfred Deuch (or Deech),~~ from which latter marriage the applicants are descended.

The testimony shows that ~~the~~ said ancestor was the mother of the principal applicant, and it further shows that the grandmother of the principal applicant was also possessed of Choctaw blood and that her married surname

was Leflore (or La Flore). The grandmother's given name not being stated, the Commission found it impossible to determine whether or not she was a beneficiary under the Choctaw treaty of 1830.

It is alleged in the testimony that the mother of the principal applicant received land under the 14th article of said treaty under the name of Mrs. Wilson, said lands being described as the whole of section 27, township 14, range 11 E., Mississippi.

The Commission finds the name of one Mrs. Wilson on page 27 of volume 1 of the record in the case of the Choctaw Nation v. the United States (No. 12742, Court of Claims), and on pages 107 and 137 of volume VII, American State Papers, Public Lands, said persons appearing therein as having received land under the provisions of the 19th article of the treaty of 1830, but does not find the name of said ancestor under any of the names by which she was known in its records relating to persons who complied or attempted to comply with the provisions of said 14th article. The Commission, therefore, rejected the parties' applications.

An examination of the records of this office discloses the fact that a Mrs. Wilson received land in Mississippi, to wit, Section 27, T. 14 N., R. 11 E., under the 19th article of the treaty of 1830. As the applicants claim that particular Mrs. Wilson as the ancestor from whom they derive their Choctaw blood, and are unable to give the name of a mere remote Choctaw ancestor, it is recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

(Signed) A. C. Tonner

Acting Commissioner.

E. F. H'r.

3 enclosures.

N. O. R. 1240.

COPY.

Muskogee, Indian Territory, October 7, 1903.

Clarisa J. McReynolds,
Lloyd, Texas.

Dear Madam:

You are hereby notified that on the 19th day of September, 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 Penminnah Ball et al., of which decision you were advised by registered mail on the 27th day of January, 1903.

Respectfully,

(SIGNED)

Tamc Doby.
Chairman.

No. 1240

For Identification as a Mississippi Choctaw.

Alaska I.T. Date January 9, 1901
Name *Clairra J. Mc Reynolds*
Age 48 Blood $\frac{1}{8}$

Post Office, *Lloyd, Texas.*

Father: *John N. Ball, I*

Mother: *Peninnah " I*

Claims through *Mother,*

Husband

Francis Mc Reynolds

Children:

Edna J. 15

Ida 12

Grace 8

Clara 5

Winnie 2

Steno grapher

Anna Bell

Choctaw MCR 1244

Mary P. McKnight

MCR 1244

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 9, 1901.

In the matter of the application of Mary P. McKnight for identification as a Mississippi Choctaw, Mary P. McKnight, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Mary P. McKnight.
 Q What is your age? A Twenty six.
 Q What is your post office address? A Eloyd, Denton County, Texas.
 Q How long have you lived at Eloyd? A All my life.
 Q Born there? A Yes sir.
 Q What is your father's name? A Frank McReynolds.
 Q Is he living? A Yes sir.
 Q What is your mother's name? A Clarissa J. McReynolds.
 Q Living? A Yes sir.
 Q Through which one of your parents do you claim Choctaw blood?
 A My mother.
 Q How much do you claim? A One sixteenth.
 Q Was your mother ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? 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 Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir, I didn't, but my mother did.
 Q In your behalf? A Yes sir.
 Q When was that? A About eleven years ago. Also in '96.
 Q To whom did she make application for citizenship eleven years ago in your behalf? A The Indian Council.
 Q Do you know what was done with that case? A No sir, I don't, I heard them say they didn't know what ever become of it.
 Q You never heard that you were admitted? A No sir.
 Q Did you ever hear that you were not? A Never heard anything about it.
 Q You say application was made four years ago in your behalf?
 A Yes sir.
 Q To whom? A The Dawes Commission.
 Q What was done with the application which was made in your behalf to the Dawes Commission under the act of Congress of June 10, 1896, when your mother made application to the Commission for citizenship for herself and her children? A What was done with that claim?
 Q Yes, with that application? A I don't know.
 Q Did you ever hear whether or not it was refused? A Yes sir, I heard my father say that he got a little slip of paper with your name refused on it, we could not see then whether there was any name signed to it.
 Q Then your impression was that the Dawes Commission had refused your application? A Yes sir.
 Q That is why you make application today? A Yes, we understood that we were refused.
 Q Did you make application then for enrollment as a Choctaw?
 A Yes sir.
 Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
 Q Is this the first application you have ever made for identification as a Mississippi Choctaw? A Yes sir.
 Q The other two applications were to the tribal authorities and the Dawes Commission for enrollment as a Choctaw? A Yes sir.
 Q Are you making application now as a beneficiary under the provis-

- of article fourteen of the treaty of 1830? A Yes sir.
- Q What was the name of your ancestor who lived in Mississippi in 1830 and under whom you now make application for identification?
- A Clarissa Leech or Clarissa Leflore.
- Q Her maiden name was Clarissa Leflore and she afterwards married Leech? A Yes sir.
- Q Was she a Choctaw Indian? A That is my understanding.
- Q Have you any documentary evidence showing such to be the fact?
- A Yes sir.
- Q Did your ancestor remove from Mississippi to the Indian Territory at the time the Choctaw tribe were moved here? A No sir, they didn't.
- Q Do you know why not? A No sir, I don't.
- Q Did she, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw Indians in Mississippi, her intention to remain in Mississippi and become a citizen of the United States? A It is my understanding that she got land there, I suppose by that that she did get it through the Indian Agent.
- Q You know that she got land there? A Yes sir.
- Q Do you know how much? A Six hundred and forty acres is my understanding.
- Q Through whom did you get your information that she got six hundred and forty acres? A Through her child; we have an affidavit of her daughter.
- Q Have you any documentary evidence that you would like to introduce now in support of that fact? I will allow it to come in a little later with all your documents. I asked you this question, and you answered it by answering another question; I will ask you this one again. Did she within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent of the Choctaw Indians in Mississippi, her intention to remain in Mississippi and become a citizen of the United States? A I could not tell you. I don't know, sir, whether she did or not; all I know is that she remained there.
- Q And held land? A Yes sir.
- Q As a beneficiary under the fourteenth article of the treaty of 1830? A I don't know, I could not say.
- Q And you have heard that she took that land as a beneficiary?
- A Yes sir.
- Q Under article fourteen of the treaty of 1830? It has always been your belief from what you have heard that she got that land from the United States Government? A Yes sir.
- Q Do you know whether you or any of your ancestors ever received any benefits in Indian Territory as Choctaw Indians? I am now talking about the Indian Territory? A You want to know whether any of my ancestors---
- Q You or any of your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A No sir, they did not that I know of.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A John J. McKnight.
- Q Have you your marriage license and certificate that you would like to introduce? A I have them at home. I can send them in, I forgot them today.
- Q Have you children you would like to make application for? A No sir.
- Q Just making application for yourself? A Yes sir.
- Q Not making application for your husband? A No sir.

Commission: It will not be necessary for you to send the marriage license or certificate.

- Q Is there any further statement that you would like to make in support of your application that you think of? A No sir.

McKnight-3

Q Have you any documentary evidence of any kind that you desire to submit to the Commission for consideration in support of your application at this time?

Mr. Hudson: Here is an affidavit which we want to file at this time.

Affidavit of Mary Gardner introduced by applicant, marked Exhibit "A" and filed as a part of the records in this case.

Q This is all the documentary evidence you desire to submit?

A Yes sir.

Examination by Mr. Hudson.

Q I want to ask Mrs. McReynolds and Mr. Blair a question at this time to show the relationship.

L. P. Hudson, attorney for applicant, asks for thirty days in which to file additional record evidence.

Motion of course for application for leave to file additional documentary testimony within thirty days from the date hereof is granted.

Clarissa J. McReynolds, having been called and sworn as a witness, testifies as follows in behalf of the applicant:

Examination by Mr. Hudson.

- Q How are you related to Mrs. McKnight, the claimant that has just preceded you? A She is my daughter.
- Q In her case, I want to ask you what the maiden name of your grandmother, Clarissa Leech was, what was her maiden name? A Clarissa Leflore.
- Q And who did she first marry? A Wilson.
- Q A Wilson? A Yes sir.
- Q Is it your understanding that the land that she secured as a beneficiary under the fourteenth article of the treaty of 1830 was secured while she bore the name of Wilson? A Yes sir.
- Q And have you been informed, and do you understand that that land was located on the old Robinson or Robertson road? A Yes sir.
- Q And have you been informed as to what that road was, whether it was a stage route? A I have lived on that road myself.
- Q And then this Mrs. Wilson who secured that land from the Government was the same party, and your grandmother? A Yes sir.
- Q That is the same party as Mrs. Leech later? A Yes sir.

Witness excused.

D. W. Blair, having been called and sworn as a witness, testifies as follows on behalf of the applicants:

Examination by Mr. Hudson.

- Q Mr. Blair, have you known Mrs. McKnight? ever since she was a small child? A Mr. McKnight?
- Q Mrs. McKnight? A Yes sir.
- Q And she is a daughter of Mrs. Clarissa J. McReynolds, is she? A Yes sir.

Witness excused.

McKnight-4

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

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on January 9, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to, before me this 17 day of January, 1901.

Charles K. Sawyer,

Notary public.

COPY.

M.C.R. 1501

Muskogee, Indian Territory, January 27, 1903.

Mary P. McKnight,
Lloyd, Texas.

Dear Madam:

You are hereby advised that on the 27th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Penninnah Ball, et al., embracing the following applications for identification as Mississippi Choctaws:

Penninnah Ball,	M.C.D. 27
Clarissa J. McReynolds, et al.,	M.C.R. 1240
John V. McReynolds, et al.,	M.C.R. 1147
Mary P. McKnight,	M.C.R. 1241
Stephen L. McReynolds,	M.C.R. 1242
Willie E. Hill,	M.C.R. 1243
Emily Black, et al.,	M.C.R. 1643
Mary Boswell, et al.,	M.C.R. 1648
Everette E. Boswell,	M.C.R. 1650
Martha E. Sharp, et al.,	M.C.R. 1525
Frances E. Ray, et al.,	M.C.R. 3510
Lena A. Ray, et al.,	M.C.D. 28
John W. Ray,	M.C.R. 3511.

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 Penninah Ball, Clarissa J. McReynolds, Edna J. McReynolds, Ida McReynolds, Grace McReynolds, Clara McReynolds, Winnie McReynolds, John V. McReynolds, Lloyd McReynolds, Orton McReynolds, Ethel Bernice McReynolds, Mary P. McKnight, Stephen L. McReynolds, Willie E. Hill, Emily Black, Clarence Milton Black, Penninah Narcissus Black, Vera Ella Irene Black, John Winston Black, William Lee Black, Mary Edna Black, Charlie Swinton Black, Mary Boswell, Mamie Boswell, Everette E. Boswell, Martha E. Sharp, Marion E. Sharp, Cleveland E. Sharp, Willie V. Sharp, Minnie M. Sharp, Penninah J. Sharp, John E. Sharp, Lena P. Sharp, Hazel Adell Sharp, Frances E. Ray, Emmett E. Ray, Alma E. Ray, Lenera A. Ray, Emily Ray, Theo Ray, Estell Ray, Mary B. Ray, William L. Ray and John W. Ray, 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 papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. D.

C. D.

Registered.

Acting Chairman.

M.G.R.1241.

COPY.

Muskogee, Indian Territory, October 7, 1903.

Mary P. McKnight,
Madill, Indian Territory.

Dear Madam:

You are hereby notified that on the 19th, day of September, 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 Penninah Ball, et al., of which decision you were advised by registered mail on the 27th, day of January, 1903.

Respectfully,

SIGNED

Tame Dixby
Chairman.

No. 1241

For Identification as a Mississippi Choctaw.

Alston, S. I. Date January 9, 1901

Name Mary P. Mc Knight

Age 26 Blood 1/16

Post Office, Lloyds, Texas

Father: Frank Mc Reynolds

Mother: Clarissa J. Mc Reynolds

Claims through Mother

Children:

REFUSED

DECISION RENDERED

JAN 27 1903

NOTICE OF DECISION MAILED APPLICANT.

JAN 27 1903

**NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.**

JAN 27 1903

RECORD FORWARDED DEPARTMENT.

FEB 12 1903

ACTION APPROVED BY SECRETARY OF INTERIOR

SEP 19 1903

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.**

OCT 7- 1903

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

OCT 7- 1903

REFER TO M. O. R. 1240

Choctaw MCR 1242

Stephen L. McReynold

MCR 1242

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 9, 1901.

In the matter of the application of Stephen L. McReynolds for identification as a Mississippi Choctaw. Stephen L. McReynolds, having been first duly sworn, on his oath testifies as follows:

- Q What is your name? A Stephen L. McReynolds.
 Q What is your age? A Twenty three.
 Q What is your post office address? A Lloyd, Denton, County, Texas.
 Q How long have you lived there? A All my life.
 Q Born there? A Yes sir.
 Q What is your father's name? A Frank McReynolds.
 Q Is he living? A Yes sir.
 Q Your mother's name? A Clarissa J. McReynolds.
 Q Living? A Yes sir.
 Q Through which one of your parents do you claim Choctaw blood?
 A My mother.
 Q How much do you claim? A One sixteenth I reckon.
 Q Was your mother ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? A No sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation?
 A No sir.
 Q Have you, or any one for you, ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation?
 A Yes sir.
 Q For yourself did you make an application in your own behalf, or some one for you? A No sir, I never made any application for myself my mother made application.
 Q To whom did she make application? A To the Indian Council.
 Q Here in the Choctaw Nation? A Yes sir.
 Q When was that, do you know? A It was about eleven years ago, I think.
 Q What was done with that application, what action was taken on it?
 A I don't know, sir.
 Q You never heard that you were admitted? A No sir.
 Q Did you ever hear that you were denied? A No sir.
 Q Have you no knowledge one way or the other what was done with it? A No sir.
 Q Well then, in appearing now for enrollment as a Mississippi Choctaw, there may be in your mind some probability that you are already a member of the Choctaw Nation, may there not?
 A I don't know, sir.
 Q Well, have not you heard it said, or have not you get the idea some way that the Choctaw tribal council refused your application, or your mother's application for?
 A I don't know about the first application that was made. I don't know what was done with.
 Q Well, whether you ever heard whether you were refused or admitted by the Choctaw tribal council, it is a fact, is it not, that your mother made an application before the Dawes Commission in 1896? A Yes sir.
 Q That is four years ago? A Yes sir.
 Q Did you know of this being done at the time? A Yes sir.
 Q The application was made by her for you as well as other members of the family? A Yes sir.
 Q She made an application that you be enrolled as a Choctaw Indian by blood? A Yes sir.
 Q Now do you know what was done with that application?
 A No sir, I don't.
 Q Did you ever hear whether or not you were accepted?

- A Yes sir, I heard my mother say that they had a letter from the lawyer they employed that we had been rejected.
- Q This application to the Dawes Commission was made under the act of Congress of June 10, 1896, wasn't it? A Yes sir.
- Q You never heard the grounds of their rejection? A No sir.
- Q Do you know whether an appeal was taken from the decision of the Dawes Commission on an appeal taken to the United States Court from the decision of the tribal council? A No sir.
- Q You don't know whether one was or not? A No sir.
- Q Is this the first time you have ever made application to the Commission to the Five Civilized Tribes for identification as a Mississippi Choctaw? A This is the first time I have, yes sir.
- Q Or any one for you? A No sir.
- Q For identification as a Mississippi Choctaw? These other two applications were not made for identification as Mississippi Choctaws were they? A No sir.
- Q Well, this is the first application you have ever made for identification as Mississippi Choctaw? A Yes sir.
- Q Are you making this claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
- Q What was the name of your ancestor who lived in Mississippi in 1830 under whom you now claim the right to be identified as a Mississippi Choctaw? A Clarissa Leflore.
- Q Well, Clarissa Leflore was her maiden name, was it? A Yes sir.
- Q What was her married name? A Clarissa Leech.
- Q Did she ever bear any other married name that you know of? A Yes sir.
- Q What? A Wilson.
- Q Do you know the first name of the Wilson? A I don't.
- Q Was it her first husband? A Yes sir.
- Q And he died? A Yes sir.
- Q And then she married Wilson? A Leech.
- Q Have you any knowledge that she received any land in Mississippi as beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
- Q What do you know about it? A I know what mother's aunt used to say
- Q What did she say? A I have an affidavit here.
- Q I will introduce the affidavit later, but I want to know what you know from any members of the family, what they have heard.
- A I don't know anything about it myself, only what I have heard them say.
- Q Well, I asked you what you had heard them say? A Well, I heard them say that they took land back there--
- Q That who took land? A Clarissa Leech.
- Q You have heard them say that Clarissa Leech took it? Was it in the name of Clarissa Leech? A It was Clarissa Wilson, afterward Clarissa Leech.
- Q How much land? A Six hundred and forty acres.
- Q ~~Where~~ Where did she get the land? A In Winston County, Mississippi.
- Q Somebody had to give it to her? The land was in Winston County, Mississippi, who gave it to her?
- A Well, I don't know who it was gave it to her.
- Q Did it come from some individual, some rich man, some poor man, the United States Government, or from whom?
- A It came from the United States Government.
- Q You heard so, did you? A Yes sir.
- Q From whom? From your relatives and family? A No sir.
- Q From whom then? A It came from the Indian--
- Mr. Hudson, attorney for applicant: The question was, who did you hear it from?
- A I have heard my mother say that.
- Q Anybody else in the family? A No sir.

McReynolds-3

- Q Have either you or your ancestors ever received any benefits in the Indian Territory as Choctaw Indians? A No sir.
- Q Are you married? A No sir.
- Q Making this claim for yourself alone, are you? A Yes sir.
- Q Is there any additional statement that you would like to make in support of your application at this time?
- A An affidavit is all.
- Q You would like to introduce an affidavit? A Yes sir.

Affidavit of Mary Gardner introduced by applicant in support of his claim, marked Exhibit "A", filed and made a part of the records in this case.

- Q Are there any other documents? A No sir.
- Q Or any evidence of a documentary nature that you would like to introduce?

Here L. P. Hudson, attorney for applicant, asks leave to file additional evidence in the form of affidavits and records evidence within thirty days from this date.

Motion of attorney for applicant is granted.

Clarissa J. McReynolds, being called as a witness in support of the claim of this applicant, having been duly sworn, testifies as follows:

Examination by Mr. Hudson.

- Q How is Stephen L. McReynolds related to you? A He is my son.
- Q What was the maiden name of your grandmother? A Clarissa Leflore.
- Q And when did she first marry? A She married a man by the name of Wilken.
- Q Mr. Wilson died and she married again? A Yes, Mr. Wilson died and she married Leech.
- Q Do you remember Mr. Leech's first name? A Alfred Leech.
- Q What do you know of Mrs. Clarissa Wilson's securing land from the government as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A I don't know anything at all only what her daughter says, she lives here at Bennington.
- Q What have you been informed as to that matter?
- A That she did get the land back in Mississippi.
- Q Where did you understand that she got that land?
- A It was in Winston County, Mississippi, on the old Robison Road.
- Q Do you remember that as the old Robinson road or Robertson road?
- A Robison road is the way I always understood it. I may have been mistaken.
- Q You lived on that road? A Yes I was quite a child and moved down there a few miles away in the same county.
- Q And you remember it as the Robison road? A Yes sir.
- Q How much land did you understand that your grandmother received there? A Six hundred and forty acres I reckon is what the affidavit says, and that is all that I know.

G. W. Blair, being called as a witness in behalf of this applicant, and being sworn, testifies as follows:

Examination by Mr. Hudson.

- Q How long have you known Stephen L. McReynolds? A This boy here?
- Q Yes sir? A Ever since he was a baby sir.
- Q How is he related to Clarissa J. McReynolds? A He is her son.
- Q Mr. Blair did you live in Winston County, Mississippi? A Yes sir.

McReynolds-4

Q On or near what is known as the old Robinson or Robertson road?

A Yes sir,

Q Which was that now, in that county? A Well, sir, I doubt if you could determine that matter by interrogating people,

Q Well, did you know it as both? A Well, the way that he understood the name was pronounced, it would leave a man to conjecture which it was. It was generally known as the Robison road, and I expect you would have to examine the state records to find out which it was; it was a stage road that was established from Columbus Mississippi to Jackson Mississippi, I think it laid from one line to the other across the state.

Q And you remember it as the Robison road? A The Robison road.

Witness excused.

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

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on January 9, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 18th day of January, 1901.

Charles H. Sawyer
Notary Public.

Muskegee, Indian Territory, January 27, 1903.

Stephen L. McReynolds,
Lloyd, Texas.

Dear Sir:

You are hereby advised that on the 27th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Penninnah Ball, et al., embracing the following applications for identification as Mississippi Choctaws:

Penninnah Ball,	M.C.D. 27
Clarissa J. McReynolds, et al.,	M.C.R. 1240
John V. McReynolds, et al.,	M.C.R. 1147
Mary P. McKnight,	M.C.R. 1241
Stephen L. McReynolds,	M.C.R. 1242
Willie E. Hill,	M.C.R. 1243
Emily Black, et al.,	M.C.R. 1643
Mary Boswell, et al.,	M.C.R. 1648
Everette E. Boswell,	M.C.R. 1525
Martha E. Sharp, et al.,	M.C.R. 1525
Frances E. Ray, et al.,	M.C.R. 3510
Lenora A. Ray, et al.,	M.C.D. 28
John W. Ray,	M.C.R. 3511.

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 Penninah Ball, Clariasa J. McReynolds, Edna J. McReynolds, Ida McReynolds, Grace McReynolds, Clara McReynolds, Winnie McReynolds, John V. McReynolds, Lloyd McReynolds, Orton McReynolds, Ethel Bernice McReynolds, Mary F. McKnight, Stephen L. McReynolds, Willie H. Hill, Emily Black, Clarence Wilton Black, Penninah Narcissus Black, Vera Ella Irene Black, John Winston Black, William Lee Black, Mary Edna Black, Charlie Swinton Black, Mary Boswell, Mamie Boswell, Everette E. Boswell, Martha E. Sharp, Marion L. Sharp, Cleveland E. Sharp, Willie V. Sharp, Minnie M. Sharp, Penninah J. Sharp, John H. Sharp, Lena F. Sharp, Hazel Adell Sharp, Frances E. Ray, Emmett E. Ray, Alma E. Ray, Lenora A. Ray, Emily Ray, Theo Ray, Estell Ray, Mary E. Ray, William L. Ray and John W. Ray 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,

Tamc Dixby.

Acting Chairman.

Registered.

N. C. R. 1242.

COPY.

Muskogee, Indian Territory, October 7, 1903.

Stephen L. McReynolds,

Lloyd Texas.

Dear Sir:

You are hereby notified that on the 19th, day of September, 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 Permannah Ball, et al., of which decision you were advised by registered mail on the 27th, day of January, 1903.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

No. 1242

For Identification as a Mississippi Choctaw.

Atoka, I.T. Date January 9, 1901

Name Stephen L. McReynolds

Age 23 Blood 1/16

Post Office, Lloyd, Texas

Father: Frank McReynolds, I

Mother: Clarissa McReynolds f

Claims through Mother.

Children:

REFUSED

DECISION RENDERED.

JAN 27 1903

NOTICE OF DECISION MAILED APPLICANT.

JAN 27 1903

**NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.**

JAN 27 1903

RECORD FORWARDED DEPARTMENT.

FEB 12 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

SEP 19 1903

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.**

OCT 7 1903

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

OCT 7 1903

REFER TO M. C. R. 1240.

Choctaw MCR 1243

Willie E. Hill

MCR 1243

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 9, 1901.

In the matter of the application of Willie E. Hill for identification as a Mississippi Choctaw. Willie E. Hill, having been first duly sworn, on her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Willie E. Hill.
 Q What is your age? A Twenty.
 Q What is your post office address? A Denton, Denton, County, Texas.
 Q How long have you lived in Denton? A Well, just two or three months; moved there in November.
 Q Where did you live before that? A Lloyd.
 Q And how long did you live there? A All my life.
 Q Born there? A Yes sir.
 Q What is your father's name? A Frank McReynolds.
 Q And your mother's name? A Clarissa J. McReynolds.
 Q Both living? A Yes sir.
 Q Through which one of your parents do you claim Choctaw blood?
 A My mother.
 Q And how much do you claim? A One sixteenth.
 Q Was your mother ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? 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, or any one in your behalf, to the Choctaw tribal authorities for citizenship in the Choctaw Nation?
 A Yes sir, my mother did.
 Q For you? A Yes sir.
 Q When was that? A About eleven years ago.
 Q Were you admitted on that application? A No sir, not as I know of.
 Q Was you refused by the tribal authorities?
 A Never heard what become of it.
 Q Have you ever been enrolled 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 under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation?
 A Yes sir.
 Q You yourself? A No sir, my mother.
 Q In your behalf? A Yes sir.
 Q What was done with that application? A Well, we don't know, we heard that it was rejected.
 Q Was application made for identification at that time as a Mississippi Choctaw? A No sir.
 Q But for enrollment as a Choctaw? A Yes sir.
 Q Was an appeal taken from the decision either of the Choctaw tribal authorities on the decision of eleven years ago, or the decision of the Dawes Commission four years ago when you made that application, to the United States Court in Indian Territory?
 A No sir.
 Q Nothing was done any further? A No sir.
 Q This is the first application you have made for identification as a Mississippi Choctaw? A Yes sir.
 Q Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
 Q What is the name of your ancestor who lived in Mississippi in 1830? A Clarissa Leflore.
 Q Was that her last name? A No sir. She was a Wilson and then a Leech.

- Q Clarissa Leflore was her maiden name? A Yes sir.
Q And then she married a Wilson? A Yes sir.
Q And then a Leech? A Yes sir.
Q And was the name of Clarissa Leech the last name she had?
A Yes sir.
Q Was she a Choctaw Indian? A Yes sir.
Q Full blood? A I don't know.
Q Have you any documentary evidence showing that fact? A Yes sir,
I have an affidavit.
Q Did your ancestor through whom you now make this claim remove
from Mississippi to the Indian Territory at the time the Choctaw
tribe was moved here by the United States Government from 1833
to 1837? A No sir.
Q Why did your ancestor not remove, together with the other members
of the Choctaw tribe? A I don't know.
Q Did she within six months after the ratification of the treaty
of 1830, signify to the United States Indian Agent to the Choctaw
Indians in Mississippi, her intention to remain in Mississippi and
become a citizen of the United States? A Yes sir, that is my
understanding.
Q Have you any evidence of that fact? A Yes, I have an affidavit.
Q Have you any documentary evidence showing that your ancestor ever
complied in any manner with the provisions of the fourteenth arti-
cle of the treaty of 1830? A Yes sir.
Q In the affidavit that you speak of? A Yes sir.
Q Did any of your ancestors ever claim or receive any land in Miss-
issippi as beneficiaries under the provisions of the fourteenth
article of the treaty of 1830? A Yes sir, that is my understanding
Q What is your understanding? Who received land, and what land, and
where? A Wilson, my mother's grandmother.
Q What is that? A My mother's grandmother.
Q Your mother's grandmother named Wilson? A Yes sir.
Q Is this the Clarissa Leflore you have been speaking of who mar-
ried a Wilson? A Yes sir.
Q And who afterwards married a Leech? A Yes sir.
Q And you understand that she received land from the Government?
A Yes sir.
Q How much? A Six hundred and forty acres.
Q Where? A In Mississippi, Winston County, on the old Robison road.
Q Have you any documentary proof of that? A Yes sir.
Q What? A This affidavit here.
Q This affidavit that you intend to introduce? A Yes sir.
Q You now present this affidavit? A Yes sir.

Affidavit of Mary Gardner marked Exhibit "A", introduced
by applicant, filed, and made a part of the record in this
case.

- Q Have you any other documentary evidence of any kind that you would
like to introduce?

Here L. P. Hudson, attorney for applicant, asks leave to
file written evidence consisting of records and affidavits
in this case, within thirty days from this date.

Motion of counsel for applicant is granted.

- Q Are you married? A Yes sir.
Q What is your husband's name? A T. F. Hill.
Q Have you children? A No sir.
Q Making application for yourself alone? A Yes sir.
Q Is there anything further you would like to state now in support
of your application? A No sir, I believe not.
Q Is there any other testimony of any kind that you wish to intro-
duce? A Yes, I have a couple of witnesses.
Q You would like to introduce the oral testimony of witnesses here
present?

Hill-3

Permission is granted for counsel for applicant to call witnesses in support of her claim.

Mrs. Clarissa J. McReynolds, being called and sworn as a witness on behalf of the applicant, testifies as follows.

Examination by Mr. Hudson.

- Q Mrs. McReynolds, how is Mrs. Hill related to you?
A She is my daughter.
Q You may state, Mrs. McReynolds, the maiden name of your grandmother. A Clarissa Leflore.
Q And to whom was she first married? A She married a Wilson first then a Leech.
Q Did you say that you remembered Leech's initials? A His name was Alfred Leech.
Q What do you know, or what have you heard as to your grandmother securing land as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A I have only heard that my through my aunt, that she got the land in Winston County, Mississippi on the old Robison road.
Q And what was her name at the time she secured that land?
A Her name was Wilson, Clarissa Wilson.
Q A

Witness excused.

G. W. Blair, having been called and sworn as a witness in this case, testified as follows in behalf of the applicant:

Examination by Mr. Hudson.

- Q Are you acquainted with Mrs. Willie Hill, this applicant?
A Yes sir.
Q How long have you known her? A Since she was a baby.
Q State, if you know, how she is related to Mrs. Clarissa McReynolds.
A She is her daughter.

Witness excused.

The decision of the Commission in regard to this application which you make for identification as a Mississippi Choctaw will be mailed to you at your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above cause on January 9, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

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

Chas. H. Lamy
Notary public.

K. O. R. 1245

Muskogee, Indian Territory, January 15, 1906.

Willie E. Hill,
Denison, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th inst., in which you state that you are an applicant for identification as a Mississippi Choctaw and ask if the Commission had received from your attorney, L. F. Hudson, an application for the identification as a Mississippi Choctaw of Clara Frances Hill, your daughter, born July 27, 1902.

In reply to your letter you are informed that it appears from the records of the Commission that you are an applicant for identification as a Mississippi Choctaw. No opinion or decision has yet been reached in your case. As soon as a decision is rendered you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

It does not appear from our record that any application has been made for the identification as a Mississippi Choctaw of Clara Frances Hill, daughter of Willie E. Hill.

Respectfully,

Commissioner in Charge.

COPY. M.C.R. 1243

Muskogee, Indian Territory, January 27, 1903.

Willie E. Hill,
Denton, Texas.

Dear Madam:

You are hereby advised that on the 27th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Penninnah Ball, et al., embracing the following applications for identification as Mississippi Choctaws:

Penninnah Ball,	M.C.D. 27
Clarissa J. McReynolds, et al.,	M.C.R. 1240
John V. McReynolds, et al.,	M.C.R. 1147
Mary P. McKnight,	M.C.R. 1241
Stephen L. McReynolds,	M.C.R. 1242
Willie E. Hill,	M.C.R. 1243
Emily Black, et al.,	M.C.R. 1643
Mary Boswell, et al.,	M.C.R. 1648
Everette E. Boswell,	M.C.R. 1650
Martha E. Sharp, et al.,	M.C.R. 1525
Frances E. Ray, et al.,	M.C.R. 3510
Lenora A. Ray, et al.,	M.C.R. 28
John W. Ray,	M.C.R. 3511.

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 Penninah Hall, Clarissa J. McReynolds, Edna J. McReynolds, Ida McReynolds, Grace McReynolds, Clara McReynolds, Winnie McReynolds, John V. McReynolds, Lloyd McReynolds, Orion McReynolds, Ethel Bernice McReynolds, Mary P. McKnight, Stephen L. McReynolds, Willis E. Hill, Emily Black, Clarence Milton Black, Penninah Narcissus Black, Vera Ella Irene Black, John Winston Black, William Lee Black, Mary Edna Black, Charlie Swinton Black, Mary Boswell, Mamie Boswell, Everette E. Boswell, Martha E. Sharp, Marion L. Sharp, Cleveland E. Sharp, Willis V. Sharp, Winnie M. Sharp, Penninah J. Sharp, John E. Sharp, Lena P. Sharp, Hazel Adell Sharp, Frances E. Ray, Emmett N. Ray, Alma E. Ray, Lenora A. Ray, Emily Ray, Theo Ray, Estell Ray, Mary E. Ray, William L. Ray and John W. Ray as Cheotaw Indians entitled to rights in the Cheotaw 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)

Taine D. Dwyer

Acting Chairman.

Registered.

M O R 1243

Muskogee, Indian Territory, February 9, 1903.

Willie E. Hill,
Box 21,
Madill, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 29, 1903, in which you ask for a blank form for proof of birth of your child, Cleto Frances Hill, born July 27, 1901.

In reply to your letter you are informed that it appears from our records that on January 27, 1903, the Commission rendered its decision refusing the applications for identification as Mississippi Choctaws of the persons included in the consolidated case of Penninnah Ball, et al., of which your application was made a part, and on the same date you were notified of this action of the Commission, and were advised that you would be allowed fifteen days within which to submit argument to be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

However, if you still desire to offer proof of the birth of your child, Cleto Frances Hill, there is enclosed you herewith a blank form, upon which may be forwarded evidence of the birth of your child.

Respectfully,

Enc. B C.

Acting Chairman.

COPY.

M. O. R. 1943.

Muskogee, Indian Territory, October 7, 1903.

Willie E. Hill,
P. O. Box 21,
Madill, Indian Territory.

Dear Madam:

You are hereby notified that on the 19th day of September, 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 Penninah Ball, et al., of which decision you were advised by registered mail on the 27th day of January, 1903.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

No. 1243

For Identification as a Mississippi Choctaw.

Atoka, I.T. Date January 9, 1901

Name Willie C. Hill -

Age 20

Blood

1/16

Post Office, Venton, Texas

Father: Frank M. Reynolds

Mother: Glancia J. " "

Claims through Mother.

Children:

REFUSED

DECISION RENDERED.

JAN 27 1903

NOTICE OF DECISION MAILED APPLICANT.

JAN 27 1903

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JAN 27 1903

RECORD FORWARDED DEPARTMENT.

FEB 12 1903

ACTION APPROVED BY SECRETARY OF INTERIOR

SEP 19 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

OCT 7 1903

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

OCT 7 1903

REFER TO M. C. R. 1240.

Choctaw MCR 1244

Augustus Colbert

See MCR 3036

MCR 1244

Augustus Colbert, et al

REFUSED

DECISION - NO REG.

NOTICE OF DECISION MAILED APPLICANT.

JUL 24 1902

NOTICE OF DECISION FORWARDED TO ATTORNEYS
FOR CHOCTAW AND CHEROKASAW 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 CHEROKASAW NATIONS.

SEP -5 1902

REFER TO M. C. R. 3036

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

In the matter of the application of Augustus Colbert,
et al., for identification as Mississippi Choctaws, consolidating
the applications of

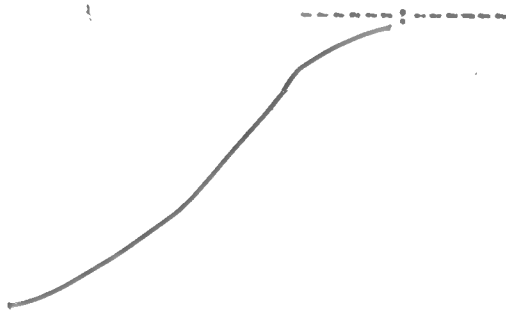
Augustus Colbert, et al.....K.C.R. 1244
Cora Colbert.....K.C.R. 3036.

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Augustus Colbert, et al.

Original application of Augustus Colbert
et al., to the Dawes Commission for iden-
tification as Mississippi Choctaws.....1
Affidavit of Ned Saulter.....4
Affidavit of J. A. Colbert.....5
Affidavit of Ned Saulter.....6
Affidavit of John Heflin.....7
Certified copy of marriage record of
A. Colbert and A. M. Ardis.....8
Affidavit of B. F. Colbert.....10

(2).

Original application of Cora Colbert to the Dawes Commission for identification as a Mississippi Choctaw.....	11
Affidavit of H. A. Barnes.....	11
Affidavit of Wm. B. Augustus.....	16
Affidavit of Thomas A. Wren.....	17
Affidavit of Ned Saulter.....	18
Decision of the Commission denying the ap- plications in the consolidated case of Augustus Colbert, et al., for identifi- cation as Mississippi Choctaws.....	19.



DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 10, 1901.

In the matter of the application of Augustus Colbert for the identification of himself and his minor children as Mississippi Choctaws. Augustus Colbert, having been first duly sworn, on her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Augustus Colbert.
 Q What is your age? A Forty eight past.
 Q What is your post office address? A Lake Charles, Louisiana
 Q How long have you lived there, Mr. Colbert? A I have lived at Lake Charles three years.
 Q And where did you live before that? A Mount Lebanon Parish, Bienville, Louisiana.
 Q How long did you live there? A All my life born and raised there.
 Q What is your father's name? A William W. Colbert.
 Q Is he living? A He is dead.
 Q What is your mother's name? A Maiden name.
 Q No, married name? A Mary E. Colbert.
 Q Is she living? A She is dead.
 Q Through which one of these parents do you claim Choctaw blood?
 A Father.
 Q How much do you claim? A I suppose a sixteenth.
 Q Was your father ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? 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 Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A Never have.
 Q Did you, or did any one in your behalf, in 1896, under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
 Q You have never, then, been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of the Dawes Commission? A Never have.
 Q Have you ever before this time made application to either the tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A Have I, individually?
 Q Yes? A Never have.
 Q This is the first application you have ever made of any description
 A It is.
 Q You are now making application for identification as a Mississippi Choctaw? A I am.
 Q Are you making your claim as a beneficiary under the provisions of article fourteen of the treaty of 1830? A I am.
 Q What is the name of your ancestor who lived in Mississippi in 1830? A How is that?
 Q What is the name of your ancestor who lived in Mississippi in 1830?
 A You mean my father?
 Q He is the ancestor under whom you claim the right now to be identified? A Yes, my father and his parents.
 Q What was his name? A My father's name?
 Q Yes? A William, William Colbert.
 Q Did you live in Mississippi in 1830? A Yes sir.
 Q Was he a full blood Choctaw Indian? A No sir, he was not.

Colbert-2

- Q How much did he have? A Well, I would say about an eighth.
- Q Have you any documentary evidence showing that fact, Mr. Colbert?
- A I propose to furnish it.
- Q You haven't it ready now? A Haven't it ready now.
- Q But on motion of your attorney, you propose to offer its introduction? A I do.
- Q Did your ancestor, your father, remove from Mississippi to the Indian Territory at the time the Choctaw tribe were moved here from 1833 to 1837? A He did not.
- Q Do you know why he did not remove with the other members of the Choctaw tribe? A I don't know.
- Q Did you, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw Indians in Mississippi, his intention to remain in Mississippi and become a citizen of the United States? A I can't answer that.
- Q You have no evidence of that? A I have no evidence of that.
- Q Have you any documentary evidence showing that your father or any of your ancestors have complied in any manner with the provisions of the fourteenth article of the treaty of 1830? A No.
- Q Did any of your ancestors ever claim or receive any lands in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No sir, not that I ever heard of.
- Q Have either you or any of your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Anna M. Colbert.
- Q Do you make application for her? A No.
- Q Have you children? A I have.
- Q Unmarried and under age? A All unmarried all under age.
- Q Give me the name of the oldest. A Walter M. Colbert.
- Q And how old is he? A Sixteen.
- Q The next? A Mattie L., thirteen.
- Q The next? A Ardis. Boy.
- Q Age? A Eleven.
- Q The next? A Thomas F. nine.
- Q The next? A William A.
- Q Age? A Four years old.
- Q That is all? A Yes sir.
- Q Anna M. Colbert is the mother of these children? A Yes sir.
- Q You are the father? A I am.
- Q The basis of their claim is the same as yours? A Yes sir.
- Q And your wife and children are all living with you? A They are.
- Q Have you your marriage license and certificate that you would like to introduce at this time? A I haven't, but I can send it if necessary.
- Q Have you any other documentary evidence of any kind that you desire to submit to the Commission for its consideration at this time?

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this, including marriage license and certificate within twenty days from this date.

Motion is granted.

- Q Is there any further statement that you would like to make in support of your application? A Not anything that I think of at this moment.

The decision of the Commission in regard to your application and the application which you make on behalf of your minor children, will be mailed to you at your present post office address.

Colbert-3

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on January 10, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 14 day of January, 1901.

Charles H. Sawyer

Notary Public.

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

Cum
J. R. B.
C. v. W.

In the matter of the application of Augustus Colbert,
et al., for identification as Mississippi Choctaws, consolidating
the applications of

Augustus Colbert, et al.....M.C.R. 1244
Cora Colbert.....K.C.R. 3036.

--: 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 Augustus Colbert for himself and his five minor children,
Walter M., Mattie L., Ardis, Thomas P., and William A. Colbert; and
by Cora Colbert for herself, under the following provision of the
act of Congress approved June 23, 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."

(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 Colbert, who is alleged to have been a Choctaw Indian (degree of blood not given), 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 16, 1898, (30 Stat., 322).

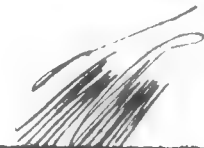
It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said William Colbert, or any less remote ancestor, 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 Commis-


(3).

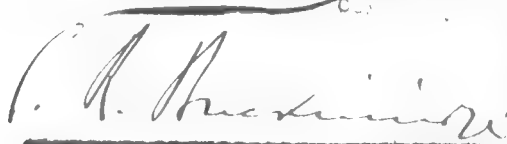
sions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Augustus Colbert, Walter M. Colbert, Mattie L. Colbert, Ardie Colbert, Thomas F. Colbert, William A. Colbert and Cora Colbert, 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.




Muskogee, Indian Territory,

JUL 24 1902

COMMISSIONER.

Muskogee, Indian Territory, January 31, 1901.

Messrs Hudson & Arnold,

Admore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of January 26, inclosing marriage license and certificate between A. Colbert and Miss A. M. Ardis, and the same has been duly filed in support of the claim of A. Colbert for identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, February 8, 1901.

Messrs Hudson & Arnold,
Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of January 30, inclosing affidavit of R. F. Colbert to be filed in support of the claim of Augustus Colbert for identification as a Mississippi Choctaw, and the same has been made a part of the records in this case.

Yours truly,

Acting Chairman.

M.C. 1244

(11)

M C R 1244

Muskegee, Indian Territory, July 24, 1902.

Augustus Colbert,

Lake Charles, Louisiana.

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 Augustus Colbert, et al., embracing the following applications for identification as Mississippi Choctaws:

Augustus Colbert, et al.,	M C R 1244
Cora Colbert,	M C R 3036

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

A C_2.

evidence herein is insufficient to determine the identity of Augustus Colbert, Walter M. Colbert, Mattie L. Colbert, Ardis Colbert, Thomas F. Colbert, William A. Colbert and Cera Colbert, 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

Registered.

T. E. Woodcock.

Commissioner in Charge.

Muskogee, Indian Territory, July 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Augustus Colbert, 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:

Augustus Colbert, et al., M C R 1244

Cora Colbert, M C R 3036

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,

T. B. Medico.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.
1 enclosure.

H.C.R. 1244.

COPY.

Washington, Indian Territory, September 5, 1902.

Augustus Colbert,
Ede Charles, Louisiana.

Dear Sir:

You are hereby advised that on the 23th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission referring the applications for identification as Mississippi Choctaw of the several persons included in the consolidated case of Augustus Colbert, et al., of which decision you were advised by registered mail on the 24th day of July, 1902.

Yours truly,

Very truly,

Edmund Diney,
Acting Chairman.

W.C.R. 1044.

COPY

Muskogee, Indian Territory, September 5, 1902.

Mansfield, McVurray & Cornish,

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 the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Augustus Colbert, et al., of which decision you were advised by mail on the 24th day of July, 1902.

Yours truly,

Samuel D. Dyer,
Acting Chairman.

COPY

M C R 1244

Muskogee, Indian Territory, July 24, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw 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 Augustus Colbert, et al., embracing the following applications for identification as Mississippi Choctaws:

Augustus Colbert, et al.,	M C R 1244
Cora Colbert,	M C R 3036

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

M No & C. __2.

the evidence herein is insufficient to determine the identity of Augustus Colbert, Walter M. Colbert, Mattie L. Colbert, Ardis Colbert, Thomas P. Colbert, William A. Colbert, and Cera Colbert, 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".

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. Needles.

Commissioner in Charge.

No. 1244

For Identification as a Mississippi Choctaw.

Date JAN 11 1901

Name Augustus Colbert

Age 48 Blood 1/16

Post Office. Lake Charles. La

Father: William W. Colbert d

Mother: Mary E. Colbert. d

Claims through father

wife

Anna M. Colbert.

Children:

Walter M. Colbert 16

Mattie L. " 13

Ardis " boy. 10.

Thomas F. 9

William A. 4

Recognized

()

POST OFFICE AGE SEX

RESIDENCE
DISTRICT

NAME

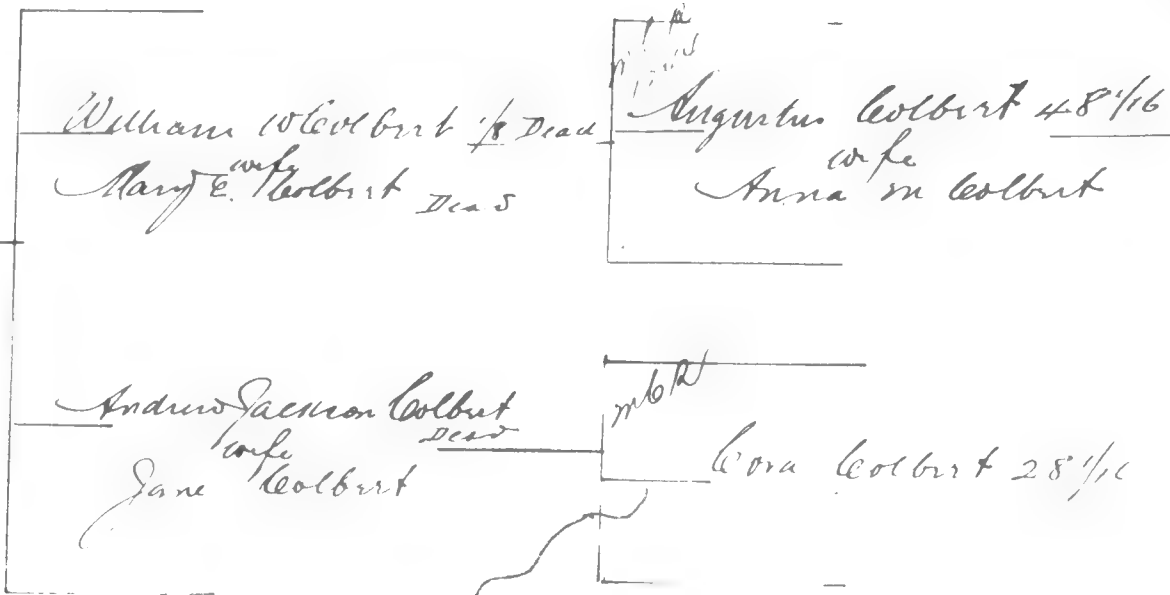
CARD No.

REFER TO M O R 124

- Augustus Colbert
etal

Consolidated Case

William Colbert
hoc



Walter Colbert	16
" Matte L Colbert	13
" Ardi Colbert	11
" Thomas F. Colbert	9
" William S. Colbert	4

Choctaw MCR 1245

William H. Bradshaw

See 1334

MCR 1245

REFUSED.

Ann. N. Bradshaw et al.

JUDGMENT WRITTEN APRIL 1 1901 U.C.R.

REFERRAL NO. 1334

DECISION RENDERED MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT. MAY 19 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. MAY 31 1902

RECORD FORWARDED DEPARTMENT MAY 31 1902

Remanded by Secty. July 8 1902.

Record to Dept. Oct 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. MAR 11 1903

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT. MAR 20 1903

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. MAR 20 1903

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, JANUARY 10, 1901.

In the matter of the application for identification as Mississippi Choctaws of W. H. Bradshaw and his minor children. William H. Bradshaw, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A William H. Bradshaw.
 Q What is your age? A Fifty three.
 Q What is your post office address? A Red Rock, Bastrop County Texas.
 Q How long have you lived there? A I have lived there thirty four years.
 Q Where did you live before that? A Arkansas.
 Q And how long did you live in Arkansas? A I don't know, about seventeen years.
 Q Were you born in Arkansas? A Yes sir and raised there till I was about seventeen years old.
 Q In what place in Arkansas? A Sebastian County.
 Q You never lived in Mississippi? A No sir, I never lived in Mississippi.
 Q What is your father's name? A William Bradshaw.
 Q Is he living? A No sir.
 Q What is your mother's name? A Margaret Elizabeth Bradshaw.
 Q Living? A Yes sir.
 Q Through which one of these parents do you claim Choctaw blood?
 A Father.
 Q How much do you claim? A I claim he was a quarter.
 Q And you claim how much? A I claim an eighth.
 Q Was your father ever recognized by any of the authorities of the Choctaw Nation as a Choctaw Indian? 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 Never have.
 Q Have you ever been enrolled 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, under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes 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 Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
 Q Have you ever before this time made application to either the tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
 Q Is this the first application you have ever made of any kind?
 A Yes sir.
 Q Are you making your application under provisions of the fourteenth article of the treaty of 1830? A Yes sir.
 Q What is the name of your ancestor who lived in Mississippi in 1830, the one that you now claim through?
 A I claim it through my grandmother on my father's side.
 Q What was her name? A Her maiden name?
 Q No? A Her name was Bradshaw.
 Q Her full name? A Sallie Bradshaw.
 Q She was Choctaw Indian? A Yes sir.
 Q Full blood? A One half.

- Q Have you any documentary evidence showing this fact? A No sir.
- Q Did your ancestor remove from Mississippi to the Indian Territory at the time the Choctaw tribe were moved here by the United States Government in 1833 to 1837? A No sir.
- Q Do you know why she did not remove here with other members of the tribe? A No sir.
- Q Did she within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw Indians in Mississippi her intention to remain in Mississippi and become a citizen of the States? A I could not say.
- Q Have you any documentary evidence showing that your ancestors ever complied in any manner with the provisions of the fourteenth 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 fourteenth article of the treaty of 1830? A No sir, not that I know of.
- Q Have you or your ancestors ever received any benefits in Indian Territory as Choctaw Indians? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Lucinda Bradshaw.
- Q Do you make claim for her? A No sir.
- Q You now claim for your children? A Six children.
- Q Please state the names of the children from the oldest down, unmarried and under age? A I have only two under age and unmarried.
- Q Just give me the names of those two. A Hazy Bradshaw.
- Q How old is Hazy? A He is sixteen.
- Q This is a boy is it? A Yes sir.
- Q The next? A William.
- Q How old is William? A Fourteen.
- Q Lucinda Bradshaw is the mother of these children? A Yes sir.
- Q You are the father? A Yes sir.
- Q Are they living with you? A Yes sir.
- Q Have you your marriage license and certificate that you would like to file? A I have not.
- Q Is there anything further you would like to say in support of your application? A No. I have a lot of married children.
- Q They will make application for themselves. Have you any documentary evidence of any kind that you desire to submit to the Commission for its consideration, in support of your application, at this time? A No sir.
- Q Have you an attorney? A Not yet.
- Q You have no attorney here? A No, not yet.
- Q You say you have no documentary evidence now to introduce?
A No sir.
- Q Do you want any time to introduce these things? A Yes, I suppose we need some time.
- Q Well, I don't want to give you time unless you intend to file documents. A Well, of course I intend to do so.

Twenty days is granted this applicant in which to file documentary evidence, together with marriage license and certification, in order to make them part of his application. It will be necessary for you to file your marriage license and certificate, or a certified copy thereof, for the proper identification of your children.

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

Bradshaw-3

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 10th day of January, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 17 day of January, 1901.

Charles H. Sawyer.
Notary public.

Muskogee, Indian Territory, March 5, 1901.

William H. Bradshaw,
Delvalle, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of recent date in which you state your inability to furnish copy of your marriage license and certificate by reason of the fact that the records of the County in which your license and certificate were recorded, were burned in 1878.

In view of the fact of your inability to supply the original or certified copy of your marriage license and certificate, the Commission will accept the affidavits of three disinterested parties who were present and eye witnesses to your marriage.

Yours truly,

Acting Chairman.

M. C. R-1245

MADE AT
HENRY L. DAVIS
TAMM HINDY
THOMAS B. REEDER
C. R. BEE KIRKLE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

RECEIVED AT THE OFFICE OF THE COMMISSIONER

M. C. R. 1243

Muskogee, Indian Territory, May 21, 1902.

William R. Bradshaw,
Red Rook, Texas.

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 Samuel Bradshaw, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Bradshaw,	M. C. R.	1334
Edward Warren Bradshaw, et al.,	M. C. R.	1203
William H. Bradshaw, et al.,	M. C. R.	1245
James Robert Bradshaw, et al.,	M. C. R.	1246
Mary Hickson, et al.,	M. C. R.	1247
Irene Awalt, et al.,	M. C. R.	1248
Rebecca Smith, et al.,	M. C. R.	1249
Eula May Newberg, et al.,	M. C. R.	1250
Mary Ellen Wheeler, et al.,	M. C. R.	1251
Mary Lou Stone, et al.,	M. C. R.	1252
Lennie Shocklee, et al.,	M. C. R.	1253
Ida Schofield, et al.,	M. C. R.	1254
Ada Trench, et al.,	M. C. R.	1255
Laura Awalt, et al.,	M. C. R.	1256
Dosha Barnard,	M. C. R.	1257
Solomon Awalt, et al.,	M. C. R.	1258
Henry Hickson,	M. C. R.	1259
Warren Bradshaw, et al.,	M. C. R.	1260
James H. Bradshaw, et al.,	M. C. R.	1261
Oliver E. Bradshaw, et al.,	M. C. R.	1262
George Bradshaw, et al.,	M. C. R.	1263
Elizabeth Anderson, et al.,	M. C. R.	1335
Will Anderson, et al.,	M. C. R.	1336
James Anderson,	M. C. R.	1337
Rosie Smith, et al.,	M. C. R.	1338
Elizabeth Bowen,	M. C. R.	1339
Louis S. Bowen, et al.,	M. C. R.	1340
Joe W. Bowen,	M. C. R.	1341
George C. Bowen, et al.,	M. C. R.	1342
Henry M. Bowen, et al.,	M. C. R.	1343
Rebecca J. Hubbard, et al.,	M. C. R.	1344
William H. Bowen, et al.,	M. C. R.	1345
Nancy R. Banks, et al.,	M. C. R.	1346

James A. Bowen, et al.,	M. C. R.	1347
Ed F. Sorrell,	M. C. R.	1348
James S. Sorrell,	M. C. R.	1349
Jesse L. Hubbard,	M. C. R.	1351
Lizzie E. Rambolt, et al.,	M. C. R.	1352
William Sorrell, et al.,	M. C. R.	1445
Jacob Awalt, et al.,	M. C. R.	1536
Eliza Awalt, et al.,	M. C. R.	1537
Daniel Awalt,	M. C. R.	1538
John T. Awalt, et al.,	M. C. R.	3452

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 Samuel Bradshaw, Edward Warren Bradshaw, George Bradshaw, William H. Bradshaw, Hazy Bradshaw, William Bradshaw, James Robert Bradshaw, James Wilson Bradshaw, John Wallace Bradshaw, Elbert Bradshaw, Albert Bradshaw, Mary Hickson, Jimmie Hickson, Delbert Hicks on, Aitie May Hickson, Charlie Hickson, Harley Hickson, Irene Awalt, Rebecca Elizabeth Awalt, Martha Pain Awalt, George Awalt, Harry Awalt, Mary Ellen Awalt, Paul Awalt, Rebecca Smith, Hazel Smith, Gifton Smith, Eula May Newberg, Leona Rebecca Newberg, Edward Warren Newberg, Mary Ellea Wheeler, Bailey Wheeler, Mary Lou Stone, Bessie Lee Stone, Lennie Shocklee, William Shocklee, Bertha Shocklee, Ervin Shocklee, Ida Schofield, Lillie Susan Schofield, Viola Schofield, Lula May Schofield, Ada French, Jimmie French, Laura Awalt, Eihel May Awalt, William Henry Awalt, Dossna Barnard, Solomon Awalt, Dula Awalt, Edgie Awalt, Early Awalt, Henry Hickson, Warren Bradshaw, Emma Bradshaw, Mary Bradshaw, James H. Bradshaw, Tom Bradshaw, Joseph Bradshaw, Lilly Bradshaw, Jesse Bradshaw, Lonzo Bradshaw, Beulah Bradshaw, William Bryan Bradshaw, Rufus Bradshaw, Oliver E. Bradshaw, Edna Bradshaw, Pearl Bradshaw, George Bradshaw, Rubie Bradshaw, Oran Bradshaw, Elizabeth Anderson, Thomas Anderson, Matthew Anderson, Charie Anderson, Will Anderson, Martha Anderson, Lenna Anderson, Cora Anderson, Katie Anderson, James Anderson, Rosie Smith, Finis Smith, Emma Smith, Sallie Smith, Elizabeth Bowen, Louis S. Bowen, Calvin O. Bowen, Ruth Bowen, Bertha Bowen, Bessie Bowen, Joe W. Bowen, George C. Bowen, Lettie Bowen, Arta Bowen, Floyd Bowen, Lizzie Bowen, Henry M. Bowen, Earl Bowen, Ivy Bowen, Bryan Bowen, Rebecca J. Hubbard, Murray Hubbard, Delma Hubbard, William H. Bowen, Aggie Bowen, Henry Bowen, Nancy R. Banks, John Banks, Mues Banks, Dillie Banks, Fred Banks, James A. Bowen, Abie Bowen, Autrey Bowen, Ed F. Sorrell, James S. Sorrell, Jesse L. Hubbard, Lizzie E. Rambolt, Wanda M. Rambolt, William Sorrell, Lula Sorrell, Albert Sorrell, Edward Sorrell, Jacob Awalt, William H. Davis, Mattie J. Davis, Eliza Awalt, Elsie R. Awalt, Joe Awalt, Daniel Awalt, John T. Awalt and Rex Awalt as Choctaw Indians entitled to rights in the Choctaw lands under the provisions 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 ^{at} in due time of such action as may be taken by him.

Yours truly,

Registered.

Acting Chairman.

Muskogee, Indian Territory, November 13, 1902.

O. C. Moreland,

Jonesboro, Arkansas,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 10, stating that there is a woman near you, a Mrs. Evans, who claims to be part Indian, and you ask what proof will be necessary to establish such claim. You further states that she has a brother named Joe Bradshaw, and ask if Joe or William Bradshaw are in the Territory, and if so you wish to be advised their post office address.

In reply to your letter you are advised that it does not appear from your statements in which of the Five Tribes of the Indian Territory Mrs. Evans claims a right and it will therefore be impossible to give you any definite information. If you will advise the Commission in which of the Five Tribes she claims a right, the matter will receive consideration. You should also give the names of the parents of the William and Joe Bradshaw concerning whom you desire information, and state in which tribe they claim to belong.

Respectfully,

Acting Chairman.

M.C.R.1245

Muskogee, Indian Territory, November 28, 1902.

C. M. Moreland,
Agent,
Jonesboro, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, presumably in reply to the letter of the Commission addressed to you on November 13, 1902.

You state that Mrs. Lottie Evans' father is William Bradshaw, and that Joe Bradshaw is her brother.

It appears from the records of the Commission that William H. Bradshaw, fifty-three years of age, residence Red Rock, Texas, is an applicant for the identification of himself and minor children, Hazy and William Bradshaw, Jr., as Mississippi Choctaws.

On May 13, 1902, the Commission rendered its decision in this case, refusing the right of the persons therein to be identified as Mississippi Choctaws, and on May 31, 1902, the applicants were duly notified of such action and of the forwarding of the record to the Secretary of the Interior for review.

The case is now pending the action of the Secretary of the Interior.

The records of the Commission do not show that any person

C.M.M. -----2.

by the name of Joe Bradshaw is an applicant for identification as a Mississippi Choctaw.

Respectfully,

Acting Chairman.

M. C. R. 1245

COPY

Muskogee, Indian Territory, March 20, 1903.

William H. Bradshaw,
Red Rock, Texas.

Dear Sir:

You are hereby notified that on the 11th 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 Samuel Bradshaw, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

James Dixby.
Chairman.

No 1245

For Identification as a Mississippi Choctaw.

Date JAN. 11.

Name William H. Bradshaw

Age 53 Blood 1/8

Post Office, Red Rock, Texas

Father: William Bradshaw d

Mother: Margaret Elizabeth "

Claims through father

wife

Lucinda Bradshaw

Children:

Hazy, " (boy) 16

William " 14

Stenographer:
Amin Bell.

2252-1901 W.H. Bradshaw
Delvalle, Texas

MC R 1245 Wm. H. Bradshaw, et
al

On January 10, William H. Bradshaw, age 53, Red Rock, Texas, appeared before the Commission and made application for identification as Mississippi Choctaws for himself and two children, Hazy and William. It is suggested that if he cannot furnish certified copy of his marriage license and certificate, he be requested to forward affidavits in proof of his marriage.

AB

Atoka, February 20, 1901.

END
OF
ROLL

