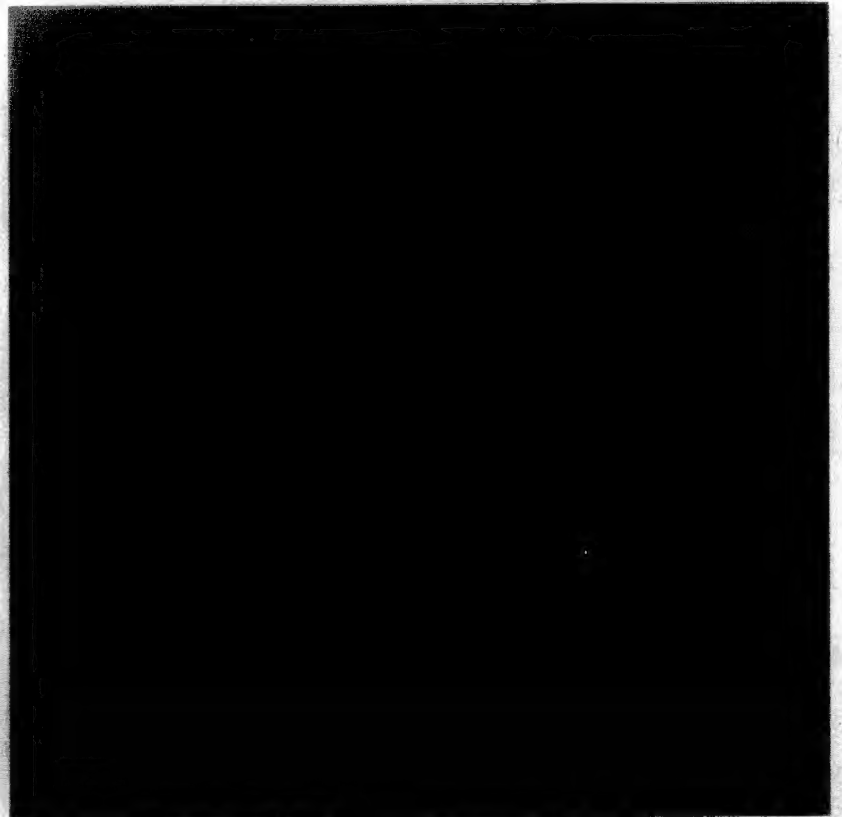
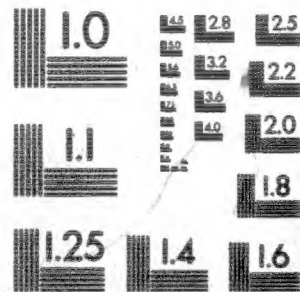
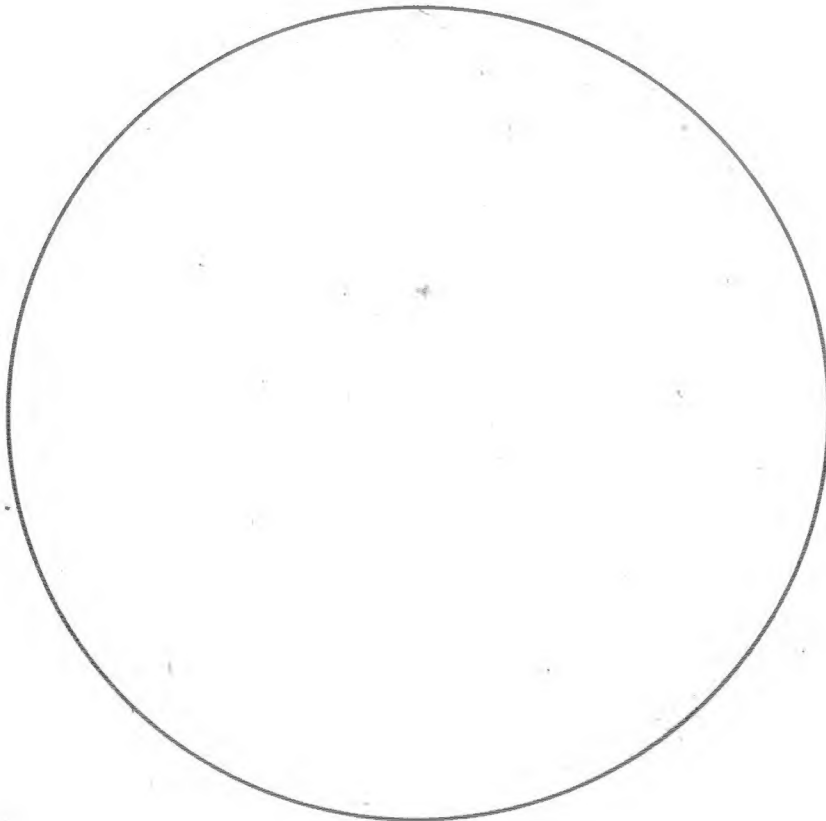
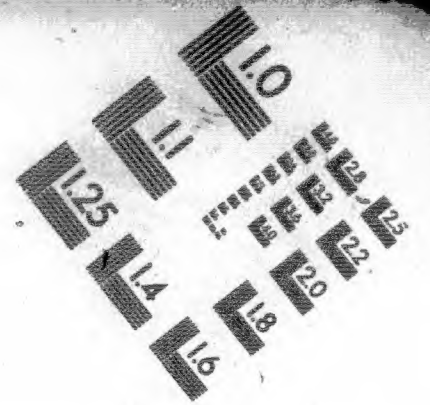
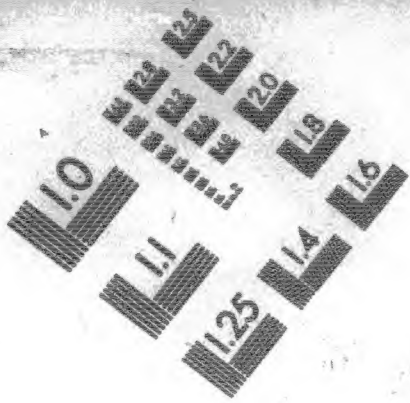


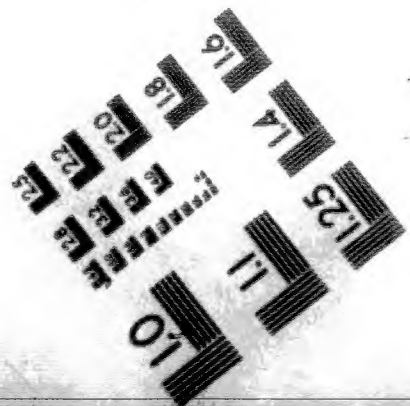
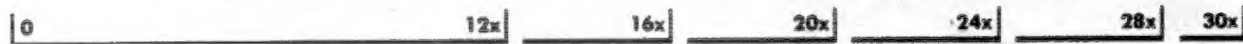


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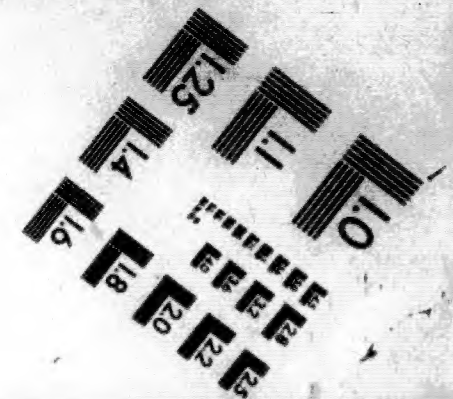
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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 103

MISSISSIPPI CHOCTAW MCR 1557 - MCR 1630

**THE NATIONAL ARCHIVES
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GENERAL SERVICES ADMINISTRATION**

WASHINGTON: 1983

Choctaw MCR 1557

Mary J. Boyles

MCR 1557

FOR IDENTIFICATION
A MISSISSIPPI CHOCTAW

Mary J. Joyles et al

REFUSED

DECISION RENDERED JUL 17 1902

NOTICE OF DECISION MAILED APPLICANTS

JUL 17 1902

BY THE FEDERAL BUREAU OF SURVEY
FOR CHOCTAW AND CHEWALAW NATIONS

RECORD FORWARDED DEPARTMENT

JUL 27 1902

ALL INFORMATION OF SECRETARY OF INTERIOR

OCT 10 1902

NOTICE OF DECISIONAL ACTION
FORWARDER

NOTICE OF DECISIONAL ACTION
FORWARDED BY FEDERAL BUREAU OF SURVEY
FOR CHOCTAW AND CHEWALAW NATIONS

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

---0---

In the matter of the application of Mary J. Boyles, et al.,
for identification as Mississippi Choctaws, M.C.R. 1857.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
Mary J. Boyles, et al.

	(Page)
Original application of Mary J. Boyles, et al., before the Dawes Commission for identification as Mississippi Choctaws	1
Petition of Mary J. Boyles	3
Affidavit of L. W. Myers, et al	5
Decision of the Commission denying the application of Mary J. Boyles et al., for identification as Mississippi Choctaws	6

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DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, MARCH 28, 1901.

In the matter of the application for identification as Mississippi Choctaws of Mary J. Boyles and her minor children. Mary J. Boyles, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Mary J. Boyles.
 Q What is your age? A Thirty three.
 Q What is your post office address? A Sadler, Texas.
 Q How long have you lived at Sadler? A Well, I haven't been there-- it hasn't been more than three months.
 Q Where were you born? A I was borned in North Georgia.
 Q Where in Georgia? A Walker County.
 Q When did you leave the state of Georgia? A Six years ago.
 Q You lived in Georgia until six years ago? A Yes sir.
 Q Where did you go to from Georgia? A Come to Texas.
 Q Lived there since? A Yes sir, lived in Texas since.
 Q What is your father's name? A John W. Ellis.
 Q Is he living? A Yes sir.
 Q What is your mother's name? A Elizabeth Ellis.
 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 About one eighth.
 Q Did your mother ever live in the Territory? A No sir.
 Q Was she ever recognized as a Choctaw Indian by the Choctaw tribal authorities of the Territory? A No sir.
 Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
 Q Did you ever make application for enrollment as a citizen to the Choctaw tribal authorities? A No sir.
 Q Were you ever admitted to citizenship in the Choctaw Nation by judgment of the United States Court on appeal from either the decision of the Dawes Commission or the Choctaw tribal authorities?
 A No sir.
 Q Did you ever make application either for enrollment or citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
 Q Is this the first application you have ever made? A Yes sir.
 Q You now seek to be identified as a Mississippi Choctaw? A Yes sir.
 Q Under what treaty? A 1830.
 Q Under the whole treaty? A Yes sir.
 Q What is the name of your ancestor who lived in Mississippi in 1830?
 A Miller. The given name I don't know.
 Q What kin to you? A Great grandmother.
 Q You don't know whether she was a full blood? A No sir.
 Q Do you know the quantity of blood she had? A No sir.
 Q Did she, within six months after the ratification of the treaty of 1830 declare her intention to the United States Indian Agent then living in Mississippi of remaining in Mississippi and taking land there and becoming a citizen of the state of Mississippi?
 A No sir.
 Q Did she come from there to the Indian Territory in the year 1833 or 1837, with the other Choctaw Indians? A No sir, not that I know of

- Q Was she a beneficiary under article fourteen of the treaty of 1830? A No sir.
- Q Receive any benefits? A No sir.
- Q Did she comply with any of the provisions of article fourteen of that treaty? A I don't know.
- Q Did she claim or receive any land from the United States Government under article fourteen of that treaty? A No sir.
- Q Do you claim under article fifteen or article nineteen of the treaty of 1830? A No.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Joseph H. Boyles.
- Q Do you make any claim for him? A No sir.
- Q When and where were you married to Joseph H. Boyles? A North Georgia, Walker County, we have been married eleven years.
- Q What day? A The tenth day of April.
- Q Under the laws of that state? A Yes sir.
- Q Have you children? A Yes sir.
- Q Under twenty one years and unmarried are they? A No sir, they are all under twenty one.
- Q And not married? A No sir.
- Q What is the name of the oldest? A Thomas B.
- Q How old is Thomas? A Sir?
- Q How old is he? A Ten years old.
- Q What is the name of the next? A Henry G.
- Q How old is Henry G.? A Eight years.
- Q Next? A Leola.
- Q L-e-o-l-a? A Yes sir.
- Q How old? A Seven.
- Q Next? A Marvin R.
- Q How old? A Five.
- Q Next? A Grady.
- Q G-r-a-d-y? A Yes sir.
- Q How old? A Two.
- Q Is that a boy? A Yes sir.
- Q Any other? A Yes sir, Teddy R.
- Q How old is Teddy? A One year.
- Q Is Joseph H. Boyles the father of these children? A Yes sir.
- Q You are their mother? A Yes sir.
- Q Are these children living with you at his home? A Yes sir.
- Q You and your husband are living together as husband and wife? A Yes sir.
- Q Have you any documentary evidence you want to introduce? A No sir.
- Q Would you like time in which to introduce some? A Yes sir.

Twenty days time is allowed applicant in which to file documentary evidence in support of this application.

- Q Is there anything further you want to say? A No sir.

The decision of the Commission in regard to this application which you make for identification as Mississippi Choctaws for yourself and 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 reported in full all proceedings had in the above entitled cause on March 28, 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 30 day of March, 1901.

Anna Bell
Charles W. Sawyer

Notary Public.

*J. F. M.
C. v. W.*

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

In the matter of the application of Mary J. Boyles, et al., for identification as Mississippi Choctaws, M.U.R. 1557.

—: 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 Mary J. Boyles for herself and her six minor children, Thomas E., Henry G., Leola, Marvin R., Grady and Betty R. Boyles, under the following provision of the act of Congress approved June 25, 1898 (30 Stats., 498):

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

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Louisa Hixon (nee Miller), who is alleged to have

been possessed of some Choctaw blood (degree thereof not stated) 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 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).

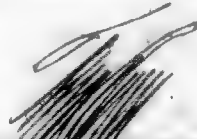
It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Louisa Hixon (nee Miller), 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, 1837 (5 Stats., 180) and August 23, 1842 (8 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary J. Boyles, Thomas E. Boyles, Henry G. Boyles, Leola Boyles, Marvin R. Boyles, Grady Boyles and Teddy E. Boyles as Choctaw Indians

(3)

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


THE COMMISSION TO THE FIVE CIVILIZED TRIBES,



Acting Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

JUL 17 1902.

COPY.

N O R 1557.

Muskogee, Indian Territory, July 17, 1902.

Mary J. Boyles,

Sadler, Texas.

Dear Madam:

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 Mary J. Boyles, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provision of the act of Congress of June 28, 1888, (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 J. Boyles, Thomas E. Boyles, Henry S. Boyles, Leola Boyles, Marvin R. Boyles, Grady Boyles and Teddy R. Boyles as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of

U. S. DEPARTMENT OF THE INTERIOR

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 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,

(SIGNED)

Samuel Bixby
Acting Chairman.

Registered.

COPY.

M C R 1857

Mustang, Indian Territory, July 17, 1902.

Messrs Mansfield, Kotturray & Cornish,

Attorneys for the Choctaw and Chickasaw Nation,
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 Mary J. Boyles, 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:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary J. Boyles, Thomas E. Boyles, Henry S. Boyles, Leola Boyles, Marvin R. Boyles, Grady Boyles and Teddy R. Boyles as Choctaw Indians entitled to rights in the Choctaw lands under the provision of

H. M. & C. ———

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,

W. G. B. D.

James Dixby
Acting Chairman.

COPY.

M. C. R. 1887.

Muskogee, Indian Territory, July 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mary J. Boyles, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 17th, 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.

(COPY)

Land
42729-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, Oct. 4, 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 the record relative to the application of Mary J. Boyles, et al., for identification as Mississippi Choctaws claiming rights in the Choctaw lands under article fourteen of the treaty of 1830.

Mary J. Boyles applies for the identification of herself and her six minor children, Thomas E., Henry G., Leola, Marvin R., Grady and Teddy R. Boyles.

July 17, 1902, the Commission held that the parties above named were not entitled to identification.

The record in the case shows that the principal applicant claims descent from her great grandmother, Louisa Hixon, nee Miller, through her mother, Elisabeth Ellis, nee Hixon, who is living.

The applicants are not of full blood, and the records of this office do not show that Louisa Hixon, nee Miller, or Elisabeth Ellis, nee Hixon, received a patent of land under article fourteen of the treaty of 1830, or that they complied or

-2-

attempted to comply with the provisions of the said article of the treaty; 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, if any they had.

It is therefore respectfully recommended that the decision of the Commission be approved.

Very respectfully,
Your obedient servant,

A. C. Tonner,
Acting Commissioner.

G. A. W. (S)

(C O P Y)

D. C. 18576-1902.

DEPARTMENT OF THE INTERIOR.

EAF.

Washington,

ITD.6100-1902.
L.R.S.

October 10, 1902.

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

Gentlemen:

With your letter of July 17, 1902, was transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Mary J. Boyles and her minor children, Thomas E., Henry G., Leola, Marvin R., Grady and Teddy R. Boyles.

The applicants endeavor to trace their descent from one Louisa Hixon (nee Miller), alleged to have been a 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 Louisa Hixon 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., 613). You refused the application July 17, 1902.

Forwarding the papers October 4, the Acting Commissioner of Indian Affairs recommends approval of your decision.

-2-

A copy of his letter is inclosed.

Having carefully reviewed the entire record, the
Department affirms the decision.

Respectfully,

(Signed) Thos Ryan,
Acting Secretary.
EMD.

1 inclosure.

M.C.R. 1557

Muskogee, Indian Territory, October 21, 1902.

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

Gentlemen:

You are hereby advised that on the 10th 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 case of Mary J. Boyles, et al., of which decision you were advised by mail on the 17th day of August, 1902.

Respectfully,

SIGNED

Tamm Dixey.
Acting Chairman.

COPY.

M.C.R. 1557

McKehee, Indian Territory, October 21, 1902.

Mary J. Boyles,

Sadler, Texas.

Dear Madam:

You are hereby advised that on the 10th 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 case of Mary J. Boyles, et al., of which decision you were advised by registered mail on the 17th day of July, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

No. 1547

For Identification as a Mississippi Choctaw.

Date Mar 28, 1901

Name Mary J. Boyles

Age 33

Blood 1/8

Post Office, Sadler, Texas

Father: John W. Ellis, I

Mother: Elizabeth " I

Claims through mother

husband

Joseph H. Boyles

Children:

<u>Thomas E.</u>	<u>10</u>
<u>Henry H.</u>	<u>8</u>
<u>Lola</u>	<u>7</u>
<u>Marvin R</u>	<u>5</u>
<u>Maady (boy)</u>	<u>2</u>
<u>Teddy R.</u>	<u>1</u>

For use and
children

Stenographer:

Anna Bell

Choctaw MCR 1558

Romney A. Cassady

MCR 1558

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

In the matter of the application of Romney A. Cassady,
et al., for identification as Mississippi Choctaws, M.C.R. 1558.

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of Romney A. Cassady, et al.,
M.C.R. 1558.

	page
Original application of Romney A. Cassady, et al., to the Dawes Commission for identification as Missis- sippi Choctaws.....	1
Sworn petition of Romna A. Cassady to the Dawes Commission in behalf of the application of herself and her three minor children for identification as Mississippi Choctaws.....	3
Ex parte affidavit of Amanda Cassady.....	5
Joint ex parte affidavit of E. J. Wall and E. L. Thurman.....	6
Decision of the Commission refusing the appli- cation of Romney A. Cassady, et al., for identification as Mississippi Choctaws.....	6

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, MARCH 28, 1901.

In the matter of the application for identification as Mississippi Choctaws of Romney A Cassady and his minor children. Romney A. Cassady, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Romney A. Cassady.
 Q What is your age? A Thirty three.
 Q What is your post office address? A Southmayd, Texas.
 Q How long have you lived there? A Two years.
 Q Where did you live before you lived at Southmayd? A Ellis County, Texas.
 Q Where were you born? A Georgia.
 Q Where in Georgia? A Walker County.
 Q When did you remove from Georgia? A Ten years ago.
 Q Where did you go? A Texas.
 Q Have lived there since? A Yes sir.
 Q What is your father's name? A Russel Cassady.
 Q Is he living? A No sir.
 Q What is your mother's name? A Amanda.
 Q Is she living? A Yes sir.
 Q Through which one of these parents do you claim Choctaw blood?
 A Mother.
 Q How much do you claim? A One eighth.
 Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
 Q Did you ever make application to the Choctaw tribal authorities for enrollment as a citizen? A No sir.
 Q Were you ever 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 the Choctaw tribal authorities? A No sir.
 Q Did you ever make application for either citizenship or enrollment in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
 Q Is this the first application of any kind you have ever made to any authorities? A Yes sir.
 Q You now seek to be identified as a Mississippi Choctaw? A Yes sir.
 Q Under what treaty are you making this application? A 1830.
 Q Under the whole treaty of 1830? A Yes sir.
 Q Not under any particular article? A Fourteenth.
 Q Then you don't claim under the whole treaty? A No sir.
 Q Just under article fourteen? A Yes sir.
 Q What is the name of your ancestor who lived in Mississippi in 1830?
 A It was Walls.
 Q Full name? A Well, I don't know better. I could give it, I don't know his full name.
 Q Was it a man? A Yes sir.
 Q What kin to you? A My great grandfather.
 Q Did he, within six months after the ratification of the treaty of

- 1830, tell the United States Indian Agent in Mississippi, Colonel Ward, that he intended to stay in Mississippi and take land there and become a citizen of that state? A I don't know.
- Q Did he remove from Mississippi to the Indian Territory in 1833 to 1837 with the other Choctaw Indians? A I don't know.
- Q Was he a beneficiary under article fourteen of the treaty of 1830?
- A I don't know.
- Q Did he ever claim or receive any land in Mississippi from the United States Government under article fourteen of that treaty?
- A I could not tell you.
- Q Do you know whether he became a citizen of the state of Mississippi under the provisions of article fourteen of the treaty of 1830?
- A I don't know.
- Q You don't know? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Marietta A.
- Q Do you make any claim for her? A No sir.
- Q Have you children you want to make application for? A Yes sir.
- Q Unmarried and under twenty one? A Yes sir.
- Q What is the name of the oldest? A Myrtle.
- Q How old? A Twelve.
- Q Next? A Pearl.
- Q How old? A Ten.
- Q Next? A Marcus.
- Q How old? A Four.
- Q Next? A That is all.
- Q Is Marietta A Cassady the mother these children? A Yes sir.
- Q Are you their father? A Yes sir.
- Q Do you and your wife live together as husband and wife? A Yes sir.
- Q Are these children all living with you at your home? A Yes sir.
- Q Have you your marriage license and certificate that you would like to file now? A No sir.
- Q Have you any documentary evidence you would like to file? A No sir.
- Q Would you like time in which to file them? A Yes sir.

Twenty days time from the date hereof is allowed applicant in which to file documentary evidence in support of this application; also marriage license and certificate or certified copy of the same.

- Q Is there anything further you would like to say? A No sir.

The decision of the Commission in regard to this application for identification as Mississippi Choctaws which you make for yourself and these 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 reported in full all proceedings had in the above entitled cause on March 28, 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 30 day of March, 1901.

Charles H. Sawyer

Notary Public.

J. W. L.
C. W.

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

In the matter of the application of Romney A. Cassady,
et al., for identification as Mississippi Choctaws, H.C.R. 1568.

DE 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 Romney A. Cassady for himself and his three minor children, Myrtle, Pearl and Marcus Cassady, 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

of Willburn Walls (or Wall) who is alleged to have been possessed of some Choctaw blood (degree thereof not positively stated).

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 said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Willburn Walls (or Wall), 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 13, 1842 (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Romney A. Cassady, Myrtle Cassady, Pearl Cassady and Marcus Cassady 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.

SIGNED:

Tame Dixey.

Acting Chairman.

SIGNED:

T. B. Neenan.

Commissioner.

SIGNED:

J. B. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 29 1907

7
Muskogee, Indian Territory, April 20, 1901.

Romney A. Cassidy,
Southmayd, Texas.

Dear Sir:

Receipt is hereby acknowledged of affidavit forwarded by you to the Commission in support of your claim for identification as a Mississippi Choctaw. The same has been filed with the other records in your case.

Yours truly,

Acting Chairman.

15-58

NOV 1892

COPY

Muskogee, Indian Territory, October 28, 1902.

Mansfield, McWhirry & Cornish,

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

Gentlemen:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Rosney A. Cassady, 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-second, eighteen hundred and thirty, and 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 Rosney A. Cassady, Myrtle Cassady, Pearl Cassady and Pearl Cassady 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

M H 2 0 2

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

Respectfully,

(SIGNED)

James Bixby.
Acting Chairman.

EX 1850

COPY

Mustang, Indian Territory, October 29, 1902.

Romney A. Cassidy,
Southmayd, Texas.

Dear Sir:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Romney A. Cassidy, 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 20, 1898 (30 Stats., 495) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Romney A. Cassidy, Myrtle Cassidy, Pearl Cassidy and Marvyn Cassidy as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

2 2 2

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

Respectfully,

ESIGNED.

James Dixby.
Acting Chairman,

Registered.

COPY

Muskogee, Indian Territory, November 14, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Romney A. Cassidy, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 29, 1902.

The Commission has the honor to report that the principal applicant in this case 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.

Enc. M.C.R. 1558

James Blyco
Acting Chairman.

D.C. 8417-1903.
ITD. 2044-1903.
LRS.

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DEPARTMENT OF THE INTERIOR.

WASHINGTON, March 21, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 14, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Romney A. Cassady and his minor children, Myrtle, Pearl and Marcus Cassady, including your decision of October 29, 1902, refusing the application.

The applicants claim to derive their Choctaw blood from Willburn Walls (or Wall) and his daughter, Amanda Cassady (nee Walls), who are alleged to have been Choctaw Indians.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that either of their alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180,) and August 23, 1842 (5 Stat., 513).

Reporting February 18, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

-2-

The Department finds no reason to disturb your decision
and it is accordingly affirmed.

Respectfully,

THOS. RYAN,

Acting Secretary.

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(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, Feb. 18, 1903.

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 Romney A. Cassady for the identification of himself and his three minor children, Myrtle, Pearl and Marcus Cassady, as Mississippi Choctaws.

On October 29, 1902, the commission rendered a decision in this case finding that the evidence submitted by the applicants is insufficient to determine their identity as Mississippi Choctaws entitled to rights in the lands of the Choctaw Nation under the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the record evidence shows that the applicants are not of the full blood and the testimony of the principal applicant shows that he claims to have derived his Choctaw blood through his mother, Amanda Cassady nee Wall and his grandfather, Wilburn Wall, but it is not claimed that either of these ancestors ever complied with the provisions of said article 14.

The office records have been examined and nowhere show that

-2-

any person by the name of Amanda Cassidy nee Wall or Wilbarn Wall ever complied or attempted to comply with the provisions of said article 14 or received a patent for land thereunder.

The record evidence in no way supports the claim of the applicants, and the office therefore considers that the decision of the commission herein should be affirmed, and so recommends.

Very respectfully,

A. C. TOEHR,

Acting Commissioner.

(W.C.B.)

P.

H.C.R. 1532.

COPY.

Muskogee, Indian Territory, March 31, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of March, 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 Romney A. Cassady, et al., of which decision you were advised by mail on the 29th day of October, 1902.

Respectfully,

Jams Bixby.
Chairman.

N.C.R. 1588.

COPY.

Muskogee, Indian Territory, March 31, 1903.

Romney A. Cassidy,

Southland, Texas.

Dear Sir:

You are hereby notified that on the 21st day of March, 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 Romney A. Cassidy, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

Yams Bixby.
Chairman.

No. 155
For Identification as a Mississippi Choctaw.

Date *Nov 28, 1901.*

Name *Romney A. Cassady*

Age *33*

Blood *"18*

Post Office *Southmoyd, Texas*

Father: *Russell Cassady d*

Mother: *Armanda Cassady l.*

Claims through

mother

wife, Marietta A. "

~~*Mary C.*~~

Children:

Myrtle

12

Pearl

10

Marcus

4

for self and children

Stenographer:

Anna Bell

REFUSED

COPIES RECEIVED OCT 26 1902

NOTICE OF DECISION MAILED APPLICANT. OCT 29 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS. OCT 29 1902

COPIES FORWARDED DEPARTMENT. NOV 14 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. MAR 21 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. MAR 31 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. MAR 31 1903

Choctaw MCR 1559

Andrew J. Daughety

MCR 1559

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I. T., April 4, 1902.

In the matter of the application for identification as
Mississippi Choctaw, et al.:

Andrew J. Dougherty, et al., M.C.R. 1559
William E. Dougherty, et al., M.C.R. 1561
John Dougherty, M.C.R. 1562
George W. Dougherty, et al., M.C.R. 1563
Susan Hise, et al., M.C.R. 1560

J. O. Pool, Attorney of Record representing all of the
above named applicants has asked that said applications be dis-
missed and that no further action or consideration be had in same
by the Commission to the Five Civilized Tribes.

Said request is refused for the reason that it is not
apparent from the motion heretofore made by the attorney for the
several applicants herein, that said applicants desire their
applications dismissed because they are not possessed of Choctaw
blood and entitled to identification as Mississippi Choctaws,
descendants of Choctaw Indians who resided in the old Choctaw Nation
in Mississippi and Alabama and complied or attempted to comply with
the provisions of article fourteen of the treaty of "Dancing Rabbit
Creek", and for the further reason that no cause whatsoever is shown
why said applications should be dismissed, and the status of the
applicants before the Commission will remain unaltered.

Commissioner in Charge

Muskogee, Indian Territory, April 4, 1902.

Department of the Interior
Commission to the Five Civilized Tribes
Waskoge, I. T., April 8, 1902.

In the matter of the application of Andrew J. Dougherty
et al., M.C.R. 1333

W. H. C. Greer, representing himself to be the agent of the applicants in the above named cause, has asked that the testimony of Morris Mihuff, taken before the Commission to the Five Civilized Tribes at Meridian, Mississippi, January 16, 1902, in the above named cause, be stricken from the record, for the reason that said witness testified relative to the ancestor of the applicants in this cause and stated that said ancestor was named Billy Dougherty and was the grand-father of the principal applicant herein and was possessed of negro blood, while the applicants herein claim that the alleged grand-father of the principal applicant was possessed of Choctaw and white blood. ~~Said request is refused for the reason that it is not shown by competent testimony that Billy Dougherty referred to in the testimony of Morris Mihuff, is not the grand-father of the principal applicant herein, said statement simply being made by the said W. H. C. Greer in the form of a motion and being unsupported by evidence.~~

Commissioner in Charge

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 APOKA, INDIAN TERRITORY, MARCH 26, 1901.

In the matter of the application for identification as Mississippi Choctaws of Andrew J. Daughety and his minor children. Andrew J. Daughety, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Andrew J. Daughety.
 Q What is your age? A Fifty one.
 Q What is your post office address? A Sherman, Texas.
 Q How long have you lived at Sherman? A Twelve years.
 Q Where were you born? A In Kentucky.
 Q Where in Kentucky? A Butler County.
 Q When did you remove from Kentucky? A Twelve years ago.
 Q Where did you go to from Kentucky? A To Texas.
 Q And have lived there since? A Yes sir.
 Q What is your father's name? A Andrew J. Daughety.
 Q Is he living? A No sir.
 Q What is your mother's name? A Sallie E. Daughety.
 Q Is she living? A No sir.
 Q Through which one of these parents do you claim Choctaw blood?
 A My father.
 Q How much do you claim? A One quarter.
 Q Did you ever make application for citizenship or enrollment as a Choctaw Indian to the Choctaw tribal authorities? A No sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation?
 A No sir.
 Q Were you ever admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from either the decision of the Dawes Commission or the Choctaw tribal authorities? A No sir.
 Q Were you ever admitted to citizenship in the Choctaw Nation upon application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
 Q Did you ever seek to be enrolled by the Dawes Commission under that act? A No sir.
 Q Is this the first application you have ever made of any kind?
 A Yes sir.
 Q You now seek to be identified as a Mississippi Choctaw? A Yes sir.
 Q Under what treaty? A Eighteen and thirty.
 Q Under the whole treaty? A Yes sir.
 Q What is the name of your ancestor who lived in Mississippi in 1830?
 A William Daughety.
 Q Was he a full blood Choctaw Indian? A That is what they told me.
 Q Family history, is it? A Yes sir.
 Q Have you any documentary evidence of that fact? A No sir, I haven't any.
 Q Did he, within six months after the ratification of that treaty tell the United States Indian Agent then living in Mississippi that he intended to stay in Mississippi and take land there and become a citizen of that state? A I don't know.
 Q Did he come from Mississippi to the Indian Territory in the years 1835 to 1837? A I don't know.
 Q Was he a beneficiary under article fourteen of the treaty of 1830?
 A I don't know that.
 Q Did he comply with any of the provisions of that article?

Andrew J. Daugherty 2

- A I can't tell you.
- Q Did he ever claim or receive any land from the United States Government, under article fourteen of that treaty? A I don't know.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Sarah E.
- Q Do you make any claim for her? A No sir.
- Q Have you children? A Yes sir.
- Q Want to make application for your children? A Yes sir.
- Q What is the name of the eldest, unmarried and under twenty one? A Alice C.
- Q How old? A Seventeen.
- Q The next? A James G.
- Q How old? A Fifteen.
- Q Next? A Texanna.
- Q Girl? A Yes sir.
- Q How old? A Twelve.
- Q Next? A Lulu.
- Q How old is Lulu? A Eleven.
- Q Next? A Ethel.
- Q How old is Ethel? A Eight.
- Q Is that all? A Yes sir.
- Q Is Sarah E. the mother of these children? A Yes sir.
- Q Are you their father? A Yes sir.
- Q Are you and she living together as husband and wife? A Yes sir.
- Q Are these children living with you at your home? A Yes sir.
- Q Have you any documentary evidences you want to introduce? A Yes sir.
- Q Application, is it? A Yes sir.

Application of Andrew J. Daugherty presented by applicant, received, filed, marked Exhibit "A" and made a part of the record in this case.

- Q Have you your marriage license and certificate? A I haven't them with me.
- Q Have you any other documents? A No sir.
- Q Would you like time? A Yes sir, I would like time.

Twenty days' time is allowed applicant in which to file documentary evidence in support of his application; also marriage license and certificate or certified copy of same.

The decision of the Commission in regard to this application for identification as Mississippi Choctaws which you make for yourself and 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 reported in full all proceedings had in the above entitled cause on March 28, 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 April, 1901.

Charles H. Sawyer

Notary Public.

Andrew J. Daugherty, et al., 2.

Q Can you understand the Choctaw language? A No, sir.

Q You don't know whether they were talking Choctaw, or not? A I know they were talking it.

Q How much Choctaw blood did this old man Daugherty have? A Well, I couldn't exactly say how much; but he had a great deal of it in him.

Q How could you tell? A From experience - I looked at him.

Q How did he look? A He looked like the others - sorter red.

Q Did he have a Choctaw name? A No, sir; I guess he had no Choctaw name.

Q Did he associate with the white folks or the Indians? A With the white folks.

Q Did you ever see his wife? A No, sir.

Q She was a white woman? A No, sir, she was an Indian.

Q You know what I asked you, do you? I asked you whether this woman was a white woman, or Indian? A She must have been an Indian; I wasn't acquainted with her.

Q Then, you don't know anything about it? A No, sir; I don't know anything about her; just know him.

Q Do you remember when the Indians were moved away from this country by the Government a long time ago? A Yes, sir.

Q Did he leave before or after these Indians went out there? A I saw him after they went out.

Q Well, now, they made two different moves; do you remember both of them? A No, I don't remember about the two; I only know one when they first moved them.

Q You are sure he didn't go out with them? A No, sir.

Q How long was it after that that he went away from here? A I don't know, bodd, what time he disappeared, for when he went I was quite young, but I don't know what time, but he lived around our town down there.

Q Did you ever hear of the treaty of Dancing Rabbit Creek? A No, sir.

This treaty, called the treaty of Dancing Rabbit Creek, was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians. At the time the treaty was made, some of these Indians were unwilling to leave this country occupied by them here in Mississippi and Alabama and go out west to the new country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out to the Territory might do so, and might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six

Andrew J. Daugherty, et al., 3.

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

Q That's the 14th article of the treaty of Dancing Rabbit Creek. Do you know whether any of ~~you~~ the ancestors of the applicant, Andrew J. Daugherty, ever complied or attempted to comply with the provisions of this 14th article, of the treaty of Dancing Rabbit Creek? A No, sir.

Q Or whether any of them ever received any benefits under this article? A No, sir.

Q Were any of his ancestors - you know what I mean by ancestors, don't you? A Yes, sir.

Q Did any of his ancestors live here in the old Choctaw Nation, in Mississippi and Alabama, in 1830, seventy one years ago, that was, when this treaty was made? A I don't know about that.

Q Were any of them ever recognized members of the Choctaw tribe of Indians? A No, sir, I don't know about that.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory; at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't think they did, sir. I remember when I seed them when they was moving them; I know when they went off; they were in our town, five or six hundred of them, so far as I know, way back; I was right there.

Q But you don't think that any of the ancestors of this applicant went out there? A No, sir.

Q Well, this old man, Billy, didn't go? A No, sir; he didn't go, because I know I saw him after I come up. I know his son, Andrew very well; he lives out from town there. He was up there a good deal, and then he went out in Jasper County.

Q When the Indians were moved, how old a man was this man, Andrew J. Daugherty, the son of Billy Daugherty? A I don't know; me and him were about the same pretty well.

Q Nearly grown were you? A Yes, sir, just boys. When I first come here to this country, they were thick as hops here.

Q Did this man, Billy Daugherty, within six months after this treaty was ratified, let the agent of the Government, here in Mississippi for the Choctaws know he wanted to stay here in Mississippi and become citizens of the States? A No, sir; I don't know. I know I saw him here after they was all gone.

Q You are sure of that, are you? A Yes, sir, I am sure of that.

Andrew J. Daugherty, et al., 4.

- Q How are you sure of that? A He didn't claim any, because I think he was half way under bondage.
- Q He was part negro and part Choctaw? A That's so.
- Q He was a slave wasn't he not? A Yes, sir; that's what he was, you know.
- Q Did he ever get any land here from the Government that you know of? A No, sir, not that I know of.
- Q Did he ever get any money from the Government? A No, sir, not to my appearance.
- Q Was he ever a recognized member of the Choctaw tribe? A No, sir, I think not; he just naturally wasn't.
- Q Billy Daugherty's wife was a slave, was she not? A Yes, sir.
- Q The mother of Andrew J.? A Yes, sir, that's so.
- Q Do you know whether she had any Choctaw blood, in her? A No, sir, I don't know.
- Q And young Andrew J., whom the applicant claims as his father, was a slave also? A Yes, sir.
- Q Who did he belong to? A I just remember to the Daugherties in all I know.
- Q You don't remember the other name of the man he belonged to? A No, sir, I don't know that, but he was a Daugherty.
- Q Where did he live? A I think they were bred and born at the lower edge of Alabama, and they come up here, and I used to go up on the Mobile and Ohio, and I used to see them frequently.
- Q Did the master of these people have any Choctaw blood? A No, sir.
- Q He was a white man? A Yes, sir.
- Q No Indian blood? A No, sir, he owned them as Injuns; they were Injuns but slaves, and after the surrender they come on up to my town..

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under article 14 of the treaty. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know they wanted to stay here and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress

Andrew J. Daugherty, et al., 5.

under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of the Commission, they were unable to dispose of but a comparatively small number of cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed, which was approved on the 23rd day of August, 1842, providing for the appointment of a commission to come down here to Mississippi and finish up the hearing of these cases. This commission was appointed by the President of the United States and the commissioners came down here to Mississippi in the 40's and heard a great many more of these Choctaw cases.

Q Did Billy Daugherty or any of his ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Did his son, Andrew, appear before either one of these commissions? A No, sir.

This Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did Billy Daugherty, or any of his ancestors, get any of this scrip from the Government under this Act of Congress? A No, sir.

Q Not that you know of? A No, sir.

Q You don't know whether the applicant, in whose behalf you are testifying, is the descendant of the Billy Daugherty, about whom you are testifying, do you? A No, sir.

Q Did Billy Daugherty have any white blood? A I don't think he had any white blood; it was most Indian and African.

Q Which did he have the most of? A Most Indian.

Q You are certain about that? A Yes, sir, certain about that.

Q Are you related in any way to the applicant, Andrew J. Daugherty? A No, sir.

Q Are you interested in any way in the result of this application? A No, sir.

R. A. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled case on the 18th day of January, 1902, and that the above

Andrew J. Daugherty, et al^{6a}

and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. String

Subscribed and sworn to before me at Meridian, Mississippi,
this 20th day of January, 1902.

L. B. Mosley

Clerk U.S. Circuit Court,
Southern District of Mississippi,

[Signature]

By

Deputy.

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 28, 1902.

In the matter of the application for identification as Mississippi Choctaws of Andrew J. Daugherty, et al., M.C.R. 1559.

W. H. C. Greer, Agent, appearing for applicants.

Now comes W. H. C. Greer, an Agent of record, before this Commission and asks that the testimony of Morris Mihuff, taken before the Commission, at Meridian, Mississippi, on January 18, 1902, in the matter of the application for identification as Mississippi Choctaws of Andrew J. Daugherty, et al., M.C.R. 1559, be stricken from the record for the reason, that this witness, Morris Mihuff, at that time, testified relative to the ancestor of the applicants in this case, Billy Daugherty, but in the examination it developed that the Billy Daugherty the witness referred to was a part Negro and a slave and belonged to a man by the name of Daugherty. In view of the fact that the applicants in this case are white people and have no trace of Negro blood and that there can be no doubt but what the Billy Daugherty referred to by this witness cannot be the grandfather of the applicant Andrew J. Daugherty Agent asks that the testimony of this witness Morris Mihuff be expunged from the records of the Commission and further states that at the time of the hearing of the testimony of Morris Mihuff, taken at Meridian, Mississippi, January 18, 1902, he requested that said testimony for the reason above given be expunged from the record and if it appears from the proceedings in this case that said motion was not granted he now makes this motion as an Agent duly qualified before said Commission and duly authorized to make this motion herein.

By the Commission.

This motion will be taken under advisement by the Commission.

Examination by the Commission.

Reuben Orr having been first duly sworn testified as follows:

- Q What is your name? A Reuben Orr.
Q What is your age? A I was born in 1828 April 16th.
Q What is your post office address? A Sherman, Texas.
Q How long have you lived in Sherman, Texas? A Thirteen years.
Q Did you formerly live in the state of Mississippi? A I lived in Mississippi until I came over.
Q Were you a slave at one time? A Yes, sir.
Q You have Negro blood have you? A I don't know whether I have or not I think I am Negro.
Q You have testified in several cases that you had Negro blood and now you don't know; you had better state the same thing in all of your applications had you not? A Alright sir.
Q You can state what you are I don't care what you are? A That is right.
Q Well now, what do you say you are? A I am Negro; Judge would you say that I am a Negro?
Q I don't know what you are? A Well they always call me a Negro.

- Q Were you born in Mississippi? A Yes, sir.
- Q Where in Mississippi were you born? A I can't tell you Judge whether it was in Noxohubbee County or Lawrence County.
- Q Do you know Andrew J. Daugherty? A Yes,,sir.
- Q Where does he live? A In Sherman.
- Q What is his business? A Wagon yard I believe.
- Q Is he a white man or Indian? A He is a white man but he is a mighty dark white man.
- Q Has he any Indian blood? A He says he has.
- Q Do you know anything about it except what he says? A No, sir.
- Q How old is he do you know? A Well I judge him to be a man of about forty years old. Somewhere close to that I think.
- Q Do you know where he was born? A No, sir; I don't know where he was born.
- Q When he testified at Atoka, Indian Territory, March 28, 1901, upon his original application for identification as a Mississippi Choctaw, he stated, his age was fifty-one? A It might be that.
- Q How do you know? A No, sir; I don't know.
- Q Did you know the name of the father of Andrew J. Daugherty? A I heard him say.
- Q What was his father's name? A Billy I believe.
- Q Are you sure about that? A I think that is what he said.
- Q Are you sure about that? A Yes, I think that is it.
- Q I asked you if you are sure about it and you say that you think; are you sure it was Billy? A Yes, sir.
- Q Well he testified himself that his father's name was Andrew J. Daugherty when he appeared before the Commission at Atoka, Indian Territory, March 28, 1901; now how about Billy? A I don't know.
- Q Did you know his mother's name? A No, sir; I did not.
- Q Through which of his parents did he claim Choctaw blood? A Through his daddie and grandfather.
- Q How much Choctaw blood do you think Andrew J. Daugherty the claimant has? A Well I could not tell you much more than when I look at him I think he is about---he looks almost like all Indians to me.
- Q Full Indian? A Yes, nearly like a full Indian.
- Q A little while ago you said he looked like a dark white man? A He has coal black hair.
- Q Well he claims to be about one-quarter Choctaw blood? A Yes, sir.
- Q He don't claim as much as you do? A Yes, sir; he walks like an Indian.
- Q How does an Indian's walk differ from a white man? A They drag their feet.
- Q Some white men drag their feet? A White men generally step mighty clear.
- Q What are the color of Andrew J. Daugherty's eyes? A They are not bluenor black but they are a sort of a deep snuff color.
- Q Sort of brown? A Yes, sir.
- Q Do you know the name of his ancestor who lived in Mississippi in 1830? A No, sir; I don't believe I know the name of his ancestor except old man Billy.
- Q You knew old man Billy who? A Old man Billy Daugherty.
- Q You knew such a man in Mississippi did you? A Yes, sir.
- Q Tell me about this man Billy Daugherty when you knew in Mississippi, what was his business? A He made baskets, beads and rings.
- Q Did he live in a house or tent? A In a tent.
- Q Did you know his wife? A No, sir.
- Q Knew any of his family, any of his children? A No, sir.

- Q Whereabouts in Mississippi did this old man Billy live? A Close to Enterprise, right up above Meridian.
- Q Did the old man speak Choctaw? A Yes, he talked Indian I could not understand nothing what he said.
- Q Well he might have been talking some other Indian for all you know? A Well he talked like all the other Indians out here talk.
- Q Do you know that he was the ancestor of Andrew J. Daugherty? A No, sir.
- Q Do you know whether he was a grandfather, Uncle or cousin or what relative he was? A No, sir; I seen them together.
- Q You saw who together? A Them Indians.
- Q Did you see Andrew J. Daugherty this claimant with Billy Daugherty whom you knew in Mississippi? A No, sir; if I did I don't know him by that name.
- Q You know these claimants do you? A Yes, sir.
- Q Do you know whether you ever saw him in Mississippi? A No, sir; I never did see him there.
- Q Did you know old man Billy Daugherty or William Daugherty in Mississippi in 1830? A No, sir.
- Q You were too young then were you not? A Yes, sir.
- Q When was the first time you ever knew Billy Daugherty? A I don't know exactly when I did see Uncle Billy.
- Q Forty-five or fifty? A I believe about forty five or may be furth r back than that.
- Q Do you know whether he ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No, sir; I don't know.
- Q Did you ever hear that he within six months after the ratification of the treaty of 1830 went to the United States Indian Agent whose name was Colonel Ward and told him that he wanted to stay in Mississippi, take land there and become a citizen of the United States? A No, sir.
- Q Do you know anything about the treaty of 1830? A No, sir.
- Q Do you care to give any testimony as to whether or not Billy Daugherty complied with article fourteen of the treaty of 1830? A No, sir; I don't nothing about that.
- Q If you answered anything in reference to that it would be what you have been told by someone else? A Yes, sir.
- Q Well did you ever hear this, that in 1837 this man Billy Daugherty whom you knew in Mississippi went to the Commission that was appointed under an act of Congress of March 3rd 1837 or before the Commission appointed by an act of Congress of August 23, 1842 and claimed benefits under article fourteen of the treaty of 1830; did you ever hear anything about that? A No, sir; if I did I have done forgotten.
- Q You never heard Andrew J. Daugherty say then what the name of his ancestor was who lived in Mississippi? A Yes, I heard him say.
- Q What have you heard him say? A I heard him say they was Choctaw Mississippi Indians.
- Q What did you hear him say the name was? A I think Billy/
- Q You stated he told you that his father's name was Billy but he says his father's name is Andrew J.; now this Billy, who was he? A He was Billy.
- Q What relation to Andrew J? A I don't know.
- Q You don't care to try to explain that? A No, sir; I don't care to try to explain anything only what I knew.
- Q Then as a matter of fact this Billy daugherty whom you knew in Mississippi might or might not have been related to this claimant Andrew J. Daugherty? A Yes, sir.

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This witness has the appearance and physical characteristics of being descended from Negro parentage, which he claims to be. He may have other blood which the Commission is unable to say. He has no knowledge of the Choctaw language and does not know whether Billy Daugherty whom he says he knew in Mississippi was the ancestor of this applicant Andrew J. Daugherty and knows nothing about whether the Billy Daugherty whom he knew in Mississippi ever complied with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 31st day of March 1902.

Charles Mitchell Wood
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Andrew J. Daughety, et al., for identification as Mississippi Choctaws, consolidating the records of

Andrew J. Daughety, et al.,	M.C.R. 1559
Susan Hime, et al.,	M.C.R. 1560
William E. Daughety, et al.,	M.C.R. 1561
John H. Daughety,	M.C.R. 1562
George W. Daughety, et al.,	M.C.R. 1563

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

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Written petition of Andrew J. Daughety addressed to the Dawes Commission	3
Certified copy of the marriage record between Andrew J. Daughety and Sarah E. Beesley	5
Original application of Susan Hime, before the Dawes Commission for identification as a Mississippi Choctaw	6
Written petition of Susan Hime, addressed to the Dawes Commission	8
Original application of William E. Daughety, before the Dawes Commission for identification as a Mississippi Choctaw	10

Written petition of William E. Daughety, addressed to the Dawes Commission	12
Original application of John H. Daughety before the Dawes Commission for identification as a Mississippi Choctaw	14
Written petition of John H. Daughety addressed to the Dawes Commission	16
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Transcript of the proceedings had at the office of the Commission at Meridian, Mississippi, January 18, 1902, in the application of Andrew J. Daughety	22
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Motion of J. O. Pool as Attorney of Record in the consolidated application of Andrew J. Daughety, et al., asking that said applications be dismissed and that no further consideration be had of them	32
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W.H.
C. v. W.
W.C.B.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Andrew J. Daughety, et al., for identification as Mississippi Choctaws, consolidating the applications of

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|------------------------------|-------------|
| Andrew J. Daughety, et al., | M.C.R. 1559 |
| Susan Hime, et al., | M.C.R. 1560 |
| William E. Daughety, et al., | M.C.R. 1561 |
| John H. Daughety | M.C.R. 1562 |
| George V. Daughety, et al., | M.C.R. 1563 |

-----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 Andrew J. Daughety for the identification of himself and his five minor children, Alice C., James G., Texanna, Lulu and Ethel Daughety, as Mississippi Choctaws, taken at Atoka, Indian Territory, March 26, 1901.

In the matter of the application of Susan Hime for the identification of herself and her minor child George Hime, as Mississippi Choctaws, taken at Atoka, Indian Territory, March 26, 1901.

In the matter of the application of William E. Daughety for the identification of himself and his minor child Randolph L. Daughety, as Mississippi Choctaws, taken at Atoka, Indian Territory.

March 28, 1901.

In the matter of the application of John W. Daughety for the identification of himself as a Mississippi Choctaw, taken at Atoka, Indian Territory, March 28, 1901.

In the matter of the application of George W. Daughety for the identification of himself and his two minor children, Ernest E. and Agnes L. Daughety, as Mississippi Choctaws, taken at Atoka, Indian Territory, March 28, 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 Andrew J. Daughety, et al., that on March 28, 1901, the said Andrew J. Daughety appeared before the Commission at Atoka, Indian Territory and there made personal application for the identification of himself and his five minor children, Alice C., James G., Texanna, Lulu and Ethel Daughety 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 Andrew J. Daughety (Senior) an alleged Choctaw, (degree of blood not given), who married Sally E. Daughety, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Andrew J. Daughety, 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 consists solely of the oral statement of the principal applicant and a certified copy of the marriage record between Andrew J. Daughety and Sarah Beasley. By the oral statement of the principal applicant it is attempted to be shown that he was born in the state of Kentucky in about the year 1850, and that he is possessed of one quarter Choctaw blood. At the time of the making of his original application he was a resident of the state of Texas and it does not appear from his testimony that he ever resided in Indian Territory. He attempts to trace his alleged Choctaw descent to one William Daughety, who, he alleges, was his Choctaw ancestor who lived in Mississippi in 1830, but he does not state what relationship the said William Daughety bore to him, nor can it be determined from his testimony whether the said William Daughety was a recognized Choctaw Indian in Mississippi in 1830, or whether he complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, although the principal applicant alleges that he was a full blood Choctaw. The certified copy of the marriage record filed herewith is simply proof of the marriage of the principal applicant and his wife, and of the legitimacy of the issue of said marriage. There is filed herewith the written petition of the principal applicant, but it cannot be considered in evidence as it

is simply a statement of the facts expected to be proven by him.

Note. According to the written petition of the principal applicant it appears that the William Daughety mentioned by him in his oral examination, was his grandfather.

The next in order of the above applications is that of Susan Hime, et al., and the record therein shows that on March 28, 1901, the said Susan Hime appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of herself and her minor child, George Hime, 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 Andrew J. Daughety, an alleged Choctaw (degree of blood not given) who married Sarah E. Daughety, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Susan Hime, and her 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 is simply the oral statement of the principal applicant, wherein she

attempts to show that she was born in the state of Kentucky in the year 1878 and is possessed of one eighth Choctaw blood. It cannot be ascertained from her testimony that she ever resided in Indian Territory. She attempts to trace her alleged Choctaw descent through her father to one William Daughety, who, she claims, was her great grandfather and was a full blood Choctaw, and a resident of the old Choctaw Nation in Mississippi in 1830, but it cannot be ascertained from her testimony whether any of her alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi and Alabama, or whether they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

There is filed herewith the written petition of the principal applicant but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by her.

The next in order of the above applications is that of William E. Daughety, et al., and the record therein shows that on March 28, 1901, the said William E. Daughety appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of himself and his minor child Randolph L. Daughety as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in Mississippi in 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek". The principal applicant claims descent from Andrew J. Daughety, an alleged Choctaw (degree of blood not given) who married Sarah Daughety, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, William E. Daughety and his minor child, for whom

application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896 (29 Stats. 321)

The only evidence offered in this application is the unsupported oral statement of the principal applicant, wherein he attempts to show that he was born in the state of Kentucky in about the year 1870, and is possessed of one eighth Choctaw blood. From his testimony it would appear that he never was a resident of Indian Territory. He attempts to trace his alleged Choctaw descent through his father to his great grandfather, William Daughety, who he claims was a full blood Choctaw and a resident of Mississippi in 1830. It cannot be determined from his testimony whether any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in that state, or that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the principal applicant, but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by him.

The next in order of the above applications is that of John H. Daughety and the record therein shows that on March 28, 1901 the said John H. Daughety appeared before the Commission at Atoka, Indian Territory 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". He claims descent from Andrew J. Daughety, an alleged Choctaw Indian, (degree of blood not given) who married Sarah E. Daughety, a white woman and who are the parents of this applicant.

The record in this case further shows that the applicant John H. Daughety, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is his name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has he ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896 (29 Stats.321)

The only evidence offered in this case is the unsupported oral statement of the applicant, wherein he attempts to show that he was born in the state of Kentucky in about the year 1871, and that he is possessed of one eighth Choctaw blood. From his testimony it would appear that he has never been a resident of Indian Territory. He attempts to trace his alleged Choctaw descent through his father, to one William Daughety, who, he alleges, was a full blood Choctaw and was his ancestor who lived in Mississippi in 1830, but it does not appear from his testimony what relationship there was between the said William Daughety and himself, neither can it be determined from his testimony whether any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in Mississippi and

Alabama as members of the Choctaw tribe of Indians, or that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the applicant, but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by him.

The last in order of the above applications is that of George W. Daughety, et al., and the record therein shows that on March 28, 1901, the said George W. Daughety appeared before the Commission at Atoka, Indian Territory and there made personal application for the identification of himself and his two minor children, Ernest L. and Agnes L. Daughety, 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 Andrew J. Daughety, an alleged Choctaw (degree of blood not given) who married Sarah N. Daughety, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, George W. Daughety, 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 Stat. 321.)

The only evidence offered in this case is the unsupported oral statement of the principal applicant, wherein he attempts to show that he was born in the state of Kentucky in about the year 1878 and that he is possessed of one eighth Choctaw blood. From his testimony it appears that he has never been a resident of Indian Territory. He attempts to trace his alleged Choctaw descent through his father to one William Daughety who he alleges was a full blood Choctaw Indian and a resident of the state of Mississippi in 1830, but it cannot be determined from his testimony what relationship existed between the said William Daughety and himself, neither is it shown whether any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in Mississippi and Alabama as members of the Choctaw tribe of Indians, or that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the principal applicant, but it cannot be considered in evidence as it is simply a statement of facts expected to be proven by him.

The record in this case shows that on January 18, 1902, at Meridian, Mississippi, the applicant Andrew J. Daughety offered in evidence the testimony of one Morris Mihuff, a negro, claiming to be eighty years of age and a resident of Mississippi, in which state he claims to have resided since he was ten years of age. By the testimony of this witness it is attempted to be shown that he was acquainted with one William or Billy Daughety in Mississippi and that he became acquainted with him during his childhood and at that time the said Billy Daughety had a son named Andrew J. Daughety, who the witness claims was about the same age as himself. It further appears from said testimony that the Andrew J. Daughety

whom the witness claims to have been acquainted with in Mississippi removed from there sometime subsequent to the general removal of the Choctaw Indians from Mississippi to the Choctaw Nation, Indian Territory, but the witness is unable to state positively where the said Andrew J. Daughety removed to. It also appears from certain portions of this witness's testimony that the applicant Andrew J. Daughety was living in Mississippi with his father, prior to their removal from that state, as is shown from the following questions and answers: " Q. Are you acquainted with the applicant Andrew J. Daughety? " A. "Oh- I was acquainted with Andrew, he is down at the lower end of the county." Q. "I am talking of the applicant Andrew J. Daughety who lives in Texas." A. " Well I was acquainted with him here and he went from here to Texas; he went off-- I don't know where he went to; he was in my town for some time." From the testimony of this witness it also appears that the Billy Daughety whom he claims to have known in Mississippi, was part negro and part Choctaw and that prior to the war was a slave, and that he was married to a negro woman, also a slave, and that neither of them were possessed of any white blood. It also appears that Andrew J. Daughety, father of the applicant herein, was a slave and belonged to a white family named Daughety, who resided in the "lower edge of Alabama". There is nothing in the testimony of this witness which would tend to show that any of the alleged Choctaw ancestors of the applicant Andrew J. Daughety were ever recognized by the Choctaw tribal authorities in Mississippi as members of the Choctaw tribe of Indians or that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

It further appears from the records of this consolidated case that on February 28, 1902, at Muskegee, Indian Territory one

W. H. C. Greer appeared before the Commission to the Five Civilized Tribes and represented himself to be the agent of the applicant Andrew J. Daughety, and filed a motion on behalf of the said applicant praying that the testimony of the witness Morris Mihuff, taken at Meridian, Mississippi on January 18, 1902, be expunged from the records in said application for the reason that it developed upon examination of said witness that the Billy Daughety whom the witness referred to in his testimony was part negro and a slave, and that the applicant herein claimed to be solely of white and Choctaw blood, and that therefore the Billy Daughety mentioned by the witness could not be the grandfather of the applicant Andrew J. Daughety. At that time the Commission took said motion under advisement. On the same day and immediately following the presentation of the within motion, there was offered in evidence in support of the application of Andrew J. Daughety, the testimony of Reuben Orr, a negro, residing in the state of Texas, who claims to have been born in the year 1828 in the state of Mississippi and to have resided there until thirteen years prior to the giving of his testimony in this application, and by said testimony it is attempted to be shown that he is acquainted with the applicant Andrew J. Daughety having become acquainted with him in the state of Texas, and that from conversations had with said applicant, he believes him to be a son of one Billy Daughety whom the witness claims to have known in the state of Mississippi and who he states was possessed of Choctaw blood, but witness is unable to trace the relationship of the applicant to the said Billy Daughety, inasmuch as he states that he never knew any of the children of Billy Daughety, neither does it appear from his testimony that the said Billy Daughety was recognized by the Choctaw tribal authorities in Mississippi as a member of the

Choctaw tribe of Indians in that state or that he complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The record further shows that on March, 19, 1902, J. O. Pool, representing himself to be the attorney of record for all the applicants in this group of consolidated cases, filed a motion in their behalf asking that these applications be dismissed by the Commission to the Five Civilized Tribes and that no further consideration be had of same, and on April 4, 1902, this motion having been carefully considered by the Commission, was denied, for the reason that it was not apparent from said motion that the applicants desired their applications dismissed because they were not possessed of Choctaw blood, and entitled to identification as Mississippi Choctaws, descendants of Choctaw Indians who resided in the old Choctaw Nation in Mississippi and Alabama and who complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek", and for the further reason that no cause whatsoever was shown in said motion why said applications should be dismissed, and in conclusion the Commission stated that the status of the applicants before the Commission to the Five Civilized Tribes would remain unaltered.

On April 5, 1902, the Commission denied the motion made by W. F. C. Greer on February 28, 1902, in which he requested that the testimony of Morris Mihuff taken at Verdiana, Mississippi, January 18, 1902, in the application of Andrew J. Daugherty, be expunged from the record, for the reasons set up in his motion. Said motion was refused for the reason that the statement made by W. F. C. Greer setting forth his reasons for desiring to have the testimony of the

witness Morris Wihuff stricken from the record, was unsupported by proper evidence.

Note--It appears from the records in this case that at the time of the making of each of the applications herein the surname of the applicants was spelled "Daughety" and that at the proceedings had on January 18, 1902 at Meridian, Mississippi, said name was spelled "Daugherty", as was also done at the proceedings had on February 28, 1902, at Muskogee, Indian Territory. It appears from the motion filed by J. O. Pool as attorney for these applicants, and also in the proceedings had on April 4th and 5th, 1902 at Muskogee, Indian Territory, that said name was spelled "Daugherty". From an examination of the petitions filed by the several applicants herein which are signed by them, it appears that the name should be Daughety, and therefore in the preparation of this decision the name "Daughety" has been used.

In accordance with the instructions of the Commissioner of Indian Affairs of June 10, 1901 and July 25, 1901, the several applications herein were consolidated under the head of Andrew J. Daughety, et al., as claimants from the same common ancestor, and in considering the testimony offered in support of these several applications it appears that the principal applicant, Andrew J. Daughety, is the father of all the principal applicants in the other applications herein consolidated and that they derive their alleged Choctaw blood from the said Andrew J. Daughety, who himself claims to derive his alleged Choctaw blood from his father, also Andrew J. Daughety, who is alleged to have been the son of one William Daughety, an alleged full blood Choctaw Indian, who was a resident of the state of Mississippi in 1830. As will appear from the testimony of the several applicants, they all claim to have been born in the state of Kentucky, the eldest of them having been born in 1830. It cannot be determined from their evidence whether the father of the principal applicant was born in Mississippi or when he left that state, but it does appear that the grandfather of the principal applicant was a resident of Mississippi in 1830. From the

testimony offered by these applicants, or rather by the applicant Andrew J. Daughety, on January 18, 1902, same being the testimony of one Morris Mihuff, it would appear that the applicant Andrew J. Daughety himself, was born in Mississippi, but inasmuch as he claims to have been born in Kentucky and never to have resided in Mississippi, it is reasonable to suppose that the witness was mistaken and that said error arose from the fact that the father of the applicant was also named "Andrew J. Daughety". It is at least conclusively shown by the testimony of this witness that he was acquainted with William Daughety and his son Andrew J. Daughety in Mississippi as early as 1832, and continued to know these persons for some years thereafter, and he claims that they were possessed of Choctaw and negro blood. It also appears from the testimony of Reuben Orr, taken on February 28, 1902 in the application of Andrew J. Daughety, that he was acquainted with one William Daughety in Mississippi in about the years 1845 and 1850, but it cannot be positively determined from the testimony of either of these witnesses, that the William Daughety whom they knew in Mississippi is the identical William Daughety who these applicants claim, was their Choctaw ancestor who resided in Mississippi in 1830 and even if this fact were conclusively shown there is not a scintilla of evidence tending to show that the said William Daughety was recognized by the Choctaw tribal authorities in Mississippi as a member of the Choctaw tribe of Indians, or that he complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and 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, that any person by the name of William or Billy Daughety, ever signified his intention to Colonel Wm. Ward

Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented his claim as a beneficiary under 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 motions heretofore made by the several applicants having been overruled, the status of the applicants is unchanged and in view of the fact that these applicants have had sufficient time allowed them in which to present their testimony, the Commission considers this case as closed.


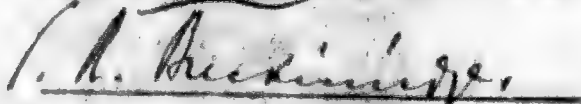
The authority vested in the Commission by the twentyfirst section of the act of Congress of June 26, 1898(30 Stats. 495) is as follows:

"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 twentyseventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Andrew J. Daughety, Alice C. Daughety, James G. Daughety, Taxanna Daughety, Lulu Daughety, Ethel Daughety, Susan Hime, George Hime, William E. Daughety, Randolph L. Daughety, John H. Daughety, George W. Daughety Ernest L. Daughety and Agnes L. Daughety 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.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Commissioners

Muskogee, Indian Territory

MAY 13 1902

(COPY)

Land:
30, 743-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington, May 31, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, an unsigned report, dated May 19, 1902, evidently from the Commission to the Five Civilized Tribes, transmitting the record in the consolidated Mississippi Choctaw case of Andrew J. Daughety, et al.

The applicants in this consolidated case apply for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of Article 14 of the treaty of September 27, 1830.

The parties to this case are

Andrew J. Daughety, et al.

Susan Hime, et al.

William E. Daughety, et al.

John H. Daughety,

George W. Daughety, et al.

Andrew J. Daughety, the record shows, is the father of the other principal applicants to this consolidated case and they attempt to trace their descent from an alleged Chectaw named Andrew J. Daughety, the father of the principal applicant, Andrew J. Daughety.

The original ancestor, Andrew Daughety, it is alleged, was not the son of William Daughety. Daughety is spelled in the record Daugherty and Daugherty.

May 13, 1902, the commission found that the applicants were not entitled to identification.

The office does not consider the evidence sufficient to warrant the identification of said parties and a careful search of its records relating to the parties who complied with the provisions of said treaty has been made and no record has been found showing that the alleged common ancestor complied or attempted to comply with the provisions of said treaty. This being true, the decision of the commission should be affirmed.

Very respectfully,

Your obedient servant,

A.C. Tonner,
Acting Commissioner.

(G.A.W.)
P.

DEPARTMENT OF THE INTERIOR.
Washington.I.T.D. 3424-1902.
L.F.S.

June 12, 1902.

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

Gentlemen:

May 19, 1902, you transmitted the consolidated case embracing the applications for identification as Mississippi Choctaws, of Andrew J. Daughety for himself and his five minor children, Alice C., James G., Texanna, Lulu, and Ethel Daughery; of Susan Hime for herself and her minor child, George Hime; of William E. Daughety for himself and his minor child, Randolph J. Daughety; of John Daughety for himself; and of George W. Daughety for himself and his two minor children, Ernest L. and Agnes I. Daughety.

Andrew J. Daughety, Jr. traces descent through his father Andrew J. Daughety, Sr., to his grandfather, William (Billy) Daughety, an alleged full blood Choctaw Indian. The other principal applicants are the children of the said Andrew J. Daughety, Jr. Daughety is spelled in the record "Daugherty" and "Dougherty."

May 13, 1902, you refused the applications and the acting Commissioner of Indian Affairs forwarded your decision on May 31, 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 inclosed.

Respectfully,

P.L. Campbell
Acting Secretary.
R.M.D.

1 inclosure.

1559

FOR IDENTIFICATION
A MISSISSIPPI CHOCTAW.

Andrew J. Dougherty

Et al

Consolidated

Andrew J. Daugherty, Et als.

vs

The Choctaw Nation.

Comes now J. O. Pool attorney for Plaintiffs or applicants Andrew J. Daugherty Et als, Williams Daugherty Et als, John Daugherty Et als, George W. Daugherty Et als, Marth D. Davis Et als, Mary E. Stanley Et als, Susan Hime Et al ; and Prays the Court or Commission to the Five Civilized Tribes To Dismiss all the aboe Titled cases; and that no further action be taken nor Consideration had in Said Causes.

J. O. Pool

Attorney for Plaintiffs.

Muskogee, Indian Territory, May 23, 1901.

Mr. Andrew J. Daughety,
Sherman, Texas,

Dear Sir:

The Commission is in receipt of certified copy of marriage license and certificate between Andrew J. Daughety and Sarah E. Beesley, offered for filing in support of the application of Andrew J. Daughety for the identification of himself and his minor children as Mississippi Choctaws. The same has been filed and made a part of the record in this case.

Yours truly,

Acting Chairman.

MC 1569

Muskogee, Indian Territory, December 7, 1901.

A. J. Daughety,
Sherman, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of the fifth instant, in which you ask if any evidence has been filed in support of your application for identification as a Mississippi Choctaw.

In reply to your letter you are advised that it appears from our records that at the time you applied for the identification of yourself and your minor children as Mississippi Choctaws, March 28, 1901, at Atoka, Indian Territory, your written application was filed in this case; that on May 23, 1901, a certified copy of the marriage license and certificate of Andrew J. Daughety and Sarah E. Beesley was filed with the record in your case. No other evidence has been submitted in support of your claim to identification as a Mississippi Choctaw.

If you wish to offer any evidence in support of your application, the Commission will hear the testimony of such witnesses as may present themselves at its office at Muskogee, Indian Territory; if your witnesses live in Mississippi, they may be heard at the office of the Commission at Meridian, Mississippi, between January 15

A.J.D. 2

and February 15, 1902. If you cannot secure the personal attendance of your witnesses, their depositions will be considered, if taken in accordance with the rules and regulations of the Commission of November 4, 1901 governing the taking of depositions in support of applications for identification as Mississippi Choctaws. A copy of said rules is inclosed herewith for your information.

Yours truly,

Commissioner in Charge.

MC 1559

Miss. Chas. 1889,
1890, 1891, 1892,
1893.

Muskogee, Indian Territory, March 19, 1902,

J. O. Peel,

Attorney at Law,

Nocona, Texas,

Dear Sir:

Receipt is hereby acknowledged of motion to dismiss the applications of Andrew J. Daugherty, et al., William Daugherty, et al., George W. Daugherty, et al., Martha D. Davis, et al., Mary E. Stanley et al., Susan Hine, et al. for identification as Mississippi Choctaws, signed by you as attorney for the applicants.

You are advised that it does not appear from our records that applications for identification as Mississippi Choctaws have been made by Martha D. Davis and Mary E. Stanley. Please advise the Commission with reference to these parties. The motion to dismiss has been filed with the other cases mentioned above, and will receive consideration.

Yours truly,

Commissioner in Charge.

Miss. Choct. 1859,
1860, 1861, 1862,
1863.

Muskogee, Indian Territory, March 10, 1902.

J. O. Peal,

Attorney at Law,

Waco, Texas,

Dear Sir:

Receipt is hereby acknowledged of motion to dismiss the applications of Andrew J. Daugherty, et al., William Daugherty, et al George W. Daugherty, et al., Martha D. Davis, et al., Mary E. Stanley et al., Susan Hine, et al. for identification as Mississippi Choctaws, signed by you as attorney for the applicants.

You are advised that it does not appear from our records that applications for identification as Mississippi Choctaws have been made by Martha D. Davis and Mary E. Stanley. Please advise the Commission with reference to these parties. The motion to dismiss has been filed with the other cases mentioned above, and will receive consideration.

Yours truly,

Commissioner in Charge.

Miss. Cases, 1889,
1890, 1891, 1892,
1893.

Muskogee, Indian Territory, March 19, 1902.

J. O. Neal,

Attorney at Law,

Beacon, Texas,

Dear Sir:

Receipt is hereby acknowledged of motion to dismiss the applications of Andrew J. Daugherty, et al., William Daugherty, et al George W. Daugherty, et al., Martha D. Davis, et al., Mary E. Stanley et al., Susan Hine, et al. for identification as Mississippi Chestnuts signed by you as attorney for the applicants.

You are advised that it does not appear from our records that applications for identification as Mississippi Chestnuts have been made by Martha D. Davis and Mary E. Stanley. Please advise the Commission with reference to these parties. The motion to dismiss has been filed with the other cases mentioned above, and will receive consideration.

Yours truly,

Commissioner in Charge.

Miss. Chas. 1889,
1890; 1891, 1892,
1893.

Washoe, Indian Territory, March 19, 1902.

J. O. Pool,

Attorney at Law,

Waco, Texas,

Dear Sir:

Receipt is hereby acknowledged of motion to dismiss the applications of Andrew J. Daugherty, et al., William Daugherty, et al George W. Daugherty, et al., Martha D. Davis, et al., Mary E. Stanley et al., Susan Hime, et al. for identification as Mississippi Choctaws signed by you as attorney for the applicants.

You are advised that it does not appear from our records that applications for identification as Mississippi Choctaws have been made by Martha D. Davis and Mary E. Stanley. Please advise the Commission with reference to these parties. The motion to dismiss has been filed with the other cases mentioned above, and will receive consideration.

Yours truly,

Commissioner in Charge.

Miss. Choc. 1889,
1890, 1891, 1892,
1893.

Muskogee, Indian Territory, March 19, 1903.

J. O. Pool,

Attorney at Law,

Beecana, Texas,

Dear Sir;

Receipt is hereby acknowledged of motion to dismiss the applications of Andrew J. Daugherty, et al., William Daugherty, et al George W. Daugherty, et al., Martha D. Davis, et al., Mary E. Stanley et al., Susan Hime, et al. for identification as Mississippi Choctaws, signed by you as attorney for the applicants.

You are advised that it does not appear from our records that applications for identification as Mississippi Choctaws have been made by Martha D. Davis and Mary E. Stanley. Please advise the Commission with reference to these parties. The motion to dismiss has been filed with the other cases mentioned above, and will receive consideration.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, April 5, 1902

J. O. Pool,
Attorney at Law,
Hosena, Texas.

Dear Sir:-

It appears from the records of the Commission that on March 19, 1902, a motion was filed by you as attorney in the following applications: Andrew J. Dougherty, et al., William E. Dougherty, et al., John Dougherty, George W. Dougherty, et al., and Susan Hime, et al., praying that said applications be dismissed and no further action be taken in them.

After a careful consideration of said motion the request therein made has been refused and a copy of the action of the Commission refusing said application is herewith enclosed you.

Yours truly,

Commissioner in Charge

Enc. G. H. 107

Registered

M.C.R. 1561

Muskegee, Indian Territory, April 5, 1902

J. O. Fowl,

Attorney at Law,

Hocoma, Texas.

Dear Sir:-

It appears from the records of the Commission that on March 19, 1902, a motion was filed by you as attorney in the following applications: Andrew J. Dougherty, et al., William E. Dougherty, et al., John Dougherty, George W. Dougherty, et al., and Susan Hime, et al., praying that said applications be dismissed and no further action be taken in them.

After a careful consideration of said motion the request therein made has been refused and a copy of the action of the Commission refusing said application is herewith enclosed you.

Yours truly,

Commissioner in Charge

Enc. G. H. 107

Registered

M.C.F. 1562

Muskogee, Indian Territory, April 5, 1908

J. O. Pool,

Attorney at Law,

Beacon, Texas.

Dear Sir:

It appears from the records of the Commission that on March 10, 1908, a motion was filed by you as attorney in the following applications: Andrew J. Dougherty, et al., William E. Dougherty, et al., John Dougherty, George W. Dougherty, et al., and Susan Hime, et al., praying that said applications be dismissed and no further action be taken in them.

After a careful consideration of said motion the request therein made has been refused and a copy of the action of the Commission refusing said application is herewith enclosed you.

Yours truly,

Commissioner in Charge

Enc. G. N. 107

Registered

M.C.R. 1563

Muskogee, Indian Territory, April 8, 1902

J. O. Pool,

Attorney at Law,

Waco, Texas.

Dear Sir:-

It appears from the records of the Commission that on March 19, 1902, a motion was filed by you as attorney in the following applications: Andrew J. Dougherty, et al., William F. Dougherty, et al., John Dougherty, George W. Dougherty, et al., and Susan Hime, et al., praying that said applications be dismissed and no further action be taken in them.

After a careful consideration of said motion the request therein made has been refused and a copy of the action of the Commission refusing said application is herewith enclosed you.

Yours truly,

Commissioner in Charge

Enc. G. H. 107

Registered

M. C. R. 1559

Muskogee, Indian Territory, May 15, 1902.

Andrew J. Daughety,
Sherman, Texas.

Dear Sir:

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

Andrew J. Daughety, et al.,	M. C. R. 1559
Susan Rime, et al.,	M. C. R. 1560
William H. Daughety, et al.,	M. C. R. 1561
John H. Daughety,	M. C. R. 1562
George W. Daughety, et al.,	M. C. R. 1563.

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 30, 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

A J D-2

Andrew J. Daughety, Alice G. Daughety, James G. Daughety, Teranna Daughety, Lulu Daughety, Ethel Daughety, Susan Hime, George Hime, William E. Daughety, Randolph L. Daughety, John H. Daughety, George W. Daughety, Ernest L. Daughety and Agnes L. Daughety as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification 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.

M. C. R. 1559.

Muskogee, Indian Territory, May 19, 1902.

W. H. C. Greer, Agent,
P. O. Box 157,
Sherman, 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 Andrew J. Daughety, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Daughety, et al.,	M. C. R. 1559
Susan Hims, et al.,	M. C. R. 1560
William B. Daughety, et al.,	M. C. R. 1561
John H. Daughety,	M. C. R. 1562
George W. Daughety, et al.,	M. C. R. 1563

Said decision after a review of the evidence submitted concludes as follows:

*The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1896, (30 Stats. 496) is as follows:

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

V K C G-2

to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Andrew J. Daughety, Alice C. Daughety, James O. Daughety, Texanna Daughety, Lulu Daughety, Ethel Daughety, Susan Hime, George Hime, William E. Daughety, Randolph L. Daughety, John H. Daughety, George W. Daughety, Ernest L. Daughety and Agnes L. Daughety 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.

H. C. R. 1559.

Muskogee, Indian Territory, May 19, 1903.

J. O. Pool,
Attorney at Law,
Waco, Texas.

Dear Sir:

You are hereby advised that on the 13th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Daugherty, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Daugherty, et al.,	H. C. R. 1559
Susan Nime, et al.,	H. C. R. 1560
William H. Daugherty, et al.,	H. C. R. 1561
John H. Daugherty,	H. C. R. 1562
George V. Daugherty, et al.,	H. C. R. 1563

Said decision after a review of the evidence submitted concludes as follows:

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

"Said Commission shall have the authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twentyseventh eighteen hundred and thirty, and to that end may administer oaths, examine

J O P-2

witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Andrew J. Daughety, Alice C. Daughety, James G. Daughety, Texanna Daughety, Eulu Daughety, Ethel Daughety, Susan Hime, George Hime, William F. Daughety, Randolph L. Daughety, John H. Daughety, George W. Daughety, Ernest L. Daughety and Agnes I. Daughety 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.

M. C. R. 1559.

Muskogee, Indian Territory, May 19, 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 May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Daughety, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Daughety, et al.,	M. C. R. 1559
Susan Nims, et al.,	M. C. R. 1560
William E. Daughety, et al.,	M. C. R. 1561
John H. Daughety,	M. C. R. 1562
George W. Daughety, et al.,	M. C. R. 1563.

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 necessary thereto, and make report to the Secretary of the Interior."

Memorandum 11-10-03

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Andrew J. Daughety, Alice G. Daughety, James G. Daughety, Texanna Daughety, Lulu Daughety, Ethel Daughety, Susan Hime, George Hime, William S. Daughety, Randolph L. Daughety, John H. Daughety, George W. Daughety, Ernest L. Daughety and Agnes L. Daughety 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.

H. S. R. 1559.

Muskogee, Indian Territory, May 18, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Andrew J. Daughety, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 13th, 1908.

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

Andrew J. Daughety, et al.,	H.C.R. 1559
Susan Hime, et al.,	H.C.R. 1560
William E. Daughety, et al.,	H.C.R. 1561
John H. Daughety,	H.C.R. 1562
George E. Daughety, et al.,	H.C.R. 1563

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 Nation have been duly advised by letter of the action of

The Honorable Secretary of the Interior—2

the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

1 enclosure.

Miss. Choctaw R1559

Muskogee, Indian Territory, June 11, 1902.

Joseph L. Cobb,
Attorney at Law,
Sherman, Texas,

Dear Sir:

Your letter of May 30, addressed to the Secretary of the Interior, has been referred to this Commission for consideration and appropriate action. Therein you state that the evidence in this consolidated case has been held insufficient and the application therefore refused, and you ask if you cannot proceed to procure additional evidence, which you can get, and which you believe will be material to the case.

You are advised that on May 13, 1902, the Commission, after an examination of the evidence submitted in support of these applications for identification as Mississippi Choctaws, refused the same for the reason that there was no evidence of any compliance having been made on the part of the ancestors of the applicants with the provisions of the fourteenth article of the Treaty of 1830 between the United States and the Choctaw Nation.

There is nothing in the evidence submitted that in any way sets forth that any of the ancestors of the applicants were at any time recognized or enrolled by the Choctaw tribe as citizens of that Nation nor does it appear that any attempt has been made to show any compliance on the part of their ancestors with the provisions of the fourteenth article of the treaty of 1830.

The legislation vesting this Commission with authority to determine the applications of persons claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830, 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."

Under this legislation the Commission requires of such applicants that they reasonably demonstrate that they are descendants of Choctaw ancestors who resided in Mississippi in 1830 and whose claims as beneficiaries under the fourteenth article of the treaty of 1830 were favorably adjudicated.

The record in this case is now before the Secretary of the Interior, and the applicants will be duly advised of such action as may be taken by him. The letter inclosed by you is herewith returned

Yours truly,

--- C O P Y ---

Meridian, Mississippi, January 27th, 1902

Commission to the Five Civilized Tribes

Muskogee, Indian Territory.

Gentlemen:-

The next day after our arrival at Meridian one William H. C. Greer of Sherman, Texas, who is an applicant before the Commission for identification as a Mississippi Choctaw, called upon me and stated that he had been here in Mississippi for several weeks, endeavoring to find evidence on the question of a compliance by some of his ancestors with the 14th article of the treaty of Dancing Rabbit Creek. He further stated that before leaving home several of his acquaintances near Sherman, who are also applicants before the Commission, requested him to look out for similar evidence in their cases and that he would probably want to submit some evidence in these different cases. I stated to him that he could not appear in these cases, in behalf of the applicants, unless he had been admitted to practice before the Commission but that if the witnesses presented themselves and stated in which cases they desired to give in their testimony, they would be examined by us. Within the next day or two, at the instance of Mr. Greer, witnesses in two or three different cases appeared before us and were examined. On the 18th of this month Mr. Greer brought to the court room one Morris Mihuff, a negro, claiming to be eighty years old, who lives at Enterprise, Clark County, Mississippi, and who gave his testi-

mony in support of the application of Andrew J. Daugherty et al vs. The Choctaw Nation, M.C.R. 1559. The testimony of the witness was to the effect that he at one time, in Mississippi, knew a man by the name of Billy Daugherty who had a son by the name of Andrew J.

Daugherty. As to whether Andrew J. Daugherty, the applicant, is a son of the Andrew J. Daugherty referred to in the testimony of the witness, he was unable to say. The examination however, developed that Billy Daugherty, referred to by the witness, was part negro and a slave and belonged to a man by the name of Daugherty. The applicants in this case, so Mr. Greer informs me, are white persons and have no trace of negro blood and if that be true there can be no doubt that the Billy Daugherty referred to by the witness was not the grandfather of the applicant Andrew J. Daugherty. Mr. Greer stated that in talking the matter over with this Mihuff he did not offer any suggestions to the effect that said Billy Daugherty was a negro and that inasmuch as the names of Billy Daugherty and his son Andrew J. Daugherty were the same as those of the father and grandfather of the applicant Andrew J. Daugherty and they lived in the same locality as the father and grandfather of the applicants did, he assumed that they must be the same persons. Mr. Greer asked that I expunge this testimony from the records of the Commission but I informed him that I did not feel that this could be done without the consent and instructions of the Commission. I promised, however, that I would make this a special matter and address a communication to the Commission explaining the circum-

Com'n Muskogee-----3

stances, hence this letter. I have no recommendations whatever to make with reference to this matter.

Yours truly,

(Signed) Guy L. V. Emerson

Muskogee, Indian Territory, January 21, 1902.

Guy L. V. Emerson,

Clerk in Charge,

Meridian, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th instant, transmitting the original and three carbon copies of the testimony of Morris Mihuff, a witness introduced at Meridian, Mississippi, January 18, 1902, in support of the application of Andrew J. Daugherty, et al., applicants for identification before this Commission as Mississippi Choctaws.

In your letter of the 27th instant you call attention to the fact that one William H. C. Greer of Sherman, Texas, who introduced this witness in behalf of the application of Andrew J. Daugherty now desires to have the name expunged from the record in this case for the reason that the witness testified that Andrew J. Daugherty and Billy Daugherty were negroes and slaves and belonged to a man in the state of Mississippi by the name of Daugherty, while the applicant, Andrew J. Daugherty is a white man and has no trace of negro blood.

We cannot comply with the request of Mr. Greer for the expunging of this testimony from the record in this case but have

CLV 22

filed therewith a copy of your letter containing such request.

Yours truly,

Acting Chairman.

H. C. R. 1889

COPY.

M.C.W. 1559.

Waskago, Indian Territory June 27, 1902.

Andrew J. Daugherty,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 19th day of June 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Choctaws of the several persons included in the consolidated case of Andrew J. Daugherty, et al., of which decision you were advised by registered mail on the 19th day of May 1902.

Yours truly,

(SIGNED) *I. I. Needles.*

Commissioner in Charge.

V.C.P. 1559.

Muskogee, Indian Territory June 27, 1902.

J. O. Pool, Attorney at Law,
Nacoma, Texas.

Dear Sir:

You are hereby advised that on the 19th 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 Andrew J. Daugherty, et al., of which decision you were advised by registered mail on the 19th day of May 1902.

Yours truly,

(SIGNED)

F. D. Woodice

Commissioner in Charge.

H.C.R. 1559.

Muskogee, Indian Territory June 27, 1902.

W.H.C. Greer, Agent,
P.O. Box 157,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 19th 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 Andrew J. Daugherty, et al., of which decision you were advised by registered mail on the 19th day of May 1902.

Yours truly,

(SIGNED)

T. D. Needles.

Commissioner in Charge.

H.C.R. 1869.

Muskogee, Indian Territory June 27, 1902.

Messrs. Mansfield, McFarrey & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 19th 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 Andrew J. Daugherty, et al., of which decision you were duly advised by mail on the 19th day of May 1902.

Yours truly,

SIGNED

Commissioner in Charge.

Miss. Choctaw 1559

Muskogee, Indian Territory, October 16, 1902.

George H. Davis,
Oklahoma City, Oklahoma,

Dear Sir:

Receipt is heroby acknowledged of your letter of October 11, asking what disposition, if any, has been made of the application of A. J. Daughety, et al. for identification as Mississippi Choctaws. You state that you are the father of Lealand Davis, a grandson of A. J. Daughety, and ask what you should do to establish the claim of your son.

In reply to your letter you are advised that it does not appear from our records that any application has been made to this Commission for the identification of Lealand Davis as a Mississippi Choctaw. It does appear, however, that Andrew J. Daughety, et al., Susan Wingo, et al., William E. Daughety, et al., John H. Daughety, and George W. Daughety, et al., have made application to this Commission for identification as Mississippi Choctaws and that their applications have been consolidated with the case of Andrew J. Daughety, et al., for the reason that all claim descent from the same common ancestor. On May 13, 1902, the Commission rendered its decision, refusing the several applications included in the consolidated

G.M.D. 2

ed case of Andrew J. Daughety, et al., and on May 19, 1902, the applicants in this case were notified of the decision of the Commission and the record in the case was forwarded to the Secretary of the Interior. On June 19, 1902, the decision of the Commission refusing the several applications in the consolidated case of Andrew J. Daughety, et al., was affirmed by the Secretary of the Interior, and on June 27, 1902, the applicants were advised of the action of the Secretary of the Interior in affirming the decision of the Commission.

Respectfully,

11928-1909.

Muskogee, Oklahoma, May 21, 1909.

Stuart & Bell,
Attorneys at Law,
Gainesville, Texas,

Gentlemen:

Receipt is hereby acknowledged of your letter of May 10, relative to the claim of Leland B. Davis, grandson of A. J. Daughety, in which you state that you note in the letter from this office of May 5, 1909, that the claim of A. J. Daughety was refused, but that you understand that Mr. Daughety appealed his case to the Supreme Court and that it was finally allowed, and the question now is whether his grandchildren would be entitled to a claim in case his claim was allowed.

In reply you are advised that this office has no further information relative to the claim of Andrew J. Daughety, et al. for identification as Mississippi Choctaws than that given in the letter of the fifth instant, viz: that the application for the identification of himself and his children as Mississippi Choctaws was refused by the Commission to the Five Civilized Tribes May 19, 1902, and that this action was approved by the Secretary of the Interior June 19, 1902. If the claim was appealed to the Supreme Court of the United States this office was not advised of that fact.

S A E E

You are further advised that it does not appear from the records of this office that application was made for identification as Mississippi Choctaws by or on behalf of Effie Davis, and her son, Leland B. Davis, and the time within which the Commission to the Five Civilized Tribes could receive applications for identification as Mississippi Choctaws expired March 25, 1903.

Respectfully,

Commissioner.

AE

Washington D.C. 3-31-1863
Commissioner to the Five Civilized Tribes

Agents

Yours relative to case of Andrew J
Daugherty in which you fail to
find applications of Martha & Davis
and Mary. P. Stanley. By reference
I find that all the applicants appeared
before the Commission except those
two, that I wrote up their applications
and sent them to them, with instructions
to come before the Commission
and file same, I suppose they
never did do, is the reason you
can not find them. They are not there,
as to the Boyles I hope to get through
here in time to and get them and
bring them before the Commission
will endeavor to do so in time

Yours
J. H. [Signature]

INDEXED.

5234

1902 APR 3 1902

Pool, J. O.,
Washington, D. C.,
March 31, 1902.

CHOGTAN

Says he will be back and
will bring Martha D. Davis
and Mary E. Stanly before
the Commission.

10-59
Emergency

FOR INFORMATION AS TO MISSISSIPPI CITIZENSHIP.

Date *March 28, 1901*

Name *Andrew J. Haugherty*

Age *37* Blood *1/4*

Post Office, *Sherman, Texas,*

Father: *Andrew J. " d*

Mother: *Sallie A. " d*

Claims through *father*
wife

Sarah E.

Children:

- Alicia C. 17*
- James H. 15*
- Rebena (girl) 12*
- Lula 11*
- Esther 8*

for self &
children

Dactylographer
Anna Bell

Andrew
REFUSED *R. 155*
DECISION RENDERED **MAY 13 1902**
NOTICE OF DECISION MAILED APPLICANT.
MAY 19 1902
NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.
MAY 19 1902
NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.
MAY 23 1902
RECORD FORWARDED DEPARTMENT.
MAY 25 1902

*1111211
C.M.C. R. 155*

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 19 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.

1560 1561 1562 1563.

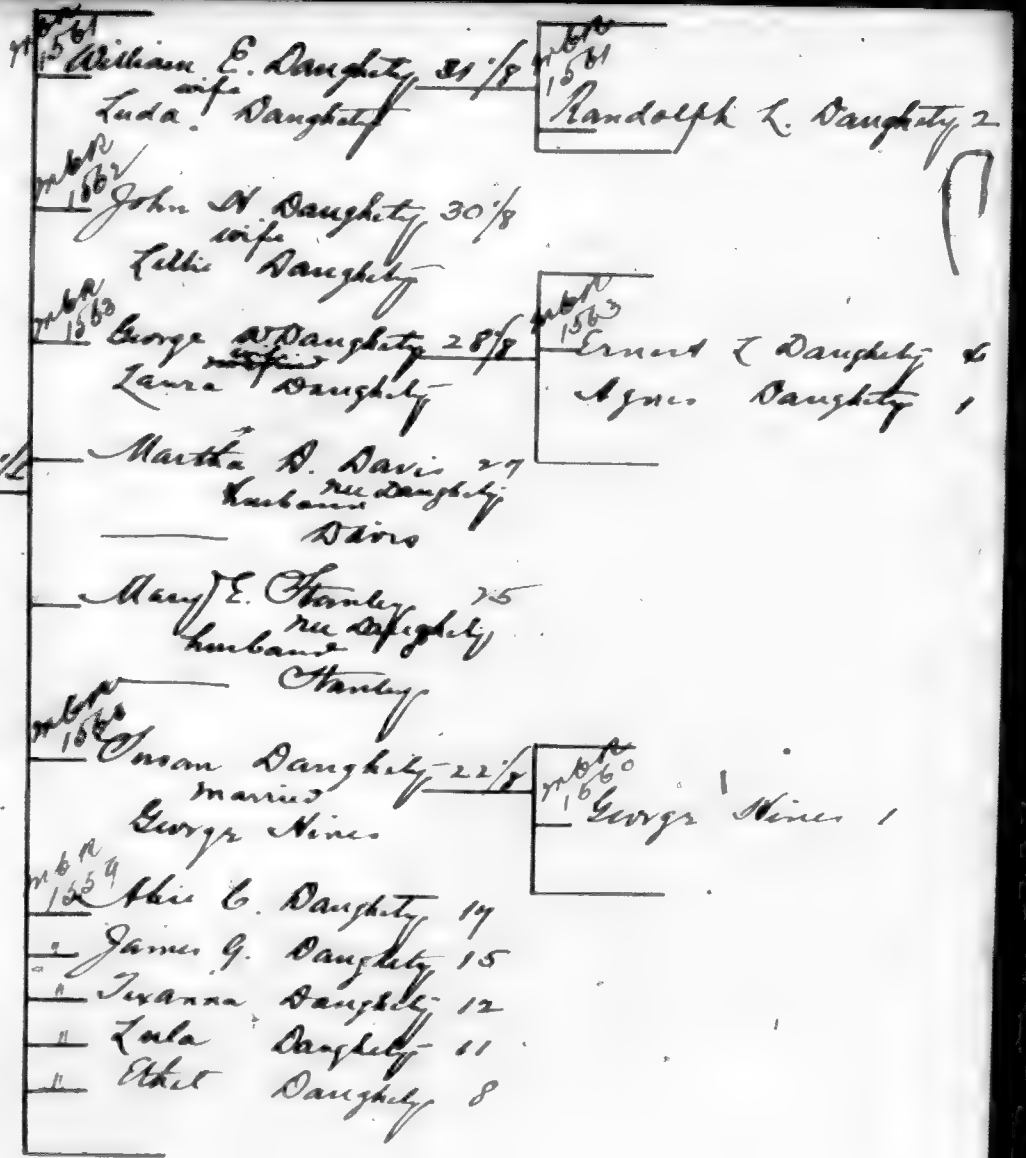
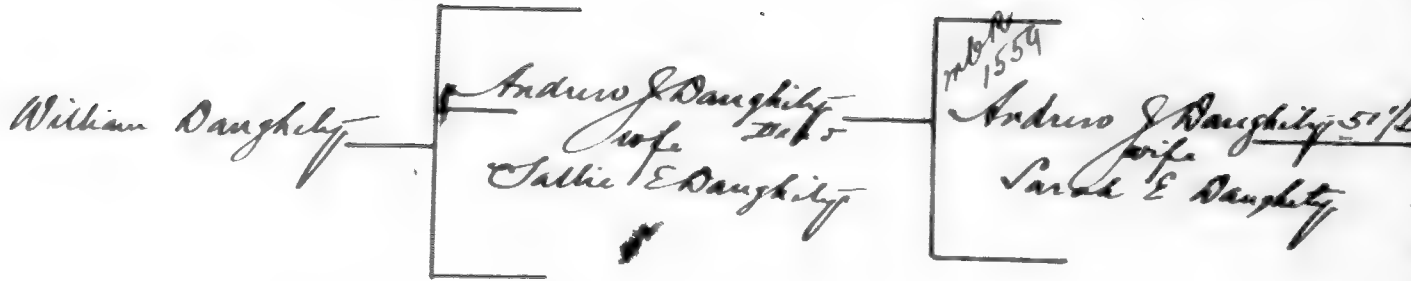
CREEK NATION.

TRIBAL ENROLLMENT
Year 1889 Town No. SLAVE OF FATHER NAME DOB

REFER TO M. C. R. 1559

*Andrew J. Raughter
et al*

Consolidated Case



Handwritten text at bottom left: Randolph L D

Choctaw MCR 1560

Susan Hine

See MCR 1559

MCR 1560

Chickasaw
REFUSED.

DECISION RENDERED. **MAY 13 1902**

NOTICE OF DECISION MAILED APPLICANT.

MAY 19 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

MAY 19 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 19 1902

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 19 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.

1559

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, MARCH 28, 1901.

In the matter of the application for identification as
 Mississippi Choctaws of Susan Hime and her minor child. Susan Hime,
 having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Susan Hime.
 Q What is your age? A Twenty three.
 Q What is your post office address? A Sherman, Texas.
 Q How long have you lived in Sherman? A Twelve years.
 Q Where were you born? A In Kentucky.
 Q Where in Kentucky? A Butler County.
 Q How long have you lived in Texas? A Twelve years.
 Q And did you go from Kentucky to Texas? A Yes sir.
 Q Never lived in the Territory? A No sir.
 Q Or Mississippi? A No sir.
 Q What is your father's name? A Andrew J. Daughety.
 Q Living? A Yes sir.
 Q What is your mother's name? A Sarah E. Daughety.
 Q Living? A Yes sir.
 Q Through which one of these parents do you claim Choctaw blood?
 A My father.
 Q How much do you claim? A One eighth.
 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 Choctaw tribal authorities
 for enrollment as a citizen? A No sir.
 Q Were you ever 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 the Choctaw tribal
 authorities? A No sir.
 Q Did you ever make application for either citizenship or enrollment
 to the Dawes Commission acting under the act of Congress of June
 10, 1896? A No sir.
 Q Is this the first application of any kind that you have ever made
 to any authority? A Yes sir.
 Q You now seek to be identified as a Mississippi Choctaw? A Yes sir.
 Q Are you claiming under any particular treaty? A No sir, not that I
 know of.
 Q Did you ever hear of the treaty of 1830? A Yes sir.
 Q Do you claim under that treaty? A Yes sir.
 Q Do you claim under the whole treaty or only a part of it?
 A The whole treaty.
 Q What is the name of your ancestor who lived in Mississippi in 1830?
 A William Daughety.
 Q What proportion of Choctaw blood did he have? A I suppose he was
 full blood.
 Q What kin was he to you? A Great grandfather.
 Q Did he comply with any of the provisions of article fourteen of
 that treaty? A I don't know.
 Q Did he claim or receive any land from the United States Government
 in Mississippi under article fourteen of that treaty? A I don't
 know.
 Q Did he, within six months after the ratification of the treaty of
 1830 tell the United States Indian Agent who then lived in Miss-
 issippi that he intended to stay and take land there in Mississippi
 and become a citizen of the state? A I don't know.

Susan Hime 2

- Q Have you ever received any benefits in Indian Territory as a Choctaw Indian? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A George Hime.
Q Do you make any claim for him? A No sir.
Q Have you children? A Yes sir.
Q Under twenty one years of age and unmarried? A Yes sir.
Q Do you want to make application for them? A Yes sir.
Q What is the name of the eldest? A George Hime.
Q How old? A He is in his first year.
Q One year old? A Yes sir.
Q Is that all? A Yes sir.
Q George Hime is the father of this child? A Yes sir.
Q And you are the mother? A Yes sir.
Q And you and he are living together as husband and wife? A Yes sir.
Q Have you any documentary evidence that you want to file?

Application of Susan Hime is presented by applicant, received, marked Exhibit "A", filed and made a part of the record in this case.

- Q Would you like time to file other documentary evidence? A Yes sir.

Twenty days' time from the date in hereof is given the applicant to file other documentary evidence.

The decision of the Commission in regard to your application for identification as Mississippi Choctaws which you make for yourself and child 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 March 28, 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 4 day of April, 1901.

Charles K. Sawyer

Notary Public.

U. S. R. 1560

Muskogee, Indian Territory, May 19, 1903.

SUSAN HINE,

Sherman, Texas.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Daughety, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Daughety, et al.,	U. S. R. 1558
Susan Hine, et al.,	U. S. R. 1560
William H. Daughety, et al.,	U. S. R. 1561
John H. Daughety,	U. S. R. 1562
George W. Daughety, et al.,	U. S. R. 1563

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 27, 1896, (29 Stat. 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the unalienated lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation concluded September Twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessarily incident and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Andrew

J. Daugherty, Alice G. Daugherty, James G. Daugherty, Fannie Daugherty, Mary Daugherty, Ethel Daugherty, Susan King, George King, William E. Daugherty, Elizabeth I. Daugherty, John H. Daugherty, George W. Daugherty, Samuel L. Daugherty and Agnes L. Daugherty as Cherokee Indians entitled to rights in the Cherokee 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.

RECEIVED
MAY 11 1906

41107

COMMISSIONERS.

HENRY J. DAVIS,
TAMM BIRBY,
THOMAS S. NEEDLES,
G. R. BRACKENRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 1860.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

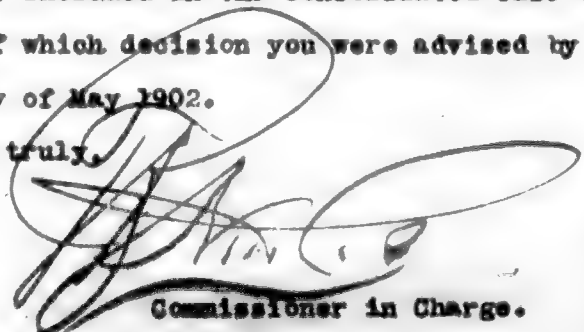
Muskogee, Indian Territory June 27, 1902.

Susan Hine,
Sherman, Texas.

Dear Madam:

You are hereby advised that on the 19th 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 Andrew J. Daugherty, et al., of which decision you were advised by registered mail on the 19th day of May 1902.

Yours truly,



Commissioner in Charge.

No. 1560

For Identification as a Mississippi Choctaw.

Date *Nov 25 1901*

Name *Susan Keime*

Age *22* Blood *1/8*

Post Office *Sherman, Texas*

Father: *Andrew J. Daugherty &*

Mother: *Sarah E. " "*

Claims through *father*
Keime
George Keime -

Children:

George Keime 1 -

For self and
child

Demographer:
Anna Bell

REGISTERED
JUN 23 1902
SHERMAN, TEXAS.

915

Wm. H. Hise,

~~SHERMAN,~~

Returned to Writer.

20222

Department of the Interior
Commissioner of the General Land Office
MUSKOGEE, INDIAN TERRITORY
OFFICIAL BUSINESS
Penalty for private use, \$300.



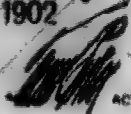
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1560

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

FILED

JUL 7 1902



ACTING CHAIRMAN

*No registry receipt
returned*



Department of the Interior

Commissioner of the Five Civilized Tribes

Official Business



Unclaimed.

Susan Hime,



1560



COMMISSIONER OF THE INTERIOR,
FIVE CIVILIZED TRIBES.

LED

AUG 2 1902

A handwritten signature in dark ink, appearing to be "L. B. ...".

ACTING CHAIRMAN

Choctaw MCR 1561

William E. Daughety

See MCR 1559

MCR 1561

FOR IDENTIFICATION
A MISSISSIPPI STATE

William C. Daugherty et al
REFUSED.

DECISION RENDERED. **MAY 15 1902**

NOTICE OF DECISION MAILED APPLICANT.

MAY 19 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

MAY 19 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 19 1902

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 19 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.

1559

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, MARCH 26, 1901.

In the matter of the application for identification as Mississippi Choctaws of William E. Daughety and his minor child, William E. Daughety, having been first duly sworn, on his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A William E. Daughety.
 Q What is your age? A Thirty one.
 Q What is your post office address? A Sherman, Texas.
 Q How long have you lived there? A Twelve years.
 Q Where were you born? A In Kentucky, Butler County.
 Q And you removed from Kentucky to what state? A Texas.
 Q And have lived there since? A Yes sir.
 Q What is your father's name? A Andrew J. Daughety.
 Q Is he living? A Yes sir.
 Q What is your mother's name? A Sarah E. Daughety.
 Q Living? A Yes sir.
 Q Through which one of these parents do you claim Choctaw blood?
 A My father.
 Q How much do you claim? A An eighth.
 Q Did your father ever live in the Indian Territory? A No sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation?
 A No sir.
 Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
 Q Did you ever make application to them for enrollment? A No sir.
 Q Did you ever make application for citizenship or enrollment in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
 Q Were you ever admitted to citizenship by judgment of the United States Court in Indian Territory? A No sir.
 Q Is this the first application you have ever made either for enrollment or citizenship in the Choctaw Nation, either to the Dawes Commission or the Choctaw tribal authorities? A Yes sir.
 Q You are now seeking to be identified as a Mississippi Choctaw?
 A Yes sir.
 Q Do you claim under any particular treaty? A 1830.
 Q Do you claim under the whole treaty? A Yes sir.
 Q You don't claim under the fourteenth article particularly?
 A Not particularly.
 Q Claim under the fifteenth and nineteenth articles as well?
 A Yes sir.
 Q What is the name of your ancestor who lived in Mississippi in 1830?
 A William Daughety.
 Q What kin was he to you? A He was my great grandfather.
 Q Was he a full blood Choctaw? A Yes sir.
 Q Did he, within six months after the ratification of the treaty of 1830, tell the United States Indian Agent then living in Mississippi that he intended to stay in Mississippi and take land there and become a citizen of the United States? A I don't know.

William E. Daughety 2

- Q Do you know whether he came from Mississippi to the Indian Territory with the other Choctaw Indians in the years 1833 and 1837?
A No sir.
Q He didn't come? A Not that I know of.
Q Was he a beneficiary under article fourteen of that treaty?
A I don't know.
Q Did he comply in any manner with the provision of article fourteen of the treaty of 1830? A I don't know.
Q Did he claim or receive any land in Mississippi under article fourteen of that treaty? A I don't know.
Q Do you know whether, pursuant to the provisions of the fourteenth article of the treaty of 1830, he became a citizen of the state of Mississippi? A No sir, I don't.
Q Are you married? A Yes sir.
Q What is your wife's name? A Luda.
Q Do you make any claim for her? A No sir.
Q Have you children? A One.
Q What is the name of that child? A Randolph L.
Q Do you make application for Randolph? A Yes sir.
Q How old? A Two years.
Q Is Luda Daughety the mother of this child? A Yes sir.
Q Are you the father? A Yes sir.
Q Are you and she living together as husband and wife? A Yes sir.
Q Is the child living with you at your home? A Yes sir.
Q Have you your marriage license and certificate that you wish to file? A Haven't it with me.
Q Have you any documentary evidence? A Yes sir.

Application of William E. Daughety presented by applicant, received, marked Exhibit "A", filed and made a part of the records in this case.

- Q Have you any other documentary evidence? A That is all.
Q Would you like to time to file any other? A Yes sir.

Twenty days time from the date hereof is allowed applicant in which to file documentary evidence in support of his application; also marriage license and certificate or certified copy of the same.

- Q Is there anything further you would like to say? A That is all.

The decision of the Commission in regard to this application which you make for identification as Mississippi Choctaw for yourself and this child 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 March 28, 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 4 day of April, 1901.

Charles K. Sawyer

Notary Public.

M. C. R. 1561.

Muskogee, Indian Territory, May 19, 1908.

William F. Daughety,
Sherman, Texas.

Dear Sir:

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

Andrew J. Daughety, et al.,	M. C. R. 1559
Susan Hime, et al.,	M. C. R. 1560
William F. Daughety, et al.,	M. C. R. 1561
John H. Daughety,	M. C. R. 1562
George W. Daughety, et al.,	M. C. R. 1563

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 29, 1906 (34 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

W E D-3

Andrew J. Daughety, Alice O. Daughety, James O. Daughety, Ter-
anna Daughety, Lulu Daughety, Ethel Daughety, Susan Hime, George
Hime, William E. Daughety, Randolph L. Daughety, John H. Daughety,
George W. Daughety, Ernest L. Daughety and Agnes E. Daughety 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.

COPY.

M.C.R. 1861

Muskogee, Indian Territory June 27, 1902.

William H. Daugherty,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 19th 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 Andrew J. Daugherty, et al., of which decision you were advised by registered mail on the 10th day of May 1902.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Colored.

Date *Mar 28, 1901*

Name *William C. Vaughety,*

Age *31* Blood *1/8*

Post Office. *Sherman, Texas,*

Father: *Andrew J. Vaughety 1*

Mother: *Sarah E. ... 2*

Claims through *father*

wife -

Luda -

Children:

Randolph L. 2

*For use in
Chies*

Stenographer *Anna Bell*

Choctaw MCR 1562

John H. Daughety

See MCR 1559

MCR 1562

ON IDEN. DAY
A MISSISSIPPI CHOCTAW

John H. Daugherty

REFUSED.

DECISION ~~RECORDED~~ MAY 18 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 19 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS

MAY 19 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 19 1902

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR

JUN 19 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.
1559

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, MARCH 28, 1901.

In the matter of the application of John H. Daughety for identification as a Mississippi Choctaw. John H. Daughety, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A John H. Daughety.
 Q What is your age? A Thirty years old.
 Q What is your post office address? A Sherman, Texas.
 Q How long have you lived there? A Eleven years.
 Q Where were you born? A Kentucky.
 Q Moved from Kentucky to Texas? A Sherman, Texas.
 Q What is your father's name? A Andrew J. Daughety.
 Q Is he living? A Yes sir.
 Q What is your mother's name? A Sarah H. Daughety.
 Q Living? A Yes sir.
 Q Through which one of these parents do you claim Choctaw blood?
 A My father.
 Q How much do you claim? A One eighth.
 Q Did your father ever live in the Territory? A No sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation?
 A No sir.
 Q Did you ever make application for citizenship or enrollment in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
 Q Were you ever admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No sir.
 Q Did you ever make application for citizenship or enrollment as a Choctaw to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
 Q Is this the first application you have ever made of any kind?
 A Yes sir.
 Q You now seek to be identified as a Mississippi Choctaw? A Yes sir.
 Q Under what treaty are you making this application? A The treaty of 1830.
 Q Under the whole treaty of 1830? A Yes sir.
 Q Not under article fourteen alone? A No sir, not particularly.
 Q What is the name of your ancestor who lived in Mississippi in 1830?
 A William Daughety.
 Q Full blood? A Yes sir.
 Q Have you any documentary evidence of that fact? A No sir.
 Q Did he, within six months after the treaty of 1830 was ratified declare his intention with Colonel Ward, the United States Indian Agent then living in Mississippi, of remaining in Mississippi and taking land there and becoming a citizen of the United States, do you know? A No sir.
 Q Was he a beneficiary under article fourteen of the treaty of 1830?
 A I don't know.
 Q Did he comply with any of the provisions of that article?
 A Don't know.
 Q Did he ever receive or claim any land in Mississippi under article fourteen of the treaty of 1830? A I don't know.
 Q Did he ever become a citizen of Mississippi under article fourteen of the treaty of 1830? A I don't know.

John H. Daughety 2

- Q Are you married? A Yes sir.
Q What is your wife's name? A Lillie Richard.
Q Is that her middle name? A No sir.
Q Her name is Daughety isn't it? A Yes sir.
Q Do you make any claim for her? A No sir.
Q Have you children? A No sir.
Q Making claim for yourself alone? A Yes sir.
Q Have you any documentary evidence you want to file now?

Application of John H. Daughety presented by applicant, received, marked Exhibit "A", filed, and made a part of the records in this case.

- Q Have you any other documentary evidence? A No sir.
Q Do you want time to file it? A Yes sir.

Twenty days from the date hereof is allowed applicant in which to file documentary evidence in support of his application.

- Q Anything further you want to say? A No sir.

The decision of the Commission in regard to this application for identification as a Mississippi Choctaw which you make for yourself 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 March 28, 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 4 day of April, 1901.

Charles H. Sawyer

Notary Public.

M. C. R. 1562

Waskaree, Indian Territory, May 19, 1902.

John W. Daugherty,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 15th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the annulment case of Andrew J. Daugherty, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Daugherty, et al.,	M. C. R. 1559
Susan Hyde, et al.,	M. C. R. 1560
William R. Daugherty, et al.,	M. C. R. 1561
John H. Daugherty,	M. C. R. 1562
George W. Daugherty, et al.,	M. C. R. 1563

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twelfth first section of the act of Congress of June 29, 1898, (30 Stat., 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 necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Andrew J.

Daughety, Alice G. Daughety, James G. Daughety, Teranna Daughety,
Lula Daughety, Ethel Daughety, Susan Hine, George Hine, William H.
Daughety, Randolph E. Daughety, John H. Daughety, George W.
Daughety, Ernest L. Daughety and Agnes Daughety as Choctaw Indians
entitled to rights in the Choctaw lands under the provision of
law above quoted, and that the applications for their identifica-
tion 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.

REV.

M.O.B. 1888

Washington, Indian Territory June 27, 1902.

John E. Daugherty,

Shawnee, Okla.

Dear Sir:

You are hereby advised that on the 19th 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 Andrew J. Daugherty, et al., of which decision you were advised by registered mail on the 19th day of May 1902.

Yours truly,

(SIGNED)

Commissioner in Charge.

No. 1562

Identification as a Mississippi Choctaw

Date *Feb. 28, 1901*

Name *John H. Daugherty*

Age *30* Blood *1/8*

Post Office, *Sherman, Texas,*

Father, *Andrew J.* *l*

Mother, *Sarah E.* *l*

Claims through *father*

wife

Lillie Daugherty -

~~Children:~~

For self alone

Stenographer

Anna Bell.

Choctaw MCR 1563

George W. Daughety

See MCR 1559

MCR 1563

CHOCTAW
Wm. D. Daugherty, et al
REFUSED.

DECISION REFERRED MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 19 1902

NOTICE OF DECISION FORW
ATTORNEY FOR APPLICANTS

MAY 19 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 21 1902

RECORD FORWARDED DEPARTMENT.

1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 19 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.

1559

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 ATOKA, INDIAN TERRITORY, MARCH 28, 1901.

In the matter of the application for identification as Mississippi Choctaws of George W. Daughety and his miser children. George W. Daughety, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A George W. Daughety.
 Q What is your age? A Twenty eight.
 Q What is your post office address? A Choctaw, Texas.
 Q Is that the name of the place, Choctaw? A Yes sir.
 Q How long have you lived there? A That is the name of the post office.
 Q I want to know where you live; where do you live? Is that the name of the town? A Well, it is just a post office.
 Q Well, what is the name of the town? A Sherman.
 Q Where were you born? A In Kentucky.
 Q When did you remove from Kentucky? A Twelve years ago.
 Q And always lived in Texas since? A Yes sir.
 Q What is your father's name? A Andrew J. Daughety.
 Q Is he living? A Yes sir.
 Q What is your mother's name? A Sarah R. Daughety.
 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 One eighth.
 Q One eighth? A Yes sir.
 Q Did your father ever live in the Indian Territory? A No sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
 Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
 Q Did you ever make application to them for enrollment as a Choctaw citizen? A No sir.
 Q Were you ever recognized by them as an Indian? (No answer)
 Q By the Choctaw tribal authorities? A No sir.
 Q Were you ever admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No sir.
 Q Did you ever make application either for citizenship or enrollment as a Choctaw Indian to the Dawes Commission under the Act of Congress of June 16, 1897? A No sir.
 Q Is this the first application that you have ever made of any kind either to the Choctaw tribal authorities or the Dawes Commission? A Yes sir.
 Q You now seek to be identified as a Mississippi Choctaw? A Yes sir.
 Q Under what treaty are you making this application? A The treaty of 1830.
 Q Do you claim under the whole treaty of 1830? A Yes sir.
 Q You don't claim under article fourteen alone, then? A No sir.
 Q What is the name of your ancestor who lived in Mississippi in 1800? A William Daughety.

- Q Was he a full blood Choctaw Indian? A Yes sir.
Q Have you any documentary proof of that fact? A No sir.
Q Did he, within six months after the treaty of 1830 was ratified, declare his intention with Colonel Ward, then the United States Indian Agent living in Mississippi, to remain in Mississippi and take land there and become a citizen of the state of Mississippi?
A I don't know.
Q Did he remove from Mississippi to the Indian Territory with the other Choctaw Indians in 1833 and 1837? A I don't know.
Q Was he a beneficiary under article fourteen of the treaty of 1830? A I could not tell you.
Q Did he ever receive or claim any land in Mississippi under article fourteen of that treaty? A I couldn't tell you.
Q Have you ever received any benefits as a Choctaw Indian? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Laura.
Q Do you make any claim for her? A No sir.
Q Have you children? A Yes sir.
Q How many? A Two.
Q What is the name of the oldest? A Ernest L.
Q E-r-n-e-s-t? A Yes sir.
Q How old is Ernest? A Four years.
Q The next? (No answer)
Q What is the name of the next? Next child, do you know? (No answer)
Q Can anybody tell you? (Some one says Agnes L.) A Agnes L.
Q How old is Agnes? A One year.
Q Is Laura the mother of these children? A Yes sir.
Q You are the father? A Yes sir.
Q You and she are living together as husband and wife? A Yes sir.
Q And the children are living with you at your home? A Yes sir.
Q Have you your marriage license and certificate with you? A No sir.
Q Have you any documentary evidence?

Application of George W. Daugherty is presented by applicant, received, marked Exhibit "A", filed and made a part of the record in this case.

- Q Have you any other documentary evidence? A No sir.
Q Would you like time? A Yes sir.

Twenty days time from the date hereof is allowed applicant to file documentary evidence in support of his application; also marriage license and certificate or certified copy of same.

- Q Is there anything further you want to say? A No sir.

The decision of the Commission in regard to this application for identification as Mississippi Choctaws which you make for yourself and 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 reported in full all proceedings had in the above entitled cause on March 28, 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 4 day of April, 1901.

Charles H. Sawyer

Notary public.

H. C. R. 1563.

Muskogee, Indian Territory, May 19, 1902.

George W. Daugherty,
Cherokee, Texas.

DEAR SIR:

You are hereby advised that on the 15th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Daugherty, et al., embracing the following applications for identification as Mississippian Cherokees:

Andrew J. Daugherty, et al.,	H. C. R. 1559
Susan Wine, et al.,	H. C. R. 1560
William W. Daugherty, et al.,	H. C. R. 1561
John H. Daugherty,	H. C. R. 1562
George W. Daugherty, et al.,	H. C. R. 1563

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-third 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 Cherokee Indians claiming rights in the Cherokee lands under article fourteen of the treaty between the United States and the Cherokee Nation concluded September 17, 1846, which provided for the cession of said lands and for certain other purposes, and to that end may examine 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 same is their duty to determine the identity of the

671-2

RECORDED

Andrew J. Daugherty, Alice S. Daugherty, James G. Daugherty, Texanna Daugherty, Maud Daugherty, Ethel Daugherty, Susan Rice, George Rice, William E. Daugherty, Randolph L. Daugherty, John H. Daugherty, George W. Daugherty, Ernest L. Daugherty and Agnes L. Daugherty as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above cited, 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.

RECORDED

COPY

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Muskogee, Indian Territory June 27, 1908.

George W. Daugherty,
Choctaw, Texas.

Dear Sir:

You are hereby advised that on the 19th 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 Andrew J. Daugherty, et al., of which decision you were advised by registered mail on the 19th day of May 1908.

Yours truly,

(SIGNED)

I. B. Neddies

Commissioner in Charge.

No. 1563

For Identification as a Mississippi Choctaw.

Date *Mar 28. 1901*

Name *George W. Waughety*

Age *28* Blood *1/8*

Post Office. *Choctaw, Texas*

Father: *Andrew J. Waughety, l*

Mother: *Sarah E. " l*

Claims through *father*

wife

Laura —

Children:

Ernest L. 4-

James L. 1

*For self &
children*

Choctaw MCR 1564

Robert McCulley

MCR 1564

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 13, 1902.

In the matter of the Mississippi Choctaw case of Robert McCulley, et al., M.C.N. 1864.

In accordance with the letter of the Secretary of the Interior of August 3, 1902, remanding the case of this applicant to this Commission for further hearing, for the purpose of the introduction of additional testimony, said case was set for rehearing on Monday, October 13, 1902.

Notice of the hearing of such additional testimony was furnished the principal applicant herein, his attorney of record, J. G. Pool, and the attorneys for the Choctaw and Chickasaw Nations on September 13, 1902.

At the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on Monday, October 13, 1902, this case being set for rehearing this day and date, and said case being called, there was no appearance on the part of the principal applicant herein, his attorney of record, nor by the attorneys for the Choctaw and Chickasaw Nations.

B. B. Eisenberg, being first duly sworn, upon his oath states that the foregoing is a true and correct transcript of the proceedings had in the above entitled cause on October 13, 1902, as it appears from the records of the Commission on said date.

B. B. Eisenberg
Subscribed and sworn to before me this 8th day of December, 1902.

Charles H. Sawyer
Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 13, 1902.

In the matter of the Mississippi Choctaw case of Robert McCulley, et al., M.C.R., 1864.

In accordance with the letter of the Secretary of the Interior of August 3, 1902, remanding the case of this applicant to this Commission for further hearing, for the purpose of the introduction of additional testimony, said case was set for rehearing on Monday, October 13, 1902.

Notice of the hearing of such additional testimony was furnished the principal applicant herein, his attorney of record, J. O. Pool, and the attorneys for the Choctaw and Chickasaw Nations on September 13, 1902.

At the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on Monday, October 13, 1902, this case being set for rehearing this day and date, and said case being called, there was no appearance on the part of the principal applicant herein, his attorney of record, nor by the attorneys for the Choctaw and Chickasaw Nations.

R. B. Eisenberg, being first duly sworn, upon his oath states that the foregoing is a true and correct transcript of the proceedings had in the above entitled cause on October 13, 1902, as it appears from the records of the Commission on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 8th day of December, 1902.

Chas. H. Sawyer

Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 13, 1902.

In the matter of the Mississippi Choctaw case of Robert McCulley, et al., M.C.R. 1564.

In accordance with the letter of the Secretary of the Interior of August 3, 1902, remanding the case of this applicant to this Commission for further hearing, for the purpose of the introduction of additional testimony, said case was set for rehearing on Monday, October 13, 1902.

Notice of the hearing of such additional testimony was furnished the principal applicant herein, his attorney of record, J. O. Pool, and the attorneys for the Choctaw and Chickasaw Nations on September 13, 1902.

At the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on Monday, October 13, 1902, this case being set for rehearing this day and date, and said case being called, there was no appearance on the part of the principal applicant herein, his attorney of record, nor by the attorneys for the Choctaw and Chickasaw Nations.

R. B. Eisenberg, being first duly sworn, upon his oath states that the foregoing is a true and correct transcript of the proceedings had in the above entitled cause on October 13, 1902, as it appears from the records of the Commission on said date.

R. B. Eisenberg
Subscribed and sworn to before me this 8th day of December, 1902.

Charles H. Sawyer
Notary Public.

W. H. H.

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

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In the matter of the application of Robert McCulley, et al.,
for identification as Mississippi Choctaws, M.C.R., 1564.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
Robert McCulley, et al.

Original application of Robert McCulley, et al., before the Jones Commission for identification as Mississippi Choctaws	1
Petition of Robert McCulley	4
Certificate of marriage of Adam McCulley and Anna Jane Fry	8
Decision of the Commission denying the application of Robert McCulley, et al., for identification as Mississippi Choctaws	7

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, October 2, 1902.

In the matter of the Mississippi Choctaw case of Robert McGulley, et al., applicants for identification as Mississippi Choctaws, M.C.R. 1564.

In accordance with the letter of the Secretary of the Interior of September 3, 1902, remanding to this Commission, the case of this applicant for the purpose of hearing additional testimony in support of the claims of himself and children, to be identified as Mississippi Choctaws, the principal applicant herein, his attorney of record, and the attorneys for the Choctaw and Chickasaw Nations, were, on September 13, 1902, notified that the Commission to the Five Civilized Tribes would, at its office in Muskegee, Indian Territory, up to and inclusive of Monday October 13, 1902, hear the testimony of such witnesses as might present themselves in person, and receive for consideration such documentary evidence as might be offered in support of this case.

Said case being set for this day and date and being called there was no appearance on the part of the principal applicant herein, his attorney of record nor by the attorneys for the Choctaw and Chickasaw Nations.

The following named persons, W. C. Benson, J. W. Richardson and Charles Smith, appeared as witnesses in this case.

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Charles Smith, being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your full name? A My name?
Q Yes. A Charles Smith.
Q Where do you live Mr. Smith? A Colbert Station.
Q Indian Territory? A Yes sir.
Q What is your age? A Eighty-four; I was born in 1819.
Q What is your occupation? A Farming.
Q Are you a colored man? A Yes sir I'm a colored man.
Q Are you a member of the Choctaw tribe? A Chickasaw; I come
Q out with the Chickasaws.
Q Are you enrolled as a Chickasaw freedman? A Yes sir.
Q Have you rights in the Chickasaw Nation as a Chickasaw freedman
A Yes sir; my boss bought me in '37 when I was seventeen years
Q old.
Q Do you know Robert McGulley? A Yes sir.
Q Who made application to be identified before the Commission
Q March 28, 1901? A Yes sir; I know him when I see him; I
Q wasn't acquainted with him in Mississippi; I got acquainted
Q with him since I come here.
Q How long did you know him? A He said he was the one I knew
back in Mississippi -- Pontotoc and Tallahassee.

- Q Where did you know Robert McCulley? A I never saw him till yesterday up at Durant.
- Q You saw him just once? A Yes sir.
- Q What did he want you to do? A He said his grandfather back in Mississippi was named -- I cant think of his name now -- Mr. Billy Fry.
- Q What did he tell you further? A He said Billy Fry was --
- Q Was his granifather? A Yes sir.
- Q Is that all you know about it? A Yes sir; I told him I knew Mr. Fry back in Mississippi; his grandfather.
- Q How did you know it was his grandfather? A That's what he said.
- Q You saw him yesterday for the first time? A Yes sir.
- Q He told you that his grandfather was Billy Fry and lived back in Mississippi? A Yes sir.
- Q And you told him you knew Billy Fry back in Mississippi? A Yes sir.
- Q How did you know that he was his grandfather? A Why because he told me.
- Q What do you know about Billy Fry any further than that; do you know anything about it? A He had two children.
- Q Who had two children? A Billy Fry .
- Q What were their names? A Thomas and Annie. Girl and boy.
- Q Where did he live in Mississippi -- Billy Fry? A Lived somewhere near Pontotoc; never was at his house but I used to go with my old master --
- Q How many years ago was it when you knew him? A In '37; when my boss bought me.
- Q Did this Billy Fry comply with article fourteen of the treaty of 1830 by going to the United States Indian Agent Colonel Ward and telling him that he wanted to stay in Mississippi take land there and become citizens of the states? A I never heard him say.
- Q Did he own land in Mississippi? A He lived near Pontotoc.
- Q Do you know whether he had any land in Mississippi which he received from the government as a Choctaw Indian? A Not as I know of; he lived there and had a home.
- Q Do you know whether this Billy Fry received any scrip from the government as a Choctaw Indian? A I dont know; he was always bossing and going to the councils and a business kind of man.
- Q Do you know the name of the mother of Robert McCulley?
- A No sir.
- Q Never heard of it? A Never heard of it.
- Q Don't know her anyway? A No sir.
- Q What was the Indian name of Billy Fry - did he have any.
- A He had some Indian name but I never could make it out. Billy Fry is all I know.
- Q You say he had a son named what? A Thomas.
- Q Thomas Fry? A Yes sir.
- Q And Annie? A Annie.
- Q You dont know of any child named Thompson? A Might be named Thompson; I dont know; they called him Tammie.
- Q I asked you if you knew whetser he had a son named Thompson?
- A No sir I do not..
- Q What was his wife's name; did you know Billy Fry's wife?
- A I dont know; I never seen here I just seen him at the gatherings back there.
- Q Did you know the name of Billy Fry's father or his mother?
- A Yes sir.

- Q Didn't know them anyway? did you? A No sir.
- Q All you know about it is this; as I understand you, yesterday you saw this applicant Robert McCulley for the first time in y your life? A Yes sir.
- Q And you were introduce to him and he told you that he had a grandfather named Billy Fry and then you told him that you know a man by that name in Mississippi? A Yes sir I did.
- Q And he wanted you to come here and testify? A Yes sir.
- Q But you dont know that the Billy Fry you knew was his grandfather. A No sir; just got his word for it; that's all.
- Q You don't know the names of any of the children of Robert McCulley do you? A No sir.
- Q Dont know the family? A No sir; never seen none but him.
- Q Was this Billy Fry that you knew ever called Bill Fry? or was he always called Billy? A They called him Bill and Billy too; mostly called him Billy.
- Q You dont know anything about this question of scrip do you Uncle? A No sir.
- Q Or whe ther Billy Fry received any land? A Not as I know of.
- Q You dont know anything about his Indian name or if he had one? A No sir I dont know; he lived there and in among the Indians there; was said to be part Choctaw Indian.
- Q You don't know how much Choctaw Indian blood he had? A No sir I dont know how much. You would guess him to be about half breed or three quarters.
- Q That is just your guess? A Yes sir.
- Q How well did you know Billy Fry; did you see him more than once a year. A Yes sir; I would be with him a day or two at the councils.
- Q You weren't at their councils; you were a slave? A I would go along to wait on my old boss; he would go down there.
- Q Was your old boss an Indian? A Yes sir.
- Q How old was this Billy Fry when you knew him back there in '37? A I reckon he was thirty five or forty; he had a boy nearly grown.
- Q This Thommie was pretty near a young man then ? A Yes sir.
- Q That's all you know about that? A Yes sir.

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J. W. Richardson a witness being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your full name? A John Wesley Richardson.
- Q How old are you? A Sixty five years old.
- Q What is your occupation? A Farming.
- Q Where do you live? A I live near Durant; about fifteen miles southeast of Durant.
- Q Do you claim any Choctaw blood? A No sir.
- Q You are a white man? A Yes sir.
- Q And you are not a citizen of any tribe? A No sir.
- Q Do you know Robert McCulley? A Yes sir.
- Q Where have you known him? A Well I've known him now for about six years -- possibly.
- Q Where? A In the Choctaw nation.
- Q Whereabouts in the Choctaw nation? A Well I first got acquainted with him -- that is, I ought to know him from birth; I knew his father way back years ago when I was a boy; lived in the neighborhood but I've known Robert about six er

- eight years; something about that time.
- Q He is an applicant is he not for identification as a Mississippi Choctaw? A That's what I suppose.
- Q You say you knew his father? A Yes sir.
- Q What was his name? A His father's name was Adam McCulley.
- Q What was his mother's name? A He tells me that his mother's name was Annie Jane and since he told me that it seems to strike my recollection that that was her name.
- Q What was her maiden name? A Well I suppose her name was Fry.
- Q Don't you know? A No sir I dont positively; that was my information when I first knew her.
- Q Did you know her personally. A Yes sir; I knew her personally.
- Q Did she live in Mississippi at that time? A No sir that was in Tennessee.
- Q You never did know her in Mississippi? A No sir.
- Q Did you ever live in Mississippi? A No sir.
- Q Did you know her father or mother? A No sir.
- Q Do you know anything about a man named Billy Fry? A No sir; just knew this boy's father and mother.
- Q You just knew Robert McCulley's father and mother Adam and Annie Jane McCulley and they told you or somebody told you her maiden name was Fry? A Yes sir.
- Q You ~~are~~ are not able to go back any further then in your testimony and testify any more as to their ancestors? A No sir.
- Q However Mr. Richardson I will ask you a few questions as a matter of form. A You can ask them as a matter of form but it dont matter with me because I dont know anything more about it.
- Q The questions are simply if you ever heard anything about Robert McCulley having a grandfather by the name of Billy Fry?
- A Not until lately.
- Q And whether he ever lived in Mississippi? A No sir; not until recently.
- Q Or whether he had an Indian name? A No sir.
- Q Or whether he lived in Mississippi and complied with article fourteen of the treaty of 1830? A No sir.
- Q Or whether he received any scrip there in lieu of land in Mississippi or Alabama? A No sir.
- Q Is there anything further Mr. Richardson you want to testify in reference to Robert McCulley's claim? A Nothing more than I know of. I knew this boy's father; he lived in the neighborhood where I was born and raised in Monroe County.
- Q Did he claim his Choctaw blood through his father or mother.
- A Never heard anything about that.
- Q As a matter of fact then you dont know whether Robert McCulley had any Choctaw blood? A No I dont; cant tell you anything about that.
- Q Did he look like a white man? A Why yes he looks somewhat like a white man; principally looks like a white man but he has a dark complexion - sallow complexion.
- Q Well there are some white men who are dark. A Well I cant tell you anything much about that.
- Q Do you remember the appearance of his mother Annie Jane?
- A Yes sir his mother was a dark skinned woman and his father was a dark skinned man; his father was a darker skinned man than Robert; he had pretty black hair and black beard and so was his mother.
- Q Both father and mother were about equally dark? A I believe the mother was a little darker than the father; I believe so.
- Q You dont know anything more about it? A No sir; all they wanted me was to identify him; that's all.
- Q He's a man about how old? A Well I cant say as to his age; he's of the younger children and I couldn't immediately recollect him; I hadn't kept him up in my mind; been absent

recollect him; I hadn't kept him up in my mind; been absent from him quite a time.

- Q Did you know any of his brothers and sisters? A He had a brother.
- Q By what name? A I think his name was Harley.
- Q Any other relatives? A None that I know; there was some other children older than he but I can't recollect the names of them.
- Q Are you certain now that the Robert McCulley you know is the same Robert McCulley whose father is named Adam and whose mother was name Anna Jane? A I'm mighty near confident of it.
- Q Do you know his wife's name? A No sir.
- Q Or any of his children? A No sir.

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W. C. Benson a witness being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your full name? A William C. Benson.
- Q What is your age? A I'm forty six years old.
- Q Do you know Robert McCulley? A Yes sir.
- Q Where do you live? A In the Chickasaw Nation Indian territory; my post office is Madill.
- Q Do you know Robert McCulley? A Yes sir; I'm a ne ighbor to him.
- Q This case has been referred to the Commission for further testimony with reference to the Choctaw ancestry of this applicant Robert McCulley; do you know anything about that Mr. Benson? A No sir; not a thing.
- Q You wish to state merely the reason why Robert McCulley is not here in person. A Yes sir; I would like for you to be as mild with me as you can. Sometime -- I don't know how long back it's been; he was shot and he hasn't get over that yet, for one thing. He's not physically able to come; he said he didn't feel safe to come.
- Q And requested you to come and make this explanation? A Yes sir and I had business before George J. Wright and told him I would do it as a neighbor; his wife, to give her justice, is not able to be away from home.
- Q His wife's name is what? A I can't tell you.
- Q You know this Robert McCulley is the same Robert McCulley who made application to be identified as a Mississippi Choctaw March 28, 1901? A Yes sir.
- Q And is the same, you know, that Charles Smith has testified in reference to? A Yes sir.
- Q And that Mr. Richardson has been testifying with reference to? A Yes sir; the same man.
- Q You don't know anything about his grandfather's name then?
- A No sir; only just hearsay.
- Q Or about whether his grandfather had an Indian name or not?
- A No sir I do not.
- Q You are not here for that purpose at all? A No sir; I just told him as a neighbor I would step up here with the witnesses and see that they came before the Commission and explain why he didn't come; he gave me his marriage certificates and said give them to you and make a request of you which I will do when the time comes.

The marriage certificate of Robert McCulley and Tennessee

Shahan is presented by William C Benson, this witness, and the neighbor of the applicant Robert McCulley, received filed, marked exhibit A and made a part of the record in this case.

By the witness, William C Benson: I wish to state furthermore that while he's not physically able to be here, he's not financially able to be here either. I wish to state that he wants to file some interrogatories; Mrs. Easline Cole of Durant whom Mr. McCulley wanted to introduce here in person, could not come because she is sick and this applicant Robert McCulley wants an extension of time in order to have her deposition taken. And also, I believe he said he wanted the time and opportunity to introduce the testimony by interrogatories of a man by the name of Billy Washington who resides, I believe near Meridian Mississippi.

By the Commission: Upon proper request made by Robert McCulley to the Commission, that matter will be determined and he will be advised as to whether this reasonable time will be granted for this purpose.

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Charles Smith being recalled testified as follows:

Examination by the Commission:

- Q Do you know whether the grandfather of this applicant Robert McCulley, whose name was Billy Fry as you say or sometimes Bill Fry, had an Indian name No-a-to-nubbee? A No-nubbee or To-nubbee -- that was the name but he never made any use of it.
- Q When I asked you a while ago you didn't know anything about it; now I give some name and you are ready to say he had such a name.
- A It's no use for me to try to; I can't call it in Indian myself you know.
- Q Did he have any such Indian name that I have read and explained to you? A That's what they said.
- Q Who said so? A Gooding.
- Q Who is Mr. Gooding. A He's a lawyer here; he told me so.
- Q He told you so yesterday? A He told me so day before yesterday.
- Q Is that the first time you ever heard that name? A Yes sir; he told me and I told him I didn't know anything about Indian names.
- Q You don't know anything about it do you? A No sir. He asked me if I knew it; I told him no.
- Q Do you know anything about Billy Fry having any such Indian name as that? A No sir; that's what I told the lawyer too.
- Q Did you ever hear any such name as No-ah-honah? A Yes sir I heard a heap of people named that.
- Q How many "heaps" of names did you ever hear like that? A Some lives on Brushy out here.
- Q What relatives of Billy Fry had any such name as that? A I don't know whether he had any relatives or not by that name.
- Q Did you ever hear any such name as Phille-tiah? A No sir.
- Q When you were living back there in Mississippi and when you say you knew a man named Billy Fry you didn't know him by any Indian name at all? A No sir only Billy Fry; my folks always called him Billy Fry.

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J. V. Richardson being recalled testified as follows:

Examination by the Commission:

- Q Did you ever hear of Billy Fry having any such name as No-ah-to-hubbee? A No sir.
- Q And you dont know anything about this Indian name in the family of this applicant Robert McCulley? A No sir I dont; I dont know anything about that.

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In a list of names of Choctaws to whom scrip was issued under the fourteenth article of the treaty of Dancing Rabbit Creek prepared by the Indian office and now in the possession of the Commission at its office in Muskogee, Indian Territory, under the subdivision H. No. 34., appears the name of one No-ah-to-nubbee, but there is nothing in the testimony given by Charles Smith a witness for Robert McCulley, who appeared before the Commission on this date to testify in reference to his Choctaw ancestry to connect this person in the list of names of Choctaws so described as having received scrip, with the grandfather of the said Robert McCulley, Billy Fry. Nor is there anything in the testimony of the said witness to show that the said Billy Fry had an Indian name No-ah-to-nubbee. There is nothing in the testimony of the witness John Wesley Richardson to show that he had any knowledge of the grandfather of the said applicant Robert McCulley whose name was Billy Fry, or that the said Billy Fry had an Indian name.

It is also shown by the records in the possession of the Commission, in the "Claimants Brief and Evidence in the Cases of the Choctaw Nation against the United States" court case 12472 on page 406 of said volume, the name No-ah-to-nubbee appears in a tabular statement of the cases arising under the fourteenth article of the treaty of Dancing Rabbit Creek adjudicated by the Court of Claims constituted by the act of Congress of the 23rd of August 1842; in said tabular statement of cases number of said case is 51; under the names of children under ten years of age at the date of the treaty appears the name of one Thompson and the residence at the date of the treaty is described as 26, 12, & E; number of acres allowed 640; but there is nothing in the testimony of either of the witnesses who have appeared before the Commission in Robert McCulley's case on this date to show that this person so named as No-ah-to-nubbee and described on page 406 of said "Choctaw Nation against the United States" is the same person to whom reference has been made in the application of Robert McCulley as his grandfather Bill or Billy Fry, and otherwise described by the Indian name of No-a-to-nubbee.

In the deposition of Joseph Hodges before Commissioners Tyler, Gains and Rush March 27, 1843, appears the name of No-ah-to-nubbee said general deposition being on page 439 of Claimants Brief and Evidence in case of the Choctaw nation against the United States; there is nothing in the testimony that has been given in this case of Robert McCulley et al., either previous to this date or by the witnesses who have testified before the Commission on this date to connect this

J. V. Richardson 4

person so described with the grandfather of this applicant
Bill or Billy Fry or to show that the said Bill or Billy Fry
was the same person so described in said deposition and
further known by an Indian name of No-a-to-nubee.

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Clara Mitchell Wood being first duly sworn upon her oath
states that as stenographer for the Commission to the Five
Civilized Tribes she reported in full all proceedings had in
the above entitled cause on the 2nd day of October 1902 and
that the above and foregoing is a full true and correct
transcript of her stenographic notes of said proceedings on
said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 6th day of October
1902.

Guy L. T. Emerson
Notary Public.

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, MARCH 28, 1901.

In the matter of the application for identification as Mississippi Choctaw of Robert McCully and his minor children. Robert McCully, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Robert McCully.
 Q What is your age? A Forty four.
 Q What is your post office address? A Denison, Texas. (419 W Main St.)
 Q How long have you lived at Denison? A About five months.
 Q Where did you live before you lived there? A I lived near Denison in Texas a year and I lived here in the Choctaw Nation five or six years before I went over there.
 Q Where were you born? A In east Tennessee.
 Q At what place in East Tennessee? A In either the edge of McMahan or Meigs, and I don't know which. I was small when we came away from there and my father died when I was small.
 Q And you came from there where? A To Texas.
 Q And have lived there ever since? A No, I lived in the Choctaw Nation a while.
 Q But for the past few years where have you lived? A Near Denison.
 Q How long, last past, I mean? A Two years.
 Q What is your father's name? A Adam McCully.
 Q Is he living? A No sir.
 Q What is your mother's name? A Anna J. McCully.
 Q Is she living or dead? A She is dead.
 Q Through which one of these parents do you claim Choctaw blood?
 A Mother.
 Q How much do you claim? A One eighth.
 Q Did your mother ever live in the Indian Territory? A No sir, she told me when I was little that she would fetch me here but she never lived to get me here and I thought I would come after I got grown.
 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 Choctaw tribal authorities for enrollment as a citizen? A No sir.
 Q Were you ever 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 of the Dawes Commission? A No sir.
 Q Did you ever make application to the Dawes Commission for citizenship or enrollment in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
 Q Is this the first application either for enrollment or citizenship that you have ever made either to the Choctaw tribal authorities or the Dawes Commission? A Yes sir.
 Q You now come before the Commission for the purpose of being identified as a Mississippi Choctaw? A Yes sir.
 Q Under what treaty or treaties do you make this application? A 1830.
 Q Do you claim under all of the treaty of 1830? Sir? I don't know.
 Q Did you ever hear of article fourteen of that treaty? A Yes sir, heard mother speak about it.
 Q Do you know whether you claim under that particularly? A Yes sir.

- Q Do you claim under it exclusively? A What is that.
- Q Do you claim under that exclusively? That is, particularly, to the exclusion of every other article in that treaty? A Yes sir.
- Q What is the name of your ancestor who lived in Mississippi in 1830?
- A Bill Fry.
- Q Was he a Choctaw Indian? A Just half breed.
- Q Have you any documentary evidence of that fact? A No sir, nothing only mother's word.
- Q Do you know whether he, within six months after the ratification of the treaty of 1830, told the United States Indian Agent living in Mississippi that he intended to remain in Mississippi and take land there and become a citizen of the United States? A No sir, I don't know.
- Q Do you know whether he was put upon any registry list of Choctaw citizens living in Mississippi? A No sir, I don't.
- Q Was he on Ward's list do you know? A I don't know.
- Q Was he on Murray and Vroom's register in 1837? A No sir, I don't know.
- Q Was he on the registry list of Choctaw citizens in the year 1842 and 1843, made up under the law of Congress of 1842? A I don't know.
- Q Did he ever claim or receive any land in Mississippi as a beneficiary under article fourteen of the treaty of 1830? A Not that I know of.
- Q Was he a beneficiary under that article of that treaty? A Which?
- Q Was he a beneficiary under that article of that treaty? That is, did he receive any benefits in Mississippi? A Not that I know of; never heard it spoken of.
- Q Did he comply with any of the provisions of article fourteen of that treaty? A I don't know.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Tennessee.
- Q Do you make any claim for your wife? A Well, it looks like if I put in mine I should put in one for her.

Mr. J. O. Pool, attorney for applicant, says he don't want to claim for his wife.

- Q Well, now, what do you think about that? A I don't know, sir.
- Q Well, you are the doctor; you must say. Your attorney says no; what do you say? A No sir.
- Q Have you any children under twenty one years of age and unmarried, you want to claim for? A Yes sir.
- Q What is the name of the eldest? A William.
- Q How old is William? A He is eighteen.
- Q And the next? A George, sixteen.
- Q How old is George? A Sixteen.
- Q The next? A James.
- Q How old is James? A He is fourteen.
- Q Next? A Ethel.
- Q How old is Ethel? A Ten.
- Q Is that all? A No sir, Eddie.
- Q What is his name? You call him Eddie; what is his name, Edward or Edwin? A Edward.
- Q How old is Edward? A He is nine.
- Q Next? A Sammie.
- Q Samuel? A Yes sir.
- Q How many more children have you? A Three.
- Q How old is Samuel? A Seven.
- Q Next? A Jahnnie.
- Q How old is Jahnnie? A He is five.
- Q Next? A Dewey.
- Q How old? A He is one year old.

Robert McCulley

- Q Is that all? A Yes sir.
- Q Is Tennessee McCulley the mother of all these children? A Yes sir.
- Q Are you the father? A Yes sir.
- Q Are you and she living together as husband and wife? A Yes sir.
- Q Are the children all living with you at your home? A No sir, one of them is working for me down in Fannin County.
- Q Are you supporting them all? A Yes sir.
- Q When and where were you married to Tennessee McCulley? A In east Tennessee.
- Q When? A In 1876.
- Q The day of the month? A October second.
- Q Have you your marriage license and certificate? A I can't produce them this evening.
- Q Have you any documentary evidence that you want to file now in support of your application? A No sir, not this evening.
- Q Would you like time in which to produce them? A Yes sir.
- Q You have a written application? A Yes sir.

Written application of Robert McCulley presented by applicant, received, filed, marked Exhibit "A" and made a part of the records in this case.

Twenty days from the date hereof is allowed applicant in which to file documentary evidence; also marriage license and certificate, or certified copy of the same.

- Q Is there anything further you want to say? A No sir, I believe not.

The decision of the Commission in regard to this application for identification which you make for yourself and children as Mississippi Choctaws will be mailed to you at your present post office address.

Applicant: Well, I have a street number: 419 West Main Street.

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 March 28, 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 4 day of April, 1901.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, MARCH 29, 1901.

In the matter of the application for identification as Mississippi Choctaws of Robert McCully and his minor children, Robert McCully, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Robert McCully.
- Q What is your age? A Forty four.
- Q What is your post office address? A Denison, Texas. (419 W Main St.)
- Q How long have you lived at Denison? A About five months.
- Q Where did you live before you lived there? A I lived near Denison in Texas a year and I lived here in the Choctaw Nation five or six years before I went over there.
- Q Where were you born? A In east Tennessee.
- Q At what place in East Tennessee? A In either the edge of McMahan or Heigs, and I don't know which, I was small when we came away from there and my father died when I was small.
- Q And you came from there where? A To Texas.
- Q And have lived there ever since? A No, I lived in the Choctaw Nation a while.
- Q But for the past few years where have you lived? A Near Denison.
- Q How long, last past, I mean? A Two years.
- Q What is your father's name? A Adam McCully.
- Q Is he living? A No sir.
- Q What is your mother's name? A Anna J. McCully.
- Q Is she living or dead? A She is dead.
- Q Through which one of these parents do you claim Choctaw blood?
 A Mother.
- Q How much do you claim? A One eighth.
- Q Did your mother ever live in the Indian Territory? A No sir, she told me when I was little that she would fetch me here but she never lived to get me here and I thought I would come after I got grown.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
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- Q Did you ever make application to the Dawes Commission for citizenship or enrollment in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Is this the first application either for enrollment or citizenship that you have ever made either to the Choctaw tribal authorities or the Dawes Commission? A Yes sir.
- Q You now come before the Commission for the purpose of being identified as a Mississippi Choctaw? A Yes sir.
- Q Under what treaty or treaties do you make this application? A 1830.
- Q Do you claim under all of the treaty of 1830? A I don't know.
- Q Did you ever hear of article fourteen of that treaty? A Yes sir, heard mother speak about it.
- Q Do you know whether you claim under that particularly? A Yes sir.

- Q Do you claim under it exclusively? A What is that.
- Q Do you claim under that exclusively? That is, particularly, to the exclusion of every other article in that treaty? A Yes sir.
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- Q Was he on Murray and Vroom's register in 1837? A No sir, I don't know.
- Q Was he on the registry list of Choctaw citizens in the year 1842 and 1843, made up under the law of Congress of 1842? A I don't know.
- Q Did he ever claim or receive any land in Mississippi as a beneficiary under article fourteen of the treaty of 1830? A Not that I know of.
- Q Was he a beneficiary under that article of that treaty? A Which?
- Q Was he a beneficiary under that article of that treaty? That is, did he receive any benefits in Mississippi? A Not that I know of; never heard it spoken of.
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- Q Are you married? A Yes sir.
- Q What is your wife's name? A Tennessee.
- Q Do you make any claim for your wife? A Well, it looks like if I put in mine I should put in one for her.

Mr. J. O. Pool, attorney for applicant, says he don't want to claim for his wife.

- Q Well, now, what do you think about that? A I don't know, sir.
- Q Well, you are the doctor; you must say. Your attorney says no; what do you say? A No sir.
- Q Have you any children under twenty one years of age and unmarried, you want to claim for? A Yes sir.
- Q What is the name of the oldest? A William.
- Q How old is William? A He is eighteen.
- Q And the next? A George, sixteen.
- Q How old is George? A Sixteen.
- Q The next? A James.
- Q How old is James? A He is fourteen.
- Q Next? A Ethel.
- Q How old is Ethel? A Ten.
- Q Is that all? A No sir, Eddie.
- Q What is his name? You call him Eddie; what is his name, Edward or Edwin? A Edward.
- Q How old is Edward? A He is nine.
- Q Next? A Sammie.
- Q Samuel? A Yes sir.
- Q How many more children have you? A Three.
- Q How old is Samuel? A Seven.
- Q Next? A Johnnie.
- Q How old is Johnnie? A He is five.
- Q Next? A Dewey.
- Q How old? A He is one year old.

Robert McCulley 3

- Q Is that all? A Yes sir.
Q Is Tennessee McCulley the mother of all these children? A Yes sir.
Q Are you the father? A Yes sir.
Q Are you and she living together as husband and wife? A Yes sir.
Q Are the children all living with you at your home? A No sir, one of them is working for me down in Farmin County.
Q Are you supporting them all? A Yes sir.
Q When and where were you married to Tennessee McCulley? A In east Tennessee.
Q When? A In 1876.
Q The day of the month? A October second.
Q Have you your marriage license and certificate? A I can't produce them this evening.
Q Have you any documentary evidence that you want to file now in support of your application? A No sir, not this evening.
Q Would you like time in which to produce them? A Yes sir.
Q You have a written application? A Yes sir.

Written application of Robert McCulley presented by applicant, received, filed, marked Exhibit "A" and made a part of the records in this case.

Twenty days from the date hereof is allowed applicant in which to file documentary evidence; also marriage license and certificate, or certified copy of the same.

- Q Is there anything further you want to say? A No sir, I believe not.

The decision of the Commission in regard to this application for identification which you make for yourself and children as Mississippi Choctaws will be mailed to you at your present post office address.

Applicant: Well, I have a street number: 419 West Main Street.

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 March 28, 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 4 day of April, 1901.

Charles Hester

Notary Public.

*L. F. M.
C. v. W.*

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

In the matter of the application of Robert McCulley, et al., for identification as Mississippi Choctaws, H.C.R. 1864.

---o---
-- 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 Robert McCulley for himself and his eight minor children, William, George, James, Ethel, Edward, Samuel, Johnnie and Dewey McCulley, 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 of one Bill Fry, who is alleged to have been an one-half blood

Chester 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 no one of said applicants has ever been enrolled by the Chester tribal authorities as a member of the Chester Tribe, or admitted to Chester citizenship by a duly constituted court or committee of the Chester 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 Bill Fry, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Chester Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1848 (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Robert McCulley, William McCulley, George McCulley, James McCulley, Ethel McCulley, Edward McCulley, Samuel McCulley, Jehnais McCulley and

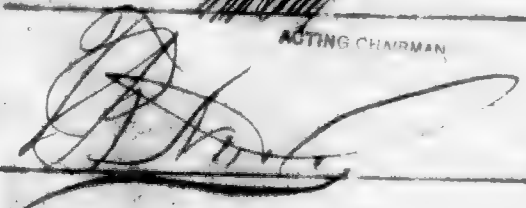
(3)

Dewey McCulley, 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.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,



ACTING CHAIRMAN



C. R. Bucknidge
Commissioners.

Muskogee, Indian Territory,

JUL 18 1902

COPY.

M C R 1844

Muskogee, Indian Territory, July 18, 1902.

J. O. Pool,
Attorney at Law,
Hocona, Texas.

Dear Sir:

You are hereby advised that on the 18th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Robert McCulley, et al., applicants for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Robert McCulley, William McCulley, George McCulley, James McCulley, Ethel McCulley, Edward McCulley, Samuel McCulley, Johnnie McCulley and Dewey McCulley, 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."

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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 H 1264

Muskogee, Indian Territory, July 18, 1902.

Robert McCulley,

Madill, Indian Territory.

Dear Sir:

You are hereby advised that on the 18th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Robert McCulley, et al., applicants for identification as Mississippi Choctaws.

The application was made under the provision of the act of Congress of June 26, 1898 (30 Stat., 405) which is as follows:

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Robert McCulley, William McCulley, George McCulley, James McCulley, Ethel McCulley, Edward McCulley, Samuel McCulley, Jennie McCulley and Daisy McCulley, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1832, and that the application for their identification as such should be refused, and it is so ordered."

Enc. 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,

(SIGNED)

T. B. Woodcock

Commissioner in Charge.

Registered.

COPY.

M C R 1864

Muskogee, Indian Territory, July 16, 1902.

Mansfield, McMurtry & Cornish,

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

Gentlemen:

You are hereby advised that on the 18th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Robert McCulley, et al., applicants for identification as Mississippi Choctaws.

The application was made under the provision of the act of Congress of June 25, 1898 (30 Stat., 495), which is as follows:

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

Said decision concludes as follows:

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Robert McCulley, William McCulley, George McCulley, James McCulley, Ethel McCulley, Edward McCulley, Samuel McCulley, Jehunie McCulley and Deway McCulley, 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."

M. 10000-3

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)

F. D. Hodges

Commissioner in charge.

COPY.

H C R 1564

Muskogee, Indian Territory, July 18, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Robert McCulley, 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, 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,

(SIGNED)

Through the Commissioner of
Indian Affairs.

Commissioner in charge.

1 enclosure.

Muskogee, Indian Territory. April 1, 1903.

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

Gentlemen:

The Secretary of the Interior, with his letter of March 25, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by Robert McGulley for the identification of himself and his minor children as Mississippi Choctaws, with instructions that an opportunity be granted the applicant to introduce further testimony and evidence in support of his claim.

You are hereby notified that in accordance with such instructions the Commission to the Five Civilized Tribes will, at its office in Muskogee, Indian Territory, up to and inclusive of Friday, May 1, 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 this case.

Respectfully,

Commissioner in Charge.

M C R 1534.

Muskogee, Indian Territory, August 6, 1903.

J.P. Jackson,
Utica, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd inst., wherein you ask if Robert McCulley has been notified in regard to his citizenship and "is he recognized as a Mississippi Choctaw?"

In reply, you are informed that the records of the Commission show that Robert McCulley, age 44, present post office address Madill, Indian Territory, appeared before this Commission on March 23, 1901, and made personal application for the identification of himself and eight minor children as Mississippi Choctaws.

The Commission on July 18, 1903, rendered its decision refusing the applications of these persons, and on the same date notified Robert McCulley of such decision and of the forwarding of the record to the Secretary of the Interior for his review.

Yours truly,

Acting Chairman.

N.O.R. 1304.

Muskogee, Indian Territory, August 26, 1903.

Robert McCulley,

Madill, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th inst., relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You ask if the case can now be reopened for the filing of additional testimony by you.

It appears from the records of the Commission that the application made by you for the identification of yourself and minor children as Mississippi Choctaws was submitted to the Commission on March 23, 1901.

The Commission in the identification of Mississippi Choctaws under the authority vested by the provision of the 31st section of the act of Congress approved June 26, 1898, requires that applicants reasonably demonstrate the fact that they are descendants of Choctaw Indians who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen of the Choctaw treaty of 1830, or were adjudicated beneficiaries thereunder.

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by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1849.

No proof of any act of compliance on the part of the ancestor through whom you claim your right to identification as Mississippi Choctaws having been submitted to this Commission since the date of your personal appearance, the Commission on July 18, 1902, rendered its decision refusing the application of yourself and children; and on the same date you were notified of such decision by registered mail, and of the forwarding of the record to the Secretary of the Interior for review.

Pending action on your case by the Secretary of the Interior, the Commission cannot receive any further evidence in support of your claim.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, December 11, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

The Commission to the Five Civilized Tribes has the honor to acknowledge receipt of departmental communication of September 3, 1902, (I.T.D. 5365-1902), returning the record theretofore forwarded the Department in the Mississippi Choctaw case of Robert McCulley, et al., together with a copy of the letter of Acting Commissioner of Indian Affairs of August 23, 1902, reporting thereon, with instructions that the applicants be granted further opportunity to introduce evidence more clearly tracing their ancestry.

The Acting Commissioner of Indian Affairs in reporting on this case states:

*The principal applicant in this case attempts to trace descent from Bill Frye 'and wife,' his grandparents.

The record also shows that Annie McCulley, nee Frye, was the mother of the principal applicant, Robert McCulley.....

The records of the office do however show that Billy Frye received scrip in lieu of land; that his Indian name was No-a-to-nubbee; that he had a child named Thompson; and that he, himself, was otherwise known as Billy Frye; that his wife was named Noah-honah; and that No-a-to-nubbee, otherwise known

as Billy Frye, was the son of Phille-tiah.

It is respectfully recommended that the decision of the Commission rejecting the applicants be not approved and the case be remanded to the Commission with instructions to give these applicants an opportunity to produce evidence more clearly tracing their ancestry should they be able to do so."

On September 13, 1902, Robert McCulley, the principal applicant, J.O. Pool, the attorney of record and the attorneys for the Choctaw and Chickasaw Nations were notified that the Commission would, at its office in Muskogee, Indian Territory, up to and inclusive of Monday, October 13, 1902, hear the testimony of such witnesses as might present themselves in person, and receive for consideration such documentary evidence as might be offered tending to show that the applicants in this case were direct lineal descendants of Billy Frye, otherwise known as No-a-to-nubbee, who received scrip in lieu of land, under the provisions of article fourteen of the Choctaw treaty of 1830.

In accordance with this notice, on October 2, 1902, Charles Smith, John Wesley Richardson and William C. Benson, witnesses in this case, appeared before the Commission at Muskogee, Indian Territory, at which time their testimony was taken.

On October 9, 1902, Robert McCulley forwarded to the Commission interrogatories and affidavits for the taking of depositions of certain witnesses in support of his claim, with the

request that if said interrogatories and affidavits were not in due form that they be forwarded to A.B. Person, Attorney at Law, Denison, Texas, for correction.

On October 10, 1902, said interrogatories and affidavits were forwarded by the Commission to A.B. Person, Denison, Texas, with the information that the same were not in conformity with the rules and regulations of November 4, 1901, governing the taking and submission of depositions in support of applications in Mississippi Choctaw cases. A copy of said rules and regulations was also forwarded Mr. Person.

On Monday, October 13, 1902, at the office of the Commission to the Five Civilized Tribes in Muskogee, Indian Territory, the said case of Robert McCulley, et al., being set for hearing that day and date, was called. There was no appearance on the part of the principal applicant therein, nor by his attorney nor by the attorneys for the Choctaw and Chickasaw Nations.

The Commission considers that sufficient time has been allowed the interested parties to this case within which to introduce additional testimony and evidence to show that the applicants therein are direct descendants of Billy Frye, whose Indian name was Ho-a-to-mubee, and who received scrip in lieu of land under the provisions of the fourteenth article of the Choctaw

Sub

-4-

treaty of eighteen hundred and thirty. There is nothing in the additional proceedings had in this case tending to show that the applicants herein are direct descendants of Billy Frye, whose Indian name was No-a-to-nubbee, and who received scrip in lieu of land under the provisions of article fourteen of the Choctaw Treaty of eighteen hundred and thirty.

The additional proceedings are therefore herewith returned, together with the original record in the case.

Respectfully,

Acting Chairman.

Commissioner.

Commissioner.

Through the Commissioner
of Indian Affairs.

M O R 1064.

Washburn, Indian Territory, January 8, 1903.

George McCulley,

Madill, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you ask to be advised the present status of the Mississippi Choctaw case of Robert McCulley.

In reply to your letter you are informed that on July 18, 1902, the Commission rendered its decision refusing the application made by Robert McCulley for the identification of himself and his minor children as Mississippi Choctaws and on the same date he was notified by registered mail of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

On September 3, 1902, the Secretary of the Interior returned to this Commission the record theretofore forwarded the Department, with instructions that the principal applicant be granted further opportunity to furnish additional evidence in support of his claim.

In accordance with such instructions the Commission, on September 13, 1902, notified Robert McCulley, the principal applicant, J. O. Poole, his attorney of record, and the attorneys for the Choctaw and Chickasaw Nations that the Commission would at its

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office at Muskogee, Indian Territory, up to and inclusive of Monday, October 13, 1902, hear the testimony of such witnesses as might present themselves in person, and receive for consideration such documentary evidence as might be offered in this case.

On October 2, 1902, Charles Smith, John Wesley Richardson and William G. Benson, witnesses in this case, appeared before the Commission at Muskogee, Indian Territory, at which time their testimony was taken.

On October 13, 1902, this case being set for re-hearing on that day and date, and again called, there was no appearance on the part of the principal applicant, his attorney of record or the attorneys for the Choctaw and Chickasaw Nations. On December 11, 1902, the Commission returned to the Secretary of the Interior the original record in this case together with the additional proceedings had therein.

Robert McQuilley will be duly notified of any action taken by the Secretary of the Interior in this case.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 8, 1903.

Robert McCulley,

Madill, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st ultimo, in which you state that you are in dispute with a "court claimant" relative to the possession of a certain tract of land. You ask if you have a right to hold said land.

In reply to your letter you are informed that the record in your case, together with additional proceedings had therein under instructions from the Secretary of the Interior, was, on December 11, 1902, returned to the Secretary of the Interior with the recommendation that the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws be not disturbed.

It is not believed that yourself and children are at this time in any manner entitled to possessory rights in the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

COMMISSIONER IN CHARGE.
Acting Chairman.

N C R 1564

Muskogee, Indian Territory, February 24, 1903.

Robert McCall,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your postal card advising the change of your post office address to Durant, Indian Territory. Proper record has been made of the change.

Respectfully,

Chairman.

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COPY
DEPARTMENT OF THE INTERIOR,
WASHINGTON,

THE
March 28, 1903.

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

Gentlemen:

December 11, 1902, you returned the records in the case involving the application of Robert McCulley (M C H 1564), for himself and his eight minor children, William, George, James, Ethel, Edward, Samuel, Johnnie, and Dewey McCulley, for identification as Mississippi Choctaws. Said case was remanded to you by departmental letter of September 3, 1902, with instructions that you inform the applicants that a further opportunity would be allowed them to introduce additional evidence more clearly tracing their ancestry.

From the testimony as furnished by the record it seems that Robert McCulley traces his Choctaw descent from his grandfather, Billy Frye, through his mother, Anna J. McCulley. The written application of the principal applicant included that of his wife, Tennessee McCulley. She is also of Choctaw descent, claiming the same through her mother, Susan Shashan, who was the daughter of Abb Line and his wife, both of whom were Choctaws.

In said letter of December 11, 1902, you furnished a report relative to the additional proceedings had since the case was remanded to you, and stated "there is nothing in the additional proceedings had in this case tending to show that the applicants herein are direct descendants of Billy Frye, whose Indian name was No-a-to-

subber, and who received scrip in lieu of land under the provisions of article fourteen of the Choctaw treaty of eighteen hundred and thirty."

Reporting in the matter March 20, 1903, the Acting Commissioner of Indian Affairs furnished certain information taken from the records of the Indian Office relative to the Billy Frye who was a beneficiary under article 14 of the treaty of September 27, 1830, and recommended that you be instructed to again notify Robert McCulley and his attorney of record A. R. Person, that they will be allowed thirty days from the receipt of notice in which to file affidavits or other properly authenticated papers relative to their claim to the right of identification.

It seems that certain testimony in the nature of affidavits and depositions relative to this case has not reached the Department owing to the fact that said papers were not prepared in accordance with your rules for taking testimony, as promulgated under date of November 4, 1901.

Inasmuch as these applicants have been derelict in presenting their additional testimony because of conditions or peculiar hardship, the Department concludes that they should be allowed a reasonable extension of time in which to properly prepare their testimony and present the same to you. You will therefore inform the principal applicant and his attorney, Mr. Person, that they will be

allowed thirty days from receipt of your letter in which to furnish additional evidence in support of these applications, and that, in furnishing the same, they will be permitted to appear in person or to file written testimony in the form of depositions taken in accordance with your rules, or in the form of affidavits properly executed. You will also advise them that the records of the government in the possession of the Indian Office relative to the Billy Frye who was a beneficiary under article 14 of the treaty of September 27, 1830, contain certain information showing his Indian name, height, and age also the names and number of those persons who composed his family, and the names of his neighbors; that said records also show his various places of residence, locating the same with reference to the county wherein situated, and showing that they were in the vicinity of certain streams and roads, and that, for purposes of comparison it will be necessary for them to show, as nearly as possible information of like character, relative to the Billy Frye from whom descent is claimed.

The case is remanded for further proceedings in accordance with the instructions herein contained. The record in the case is herewith returned, together with the letter of the principal applicant and copy of the Acting Commissioner's letter.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary

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

March 20, 1903.

The Honorable,

The Secretary of the Interior.

Dear Sir:

Referring to Department letter of September 3, 1902 (I T D., 5365), I have the honor to enclose, herewith, communication from the Commission to the Five Civilized Tribes, dated December 11, 1902, returning the record relative to the application of Robert McCulley, et al., for identification as Mississippi Choctaws, claiming the right to share in the distribution of the Choctaw lands and other property under and in accordance with the 14th article of the Choctaw treaty of 1830.

The record in this case was returned to the commission on September 3rd in accordance with a recommendation contained in office report of August 23rd last.

The commission in its report now transmitted states that on September 17, 1902, Robert McCulley, the principal applicant and J. O. Pool, his attorney, and also the attorneys for the Choctaw and Chickasaw Nations, were notified that the Commission would take up the Robert McCulley case on October 13, 1902; that it would hear the testimony of such witnesses as might present themselves in person that it would receive and consider such documentary evidence as might be offered tending to show that the applicants were lineal descendants of Billy Frye otherwise known as No-a-to-nubbee, who received

scrip in lieu of lands under the provisions of article 14 of the treaty; that in accordance with such notice on October 2, 1902 Charles Smith, John W. Richardson, and William H. Benson, appeared before the Commission at Muskogee as witnesses in the case; that their testimony was taken; that on October 9, 1902 Robert McGulley forwarded to the commission interrogatories and affidavits for the taking of depositions of certain witnesses in support of his claim with request that such interrogatories and affidavits be transmitted to A. R. Person, attorney at law, Dennison, Texas, for correction if they were not in proper form; that on October 10, 1902 said interrogatories and affidavits were forwarded to Mr. Person with advice that the same were not in conformity with the rules and regulations of November 4, 1901, a copy of the rules being forwarded him; and that on October 13, 1902 the case was called and that no appearance was entered by the principal applicant, his attorney, or the attorneys for the Choctaw and Chickasaw Nations. The Commission considers that sufficient time has been allowed the parties in the case.

The additional record shows that on October 13, 1902 A. R. Person requested that these applicants be given further time in which to properly prepare the interrogatories and affidavits hereinbefore mentioned, and that on October 15, 1902 the commission advised him that he would be allowed 30 days from October 13, 1902, or up to and

including November 12, 1902, within which to submit such evidence as he might desire in support of the application of these applicants.

Charles Smith testified on October 2nd last that he did not know Robert McCulley until he met him on October 1st at Durant; that said Robert McCulley advised him that his grandfather was during his life time a resident of Mississippi; that his name was Billy Frye, and that he, Charles Smith, did not know whether Billy Frye complied with the provisions of the 14th article of the treaty. He testified, however, that he knew Billy Frye in Mississippi, and that said Billy Frye had two children to wit, Thomas and Annie "a girl and boy".

J. W. Richardson testified that he was about 65 years of age; that he was not a member of any Indian tribe; that he had known Robert McCulley for about six years; that he knew his father who was named Adam McCulley; that Robert McCulley told him that his mother's name was Annie Jane; that he supposed "her name was Frye"; that he never lived in Mississippi; that he knew nothing about Billy Frye except what has been told him by Robert McCulleys parents.

William G. Benson testified that Robert McCulley was unable to be present at the hearing because "he was shot and he has'nt got over that yet", and besides he was physically unable to come as well as financially unable to do so.

Charles Smith being recalled testified that No-nubbee or Tonubbee was Billy Frye's Indian name but that "he never made any use of it". It seems however, that all he knows relative to Billy Frye's Indian name is what he was told by a lawyer named Gooding.

It is evident from his testimony, however that he know Billy Frye

in Mississippi. The affiant is 84 years of age.

The records of this office (package 10 No.43), relative to the Billy Frye case are as follows:

No-ah-to-nubbee being five feet 6 1/4 inches high and about 36 years of age--

States that he is a full blood Choctaw and was at the date of the Treaty of Dancing Rabbit Creek, the head of a Choctaw family. He then had a wife and one unmarried child living with him under 10 years of age, to wit

1. Thompson

He then had an improvement a house and a field in LeFlore's District on which he and his family resided situated on the west side of Yalle-butshah, about a half a mile from the same, near the Robison road where he continued to reside for five years when he was driven off by Charlie Wilson who had bought the land, as he said. He then moved to Cobbs creek where he has resided ever since. He never went West but has always lived in the country ceded. He attended the annuity at Ben LeFlore's within six months of the ratification of the treaty to see Ward the agent and get his name and that of his child's put down for the five years stay under the 14th article of the treaty, but owing to the crowd and confusion he was unable to do so until he heard that Ward the agent would register no more names. He then returned home determined to remain upon his land. He received no other grant of land under any other article of the treaty and never within five years of the ratification of the treaty made any contract which he considers binding for the sale of any land scrips or other compensation which may be awarded by government to him.

Sworn to and subscribed before us)
at Hopahka, January 1843)

Ralph Graves,
John F. H. Claiborne

his
No-ah-to-nubbee x
mark

The deposition of Ta-hom-bee a full blood Choctaw man taken at Hopahka to be had as evidence in behalf of claim of No-ah-to-nubbee (or Billy Frye) Case 51. The said witness being first sworn deposes and says:

That he knew the claimant now present well at the date of treaty and lived within six miles from him; that he then had a wife and one child who is now absent with its mother on Big Black; that the child's name is Thompson and his mother's name is Neah-he-wah. She ran off from claimant about two years after the treaty and married another man. The child Thompson, could just walk about date of treaty. The claimant and family occupied a house and field entirely by himself, at that time his nearest neighbor was Peir Durant, who lived about

hundred and forty acres of land, and to his child Thompson under ten years of age one hundred and sixty acres of land, to be taken out of the lands in the States of Louisiana, Mississippi, Alabama and Arkansas subject to entry at private sale.

Recorded 28 June)
1943)

These applicants have unquestionably had plenty of time to prepare their case, and the record is not sufficient to identify them as descendants of Billy Frye; but in order that no injustice may be done the applicants, it is respectfully recommended that the commission be instructed to again notify Robert McGulley, and his attorney of record A. R. Person that they will be allowed 30 days from the receipt of notice in which to file affidavits or other properly authenticated papers relative to their claim to the right of identification; and that unless the papers are filed within said time the case will be passed upon by the Department upon the record transmitted herewith.

If the applicants are allowed 30 days additional time it is thought by the office that the case should not be passed upon by the Department until after the expiration of 30 days from the date the commission shall have notified the applicants as herein suggested.

There is also enclosed a communication received in this office from the principal applicant.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

C.A.W. (K)

M.C.R. 1564.

Mustoge, Indian Territory. April 1, 1903.

Robert McGulley.

Durant, Indian Territory.

Dear Sir:

The Secretary of the Interior, with his letter of March 25, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by you for the identification of yourself and minor children as Mississippi Choctaws; with instructions that in accordance with recommendation from the Acting Commissioner of Indian Affairs, you be granted an opportunity to introduce further testimony in support of your claim.

The record in your case shows that you claim Choctaw descent from your grandfather, Billy Frye, through your mother, Anna J. McGulley.

The Secretary of the Interior in his letter states:
"Reporting in the matter March 20, 1903, the Acting Commissioner of Indian Affairs furnished certain information taken from the records of the Indian Office relative to the Billy Frye who was a

R No 3

beneficiary under article fourteen of the treaty of September twenty-seventh, eighteen hundred and thirty."

The Secretary of the Interior further states: "You will advise them that the records of the government in the possession of the Indian Office relative to the Billy Frye who was a beneficiary under article fourteen of the treaty of September twenty-seventh, eighteen hundred and thirty, contain certain information showing his Indian name, height, age; also the names and numbers of those persons who composed his family and the names of his neighbors; that said records also show his various places of residence locating the same with reference to the counties wherein situated and showing that they were in the vicinity of certain streams and roads; and that for purposes of comparison it will be necessary for them to show as nearly as possible information of like character relative to the Billy Frye from whom descent is claimed."

You are hereby notified that in accordance with such instructions, the Commission to the Five Civilized Tribes will, at its office in Muskogee, Indian Territory, up to and inclusive of Friday, May 1, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered tending to show that yourself and children are direct lineal descendants of the Billy Frye who the record shows was a beneficiary under the fourteenth article of the Choctaw treaty of eighteen hundred and thirty.

R No 3

The Commission is averse to accepting 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 your witnesses are incapacitated from making personal appearance by reason 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 you.

Respectfully,

Commissioner in Charge.

Enc R & R Dep.

Register.

N.S.B. 1864.

Waukegan, Indian Territory, April 1, 1903.

A.N. Person,

Attorney at Law,

Denison, Texas.

Dear Sir:

The Secretary of the Interior, with his letter of March 25, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by Robert McGulley for the identification of himself and minor children as Mississippi Choctaws; with instructions that in accordance with recommendation from the Acting Commissioner of Indian Affairs, he be granted an opportunity to introduce further testimony in support of his claim.

The record in this case shows that Robert McGulley claims Choctaw descent from his grandfather, Billy Frye, through his mother, Anna J. McGulley.

The Secretary of the Interior in his letter states: "Reporting in the matter March 20, 1903, the Acting Commissioner of Indian Affairs furnished certain information taken from the records of the Indian Office relative to the Billy Frye who was a

A P P S

beneficiary under article fourteen of the treaty of September twenty-seventh, eighteen hundred and thirty.*

The Secretary of the Interior further states: "You will advise them that the records of the government in the possession of the Indian Office relative to the Billy Frye who was a beneficiary under article fourteen of the treaty of September twenty-seventh, eighteen hundred and thirty, contain certain information showing his Indian name, height, age; also the names and numbers of those persons who composed his family and the names of his neighbors; that said records also show his various places of residence locating the same with reference to the counties wherein situated and showing that they were in the vicinity of certain streams and roads; and that for purposes of comparison it will be necessary for them to show as nearly as possible information of like character relative to the Billy Frye from whom descent is claimed."

You are hereby notified that in accordance with such instructions, the Commission to the Five Civilized Tribes will, at its office in Muskogee, Indian Territory, up to and inclusive of Friday, May 1, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered tending to show that Robert McCulley and children are direct lineal descendants of the Billy Frye who the record shows was a beneficiary under the fourteenth article of the Choctaw treaty of eighteen hundred and thirty.

A H P 3

The Commission is averse to accepting 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 your witnesses are incapacitated from making personal appearance by reason 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 you.

Respectfully,

Commissioner in Charge.

Enc R & R Dep.

Register.

✓ M C R 1564
Choctaw 4528

Muskegee, Indian Territory, May 2, 1903.

Ada Tilly,

Boswell, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 29th
ultimo, in which you ask to be advised the status of the Mississip-
pi Choctaw case of Robert McCulley.

In reply you are informed that it appears from our re-
cords that Robert McCulley made application to this Commission for
the identification of himself and minor children as Mississippi
Choctaws. On July 18, 1902, the Commission rendered its decision
refusing said application. The record in this case is now in the
hands of the Secretary of the Interior. The applicants will be
duly notified of such action as may be taken by him.

It is not believed that Robert McCulley is at this time
in any manner entitled to possessory rights of the tribal property
of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 8, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

On December 11, 1902, the Commission returned to the Department the record in the Mississippi Choctaw case of Robert McCulley, et al., together with additional proceedings had since this case was resumed on September 2, 1902.

With departmental letter of March 25, 1903, (I T D 6365-1902, 5114-1903) the record in this case was again remanded in order that the applicants be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission, on April 1, 1903, notified Robert McCulley and his attorney that he would be allowed up to and inclusive of Friday, May 1, 1903, to introduce additional evidence in support of his application for the identification of himself and minor children as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

The thirty days heretofore allowed the principal appli-

cent in this case within which to submit additional evidence, expired May 1, 1903, and no appearance has been entered by or on behalf of the applicants and no additional testimony offered by them.

The record in the Mississippi Choctaw case of Robert McGulley, et al., together with copies of notices furnished the principal applicant, his attorney and the attorneys for the Choctaw and Chickasaw Nations, is therefore herewith transmitted.

Respectfully,

Chairman.

MoM 33

Through the Commissioner
of Indian Affairs.

M C R 1864

Muskogee, Indian Territory, July 7, 1903.

G. B. McCulley,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 4, 1903, in which you ask if Robert McCulley and family have a right to file on land in the Choctaw Nation. You also ask for a plat and the appraisement of the township in which Utica is situated, and if the 19th section in every township is reserved for school purposes.

In reply you are informed that it appears from our records that Robert McCulley made application to this Commission for the identification of himself and minor children as Mississippi Choctaws. The rights of these applicants to such identification has not been finally determined, the record in said case now being in the hands of the Secretary of the Interior. It is not believed, however, that said applicants are at this time in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

If you will remit twenty-five cents to H. Van V. Smith, Special Disbursing Agent, Commission to the Five Civilized Tribes, Muskogee, Indian Territory, you will receive a plat of the township

G R McO 2

in which Utica is located. There is no land reserved for school purposes except that which is specially provided for in the Choctaw-Chickasaw supplemental agreement.

Respectfully,

Commissioner in Charge.

N O R 1564

Muskogee, Indian Territory, July 22, 1903.

R. H. McCulley,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you ask if the record in your case has been sent to the Secretary of the Interior.

In reply you are informed that the record in your case was on May 5, 1903, transmitted to the Secretary of the Interior. The Commission has not up to the present time been advised of any departmental action taken thereon. As soon as it is informed of the decision of the Secretary you will be duly notified thereof.

Respectfully,

Commissioner in Charge.

COPY

Land
29888-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 17th, 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 5th, 1903, relative to the Mississippi Cheetaw case of Robert McCulley, et al. The Commission states therein that on December 11th, 1902, the Commission returned the record in this case to the Department together with additional proceedings had since the case was remanded on September 3rd, 1902; that with Departmental letter of March 25th, 1903 (I.T.D. 5365-1902--3114-1903) the record in this case was again furnished in order that the applicants be granted further opportunity to introduce additional evidence; that in accordance therewith the Commission on April 1st, 1903, notified Robert McCulley and his attorney that he would be allowed up to and inclusive of Friday, May 1st, 1903, to introduce additional evidence in support of his application for the identification of himself and minor children as Mississippi Cheetaws, and on the same date notice to the same effect was furnished to the attorneys

for the Choctaw and Chickasaw Nation. Thereafter, the said thirty days allowed within which to submit additional evidence expired May 1st, 1903, and that no appearance was entered by or on behalf of the applicants, and no additional testimony offered by them within that time.

The attention of the Department is invited to office letter dated March 20th, 1903, a copy of which is made a part of the record herein, in which the testimony that had theretofore been submitted in behalf of these applicants is reviewed, and the office states therein that--

"These applicants have unquestionably had plenty of time to prepare their case, and the record is not sufficient to identify them as descendants of Billy Frye, but in order that no injustice may be done the applicants, it is respectfully recommended that the Commission be instructed to again notify Robert McCulley and his attorney of record, A. R. Person, that they will be allowed thirty days from the receipt of notice in which to file evidence, or other properly authenticated papers, relative to their claim to the right of identification, and that unless the papers are filed within said time, the case will be decided by the Department upon the record transmitted herewith."

Said recommendation of the office was endorsed by the Department in its letter to the Commission dated May 25th, 1903, a copy of which is attached to the record herein, and it appears that the Commission has complied with the instructions of the Department as above set forth, and that the applicants failed to respond thereto or furnish any additional testimony in their behalf.

The office therefore considers that the decision of

3

the Commission herein refusing to identify these applicants 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, should be affirmed by the Department.

The record of the proceedings had in this case is transmitted herewith.

Very respectfully,

A. G. Tenner,
Acting Commissioner.

W. C. B. - L. G.

COPY

D.C. 25215
ITD. 6312, 3114-
1903.
5365-1902.
L.R.S.

WCF.
KAF.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, September 5, 1903.

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

Gentlemen:

May 5, 1903, you returned to the Department the record in the matter of the application for identification as Mississippi Choctaws, of Robert McCulley and his minor children, William, George, James, Ethel, Edward, Samuel, Jahnnie and Dewey McCulley.

It appears that the principal applicant, Robert McCulley, traces his Choctaw descent from his grandfather, Billy Frye, through his mother, Anna J. McCulley. The written application also includes the principal applicants wife, Tennessee McCulley, who claims descent from her mother, Susan Shaskan, who was the daughter of Abb Line and his wife, both of whom were Choctaw Indians.

On July 18, 1902, you rejected the application for the reason that it did not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, that the said Billy Frye, or an ancestor less remote, complied or attempted to comply with the provisions of article 14 of the treaty of

1830, or the subsequent acts of Congress relating thereto.

On September 3, 1902, the Department remanded the case to you with instructions that you give the applicants an opportunity to present evidence more clearly tracing his ancestry, submitting certain information furnished by the records of the Indian Office relative to a Billy Frye (who received scrip in lieu of land.)

December 11, 1902, you furnished a report relative to the additional proceedings in the case, and stated:

"There is nothing in the additional proceedings had in this case, tending to show that the applicants herein are direct descendants of Billy Frye, whose Indian name was He-a-te-nubbee, and who received scrip in lieu of land under the provisions of article 14, of the Choctaw treaty of 1830."

On March 25, 1903, the Department again remanded the case to you for further proceedings:

"It seems that certain testimony in the nature of affidavits and depositions relative to this case has not reached the Department owing to the fact that said papers were not prepared in accordance with your rules for taking testimony, as promulgated under date of November 4, 1901. Inasmuch as these applicants have been derelict in presenting their additional testimony because of some or peculiar hardships, the Department concludes that they should be allowed a reasonable extension of time in which to properly prepare their testimony and present the same to you."

and instructed you to inform the principal applicant and his attorney, that they would be allowed 30 days in which to furnish additional evidence in support of the application.

It appears that in accordance with said instructions you notified Robert McCulley and his attorney on April 1, 1903, that he would be allowed up to and inclusive of May

1903, in which to produce additional evidence in support of his application.

In your letter of May 8, 1903, you state that during the 30 days allowed the principal applicant, no appearance was entered by or on behalf of the applicants, and no additional testimony offered by them.

Reporting August 17, 1903, the Acting Commissioner of Indian Affairs recommends that your decision refusing the identity of these applicants as Mississippi Choctaw Indians be affirmed by the Department. Copy of his letter is inclosed.

The Department believes that the interests of the applicants have been duly protected, and concurs in the recommendation of the acting Commissioner. Your decision rejecting their applications is hereby affirmed.

Respectfully,

E.A. Hitchcock,

Secretary.

1 inclosure.

M.C.R. 1584.

COPY.

Muskogee, Indian Territory, September 21, 1903.

Robert McGulley,

Barant, Indian Territory.

Dear Sir:

You are hereby notified that on the 5th day of September, 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 Robert McGulley et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

James Dixie

Chairman.

H.C.R.1564.

COPY.

Muskogee, Indian Territory, September 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Cheetaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 8th day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Cheetaws of the several persons included in the case of Robert McCulley et al., of which decision you were advised by mail on the 18th day of July, 1903.

Respectfully,

Tama Bixby.

Chairman.

H.C.R.1554.

COPY.

Muskogee, Indian Territory, September 21, 1903.

A.B.Persen,

Attorney at Law

Denison, Texas.

Dear Sir:

You are hereby notified that on the 5th day of September, 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 Robert McCulley et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

(SIGNED)

Frederic Bixby.

Commissioner

COPY.

H.C.R.1564.

Muskogee, Indian Territory, September 21, 1903.

J.O.Pool,

Attorney at Law,
Beena, Texas.

Dear Sir:

You are hereby advised that on the 8th day of September, 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 Robert McCulley et al., of which decision you were advised by registered mail on the 10th day of July, 1903.

Respectfully,

(SIGNED)

James E. Dwyer
Chairman.

M.C.R.1564

Muskogee, Indian Territory, April 26, 1904.

R. H. McCulley,

Delight, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, in which you ask to be advised the status of your application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that on September 5, 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 children as Mississippi Choctaws, of which Departmental action you were duly notified on September 12, 1903.

The Commission now considers your case closed, and it is not believed that you and your children are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

M C R 1564

Muskogee, Indian Territory, May 6, 1907.

Robert McCulley,
Shover Springs, Arkansas.

Dear Sir:

Your letter of April 25, 1907, addressed to the Secretary of the Interior, has been referred to this office for reply. Therein you request to be advised the status of the application made by you for the identification of yourself and eight minor children as Mississippi Choctaws.

The records of this office show that the application for the identification of yourself and children has been refused by the Commission to the Five Civilized Tribes and the Secretary of the Interior. Therefore none of you are entitled to an allotment of land as Mississippi Choctaws.

You are further informed that the rolls of citizenship of the Five Civilized Tribes were closed March 4, 1907, and no further consideration will now be given your claim.

Respectfully,

Commissioner.

State of Tennessee,)

Hamilton County.)

J. N. McEntee
~~J. H. MESSICK~~, Clerk County

Court in and for said County, do hereby

CERTIFY, That Robert McCully

and Jennie Shahan

were married on

the First day of October 1876

by William R. Grimsley

as the same appears from

the records of my office.

Given under my hand and official seal, at Chattanooga, this

1st day of May 18 1904

J. N. McEntee

Clerk.

By E. J. Hillari

D. C.

15-64

SVA

Oct 2, 1902

1902

Acting C.

No. 1584

For Identification as a Mississippi Choctaw.

Date *Mich 28. 1901.*

Name *Robert M. Culley*

Age *44* Blood *1/8*

Post Office, *Wenonah, Texas,*
419 West Main St.

Father: *Adam M. Culley, d*

Mother: *Anna J. " d*

Claims through *Mother*

Wife

Tennessee Culley

Children:

- William* _____ *18*
 - George* _____ *16*
 - James* _____ *14*
 - Etrel* _____ *10*
 - Edward* _____ *9*
 - Samuel* _____ *7*
 - Johnnie* _____ *5*
 - Hervey* _____ *1*
- For list and
Children*

Stenographer:

Anna Bell

Choctaw MCR 1565

Martha L. Sorrels

See MCR 1058

MCR 1565

MISSISSIPPI
Martha L. Sorrels et al

REFUSED

DECISION RENDERED. JUL 12 1902

NOTICE OF DECISION FOR APPLICANTS:

JUL 12 1902

NOTICE OF DECISION & FORWARDED
ATTORNEY FOR APPLICANTS

NOTICE OF DECISION FOR EYES
FOR CHOCTAW AND CHICKSAW NATIONS

JUL 12 1902

RECORDED BY THE PRESIDENT

ACTION APPEAL FROM DECISION

OCT 3 1902

NOTICE OF DEPARTMENT ACTION
FOR

OCT 1 1902

NOTICE OF DEPARTMENT ACTION
FOR

NOTICE OF DEPARTMENT ACTION
FOR CHOCTAW
AND CHICKSAW NATIONS

OCT 15 1902

7/6/02 Address Stark, S.J.

REFER TO M. C. R. 1058

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, MARCH 28, 1901.

In the matter of the application for identification as
Mississippi Choctaws of Martha L. Sorrels and her minor children.
Martha L. Sorrels, having been first duly sworn, testifies as follows

Examination by the Commission.

- Q What is your name? A Martha L. Sorrels.
Q What is your age? A Thirty five.
Q What is your post office address? A Brown, Oklahoma.
Q Brown? A Yes sir.
Q How long have you lived at Brown? A Eight years.
Q Where did you live before you lived there? A In Chickasaw.
Q Chickasaw Nation? A Yes sir.
Q Indian Territory? A Yes sir.
Q How long did you live there? A About five years. We lived there six years.
Q Where were you born? A I was born in North Carolina.
Q What place in North Carolina? A Yadkinville.
Q When you left North Carolina where do you go, what state? A I went to Texas.
Q When did you go to Texas? A Well, I couldn't tell you; my father went when I was an infant.
Q How long did you live in Texas? About how long? A I don't believe I could tell you exactly, no sir.
Q Well, how long ago did you leave Texas? A Fourteen--
Q How long ago? A It's been fourteen years.
Q And when you left Texas where did you go? A Went to the Chickasaw Nation.
Q And how long did you live in the Chickasaw Nation? A About six years.
Q And when you left the Chickasaw you went to Oklahoma? A Yes sir.
Q And have been there ever since? A Yes sir.
Q What is your father's name? A Thomas McNeely.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mary.
Q Is she living? A No sir.
Q Through which one of these parents do you claim Choctaw blood?
A My father.
Q How much do you claim? A One eighth.
Q Did your father ever live in the Indian Territory? A Yes sir, he lives there now.
Q Was he ever recognized by the Choctaw tribal authorities as a Choctaw Indian? A Yes sir.
Q By any act of their council? A Why, he is just on the roll, I think.
Q On the roll where? A Here I guess; he come here.
Q Do you know he is? A Sir?
Q Do you know he is? A Yes sir.
Q What makes you think he is? A Why, he said he was on the roll.
Q He is enrolled as an Indian? A Yes sir.
Q And has all the rights and privileges of an Indian in the Indian

- Territory? A Why I don't think he has ever went through but he is on the roll.
- Q What do you mean by he has never went through? A Why, I don't know.
- Q He has been before the Dawes Commission, has he? A Yes sir.
- Q That is what you mean when you say he is on the roll? A Yes sir, he has made an application.
- Q He has made an application for identification as a Mississippi Choctaw? A Yes sir.
- Q When was he before the Commission? A In November I think.
- Q At Muskogee? A Yes sir.
- Q What is his name? A Thomas McNeely.
- Q Is his name on any of the tribal rolls of the Choctaw Nation? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities for enrollment as a citizen? A No sir.
- Q Were you ever 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 the Choctaw tribal authorities? A No sir.
- Q Did you ever make application to the Dawes Commission for citizenship or enrollment as a Choctaw under the action of Congress of June 10, 1896? A No sir.
- Q Is this the first application that you have ever made either for citizenship or enrollment to any authority whatever? A Yes sir.
- Q Do you now seek to be identified as a Mississippi Choctaw? A Sir?
- Q Do you now seek to be identified as a Mississippi Choctaw? A Yes sir.
- Q Under what treaty or treaties are you making this application? A 1835; 1830.
- Q 1830? A Yes sir.
- Q Do you claim under the whole treaty of 1830 or only under a part of it? (No answer)
- Q Did you ever read the treaty of 1830? A No sir.
- Q Did you have it explained to you ever? A No sir.
- Q Do you know whether you claim under all of the treaty of 1830, or only under a certain article of that treaty? A I don't know; don't understand.
- Q What is the name of your ancestor who lived in Mississippi in 1830, your kin, I mean, the one that you claim through? A Why, Watson was my great grandmother's name.
- Q Watson? A Yes sir.
- Q W-a-t-s-o-n? A Yes sir.
- Q What was the first name? A I don't know.
- Q You don't know the full name? A No sir.
- Q That was the great grandmother -- yes sir-- on your father's side? A Yes sir.
- Q You claim through her? A Yes sir.
- Q Was she an Indian? A I have been told she was a full blood, I never seen her, of course.
- Q Did she ever live in Mississippi in 1830? A Yes sir.
- Q Have you any documentary proof that she was a full blood Indian? A No sir, only what I have been told.
- Q In the family? A Just what I have been taught by my father.
- Q Do you know whether she, within six months after the ratification of the treaty of 1830, told the United States Indian Agent then living in Mississippi that she intended to remain in Mississippi, and take land there and become a citizen of the United States? A No sir.
- Q Do you know whether she ever did become a citizen of the state of Mississippi under article fourteen of the treaty of 1830? A I don't know.

- Q Was she a beneficiary under article fourteen of that treaty?
A I don't know.
- Q Did she ever comply with any of the provisions of article fourteen of that treaty? A Don't know.
- Q Did she ever claim or receive any land in Mississippi under article fourteen of that treaty? A I don't know whether she did or not.
- Q Do you know whether she was on Ward's register which was made in Mississippi? A No sir.
- Q Do you know whether she was on Murray & Vroom's registry list which was made up of claimants under the fourteenth article of the treaty of 1830, under an act of Congress passed in 1837? A No sir.
- Q You don't understand about the treaties, do you? A No sir.
- Q Have you ever received any benefits in Indian Territory as a Choctaw Indian? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Edward T. Sorrels.
- Q Edward T. Sorrels? A Yes sir.
- Q Do you make any claim for him? A Well, I don't know, sir. He has no blood
- Q Well, what do you think about it? Do you want me to explain this to you, the law part of it? A I would have to have it explained if I knew it, because I don't know it.
- Q Well, the Commission is of the opinion that under the law which gives you a right to come here to be identified as a Mississippi Choctaw, there is no provision for the identification of any person who has no Indian blood; that is, you claim as a descendant of a Mississippi Choctaw; a part of section twenty one of the Curtis Bill is the only law there is which gives you a right to come here to be identified, and it gives you a right because you claim to have the blood of a Mississippi Choctaw ancestor, but your husband has not; therefore, the Commission has taken the position that that being the only law for the identification of the descendants of Mississippi Choctaw ancestors, there is no authority there vested or anywhere else, for the identification of any body else, other than those who claim to be lineally descended and legally descended from Mississippi Choctaw ancestors. Now with this explanation the Commission always takes whatever application are offered, if you still wish to present the name of your husband, I will take it? A No.
- Q Have you children that you wish to make application for? A Yes sir.
- Q What is the name of the oldest? A Charles H. Sorrels.
- Q How old is he? A Nineteen years old.
- Q What is the name of the next child? A John T. Sorrels.
- Q How old is he? A He is seventeen.
- Q And the next? A Mary E.
- Q How old? A Fourteen.
- Q Next? A Gillie P.
- Q G-i-l-l-i-e? A Yes sir.
- Q How old? A Eleven.
- Q Next? A Edna E.
- Q How old? A Nine.
- Q Next? A Thomas F.
- Q How old is Thomas? A Six.
- Q Next? A Laura.
- Q How old is Laura? A Three.
- Q Any others? A No sir, none living.
- Q Is Edward T. Sorrels the father of these children? A Yes sir.
- Q And you are their mother? A Yes sir.
- Q Are you and your husband living together as husband and wife?
A Yes sir.

Martha L. Sorrels 4

- Q Are these children all living with you at his home? A Yes sir.
Q Have you any documentary evidence that you want to offer now in support of your application? A No sir.

Twenty days' time is allowed the applicant in which to file such documentary evidence as she may desire in support of her application.

- Q Is there anything more that you want to say in support of your application? A Why, I don't know.

The decision of the Commission in regard to this application for identification as Mississippi Choctaws which you make for yourself and 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 reported in full all proceedings had in the above entitled cause on March 28, 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 4 day of April, 1901.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R. 1568.

Muskogee, Indian Territory, July 12, 1902.

Martha L. Sorrels,
Brown, Oklahoma 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 Choctaw:

Thomas McNeely et al.,	M.C.R. 1058
Martha L. Sorrels et al.,	M.C.R. 1568
James McNeely et al.,	M.C.R. 1089
William L. McNeely,	M.C.R. 1060
George W. McNeely,	M.C.R. 1059
Laura Paris et al.,	M.C.R. 1062
Joseph B. 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 25, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have the authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and 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 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 W. McNeely, Bessie 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.

Miss. Choc. 1869

Muskogee, Indian Territory, July 16, 1902.

Martha L. Serrule,
Hart, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you ask what has been done about your application, filed March 19, 1901, as a Mississippi Choctaw, if you are on the roll and if you can go before the Commission and enroll your baby and whether you have any right to the Government school and to select land in the Choctaw and Chickasaw territory. You state that your great-grandmother's name was Watson and that she was a full blood Choctaw Indian.

In reply you are informed that your name appears upon our records as an applicant for the identification of yourself and three children, Charles H., John T., Mary E., Gillie F., Nina E., Thomas F. and Laura Serrule, as Mississippi Choctaws. Your name was consolidated and considered with the applications for identification as Mississippi Choctaws of Thomas McNeely and certain other persons claiming descent from the same common ancestor, Nellie Watson. The Commission on July 12, 1902, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas McNeely,

Martin L. ...

of the, and on the ...
your attention, of such ...
notified in due time of such ...

The notice to you of the refusal of your application for the identification of yourself and your children as Mississippi Chapter was addressed to you at Brown, Oklahoma Territory, the post office given by you at the time you made your application. A record has been made of the change of your post office address to Hart, Indian Territory.

Yours truly,

Commissioner in charge.

Substitute

COPY.

M. C. R. 1865.

Muskogee, Indian Territory, October 15, 1902.

Martha L. Sorrels,

Brown, Oklahoma 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 McKeely, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

I. B. Needles,

Commissioner in Charge.

Miss. Choctaw 11565

Wahhagee, Indian Territory, October 18, 1902.

Martha L. Serrals,

Hart, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 12, asking for a blank for proof of birth of your baby and wishing to be informed where to send the blank when executed.

In reply to your letter you are advised that the Commission having rendered its decision, July 12, 1902, refusing your application, and the Secretary of the Interior having affirmed the decision of the Commission, October 3, 1902, notice of which was sent you October 15, 1902, the Commission considers this case closed. Your application for identification as a Mississippi Choctaw having been refused, this child, having its claim based only on such rights as you might have as a Mississippi Choctaw, would not be entitled to identification as a Mississippi Choctaw.

Respectfully,

Acting Chairman.

No. 1565

For Identification as a Mississippi Choctaw.

Date Mich 28. 1901

Name Martha L. Sorrels.

Age 35 - Blood 1/8,

Post Office. Brown, Okla.,

Father: Thomas McKeely, d

Mother: Mary " d

Claims through father

Edward T. Sorrels.

Children:

Charles H. Sorrels - 19

John T. " 17

Mary E. " 14

Millie P. " 11

Edna E. " 9

Henry F. " 6

William " 3

Choctaw MCR 1566

Frank L. McMennamy

See MCR 1020

MCR 1566

FOR IDENTIFICATION
A MISSISSIPPI CHOCTAW

Frank S. McManamy - et al

REFUSED.

DECISION RENDERED.

NO. OF DECISION (SEE APPLICANT)

JUN 7 1902

NO. OF DECISION AWARDED
FORNEY FOR APPLICANTS

NO. OF DECISION AWARDED FORNEY FOR APPLICANTS

NO. OF DECISION AWARDED DEPARTMENT

NO. OF DECISION AWARDED DEPARTMENT OF INTERIOR

NO. OF DECISION AWARDED APPLICANT

OCT 17 1902

NO. OF DECISION AWARDED APPLICANT

NO. OF DEPARTMENTAL ACTION
FORNEY ATTORNEYS FOR CHOCTAW
AND MISSISSIPPI CHOCTAW

U. S. D. 1020

DEPARTMENT OF THE INTERIOR
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, MARCH 29, 1901.

In the matter of the application for identification as Mississippi Choctaws of Frank McMennamy and his minor children. Frank L. McMennamy, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Frank L. McMennamy.
 Q What is your age? A Thirty years old.
 Q What is your post office address? A Colbert.
 Q Indian Territory? A Yes sir.
 Q How long have you lived at Colbert? A I have been over there since about the twelfth of January I believe, as well as I remember.
 Q Of this year? A Yes sir.
 Q Where did you live before you lived in Colbert? A In Texas.
 Q How long did you live in Texas? A Lived there all my life.
 Q Born in Texas? A Yes sir, born and raised there and never lived out of the state until that time.
 Q What is your father's name? A Frank McMennamy.
 Q Is he living? A Yes sir.
 Q What is your mother's name? A McMennamy; Laura McMennamy.
 Q Is she living? A Yes sir.
 Q Through which one of these parents do you claim Choctaw blood?
 A My father.
 Q How much do you claim? A I suppose a sixteenth I would be.
 Q Did your father ever live in the Indian Territory? A Yes sir, he lives at Colbert.
 Q How long has he lived in Indian Territory? A He has just been over there this year, I could not tell you when he did move over there, about the first of the year I believe.
 Q Is his name on any of the tribal rolls of the Choctaw Nation?
 A Yes sir, he applied here at Muskogee, I think last fall, I was not down there last fall, I could not say.
 Q He made application at Muskogee? A Yes sir.
 Q To the Dawes Commission? A Yes sir.
 Q For identification as a Mississippi Choctaw? A Yes sir.
 Q That is what you mean when I ask you the question if he was on the tribal roll? A Yes sir, I meant he applied before the Dawes Commission.
 Q Have you ever made application for enrollment or citizenship in the Choctaw Nation to the Choctaw tribal authorities? 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, I don't think I have.
 Q Have you ever made application for enrollment or citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
 Q Is this the first application you have ever made either for citizenship or enrollment in the Choctaw Nation to any authority?
 A Yes sir.
 Q You now seek to be identified as a Mississippi Choctaw? A Yes sir.
 Q Under what treaty or treaties do you make this application?
 A Well, sir, I could not tell you; I don't know anything about the treaties.

- Q Did you ever hear of the treaty of 1830? A If I have, I don't remember it.
- Q Do you know whether you claim under the treaty of 1830 in making this application? A I suppose I do.
- Q Do you claim under the whole treaty of 1830? A Well, I guess I will, yes sir.
- Q Did you ever hear of article fourteen of the treaty of 1830? A I have heard it spoken of, but I don't know anything about it; never did get any understanding of it.
- Q Do you know whether you claim any rights under that article? A I guess I would; I guess that would be the article.
- Q What is the name of your ancestor who lived in Mississippi in 1830? A Ward.
- Q What is the full name? A Andrew Ward.
- Q Was he full blood Choctaw Indian? A Yes sir.
- Q Have you any documentary proof that he was? A Nothing only what I have been told by my parents and other ones is all I know.
- Q Did he take advantage of the provisions of article fourteen of the treaty of 1830? A I was told that he did.
- Q By whom were you told that he did? A Well, I have heard my father speak about is all I know about it.
- Q Was he a beneficiary under article fourteen of the treaty of 1830? A How is that?
- Q Was he a beneficiary under article fourteen of the treaty of 1830? Did he receive any benefits under that article that you know of? A No sir, none that I know of.
- Q Did he ever claim or receive any land in Mississippi as a beneficiary under article fourteen of the treaty? A If he did I never heard of it.
- Q Did he, within six months after the ratification of that treaty, tell the United States Indian Agent, Colonel Ward, living in Mississippi, that he intended to stay there and take land and become a citizen of that state? A I could not tell, I never heard it spoken of; never heard it spoken about either way.
- Q You say his name was Andrew Ward? A Yes sir.
- Q Do you know whether his name appeared upon Ward's register? A No sir, I don't.
- Q Do you know whether his name appears upon the register made by the Commission acting under the law of 1837 or 1842? A I have been told that it did.
- Q Do you know which list it appeared on, that made under the law of 1837 or the law of 1842? A No sir, I don't.
- Q Can you give the Commission any other facts in reference to what you have been told as to his being a claimant? A Well, no sir, I don't know as I can, I have been told and taught all my life that I was related to the Wards and that the Ward's were Indians, and that is all I know about it.
- Q Did he remove from Mississippi to the Indian Territory in 1833 to 1837 with the other Indians? A I have been told that he did, yes sir.
- Q And came to the Indian Territory? A Yes sir.
- Q Have you any documentary proof of that? A Nothing only-- you mean--
- Q Anything in writing? A I have got some affidavits, I don't know whether they certify that or not, I could not tell you.
- Q Have you them with you? A Yes sir.

The application of Frank L. McMennany presented by applicant, received, marked Exhibit "A", filed and made a part of the record in this case; affidavit of C. M. Whittle presented by application, received, marked Exhibit "B", filed and made a part of the record of this case.

Frank L. McMenamy 3

- Q Have you any other documentary evidence that you want to submit and make a part of your application? A Well, that is all I have.
- Q You have this affidavit of Jeremiah McMenamy? A Yes sir, it is there.
- Q And Sarah Jones? A Yes sir.
- Q And W. L. Martin? A Yes sir.
- Q These are defective; they are not signed by the parties or attested by a Notary public, and I would advise you to send them to the parties and have them properly executed and then presented them to the Commission.

The Commission grants you thirty days from the date hereof in which to file other documentary evidence necessary in support of your application.

- Q Are you married? A Yes sir.
- Q What is your wife's name? A Lousetta McMenamy.
- Q Do you make any claim for her? A Well, I could not tell you, I don't know about that; of course if there is any thing--- her name don't appear on this but I don't know --
- Q You don't claim anything by blood? A No sir, she has no blood, none whatever.
- Q You don't claim for her then, do you? A No sir, I don't.
- Q Have you children under twenty one years of age and unmarried that you would like to make application for? A Yes sir, I have three children.
- Q What is the name of the oldest? A Florence.
- Q How old is Florence? A Five years old.
- Q Next? A Weaver.
- Q How do you spell that? A W-e-a-v-e-r-
- Q How old? A He is three years old.
- Q Next? A Rayallie.
- Q All one name? A Yes sir that is just her name.
- Q How old? A She is one year old.
- Q Is Lousetta McMenamy the mother of these children? A Yes sir.
- Q You are the father? A Yes sir.
- Q Are you and she living together as husband and wife? A Yes sir.
- Q Are the children all living with you at your home? A Yes sir.
- Q They claim through you? A Yes sir.
- Q Have you your marriage license that you would like to submit in support of your application? A Yes sir.

Marriage license between F. L. McMenamy and Mrs. Lousetta Fields presented by applicant, received, filed, marked Exhibit "G", filed and made a part of the record in this case.

- Q Is there anything further that you would like to state in support of your application that you can think of? A No sir, nothing that I can think of I reckon.

The decision of the Commission in regard to this application for identification as Mississippi Choctaws which you make for yourself and these three 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 reported in full all proceedings had in the above entitled cause on March 29, 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 4 day of April, 1901.

Anna Bell
Charles H. Sawyer Notary Public

Muskogee, Indian Territory, April 23, 1901.

Mr. Frank J. McMennary,

Colbert, Indian Territory,

Dear Sir:

The Commission is in receipt of the affidavits of Jeremiah McMennary, Sarah Jones and W. L. Martin, which you offer for filing in support of your application for the identification of yourself and children as Mississippi Choctaws. These papers have been duly filed with the record in this case.

Yours truly,

MC 1566

Acting Chairman.

COPY.

M.C.R. 1566.

Muskogee, Indian Territory June 21, 1902.

Frank L. McKennamy,

Colbert, Indian Territory.

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 Frank McKennamy, et al., embracing the following applications for identification as Mississippi Choctaws:

Frank McKennamy, et al.,	M.C.R.	1020
Frank L. McKennamy, et al.,	M.C.R.	1566
John McKennamy,	M.C.R.	951
Henry McKennamy, et al.,	M.C.R.	1019
Kentie Harmon, et al.,	M.C.R.	1021
Allie Harmon, et al.,	M.C.R.	1312
Mattie Parker, et al.,	M.C.R.	947
George Stephens,	M.C.R.	953
Marshal Leonard,	M.C.R.	949
Isaac Leonard,	M.C.R.	950
George McKennamy (McKennamy)	M.C.R.	942
John D. McKennamy, et al.,	M.C.R.	1022
Josephine Stephens, et al.,	M.C.R.	943
James McKennamy,	M.C.R.	945.

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."

F. L. N. #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 Frank McMennamy, James Melvin McMennamy, Nora McMennamy, Beulah McMennamy, Mack McMennamy, Frank L. McMennamy, Florence McMennamy, Weaver McMennamy, Rayallie McMennamy, John McMennamy, Henry McMennamy, Nettie McMennamy, Artie McMennamy, Montie Harmon, Earnest Harmon, Allie Harmon, Ola Harmon, Mattie Parker, Myrtle Fleet, Willie Fleet, George Stephens, Marshal Leonard, Isaac Leonard, George McMennamy (McMennamy), John D. McMennamy, Oscar Ray McMennamy, Una May McMennamy, Dorris G. McMennamy, Thomas Dowell McMennamy, Tressie McMennamy, Orval McMennamy, Carl McMennamy, Josephine Stephens, Joanna Stephens, Luther Stephens, Dellar Stephens, Pleasant Stephens, Ethel Stephens and James McMennamy, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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,

T. D. Woodlee

Registered.

Commissioner in Charge.

COPY

M. C. R. 72566.

Muskegee, Indian Territory, October 17, 1902.

Frank L. McMennamy,
Colbert, Indian Territory.

Dear Sir:

You are hereby advised that on the 9th 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 Frank McMennamy, et al., of which decision you were advised by registered mail on the 21st day of June, 1902.

Respectfully,

SIGNED,

Tamm D. King

Acting Chairman.

No. 1

For Identification as a Mississippi Choctaw.

Date Mich 29-1901

Name ~~W~~ Frank L. McMennamy

Age 30 - Blood 1/16

Post Office, Colbert, I.T.

Father: Frank, M. McMennamy, I

Mother: Laura " I

Claims through father's
wife

Sonetta M. McMennamy.

Children:

- Florence - 5
- Wesley - 3
- Royallie - 1

For self and
children

Stenographer

Annie Bell

Choctaw MCR 1567

Tempy Hoff

See MCR 1220

MCR 1567

IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

1067

Timpy Hoff

REFUSED

DECISION RENDERED JUL 21 1902

NOTICE OF DECISION RENDERED
FOR THE CHOCTAW NATIONS.

JUL 21 1902

NOTICE OF DECISION RENDERED
FOR THE CHOCTAW NATIONS.

NOTICE OF DECISION RENDERED
FOR THE CHOCTAW NATIONS.

RECORD FORWARDED DEPARTMENT.

JUL 21 1902

ACTION APPROVED BY THE
DEPARTMENT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

OCT 14 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

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

RECORDED

1220

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, MARCH 30, 1901.

In the matter of the application of Tempy Hoff for identification as a Mississippi Choctaw. Tempy Hoff, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A My name is Hoff.
 Q The full name? A Tempy Hoff.
 Q How do you spell that, H-o-f-f? A H-o-f-f.
 Q What is your age? A Fifty two, I believe, sixty.
 Q What is your post office address? A It is Bettina, Oklahoma.
 Q Oklahoma, is it? A Yes sir, Oklahoma.
 Q How long have you lived at Bettina? A Bettina six years.
 Q Where did you live before you lived there? A I lived in Cook County
 Q What state? A Well, it is in Texas.
 Q Where were you born? A Where was I born? You say where was I born?
 Q That is what I said. A In Mississippi.
 Q Where in Mississippi? A Well, I don't know that.
 Q When did you leave Mississippi? A I don't recollect that, either.
 Q How long have you lived in Texas? A Well, I just don't recollect that neither.
 Q How long have you lived in Oklahoma? A Oklahoma, it is six years.
 Q Did you go from Texas to Oklahoma? A Yes sir, I went from Texas to Oklahoma.
 Q And from Mississippi to Texas? A Yes sir.
 Q What is your father's name? A My father's name was Hiran Stanford.
 Q Is he living? A No sir, he is dead.
 Q What is your mother's name? A Her name was Elizabeth.
 Q Is she living? A No sir.
 Q Through which one of these parents do you claim Choctaw blood?
 A From my mother's side.
 Q How much Choctaw blood do you claim? A Four fourths I reckon.
 Q Four fourths? A I don't know.
 Q Are you a full blood? Choctaw? A No sir, I haint.
 Q Four fourths would be full blood. Now you guess again. How much do you think you have? (No answer)
 Q How much did your mother have? A Well, I just can't tell you.
 Q Now your mother had, how much, did she have half or a quarter or an eighth? A A quarter I reckon.
 Q You think a quarter? A Yes sir.
 Q Now how much do you claim if your mother had a quarter?
 A Well, I never did study such as that.
 Q Well, you claim how much now? A A fifth I reckon wouldn't it be.
 Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A I don't know what you mean.
 Q You never made application to the Choctaw tribal authorities, did you? A No sir.
 Q Did you ever make application to the Dawes Commission for enrollment or citizenship? A To the Dawes Commission?
 Q Just listen to what I say; you have heard of the Dawes Commission haven't you? A Yes sir.
 Q Did you ever make application to them for enrollment or citizenship?

A I never.

Q You never were admitted to citizenship in the Choctaw Nation by the judgment of a court were you? That you know of? A No sir.

Q This is the first application of any kind that you have ever made, isn't it? A Yes, I reckon so.

Q You now want to be identified as a Mississippi Choctaw? A Yes.

Q Now under what treaty are you making this application? (No answer)

Q Do you know anything about the treaties? A I don't know as I do.

Q Did you ever hear of the treaty of 1830? (No answer)

Q Did you ever hear of the treaty of 1830? A I don't know whether I ever did or not.

Q Did you ever hear of article fourteen of the treaty of 1830?

A Of what?

Q Of article fourteen of the treaty of 1830, did you ever hear of that? A I don't know whether I did or not.

Q What is the name of your ancestor who lived in Mississippi in 1830?

A The name of what?

Q What is the name of your kin, I meant to say, your grandfather or grandmother, whoever it is, who lived in Mississippi in 1830?

A (No answer)

Q You claim through your mother don't you? A Yes sir.

Q What was her name? A Rissie Payne.

Q That is your grandmother is it? I asked your mother's name, but no matter, you have given me the name of your grandmother, Rissie Payne. Now did she live in Mississippi? A That is what I heard.

Q Did she live there in 1830? A That is what I heard.

Q Can you read or write? A No sir.

Q Do you know how long ago 1830 would be? A No sir.

Q What year is it now, 1900? A I can't tell you.

Q Did your grandmother comply with the provisions of article fourteen of the treaty of 1830? (No answer)

Q Do you know? A I don't know.

Q Did she, within six months after the ratification of the treaty of 1830, tell the United States Indian Agent living in Mississippi that she intended to stay in Mississippi and take land there and become a citizen of that state, do you know? A No sir.

Q Was she a beneficiary under article fourteen of the treaty of 1830, do you know? A I don't understand what you said.

Attorney L. D. Horton, to applicant: Tell him you don't know

A Well, I don't know.

Q Did she comply in any manner with the provisions of article fourteen of the treaty of 1830? A I don't know.

Q Did she claim or receive any land from the United States Government? A (No sir)

Q You can understand that, can't you? Did she receive any land or claim any land in Mississippi from the United States Government? Did she? A My grandmother?

Q I am talking about your grandmother all the time.

Attorney Horton: She claims through her grandfather.

A It is her grandfather.

Q Well why didn't you tell me so? A Why didn't you ask me?

Q What is your grandfather's name? A What is my grandfather's name?

Q You heard the question? A My grandfather's name was Philip Payne.

Q Now who do you claim to be a Choctaw through, your grandfather or your grandmother? A Well, it is my grandfather that I claim to be a Choctaw through and it is on my mother's side.

Q You claim through your grandfather now do you? A Yes sir.

Q Well, did he live in Mississippi in 1830? A I don't know.

Q Did he comply with the provisions of article fourteen of the treaty of 1830? Answer some time today. A Did he what?

- A Did he what?
- Q Did he comply with the conditions of article fourteen of the treaty of 1830? A I don't know.
- Q Was he a beneficiary under article fourteen of the treaty of 1830? A I don't know.
- Q Do you know anything about article fourteen of the treaty of 1830? A (No answer)
- Q Did he ever claim or receive any land in Mississippi under article fourteen of the treaty of 1830? A I don't know.
- Q Did you ever receive any land as a beneficiary under article fourteen of the treaty of 1830? A Did I ever receive any?
- Q Are you married? A Which?
- Q Are you married? A Married? Is that what you said?
- Q Well, I thought I said so. A Well, yes, I am married.
- Q Well, what is your husband's name? A Why, his name is Hoff.
- Q What is his first name? A Cosley Hoff.
- Q What is that? (No answer) Attorney Horton says C-o-s-l-e-y.
- Q When and where were you married to him? A Married to him in Texas.
- Q Where? A In Texas.
- Q Whereabouts in Texas? A Collin County.
- Q What day of the month and year? A I couldn't tell you what day of the month and year for I don't recollect.
- Q What is he, a white man or an Indian? A Well, I should suppose he was a white man.
- Q Do you know? A Yes sir.
- Q Well, I don't want you to tell what you suppose; tell what you know, if you know anything. Have you any children that you want to make application for under twenty one and unmarried? A I aint got but one child.

Mr. Horton: She has no children unmarried.

- Q Making application for yourself alone? A I brought her along to make application for herself.
- Q Have you any documentary evidence you want to make a part of your application.

Mr. Horton: I will ask leave to file her application at the present time and I believe if you give us fifteen days to get up our other proof, I didn't have time.

The application of Tempy Hoff presented by applicant, received, marked Exhibit "A", filed and made a part of the record in this case.

- Q Is there anything further you want to say? A Sir?
- Q Is there anything further you want to say? A You say is there anything further I want to say?
- Q Yes; do you want to make any more statements in regard to your case
- A (No answer)

Attorney says, no more.

Fifteen days time is allowed from the date hereof for the applicant to file such documentary evidence as she may desire in support of her application.

Tempy Hoff 4

Mary Hackler, having been called and sworn as a witness, testifies as follows on behalf of the applicant:

Examination by L. D. Horton.

- Q State your name? A Mary Hackler.
Q How old are you? A Sixty seven past.
Q Where do you live? A Durant.
Q Are you acquainted with Mrs. Tempy Hoff? A Yes sir.
Q Who is she? A She is my sister.

Witness exoused.

To applicant: 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 March 30, 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 5 day of April, 1901.

Charles H. Sawyer
Notary Public.

Muskogee, Indian Territory, April 11, 1901.

Mr. L. D. Horton,

Durant, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of April 8, inclosing affidavits to be filed in support of the applications of Tempy Hoff and Vina Cox for identification as Mississippi Choctaws. The applications have been duly filed and made a part of the records in these cases.

Yours truly,

Acting Chairman.

MC 1567
MC 1568

COPY.

M C R 1567

Muskogee, Indian Territory, July 21, 1902.

Tempy Hoff,

Bettina, Oklahoma.

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
Harriet Jane McBea, 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 Milam, et al.,	" 2704
Mollie Reynolds, et al.,	" 2706
Bertie Day, et al.,	" 3199
Albert Sidney Hackler, et al.,	" 3366
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 C. Stanford, Mary Hackler, Harriet Jane McBees, John M. McBees, Paul McBees, Ruth McBees, Effie McBees, John Stanford, Mary Blue, James Alfred Blue, Minnie Behlah 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, Kula May Stanford, Leola Stanford, Thomas A. Stanford, Jesse Stanford, Mary Elizabeth Stanford, Willie V. Stanford, Elizabeth C. 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, 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 Préal 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."

T 2 98

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. Neel

Commissioner in Charge.

Registered.

M. C. R. 1567.

Muskogee, Indian Territory, October 14, 1902.

Tempy Hoff,

Bettina, Oklahoma 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,

F. E. Needles
Commissioner in Charge.

M.C.R. 1567

Muskogee, Indian Territory, November 14, 1906.

Tempy Hoff,

Bettina, Oklahoma.

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,

Tams Bixby.

Commissioner.

No. 1567

For Identification as a Mississippi Choctaw.

Date *Mich 30, 1901*
Name *Tempy Hoff*
Age ~~54~~ *60* Blood *1/5*
Post Office, *Bettina, Okla*
Father: *Xiram Stanford, d*
Mother: *Elizabeth " d*
Claims through *Mother -*
Husband -
Casley Hoff. -

~~Address~~

*Claims for self
alone -*

Stenographer

Anna Bell.

Choctaw MCR 1568

Vina Cox

See MCR 1220

MCR 1568

MISSISSIPPI CHOCTAW, R. 13

Vina Cox et al

DECISION RENDERED JUL 21 1902

NO. 1000 DECISION MADE BY COURT

JUL 21 1902

NO. 1000 DECISION RENDERED BY COURT

FOR THE COURT AND CHIEF JUSTICE

JUL 21 1902

RECORD FORWARDED DEPT.

ACTION BY COURT

JUL 21 1902

NO. 1000 DECISION MADE BY COURT

JUL 21 1902

FOR THE COURT AND CHIEF JUSTICE

NO. 1000 DECISION MADE BY COURT
FOR THE COURT AND CHIEF JUSTICE
AND CHIEF JUSTICE

REFER TO M. C. R. 1220

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, MARCH 30, 1901.

In the matter of the application for identification as Mississippi Choctaws of Vina Cox and her minor children. Vina Cox, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your full name? A Vina Cox.
 Q V-i-n-e-y? A V-i-n-a
 Q C-e-x? A Yes sir.
 Q What is your age? A About thirty years old.
 Q What is your post office address? A Bettina, Oklahoma.
 Q How long have you lived there? A Six years this spring.
 Q Where did you live before you went there? A Cook County, Texas.
 Q How long did you live in Texas? A Let me see; I guess about eight-
 teen or twenty years, I don't know exactly.
 Q And before you lived in Texas where did you live? A Well, I always
 lived there in Texas.
 Q Were you born in Texas? A Yes sir.
 Q Where were you born in Texas? A Collin County.
 Q What is your father's name? A Cosley Hoff.
 Q C-o-s-l-e-y? A Yes sir.
 Q Is he living? A Yes sir.
 Q What is your mother's name? A Tempy Hoff.
 Q Living? A Yes sir.
 Q Through which one of these parents do you claim Choctaw blood?
 A My mother's side.
 Q How much Choctaw blood do you claim? A I don't know, I reckon I
 am about one eighth.
 Q Did you ever make application for citizenship in the Choctaw Nation?
 A No sir.
 Q Did you ever make application for enrollment as a citizen to the
 Choctaw Nation? A No sir.
 Q Did you ever make application for citizenship in the Choctaw Nation
 to the Dawes Commission, acting under the act of Congress of June
 10, 1896? A No sir.
 Q Did you ever make application for citizenship or enrollment in the
 Choctaw Nation to any authority before this time? A No sir, never
 did.
 Q This is the first application that you have ever made, is it?
 A Yes sir.
 Q Under what treaty or treaties are you making this application?
 A I don't know anything about the treaties.
 Q Did you ever hear of the treaty of 1830? A I knew there was a
 treaty but that is all. I knew; didn't know what it was, never
 read it.
 Q Did you understand that treaty to be between the Choctaw Nation
 and the Government of the United States? A Yes sir.
 Q Did you ever hear of article fourteen of that treaty? A Ever hear
 what?
 Q Ever hear of article fourteen of the treaty of 1830? A No sir,
 don't know what it is.
 Q What is the name of your ancestor who lived in Mississippi in 1830

- through whom you claim the right to be identified? A Philip Payne
- Q That is your great grandfather? A Yes sir.
- Q Did he live in Mississippi in 1830? A I suppose he did; they say he did, I was not there but I have been taught.
- Q Do you know whether, within six months after the ratification of that treaty he told, Colonel Ward, the Indian Agent in Mississippi that he intended to remain in Mississippi, take land there and become a citizen of the United States? A I don't know.
- Q Do you know whether he complied with the provisions of article fourteen of the treaty of 1830? A No sir.
- Q Do you understand what I mean when I say complied with the provisions? A Yes sir.
- Q Do you know whether he was a beneficiary under article fourteen of the treaty of 1830? That is, did he receive any benefits in the way of land or money? A I don't know.
- Q Did he ever receive or claim any land in Mississippi from the United States Government under that article? A I don't know.
- Q You never heard that he did, did you? A No, not that I remember of
- Q Do you claim under the whole treaty of 1830 or just article fourteen of that treaty? A I don't know; just claim to be a Choctaw; that is all I know.
- Q Are you married? A Yes sir, have been.
- Q What was your husband's name? A Joseph Cox.
- Q Is he living? A No sir, he is dead.
- Q Have you any children that you want to make application for? A I have two.
- Q What is the name of the oldest? A Andrew Cox.
- Q How old is Andrew? A He is seven years old.
- Q What is the name of the other? A Ester.
- Q E-s-t-e-r? A Yes, that is right.
- Q How old is she? A She is four years old I believe.
- Q Joseph Cox is the father of these children is he? A Yes sir.
- Q And he is now dead. You are their mother are you? A Yes sir.
- Q And they are living with you at your home? A Yes sir.
- Q The claim of these children to be identified is through you and through your mother is it? A Yes sir.
- Q Have you any documentary evidence you want to introduce now?

L. D. Horton, attorney for application: Just file her application and give us fifteen days time.

- Q Do you want to present this? Do you want to put this in now?
A Yes sir.

Application of Vina Cox presented by applicant, received, marked Exhibit "A", filed, and made a part of the records in this case.

Fifteen days time is allowed applicant in which to file other documentary evidence in support of her application.

- Q Mrs. Cox, is there anything you want to say? A No sir.
- Q To Horton: Is there anything you want to say? A Will it be necessary to file her marriage license.
- Q No.

Vina Cox 3

Mary Hackler, being called and sworn as a witness in this case, testifies on behalf of the applicant, as follows:

Examination by L. D. Horton.

- Q State your name, age and residence. Just tell us what your name is.
A My name is Hackler, Mary Hackler.
Q How old are you, Mrs. Hackler? A Sixty seven past.
Q Where do you live? A Where do I live now? I live at Durant.
Q Indian Territory? A Yes sir.
Q Are you acquainted with Mrs. Vina Cox? A Yes sir.
Q Who is her mother? A My sister.
Q Your sister, Mrs. Tempy Hoff? A Yes sir.

Witness excused.

To applicant:

The decision of the Commission in regard to this application for identification as Mississippi Choctaws which Mrs. Cox makes in her own behalf and in behalf of her children will be mailed to her 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 March 30, 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 5 day of April, 1901.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, April 11, 1901.

Mr. L. D. Horton,

Durant, Indian territory,

Dear Sir:

The Commission is in receipt of your letter of April 8, inclosing affidavits to be filed in support of the applications of Tempy Hoff and Vina Cox for identification as Mississippi Ghosts. The applications have been duly filed and made a part of the records in these cases.

Yours truly,

Acting Chairman.

COPY.

M C R 1888

Muskogee, Indian Territory, July 21, 1902.

Winn Cox,

Wattima, Oklahoma.

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:

	M C R 1888
W. C. Stanford, Sr., et al.,	* 910
Mary Hackler,	* 911
Harrist Jess Hokee, et al.,	* 912
John Stanford,	* 913
Mary Hils, et al.,	* 914
William C. Stanford, et al.,	* 915
John Henry Stanford,	* 916
Leary E. Stanford,	* 917
Ellie E. Stanford, et al.,	* 918
James A. Stanford, et al.,	* 919
Thomas A. Stanford,	* 920
Jessie Stanford, et al.,	* 921
Elizabeth G. Smith, et al.,	* 1251
J. R. Stanford, et al.,	* 1252
Joseph Stanford,	* 2703
Ida Hils, et al.,	* 2704
Hollie Reynolds, et al.,	* 2705
Bertie Day, et al.,	* 3199
Albert Elsey Hackler, et al.,	* 3345
Mary G. Riddle, et al.,	* 3344
Joe Hils, et al.,	* 3713
Valeria Cooper, et al.,	* 4005
Topsy Hoff,	* 1847
Winn Cox, et al.,	* 1848
Rubie Nickles, et al.,	* 1924

These applications were made under the provisions of the act of Congress of June 25, 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 evidence herein is insufficient to determine the identity of W. C. Stanford, Sr., Carl C. Stanford, Marvin O. Stanford, Mary Hackler, Harriet Jane McFee, John N. McFee, Paul McFee, Ruth McFee, Effie McFee, 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 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, Harrie Stanford, Joseph Stanford, Ida Milam, Luther Milam, Mary E. Milam, Della Milam, Mollie Reynolds, Hughie Reynolds, Grever 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 Roff, 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."

V 0 93

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.

COPY

H.C.R. 1858.

Muskogee, Indian Territory, October 14, 1902.

Vina Cox,

Bettina, Oklahoma 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,

I. B. Needles,
Commissioner in Charge.

M.C.R. 1568.

Muskogee, Indian Territory, November 14, 1906.

Vina Cox,

Bettina, Oklahoma.

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 Cadde, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of W. C. Stanford, Sr., et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

No. 1568

For Identification as a Mississippi Choctaw.

Date *Mich 30, 1901*

Name *Vina Leaf*

Age *30*

Blood

1/8 -

Post Office, *Bethuna, Okla.*

Father: *Casley Keoff, l.*

Mother: *Tempsy Keoff l.*

Claims through *Mother -*

Husband -

Joseph Leaf - d

Children:

Andrew Leaf, 7

Ester - " 4.

*Claims for self &
Children.*

Not for husband

Choctaw MCR 1569

Melissa M. Baker

See MCR 1431

MCR 1569

MISSISSIPPI CHOCTAW

Melissa M. Baker et al

REFUSED

DECISION RENDERED JUL 29 1902

NOTICE OF DECISION MAILED APPLICANT.

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 29 1902

RECORD FORWARDED DEPARTMENT.

JUL 29 1902

ACTION APPROVED BY SECRETARY OF THE INTERIOR

JUL 29 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

OCT 7 1902

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

1902

REFER TO M. C. R. / 431

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, MARCH 30, 1901.

In the matter of the application for identification as Mississippi Choctaws of Melissa M. Baker and her minor children, Melissa M. Baker, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Melissa M. Baker.
- Q What is your age? A Twenty two; I will be twenty three in September.
- Q You are twenty two now? A Yes sir, twenty two last September.
- Q What is your post office address? A El, Paso. (317 Tornillo Street)
- Q Texas? A Yes sir.
- Q How long have you lived there? A Why, I have lived in El Paso about six months.
- Q Where did you live before that? A In New Mexico.
- Q Where were you born? A In Bastrop County.
- Q Texas? A Yes sir.
- Q And removed from there to New Mexico? A Yes sir.
- Q And from there where did you go? A To El Paso.
- Q What is your father's name? A Jacob B. Gould.
- Q Is he living? A Yes sir.
- Q What is your mother's name? A Elmira Elizabeth Gould.
- 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 One eighth.
- Q Did your mother ever live in the Indian Territory? 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 for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
- Q Did you ever make application for enrollment to the Choctaw tribal authorities? A No sir.
- Q Were you ever 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 the Choctaw tribal authorities? A No sir.
- Q Did you ever make application for enrollment or citizenship in the Choctaw Nation to the Dawes Commission acting under the act of Congress of June 10, 1896? A No sir.
- Q Is this the first application that you have ever made for either enrollment or citizenship either to the Dawes Commission or the Choctaw tribal authorities? A Yes sir.
- Q You now seek to be identified as a Mississippi Choctaw? A Yes sir.
- Q Under what treaty or treaties do you make this application?
- A (No answer)
- Q Do you know the treaties? A No sir. Do you mean the territory?
- Q No, I mean under what law or what treaty do you make this application? A I don't understand it.
- Q You don't know about the treaty of 1830? A Oh yes, 1830.
- Q Do you claim under the treaty of 1830? A Yes sir.
- Q Do you claim under the whole treaty of 1830 or only under one article in that treaty? A I don't understand.

- Q Did you ever hear of article fourteen of the treaty of 1830?
A No sir.
- Q What is the name of your ancestor who lived in Mississippi in 1830?
A Elizabeth Leflore.
- Q Was that her maiden name? A Yes sir.
- Q What was her married name? A Elizabeth Rhoades.
- Q Was she a full blood Choctaw woman? A Yes sir.
- Q What relation was she to you? A Great grandmother.
- Q Was she put on any of the tribal rolls made in Mississippi? A No sir.
- Q Did she, within six months after the treaty of 1830 was ratified, tell the United States Indian Agent living in Mississippi, Colonel Ward, that she intended to stay in Mississippi and take land there and become a citizen of that state? A I don't know.
- Q Did she come from Mississippi to the Indian Territory with the other Choctaw Indians in the years 1833 to 1837? A I don't know.
- Q Was she a beneficiary under article fourteen of the treaty of 1830?
A I don't know.
- Q Did she claim or receive any land in Mississippi under article fourteen of the treaty of 1830? A I don't know.
- Q Did she or any of your ancestors comply with the provisions of that article of that treaty? A I don't know.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A William R. Baker.
- Q Is he a Choctaw Indian? A No sir.
- Q What is he, a white man? A Yes sir.
- Q Do you make any claim for him? A No sir.
- Q Have you children under twenty one years of age and unmarried that you want to make application for? A Yes sir, I have four.
- Q What is the name of the oldest? A Sina P. Baker.
- Q S-i-n-e-y? A S-i-n-a
- Q How old? A Two years old.
- Q What is the name of the other? A Effie A. Baker.
- Q How old is she? A She was a year old the twenty third of last June.
- Q Is that all? A Orin Baker.
- Q How old is Orin? A He is three weeks old.
- Q Is that all? A Owen, I have twins and I get them mixed up.
- Q Well, I have Owen and Orin, is that right? A Yes sir.
- Q They are three weeks old? A Yes sir.
- Q Well now, are they both boys? A Yes sir.
- Q Is William R. Baker the father of these children? A Yes sir.
- Q Are you the mother? A Yes sir.
- Q Are you and he living together as husband and wife? A Yes sir.
- Q Are the children all living with you at your home? A Yes sir.
- Q They claim through you? A Yes sir.
- Q Have you any documentary evidence you want to introduce in support of your application, anything in writing? (No answer)
- Q Any affidavits or things of that sort you want to present? A No sir.
- Q Would you like time to present any? A Yes sir.

Fifteen days time from the date of this hearing is allowed applicant in which to file documentary evidence in support of this application.

The decision of the Commission in regard to this application for identification as Mississippi Choctaws which you make for yourself and children will be mailed to you at your present post office address.

I will give you my street number: 317 Tornillo Street.

Melissa M. Baker 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 March 30, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on March 30, 1901.

Anna Bell

Subscribed and sworn to before me this 5 day of April, 1901.

Charles H. Sampson

Notary Public.

COPY.

Muskogee, Indian Territory, July 29, 1902.

Hollisa M. Baker,
 #317 Tornillo St.,
 El Paso, Texas,

Dear Madam:

You are hereby advised that on the 29th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha E. Gibson, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha E. Gibson, et al.,	N C R 1431
Benjamin F. Gibson, et al.,	" 1432
William F. Gibson,	" 1430
Aubrey J. Gibson,	" 1433
Wilson J. Gibson, et al.,	" 1434
George E. Gibson,	" 1435
Alma F. Temple,	" 1436
Retic L. Roberts, et al.,	" 1437
Bula H. Stewart, et al.,	" 1438
John H. Mcendes, et al.,	" 1324
Lea E. Lake, et al.,	" 1325
Iva J. Mcendes,	" 1326
Parrie L. McCleary, et al.,	" 1328
Ada Smith, et al.,	" 1327
Eliza J. Mcendes, et al.,	" 1329
Samuel H. Mcendes,	" 1332
Charley H. Mcendes, et al.,	" 1331
Jasper L. Mcendes, et al.,	" 1332
Haira H. Gould, et al.,	" 1533
Honey A. Chapman, et al.,	" 1534
Adella H. Gilliland,	" 1535
Hollisa M. Baker, et al.,	" 1549
Mary J. Gould, et al.,	" 1465
William H. Mcendes, et al.,	" 1539
Margaret O. Sweet, et al.,	" 1571

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 Martha E. Gibson, Andrew G. Gibson, Benjamin F. Gibson, Byron Gibson, Lucy Gibson, Edna Gibson, Ethel Gibson, Jasper Gibson, William P. Gibson, Aubrey J. Gibson, Milton J. Gibson, Nellie Gibson, George B. Gibson, Aluna P. Temple, Ettie L. Roberts, Celeste Roberts, Eula M. Stewart, Ozella Stewart, Oreta Stewart, John H. Rhoades, Htta M. Rhoades, Beulah B. Rhoades, Lou E. Lake, Leslie Lake, Mabel Lake, Addies Lake, Eva J. Rhoades, Parrie L. McCleary, Philip E. McCleary, Edith McCleary Ada Smith, Frank Gould, Oran Smith, Elisha J. Rhoades, Laura Rhoades, Addie Rhoades, Trudie Rhoades, Louis Rhoades, Cecil Rhoades, Samuel R. Rhoades, Charley H. Rhoades, Minnie A. Rhoades, Septimus F. Rhoades, Emmit Rhoades, Luther Rhoades, Jasper L. Rhoades, William J. Rhoades, Nevle J. Rhoades, Annie M. Rhoades, Bessie B. Rhoades, Elmira E. Gould, William O. Gould, John B. Gould, Minnie J. Gould, Isey C. Gould, Emma E. Gould, Nettie Gould, Nancy A. Chapman, William T. Chapman, Annie M. Chapman, Uia M. Chapman, Martha A. Chapman, Ada E. Chapman, Adella M. Gililand, Melissa M. Baker, Sina F. Baker, Effie A. Baker, Orin Baker, Owen Baker, Mary J. Gould, Thomas J. Gould, John Gould, Elijah Gould, Robert Gould, Annie Gould, Ora Gould, William N. Rhoades, Josephus E. Rhoades, Margaret G. Sweet, Jasper H. Sweet, Lewis A. Sweet, Martha E. Sweet, Charles W. Sweet, Ethel M. Sweet, Florence N. Sweet, Lillian P. Sweet and Amanda Sweet 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".

N H S 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

I. B. Neadles

Commissioner in Charge.

Registered.

M.C.R. 1889.

COPY.

Muskogee, Indian Territory, October 7, 1902.

Melissa M. Baker,
No. 317 Tornillo St.,
El Paso, Texas.

Dear Madam:

You are hereby advised that on the 24th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha E. Gibson, et al., of which decision you were advised by registered mail on the 29th day of July, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

No. 1251
For Identification as a Mississippi Choctaw.

Date Mich 30. 1901

Name Melissa M. Baker

Age 22 Blood 1/8

Post Office, El Paso, Texas,
317 Tainello

Father: Jacob B. Howard. l

Mother: Elmira C. " l

Claims through Mother

Newbern
William R. Baker

Children:

Lina F. Baker 2

Effie A " 1

Orin (tooin boy) 3 weeks

Edwin (boy) 3 weeks

Claims for self and
children.

Stenographer

Ann Bell

Choctaw MCR 1570

Samuel D. Buford

MCR 1570

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

In the matter of the application of Samuel D. Buford,
et al., for identification as Mississippi Choctaws.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above entitled case.

Original application of Samuel D. Buford, et al., to the Dawes Commission for iden- tification as Mississippi Choctaws.....	1
Affidavit of J. W. Taylor.....	4
Marriage certificate of S. D. Buford and Bettie Shuman.....	8
Decision of the Commission conveying the application of Samuel D. Buford, et al., for identification as Mississippi Cho- ctaws.....	8

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, APRIL 2, 1901.

In the matter of the application for identification as Mississippi Choctaws of Samuel D. Buford and his minor children. Samuel D. Buford, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Samuel D. Buford.
 Q What is your age? A Forty three years old.
 Q What is your post office address? A Wade, I.T., Indian Territory.
 Q How long have you lived at Wade? A I have lived there about seven years.
 Q Where did you live before you lived in Wade? A I lived in Fannin County, north east of Bonham.
 Q Texas? A Yes sir.
 Q Where were you born? A In Arkansas.
 Q In what part of Arkansas? A Jackson County; I came to Texas when I was about nine years old.
 Q And lived in Texas--A (Interrupting) I lived in Texas till about seven years ago.
 Q And came to the Territory then? A Yes sir.
 Q And have lived there since? A Yes sir.
 Q What is your father's name? A Finis M. Buford.
 Q Is he living? A No sir, he died-- he has been dead a long time.
 Q What is your mother's name? A Jane G. Taylor; she married after my father died, a man by the name of Taylor.
 Q Jane G.? A Yes sir.
 Q Is she living? A Yes sir.
 Q Through which one of these parents do you claim Choctaw blood?
 A Under my father.
 Q How much Choctaw blood do you claim? A About one fourth.
 Q Has your father been ever recognized by the Choctaw tribal authorities as a Choctaw Indian? A I don't think he was, he has been dead-- he died the first year the war broke out, during the war.
 Q He never lived in the Indian Territory? A No, he never did live in Indian Territory.
 Q Is your name on any of the tribal rolls of the Choctaw Nation?
 A Well, I think it is.
 Q In the Indian Territory? A I think maybe it is.
 Q You don't want to make an application today if your name is on the rolls? A What?
 Q You don't want to make an application today if your name is on the roll, do you? (No answer)
 Q You come here for the purpose of being identified so as to get your name eventually on the roll; if it now on the roll, you don't want to make application do you? A Yes sir.
 Q If your name is on the roll, you come here and try to get on the roll? A Well, I don't know that it is.
 Q Well, you don't know that it is? A No sir.
 Q Did you ever make application to the Choctaw tribal authorities for enrollment? A No sir.

- Q Did you ever make application to the Dawes Commission for enrollment? A No sir.
- Q Did you appear before the Dawes Commission under the act of Congress of June 10, 1896, for enrollment or citizenship? A No sir.
- Q Were you ever 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 the Choctaw tribal authorities? A No sir.
- Q This is the first application of any kind you have ever made? A Yes sir, this is the first I ever made.
- Q You now seek to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim your right to identification as a beneficiary under the fourteenth article of the treaty of 1830? (No answer)
- Q Do you know? A No sir.
- Q That is, you don't know about article fourteen of the treaty of 1830? A No sir.
- Q Did you never hear of the treaty of 1830? A No sir.
- Q Did you never hear of the treaty of 1830? A No sir.
- Q What is the name of your ancestor who lived in Mississippi in 1830? A Buford.
- Q What is the full name? A I can't tell you.
- Q Can't you tell the name? A Well I had a lot of kin there by the name of Mack Buford.
- Q What relation was he to you? A A brother to my grandfather.
- Q What was your grandfather's name? A William Hopkins Buford.
- Q Did he live in Mississippi in 1830? A He lived in Alabama.
- Q What was his father's name? A I can't tell you.
- Q Can you give the name of your ancestor who lived in Mississippi in 1830 and through whom you claim the right now to be identified? A No sir.
- Q You don't know your father's father's name or his father's name. A I know my grandfather's name, William Hopkins.
- Q Buford? A Yes sir.
- Q That is your father's father? A Yes sir.
- Q And he lived in Alabama? A Yes sir.
- Q Well, who of your ancestors lived in Mississippi, do you know? A I think an uncle, Mack Buford, lived in Mississippi.
- Q Well, you are not descended from your uncle. You would have been descended from your father and claim through him or your grandfather or your great grandfather or farther back than that, or you would be descended from your father's mother or your great grandmother. Can you give the names of any of them? A My great grandmother's name was Dowling.
- Q What was that? Doggoned if I can tell you, but my mother says my grandmother's name was Dowling.
- Q Well, did she live in Mississippi? A No sir, I think she lived in Alabama at that time.
- Q You can't give the name of any of your ancestors who lived in Mississippi, can you? A Not just now.
- Q Do you know whether any of your ancestors, within six months after the ratification of the treaty of 1830, told the United States Indian Agent then living in Mississippi that he or she intended to remain in Mississippi and take land there under article fourteen of that treaty and become a citizen of the United States? A No sir.
- Q Did any of your ancestors ever comply with the conditions of article fourteen of the treaty of 1830? A I don't think they did.
- Q Were any of your ancestors ever beneficiaries under article fourteen 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 article fourteen of that treaty? A I haven't any recollection of it; you see my folks left there when I was small.

Samuel D. Buford 3

- Q Are you married? A Yes sir.
Q What is your wife's name? A Elizabeth.
Q Do you make any claim for her? A No sir.
Q What? A Just for myself.
Q When and where were you married to Elizabeth Buford? A I was married in Fannin County, Texas.
Q When? A In '86, the twenty third day of December, '86.
Q Have you any children you want to make application for?
A Yes sir, four.
Q What is the name of the oldest, unmarried? A The oldest child I have got is named Inan.
Q I-m-a-n? A Yes sir.
Q How old is he? A Thirteen years old.
Q Next? A Enos M.
Q E-no-s? A Yes sir.
Q How old? A Eleven years old.
Q Is that a boy or a girl? A Boy.
Q Next? A Moses F.
Q How old? A He is ten years old.
Q Next? A Paul H.
Q How old? A Eight years old.
Q Is that all? A That is all, yes sir.
Q Is Elizabeth Buford the mother of these children? A Yes sir.
Q Are you their father? A Yes sir.
Q Are you and she living together as husband and wife? A Yes sir.
Q Are these children living with you at your home? A Yes sir.
Q Have you your marriage license and certificate that you would like to file? A Well, I aint got it but I can get it.
Q Have you any documentary evidence you would like to file? A Not just now, I will have to get them up.
Q Do you want time? A Yes sir.

Twenty days time from the date hereof is allowed applicant to file documentary evidence in support of this application also marriage license and certificate or certified copy of same.

- Q Is there anything further you want to say? A No sir.

The decision of the Commission in regard to this application for identification as a Mississippi Choctaw which you make for yourself and children will be mailed to you at your present post office address, Wade.

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 April 2, 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 5 day of April, 1901.

Charles H. Sawyer

Notary public.

Allen
J.R.
C.W.

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

-----|-----

In the matter of the application of Samuel D. Buford,
et al., for identification as Mississippi Choctaws. M.C.R. 1570.

--: 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 Samuel D. Buford for himself and his four minor children, Isaac, Moses H., Moses T. and Paul H. Buford, under the following provision of the act of Congress approved June 20, 1898, (30 Stat., 408):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and 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

(2).

twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one William Hopkins Buford, who is alleged to have been a Choctaw Indian (degree of blood 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 Stats. 521).


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 William Hopkins Buford, 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, 1857 (5 Stats., 170), 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

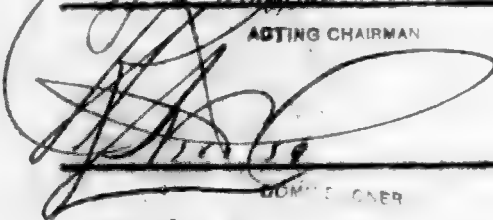
(3).

Samuel D. Buford, Iman Buford, Enos M. Buford, Moses P. Buford and Paul W. Buford 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.

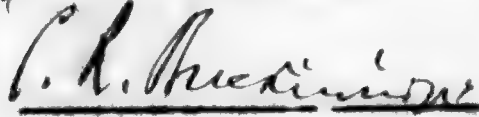
THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



ACTING CHAIRMAN



COMMISSIONER



COMMISSIONER

Muskogee, Indian Territory,

AUG 9 1902

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

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Copy)
Muskogee, Indian Territory, May 6, 1901.

Mr. Henry Byington,
Caddo, Indian Territory,

Dear Sir: --

The Commission is in receipt of your letter of May 3, inclosing marriage certificate between S. D. Buford and Miss Bettie Skeene, and affidavit of J. G. Taylor, which you ask to have filed in support of the application for identification as Mississippi Choctaws of Samuel D. Buford and his minor children.

The same are returned to you herewith for the reason that the Commission cannot accept papers for filing from attorneys who have not complied with the regulations governing the recognition of attorneys before the Commission. The said regulations require that you shall address a letter to the Commission, in which your name and address is given. In this letter you must also state whether you have ever been recognized as attorney or agent before the Interior Department or any Bureau thereof, and, if so, whether you have ever been suspended or disbarred from practice. With this must be inclosed the certificate of the Clerk of the Court for the District in which you reside that you are an attorney in good standing, and the oath required by the Revised Statutes of the United States.

Until you have complied with these regulations, a copy of which is herewith inclosed, also blank attorneys' oath, the papers submitted by you cannot be filed.

Yours truly,

Muskogee, Indian Territory, May 8, 1901.

Mr. Henry Byington,

Caddo, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of May 3, inclosing marriage certificate between S. D. Buford and Miss Bettie Skeene, and affidavit of J. G. Taylor, which you ask to have filed in support of the application for identification as Mississippi Choctaws of Samuel D. Buford and his minor children, and the same have been made a part of the records in this case.

Yours truly,

1570

Acting Chairman.

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 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Samuel D. Buford, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 29, 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 Samuel D. Buford, Iman Buford, Phos M. Buford, Moses F. Buford and Paul W. Buford 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."

M. Hall & Co.

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 Dixby.

Acting Chairman.

COPY.

M.C.R. 1570

Muskogee, Indian Territory, August 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Samuel D. Buford, 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,

SIGNED,

Tamm Birby.
Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 enclosure.

N.C.S. 1870

COPY.

Muskogee, Indian Territory, August 9, 1902.

Samuel D. Buford,
Wade, Indian Territory.

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 Samuel D. Buford, 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 Samuel D. Buford, Ivan Buford, Elias H. Buford, Moses F. Buford and Paul H. Buford 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."

Samuel B. Buford-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,

SIGNED:

Tame Bixby.

Acting Chairman.

Registered.

-1- COPY -1-

D.C. 5968

J.W.H.

ITD.574-1903.

DEPARTMENT OF THE INTERIOR,

RAF.

L.R.S.

WASHINGTON.

February 8, 1903.

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 as Mississippi Choctaws, of Samuel D. Buford and his minor children, Iman, Enos M., Moses T. and Paul N. Buford.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one William Hopkins Buford, who is alleged to have been a 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 William Hopkins Buford, or an ancestor less remote, complied or attempted to comply with said article 14, or with either of the acts of March 3, 1857 (5 Stat., 190), and August 23, 1848 (5 Stat., 513). You refused the application August 9, 1902.

Forwarding the papers January 14, 1903, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed. The Department has carefully reviewed the whole record and hereby affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosures.

-1- COPY -1-

Land.
48,888-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Jan. 14, 1903.

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 Samuel D. Buford for the identification of himself and his four minor children, Iwan, Enos M., Moses F., and Paul M. Buford, as Mississippi Choctaws.

On August 9, 1902, the Commission decided that the evidence submitted by the applicants was insufficient to identify them as Mississippi Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1850.

An examination of the record evidence shows that the applicants are not of the full blood and further shows that they are the descendants of Finis M. Buford and through him of William Hopkins Buford who lived in Alabama in 1850 and through whom they claim.

The office records have been examined and nowhere show that any person by the name of William Hopkins Buford ever complied with the provisions of the 14th article of said treaty or received a patent for land thereunder.

- 2 -

The record evidence in no way supports the claims of the applicants and the office therefore considers that the decision of the Commission herein should be affirmed, and so recommends to the Department.

Very respectfully,

W. A. Jones,

Commissioner.

(W.C.B.)

P.

M.C.R. 1570

COPY.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

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 application for identification as Mississippi Choctaws of the several persons included in the case of Samuel D. Buford, et al., of which decision you were advised by mail on the 9th day of August, 1902.

Respectfully,

(SIGNED)

Tame Bixby.
Chairman

M.C.R. 1870

COPY.

Muskogee, Indian Territory, February 21, 1903.

Samuel D. Buford,

Wade, 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 application for identification as Mississippi Choctaws of the several persons included in the case of Samuel D. Buford, et al., of which decision you were advised by registered mail on the 9th day of August, 1902.

Respectfully,

Jame Birby.
Chairman

Administrative Record

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

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

For Identification as a Mississippi Choctaw.

Date April 2, 1901 -

Name Samuel W. Buford

Age 42 - Blood 1/4

Post Office, Wade, I.T.

Father: Timis M. Buford, d.

Mother: Jane H. Taylor, l

Claims through father -

wife.

Elizabeth Buford.

Children:

Iman — 13

Emos. M. (boy) 11

Moses F. 10

Paul N 8

For self and

children —

Stenographer

Anna Bell.

← Choctaw MCR 1571

Albert Simon

MCR 1571

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of the application
of Albert Simon, et al., for identification as Mississ-
ippi Choctaws-----M.C.R. 1571

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Albert Simon,
et al., for identification as Mississippi Choctaws,
M.C.R. 1571

I N D E X

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Original application of Albert Simon, et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Decision of the Commission identifying the applicants in the application of Albert Simon, et al., as Mississippi Choctaws	3

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES?
Meridian, Mississippi, April 1, 1901.

In the Matter of the Application of Albert Simon for the Identification of himself, his wife and two minor children, as Mississippi Choctaw Indians.
Through Official Interpreter, Johnson.

Albert Simon being first duly sworn, testified as follows

Examination by the Commission:

- Q What is your name? A Albert Simon.
Q How old are you? A About 26 years.
Q What is your postal address? A Hickory, Mississippi.
Q How long have you lived in Mississippi? A Always lived in Miss.
Q What is your father's name? A Charley Simon.
Q Was his name Charley Simon or Simon Charley? A Simon Charley.
Q Is he living? A Yes sir.
Q What is your mother's name? A Jane Simon.
Q Is she living? A Yes sir.
Q Are your mother and father both full blood Indians? A Yes sir.
Q What is your wife's name? A Mary Jane.
Q How old is she? A 25 years.
Q What is your wife's father's name? A I don't know.
Q What was your wife's maiden name? Did you ever hear her name?
A No.
Q Don't you know what her father's name was? A No sir.
Q Was he a full blood Choctaw Indian? A Yes sir.
Q What was your wife's mother's name? A I don't know.
Q Was she a full blood Choctaw Indian? A Yes sir.
Q Are your wife's mother and father living? A No sir.
Q Both dead? A Yes.
Q How long have they been dead. A I don't know.
Q Did they die here in Mississippi? A Yes sir.
Q Did either of them ever remove to the Choctaw nation, Indian Territory? A No 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 Choctaws in Indian Territory to be enrolled? A No, don't know.
Q You would know if you made application, wouldn't you Did you ever try to be enrolled; did you ever make application to be enrolled? A No sir.
Q Did you make application to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Choctaw Nation? A I don't know nothing about it.
Q Besides the time you were at Decatur---was Decatur the first time you ever made application? A Yes sir.
Q Did any of your people ever remove to Indian Territory--any of your parents or grandparents, or any of them, ever go over there?
A No sir.
Q Did you ever hear your wife's grandparents name? A No.
Q You don't remember any further back than your parents? A No.
Q How many children have you? A Got two now.
Q What are their names? A Fannie.
Q What is the other's name? A Amos.
Q Which is the oldest? A Amos.
Q How old is Amos? A About 6 years.--Simon is dead.
Q Which is the next one. A Fannie.
Q How old is Fannie? A 8 months.
Q Do these children both live with you? A Yes sir.
Q Are you and your wife living together? A Yes sir.
Q In the event the Commission should be able to identify you and your wife and your children as Mississippi Choctaw Indians, is it your intention to remove to the Indian Territory and establish

2-Albert Simon.

a permanent residence there? A. My wife I would not try and remove to the Territory.

Q (To interpreter) Explain to him that no benefits would accrue unless he should remove to the Territory and establish a residence there in case he is identified as a Mississippi Choctaw Indian entitled to rights in the Choctaw nation. A That's all right.

The applicant Albert Simon is the identical person who appeared before the Commission at Decatur on February 6th, 1899 and made application for the identification of himself, his wife, Mary Jane, and his two minor children Amos and Simon. Their names appear on Mississippi Choctaw Card No. 355, and upon the schedule annexed to the Commission's report to the Secretary of the Interior as to the identification of Mississippi Choctaws, March 10, 1899, page 83 as follows: Albert Simon, 1257, Mary Jane Simon 1258, Amos Simon, 1259 and Simon Simon 1260.

-----o-----
The Commission's decision as to your application, and the application that you make on behalf of your wife and two minor children as Mississippi Choctaw Indians will be mailed to you in the near future, to your present postoffice address.

Note: This man is, to ~~see~~ all appearances a full blood Choctaw Indian, and speaks very little English. It does not appear from his testimony that he has ever received any benefits in Indian Territory. From his testimony it also appears that his wife is a full-blood Choctaw, and that neither she nor her children have ever been benefitted as Choctaw Indians by the Choctaw tribe in Indian Territory.

-----o-----
Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full the testimony and proceedings in the above entitled cause on the 1st day of April, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me at Nriidian, Mississippi, this 2nd day of April, 1901.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Albert Simon,
et al., for identification as Mississippi Choctaws

M.C.R. 1571

----- 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 April 1, 1901, by Albert Simon for himself, his wife, Mary Jane, and his two minor children, Amos and Fannie Simon, 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 Albert Simon, Mary Jane Simon, Amos Simon and Fannie Simon should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman

Commissioner


Commissioner

Muskogee, Indian Territory

FEB 14 1903

COMMISSIONERS:
HENRY L. DAVIS,
TAMM BIXBY,
THOMAS B. HENGLER,
C. R. BERGKNECHT,

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Meridian, Mississippi, April 3, 1901.

C. H. Sawyer, Esq.,

Atoka, Indian Territory.

Dear Sir:

There is enclosed herewith for filing with the records of your office, testimony in the matter of the application of Albert Simon, on behalf of himself, his wife and two minor children, for identification as Mississippi Choctaws.

Personal appearance was made by the applicant, Albert Simon, at the Commission's office in Meridian, Mississippi. Memorandum slip of this application has been previously forwarded you.

Yours very truly,

Tamm Bixby
Acting Chairman.
B.

*ack Rec April 7, 1901
arb*

Muskogee, Indian Territory, February 21, 1903.

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

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Albert Simon, his wife Mary Jane Simon and his minor children, Amos Simon and Yennie Simon as Mississippi Choctaw Indians 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 Albert Simon, his wife 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

Tams Bixby.

Acting Chairman

Registered
Enclosure C.H. 68

VS POLNOR LOI SUE QUESITA SUE OPTICORUM ILLORUM
REPUBLICA' CONNELLOR. Y COLITRUM'
MOKORSE' INDITUM COLITPOLA' PEPLOMIA SI' IION'

MAR 11 1903

COPY.

M.C.R. 1571

Muskogee, Indian Territory, March 11, 1903.

Albert Simon,

Hickory, Mississippi.

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 yourself, your wife, Mary Jane Simon, and your minor children, Amos and Fannie Simon, as Mississippi Choctaw Indians 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

Chairman.

Registered.

Enc. 1571

H C R 1871
H C R 2281

Muskogee, Indian Territory, May 23, 1903.

W. H. Gallaghy,
Starrett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you state "Albert Simon has a ward by the name of Maudie Simmons. Its father's name was Charley Simmons." You further state that the name of this child is not on Albert Simon's identification papers and that he wants the name of the child on his card.

In reply you are informed that it appears from our records that on May 16, 1901, Charley Simmons made application to this Commission for the identification of himself and minor children, Leona, Robert, Maggie, King, Pig-foot and Maudie Simmons, as Mississippi Choctaws.

On February 14, 1903, the Commission rendered its decision identifying Charley Simmons and his minor children as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations, of which action he was duly advised at Decatur, Mississippi, on March 21, 1903.

Respectfully,

Chairman.

**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.**

IN RE

Application for Enrollment of

INFANT CHILD,

Fannie Semon

as a citizen of

MISSISSIPPI CHOCTAW. Nation.

Approved, 1901

**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.**

Commissioner.

This application for the enrollment of this child is accepted by the Commission as evidence of its birth to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws and not in any manner to be considered as an application for the enrollment of this child as a citizen of the Choctaw Nation.


Acting Chairman.

MISSISSIPPI CHOCTAW.

* 355

Recd.

1571
April 8, 1901

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

BIRTH AFFIDAVIT.

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

Application for Enrollment, as a citizen of the Choctaw Nation,
of Fannie Simon, born on the 6th day of July, 1900
Name of Father: Albert Simon, a citizen of the Choctaw Nation.
Name of Mother: Mary Jane Simon, a citizen of the Choctaw Nation.
Post-office, Nickory, Miss

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, Mary Jane Simon, on oath state that I am 26
years of age and a citizen, by Choctaw Nation;
that I am the lawful wife of Albert Simon, who is a citizen, by
Choctaw Nation, that a female child was
(male or female)
born to me on the 6th day of July, 1900 that said child has been
named Fannie Simon, and is now living.

WITNESSED BY ME: Mary Jane Simon
(Mark by Two Witnesses) { Ch Faucette mk
Ch Williams

Subscribed and sworn to before me this 6th day of April, 1901.
J M Cross
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, Annie Millison, a midwife, on oath state that I
attended on Mrs. Mary Jane Simon, wife of Albert Simon,
on the 6th day of July, 1900 that there was born to her on
said date a female child; that said child is now living and is said to have been
named Fannie Simon
(male or female)

WITNESSED BY ME: Annie Millison
(Mark by Two Witnesses) { Ch Faucette mk
Ch Williams

Subscribed and sworn to before me this 6th day of April, 1901.
J M Cross
NOTARY PUBLIC.

#1

No. 1571

For Identification as a Mississippi Choctaw.

Date APR - 1 1901

Name Albert Simon.

Age 26. Blood full.

Post Office, Hickory, Miss.

Father: Simon Charley - ✓

Mother: Jane Simon - ✓

Claims through both parents

WIFE: Mary Jane Simon - 25

FATHER: _____ dead.

MOTHER: _____ dead.

Children:

Amos Simon 16
Hanni " " 8 mo.

See Mississippi Choctaw
Card Feb 6, 1899.
No. 355.

Claims for self, wife and 2 children

Stenographer

Francis A. Brown.

IDENTIFIED

RECORDED FEB 14 1903

DECISION FORWARDED
FOR CHOCTAW AND
NATIONS.

FEB 21 1903

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

Choctaw MCR 1572

William Simpson

MCR 1572

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of
the application of William Simpson, et al., for identifi-
cation as Mississippi Choctaws,
M.C.R. 1572.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of William Simpson,
et al., for identification as Mississippi Choctaws, M.C.R. 1572.

----I N D E X ----

Original application of William Simpson, et al., to
the Dawes Commission for identification as Mississippi
Choctaws,

1

Testimony of William Simpson before the Dawes
Commission in the matter of the separation of
himself and wife Caroline, and his marriage to
Minnie Campbell

4

Decision of the Commission identifying William Simpson,
et al., as Mississippi Choctaws,

6

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 1, 1901.

In the Matter of the Application as Mississippi Choctaw
of William Simpson, his wife Caroline Simpson, and their four minor
children.

William Simpson being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A William Simpson.
Q What is your age? A 34 years.
Q What is your postoffice address? A Rose Hill, Mississippi.
Q How long have you lived in Mississippi? A All my life.
Q Were you born here? A Yes sir.
Q And have always lived here? A Yes sir.
Q What is your father's name? A Sam Simpson.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mary Simpson.
Q Is she dead? A Yes sir.
Q Were your parents both full blood Choctaw Indians? A Yes sir.
Q What is your wife's name? A Caroline.
Q How old is she? A I don't know; I guess about 26-27 years.
Q Are her parents both Choctaw Indians? A Yes sir.
Q What is her father's name? A John Hall.
Q Is he living? A Yes sir.
Q What is your wife's mother's name? A Melissa Hall.
Q Is she living? A No, she is dead.
Q Is your name or the name of your wife on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q You never have been enrolled by the Choctaws in Indian Territory?
A No sir.
Q Did you ever make application in Indian Territory for citizenship with them over there? A No sir.
Q Did you or your wife, or anyone for you, in 1896 (that is 5 years ago) make application to the Dawes Commission for citizenship in the Choctaw Nation? A Yes sir.
Q You made application, did you, in 1896, four or five years ago?
A Yes sir.
Q You made application? A Yes sir.
Q Did you make application in what is known as the Jack Amos case?
A No, I don't know.
Q Did you send some papers over to the Indian Territory? A I got in before.
Q Before the Commission when it was at Decatur? A Yes sir.
Q Was that the first time you ever tried to be enrolled? A I went before that; Winton, I believe was the name.
Q Did you make out some papers then and have them sent to the Territory? A I guess he did. I signed some papers.
Q Did you ever hear anything from that application? A No sir.
Q Do you know whether you was admitted then or not? A No.
Q The next application you made was up at Decatur? A Yes.
Q That was about 2 years ago, wasn't it? A Yes sir.
Q Have you ever received any benefits from the Choctaw tribe of Indians in Indian Territory? A No sir.
Q Did any of your people or your wife's people remove from Mississippi to the Choctaw nation with the Choctaw Indians when they moved over there? A No.
Q Do you remember your father and mother? A No sir.
Q You just know their names were Sam and Mary? A Yes, I know my mother.
Q Did you know their parent's names? A Yes, I knew my brothers.
Q Did you know your mother's mother? A No sir.
Q You don't remember her name? A No sir.

2-William Simpson

- Q Did you know her father's name? A No sir.
- Q Do you know any of your grandparents' names? A Yes, Simpson is all I know.
- Q Did you ever have any Indian name? A Yes sir.
- Q Do you remember what that was? A Yes.
- Q What was it? A Fulicouchie.
- Q Whose name was that? A That was my grandpa.
- Q Your mother's father? A No, daddy's father.
- Q Did any of the rest of your grandparents have Indian names? A No.
- Q Did either your father or mother, or their parents, ever remove to the Choctaw lands in the Indian Territory? A Yes, my father went out and came back I think.
- Q Did he go out there when the rest of the Indians went? A Yes, he was chief.
- Q What was his name? A I can't think of it now; Halitubba I think.
- Q How long did he stay out there when he first moved out? A I don't know.
- Q He went when the rest of the tribe went did he? A Yes.
- Q Did you ever see him? A No.
- Q Did he stay out there very long? A I don't know.
- Q Was he the only one of your people who ever went out there? A Yes, the only one I had.
- Q All the rest staid here in Mississippi, did they? A Yes.
- Q You have never received any benefits from the Choctaw Indians in Indian Territory, have you? A No sir.
- Q And never received any money from them? A No sir.
- Q Are you married? A Yes.
- Q Has your wife ever received any benefits? A No sir.
- Q She is a full blood Choctaw Indian? A Yes sir.
- Q How many children have you? A Four.
- Q What are their names? and ages? A Ben, seven years, Fannie 5 years, Ira--he is a twin; one of them is dead.
- Q Which one is dead? A Sidney died, and I have got a little baby now.
- Q You said Sidney was dead? A Yes sir.
- Q How old is Ira? A 3 years.
- Q What is the baby's name? A Mabel.
- Q How old is Mabel? A Five months old.
- Q Did any of your people ever signify to the United States Indian Agent of the Choctaw Indians in Mississippi, their intention to remain and become citizens when the rest of the tribe removed to the Indian Territory? A No.
- Q They just staid here in Mississippi? A Yes sir.
- Q And never moved out there? A No.
- Q The only one you have ever heard of removing to the Indian Territory, was your father? A Yes--my mother's father.
- Q Have your mother and father always lived in Mississippi? A Yes.
- Q Neither of them ever remove to the Indian Territory? A No.
- Q Have you and your wife and children always lived in Mississippi? A Yes sir.
- Q Is there any additional statement that you want to make--anything more that you want to say? A No sir.

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

The applicant, William Simpson is the identical person who appeared before the Commission at Decatur, Mississippi, February 7, 1899, and appears on Miss-

3-WilliamsSimpson.

Mississippi Choctaw card No. 372, with his wife and four minor children, and on the schedule annexed to the Commission's report as to Mississippi Choctaws of March 10, 1899, page 85, as follows: William Simpson, No. 1321, Caroline Simpson, No. 1322, Ben Simpson, No. 1323, Fannie Simpson, No. 1324, Ira Simpson, No. 1325 and Sidney Simpson No. 1326.

-----0-----
Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all testimony and proceedings had in the entitled cause on the 1st day of April, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me at Meridian, Mississippi, this 2nd day of April, 1901.

J. M. [Signature]

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, July 3rd, 1901.

In the matter of the separation of William and Careline Simpson to be filed with the records in cases M.C.C. Field No. R-1572 and M.C.C. Field No. R-2585,

William Simpson, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A William Simpson.
Q What is your age? A Going on thirty-four.
Q What is your postoffice address? A Rose Hill, Mississippi.
Q What County? A Jasper.
Q How long have you lived there? A Just moved there this year, been living in Newton County.
Q Are you the identical William Simpson who appeared before the Commission to the Five Civilized Tribes at Meridian, Mississippi, on April 1st, 1901, and made application for the identification of yourself, your wife and four minor children as Mississippi Choc-taws? A Yes sir.
Q What is the name of your wife? A Careline is my first wife.
Q What are the names of the children you gave in? A Ben, Fannie, Ira and Mabel.
Q Are you living with Caroline ~~xxxx~~ at this time? A No.
Q Have you separated? A Yes, me and her separated some time ago and I married again, married by license this time.
Q When did you part? A Been about a month I reckon.
Q Were you married to Careline under a license or according to Indian custom? A Well, I ha dn't married her; she just went with me.
Q How long did you live together as man and wife? A Eight years.
Q No ceremony was performed at all, you just took up together and went to living together? A Yes sir.
Q Who has custody of the children? A I am going to take them. She told me to go ahead and marry another woman and I could take the children.
Q Has she the children now? A Yes.
Q When are you going to get them? A Well, just as soon as I get letter from her. I wrote to her last week and got no answer yet.
Q She told you you might have the children, did she? A Yes sir.
Q And you separated by mutual consent? A Yes sir.
Q What is the name of your present wife? A Jennie Campbell.
Q When did you marry her? A Last Sunday, a week ago.
Q Where? A In Meridian.
Q Did you get a license? A Yes.
Q Who did you get it from? A From Clerk in Court House.
Q Who performed the marriage ceremony? A Big Charlie Sturtevant.
Q You are living together at this time? A Yes sir.
Q Has Jennie been before the Commission? A Yes sir.
Q When was she here? A Week before last, I believe it was. Last Thursday, a week ago. No, it was Friday, I believe.
Q She was he re the 21st of last month wasn't she? A Yes sir, I guess so.
Q What is her mother's name? A Mary Jane Robinson.
Q Do you know Jennie's father's name? A Yes.
Q What is his name? A Campbell.

In re Separation Willrich and Caroline Simpson--2

Q Do you know his first name? A No.

Ira S. Wilson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled case, heard at Meridian, Mississippi, July 22d, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 22nd day of July, 1901, at Meridian, Mississippi.



J. H. Wilson.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE NEW CIVILIZED TRIBES

C. W.
1
In the matter of the application of William Simpson,
et al., for identification as Mississippi Choctaws, M.C.R. 1572.

----- 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 April 1, 1901, by William Simpson for himself, his wife, Caroline, and his four minor children, Ben, Fannie, Ira and Mabel Simpson, 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,

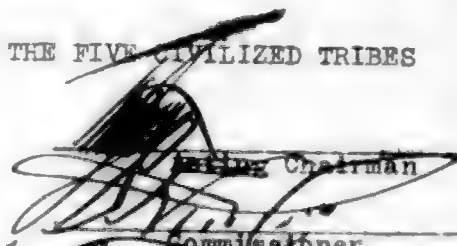
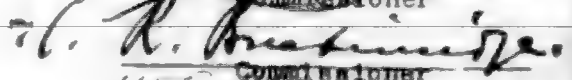

(32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"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 further appears from the record herein that subsequent to the making of his original application, the principal applicant and his wife separated, and he married Jennie Campbell, also an applicant for identification as a Mississippi Choctaw in M.C.R. 2685. The rights of the first wife of the applicant are herein considered, and those of his second wife will be considered in the application which she makes.

It is, therefore, the opinion of this Commission that William Simpson, Caroline Simpson, Ben Simpson, Fannie Simpson, Ira Simpson and Mabel Simpson should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Chairman

Commissioner

Commissioner

Muskogee, Indian Territory

~~FEB 14 1903~~ JUL 8 1903

Ardmore, I. T. February 19, 1903.

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

~~You will please deliver to V. G. Ralls, of Atoka, Indian~~
Territory, any copies of the records in my case that under the rule
of law the Commission may give out to Attorneys as I have employed
him to assist me in this case.

WITNESSES TO MARK:

William Simpson

Mr. Simpson also applied for his wife
Jennie, and their two children Ben and Ory.

COMMISSIONERS:
HENRY L. DAVIS,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BARKER.
ALLEN L. HYLANDSON,
SECRETARY.

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

Meridian, Mississippi, April 3, 1901.

C. H. Sawyer, Esq.,

Atoka, Indian Territory.

Dear Sir:

There is enclosed herewith for filing with the records of your office, testimony in the matter of the application of William Simpson, on behalf of himself, his wife and four minor children, for identification as Mississippi Choctaws.

Personal appearance was made by this applicant at the Commission's office in Meridian, Mississippi. Memorandum slip of this application has been previously forwarded you.

Yours very truly,

Tamm Bixby
Acting Chairman.

*Act Rec April 8 1901
ALB*

COMMISSIONERS
HENRY L. DAVIS,
TAMM BIRBY,
THOMAS H. NEEDLES,
C. H. BRIDGEMAN.

ALLISON L. ATLANDORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Meridian, Mississippi, June 11th, 1901.

Mr. William Simpson,
Rosehill, Mississippi,

Dear Sir:-

There is sent to you herewith birth affidavit in the matter of the application made by you for the identification of your infant daughter, Mabel Simpson, as a Mississippi Choctaw. This paper is returned to you for the reason that in the affidavit of the mother, Caroline Simpson, the Justice of the Peace or Notary Public, before whom the acknowledgment was taken, has failed to sign his name at the proper place, and for the further reason that the person who attended on your wife has failed to sign her name on the line provided therefor at the bottom of her affidavit. You should have Susie Parker, the midwife, appear before the Justice of the Peace, or Notary Public, at the earliest possible date and sign her name at the proper place on this affidavit. You should also see that the Justice of the Peace, or Notary Public, signs his name at the proper place on the other affidavit. After these affidavits have been corrected, as above indicated, mail the birth certificate to the Commission at Meridian, Mississippi, and the matter will receive prompt attention.

Yours truly,

Tamm Birby
Acting Chairman.
E

Enclosure.

C O P Y

Roberts, Poland & Bruce,

Successors to

Roberts & Poland,

Ardmore, Ind. Ter.

Ardmore, I. T. 2/17/53

Mr. H. H. Day

Muskogee

Dear Sir

Inc is that affidavit we found when on our rounds among the Choctaws. As you will remember the mother in this case has separated from Wm. Simpson and has charge of this child and another named Fanny. Wm. Simpson has also married again has the two named Orry and Ben. The mother of these children is now married to Alex Davis. You suggested that I send this affidavit back to the Com. and ask them for further instructions on it, in as much as the midwife is dead and the parties interested all live here now. If you will return papers necessary to get this child on rolls I will attend to it at this end. Wm. Simpson no doubt will try to have these children enrolled & make himself as guardian, when in fact only two as above named is with him.

Yours Truly,

W. P. Poland

Miss. Choctaw 1872

Langage, Indian Territory, November 12, 1902.

William Simpson,

Winnipeg, Mississippi.

Dear Sir,

Receipt is hereby acknowledged of your letter of November 7, asking if you will be furnished free transportation from Mississippi to Indian Territory, as you are anxious to remove, and you are advised that the Commission knows of no fund for the removal of the Mississippi Choctaws from Mississippi to Indian Territory.

The Commission is now considering your right to identification as a full blood Choctaw, and it is probable that a decision will be reached within the near future, of which you will be duly notified.

Respectfully,

Acting Chairman.

Miss. Choctaw 1872.

Mustard, Indian Territory, October 13, 1902.

William Simpson,

Marquette, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 6, asking about your claim. You say that a number of the Indians want to come to Indian Territory this winter if possible. You also say that L. P. Hudson is over there trying to get Indians to come with him by giving him half their claims, and you ask if it will be necessary for you to have a lawyer.

In reply to your letter your attention is invited to the following provisions of the agreement recently entered into between the United States and the Choctaw and Chickasaw, which was ratified September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 26, 1898 (30 Stats., 495), as Mississippi Choctaw 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 Choctaw by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaw shall be enrolled by such Commission as Mississippi Choctaw entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions

U.S. 3

herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior. 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 a homestead 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."

You are advised that the Commission has not yet passed upon your right to identification as a Mississippi Choctaw under the above provision of the agreement of September 25, 1902, between the United States and the Choctaw and Chickasaw Nations, but it is probable that within the near future such action will be taken, and you will be duly notified thereof.

Replying to that part of your letter relative to the employment of an attorney to look after the matter for you, you are advised that it is not necessary for you to employ a lawyer to further prosecute your claim, and your attention is invited to the

following provision of the act of May 31, 1900:

"Provided further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws shall be null and void."

Respectfully,

Commissioner in Charge.

N.C.H. 1872.

Muskogee, Indian Territory, December 10, 1908.

William Simpson,

Dossville, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st inst., in which you ask to be advised about your case. You state that there are some white persons in your vicinity who are endeavoring to make contracts with the Choctaw Indians for their removal to Indian Territory. You enclose a circular letter of C.F. Winton and others.

In reply, you are informed that the Commission has not up to the present time rendered any opinion or decision in your case, but is now considering your application and it is probable that 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.

Relative to the making of contracts for removal of Choctaw

Indians residing in Mississippi to the Choctaw-Chickasaw country,
Indian Territory, your attention is invited to the following
provision of the act of Congress approved May 31, 1900:

"Provided further, That all contracts or agreements
looking to the sale or incumbrance in any way of the lands to
be allotted to said Mississippi Choctaws shall be null and
void."

The circular letter of G.F. Winton and others is
herewith returned to you.

Respectfully,

Acting Chairman.

Enc B I 157.

Muskogee, Indian Territory, February 25, 1903.

W. P. Poland,

Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, enclosing correspondence and incorrectly executed affidavits bearing dates June 11, 1901, relative to the birth of Mabel Simpson, infant daughter of William and Caroline Simpson. You ask if there is anything necessary to be done in order to have this child "enrolled."

In reply to your letter you are informed that it appears from the records of the Commission that William Simpson made personal application to this Commission for the identification of himself, his wife Caroline, and his minor children Ben, Fannie, Ira and Mabel Simpson, and it is believed that the Mabel Simpson named in this application is identical with the child about whom you write.

You are further advised that the Commission is now considering the application of these persons and it is probable a decision in their case will be rendered in the near future. The principal applicant will be duly notified of the action of the

V P P R

Commission and of the forwarding of the record to the Secretary of the Interior.

The documents enclosed by you have been filed with the record in this case.

Respectfully,

Chairman.

M C R 1572

Muskogee, Indian Territory, March 24, 1903.

William Simpson,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, giving the change of your post office address to Ardmore, Indian Territory. A proper record has been made of such change.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 3, 1903.

J. G. Halls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st ultimo, enclosing the affidavit of the mother, Caroline Simpson, and that of the midwife, Mollie Williams, relative to the birth of Mabel Simpson, infant daughter of William and Caroline Simpson, November 2, 1900, and the same are herewith returned you for the reason that it appears from the records of the Commission that on April 1, 1901, William Simpson submitted his application for the identification of himself, his wife Caroline, and their four minor children, Ben, Fannie, Ira, and Mabel. At the time this application was made William Simpson testified that Mabel was five months old, and it is believed that she is identical with the Mabel named in the affidavits submitted by you.

Respectfully,

Commissioner in Charge.

20

COMMISSIONERS
TAMM BERRY,
THOMAS S. NEEDLES,
C. R. BRIDGEMAN,
W. E. STANLEY.

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

REFER IN REPLY TO THE FOLLOWING
M.C.R. 1572

ALLISON L. AVLEWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 8, 1903.

Caroline Simpson,
Rose Hill, Mississippi.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 8, 1903, identifying yourself, your husband, William Simpson, and minor children Ben, Fannie, Ira and Mabel Simpson, as Mississippi Choctaw Indians 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 January 8, 1904, you will have six months from that date, or until July 8, 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

Commissioner in Charge.

Registered.

Enc. 1572.

M.O.R. 1572.

COPY.

Muskogee, Indian Territory, July 8, 1903.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 8, 1903, identifying William Simpson, his wife Caroline Simpson, and minor children Ben Simpson, Fannie Simpson, Ira Simpson and Mabel Simpson, as Mississippi Choctaw Indians under the provisions of Section 41 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 William Simpson, his wife 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

T. B. Needles.

Commissioner in Charge.

Registered.
Enc. 1572.

H.C.R. 1572.

COPY.

Muskogee, Indian Territory, July 8, 1903.

William Simpson,

Ardmore, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 6, 1903, identifying yourself, your wife Caroline Simpson, and minor children, Ben Simpson, Fannie Simpson, Ira Simpson and Mabel Simpson, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before January 8, 1904, you will have six months from that date, or until July 8, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tahawingo, Chickasaw Nation.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Registered.

Enc. 1572.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

IN RE

Application for Enrollment of

INFANT CHILD

Mabel Simpson.

as a citizen of

MISSISSIPPI CHOCTAW.

Nation

Approved, 190.....

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Commissioner.

This application for the enrollment of this child is accepted by the Commission as evidence of its birth to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws and not in any manner to be considered as an application for the enrollment of this child as a citizen of the Choctaw Nation..

Acting Chairman

MISSISSIPPI CHOCTAW.

Recd. April 4, 1901.

#372.

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

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Mabel Simpson, born on the 2d day of October, 1900
(Here insert name of child)
Name of Father: William Simpson, a citizen of the Choctaw Nation.
Name of Mother: Caroline Simpson, a citizen of the Choctaw Nation.
Post-office: Rose Hill, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

~~INDIAN TERRITORY.~~

~~District.~~

I, Caroline Simpson, on oath state that I am 26
years of age and a citizen, by blood, of the Choctaw Nation;
that I ~~was~~ the lawful wife of William Simpson, who is a citizen, by
blood, of the Choctaw Nation, that a female child was
(male or female)
born to me on the 2d day of October, 1900; that said child has been
named Mabel Simpson, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)

Caroline Simpson
Martha Thomas
mark

Subscribed and sworn to before me this the 3 day of April, 1901.

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

~~INDIAN TERRITORY.~~

~~District.~~

I, Susie Parker, a Midwife, on oath state that I
attended on Mrs. Caroline Simpson, wife of William Simpson,
on the 2 day of Oct, 1900, that there was born to her on
said date a child named Mabel child; that said child is now living and is said to have been
(male or female)
named Mabel Simpson.

WITNESSES TO MARK:

(Must be Two
Witnesses)

Susie Parker
Martha Thomas

Subscribed and sworn to before me this the 3 day of April, 1901.

J. Davis

NOTARY PUBLIC

Rose Hill
Miss

IDENTIFIED

DECISION RENDERED

JUL 28 1903

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS

JUL 28 1903

COPY OF DECISION FORWARDED APPLICANT

JUL 28 1903

*Copy of decision rendered
to the Choctaw and Chickasaw Nations
July 28, 1903*

No. 1572

For Identification as a Mississippi Choctaw

Date APR - 1 1901

Name William Simpson

Age 39 Blood Full

Post Office, Osage Hill, Miss.

Father: Sam Simpson - ✓

Mother: Mary Simpson - dead.

Claims through both parents.

WIFE: Caroline Simpson - 26.

FATHER: John Hall - ✓

MOTHER: Melissa Hall - dead.

Children:

Ben Simpson 7.

Fannie " " 5.

Ira " " 3.

Mabel " " 5 mo.

See Mississippi Choctaw

Card 2/7/99 No. 372

Claims for himself, wife & 4 children

[Signature]

10109



Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Caroline Simpson,

~~Rose Hill, Mississippi.~~

Muskogee Ind Ter



SEP 7 1903

R.W.

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



Caroline Simpson
Ardmore
Muskegon
Ind. Ter.

M.C.P. 1572

12927
11577

1205-
1200-

W. Simpson

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FILED

JAN 8 1904



12109



MUSKOGEE, IN
OFFICIAL BUS
Penalty for private



Caroline Simpson

537

OCT 12 1903



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 14 1903



Choctaw MCR 1013

Early A. Gilder

See MCR 1127

MCR 1573

CHOCTAW

Barly A. Silder et al.

REFUSED

DECISION RENDERED. JUL 12 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 18 1902

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

JUL 18 1902

RECORD FORWARDED DEPARTMENT.

JUL 18 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

SEP 17 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

SEP 27 1902

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

SEP 27 1902

REFER TO M. C. R.

127

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, April 2, 1901.

In the matter of the application of Early A. Gilder, for himself, wife and one child, for identification as Mississippi Choctaws. A Said Early A. Gilder being first duly sworn upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Early A. Gilder.
Q What is your age? A Thirty one and a half years.
Q What is your post office address? A Pheba, Mississippi.
Q How long have you lived in Mississippi? A All my life.
Q Never have lived anywhere else? A No sir.
Q Have you been to the Indian Territory? A I have been there.
Q Have you been there to make your residence? A No sir. Just on a visit.
Q What is your father's name? A M.K. Gilder.
Q Is he living? A Yes sir. He is here.
Q What is your mother's name? A Angeline.
Q Is she living? A No sir.
Q Through which one of your parents do you derive your Indian blood? A My father.
Q How much Choctaw blood do you claim? A An eighth.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? 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 anyone for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
Q 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 either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
Q Have you ever made application to either the Choctaw tribal authorities or to the United States authorities for citizenship or enrollment as a Choctaw prior to this application? A No sir.
Q This is your first application? A Yes sir.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q You are making your application as a beneficiary under the fourteenth article of the Treaty of 1830? A Yes sir.
Q What is the name of your ancestor or ancestors who were residents of the State of Mississippi, and acknowledged members of the Choctaw tribe of Indians in 1830? A The name of my ancestor was my great grand mother; her name was Smith; her given name I don't know. She married a Suddeth, and my grand mother was a Suddeth.
Q Well, now, the Indian side of your family is through Suddeth or Smith? A Yes sir.
Q You don't know what her given name was? A No sir.
Q When was she married to this man, Suddeth? A I couldn't tell you that.
Q Was it before or after the treaty of 1830? A Before the treaty of 1830.
Q Was she known by the name of Suddeth after that time? A Yes sir.
Q How do you spell that? A Suddeth.
Q She was always recognized as a member of the Choctaw tribe of Indians? A Yes sir.
Q Here in Mississippi? A Yes sir.
Q Did she remove to the Choctaw Nation, Indian Territory, when the

Early A. Gilder, et al., #2.

rest of the tribe removed west of the Mississippi River? A No sir.

Q Why didn't she? A All the testimony that I have on that is that they owned a home here, and had a place here that they traded for, and her husband being a white man they preferred to remain here because they owned a home.

Q Did she signify to the United States Indian Agent of the Choctaw tribe of Indians here in Mississippi, her intention to remain in Mississippi, and become a citizen of the United States? A No sir.

Q Didn't make any statement to them concerning that? A No sir.

Q Did she ever after that appear before any Commissions of the United States and claim her rights as a Choctaw Indian who had remained in Mississippi? A No sir.

Q Did she ever claim or receive any lands from the United States Government in Mississippi as a fourteenth article claimant? A No sir.

Q Did she ever receive any benefits from the Choctaw tribe of Indians? A No sir.

Q Was she living with, and recognized as a member of the Choctaw tribe at the time of the emigration of the Indians to Indian Territory? A Yes sir. A Man by the name of Gaines went to them two or three times and requested them to go with the Indians, and she refused to go.

Q Why didn't she signify her intention to remain here? A I don't know why.

Q You understand that that was optional with her; it was not compulsory on her? A I understand that.

Q She never was known by any other name than Smith? A My grand mother's name was Smith and she married a Gilder.

Q She was married before the tribe moved from here to Indian Territory? A She was married before 1830.

Q Did any of your ancestors ever receive any lands here in Mississippi from the United States Government, under the fourteenth article of the treaty of 1830? A No sir.

Q Did they ever receive any land under any of the articles of the treaty of 1830? A No sir.

Q Do you know whether or whether any of your mother's people ever removed from the Choctaw Territory, that is what was called the old Choctaw Territory to the present Choctaw Nation in Indian Territory? A No sir.

Q Did any of them ever remain here when the tribe moved away, and receive benefits? A They remained here but did n't receive any benefits.

Q Why didn't they? A I don't know why they didn't. The agent went to them and requested them, but they owned a home that they had bought and paid for, and they didn't care to leave it; that is all the evidence I have on that point.

Q You are making your application at this time, solely as a claimant under 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 Bettie.

Q Is she a white woman? A Yes sir.

Q Are you making any claim for her? A Yes sir.

Q What do you claimer to be? A I claim that she married an Indian of an eighth.

Q Do you think that gives her any right? A Well, that is with your honorable body; I don't know under the laws of the Nation.

Q The Commission recognizes the rights of Choctaw Indians in Indian Territory under their tribal laws and customs, but under the authority given the Commission in the Identification of Mississippi Choctaws, there is no such provision made for intermarried white persons

Early A. Gilder, et al., #6.

The application you desire to make on behalf of your wife, will be taken by the Commission, but subject to the authority of law that is granted the Commission to determine the identity of Mississippi Choctaws.

- Q How old is your wife? A Twenty three years old.
Q What is her father's name? A William Q. Harrell.
Q Is he living? A Yes sir.
Q What is your wife's mother's name? A Hage Harrell.
Q Is she living? A Yes sir.
Q Did your wife ever make any claim to Indian citizenship? A No sir.
Q Her parents are both white people are they? A Yes sir.
Q Where did you marry her? A In Oklena, Chickasaw County, Mississippi.
Q Did you marry her under a United States license? A Yes sir.
Q You have never been married to her under a license issued by the Choctaw tribal authorities? A No sir.
Q When were you married to her? A The twenty-fifth day of August 1897.
Q Have you your marriage license? A No sir.
Q Is she the mother of your child? A Yes sir.
Q It will be necessary in the matter of the application you make on behalf of your wife as an intermarried Mississippi Choctaw, and the application you make on behalf of your child, that evidence of your marriage to your wife, Bettie Gilder be supplied.
Q How many children have you? A One.
Q What is its name? A William Harrell.
Q How old is he? A Two years and nine months.
Q You are the father of this child A Yes sir.
Q Bettie Gilder is the mother? A Yes sir.
Q Is there any additional statement you desire to make in support of this application? A No sir. I don't know that there is. I have affidavits from relatives who were not beneficiaries, or would not be, in case this is accepted and I am enrolled, who would testify to just the same I have. On all of these affidavits my relatives will base their claim also.
Q In the event the Commission is able to identify you and your child as Mississippi Choctaws, is it your intention to move with you family to the Choctaw Nation in Indian Territory for the purpose of establishing a bona fide residence? A Yes sir.
Q Have you any documentary evidence showing a recognition of your fore-fathers as members of that tribe? A Nothing only the affidavit of parties who were living at that time.
Q Do you desire to file them? A No sir.

Q
Permission is granted the applicant to file written and evidence in support of his application, provided the same is offered for filing with the Commission within thirty days from the date hereof.

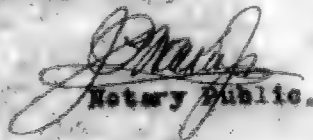
The decision of the Commission as to the application you make for yourself and minor child for identification as Mississippi Choctaws, and the application made by your on behalf of your wife as an intermarried Mississippi Choctaw, will be mailed to you in the future to your present post office address.

R. E. Strait being first duly sworn, upon his oath states, that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above styled cause, and that the foregoing is a full, true and correct translation of his stenographic notes therein.

R. E. Strait

Early A. Gilder, et al., #4.

Subscribed and sworn to before me at Meridian, Mississippi, this
3rd day of April, A.D. 1901.


Notary Public.

Muskogee, Indian Territory, April 25, 1901.

Mr. E. A. Gilder,
Pheba, Mississippi.

Dear Sir:

The Commission is in receipt of the affidavits of T. Gilder, T. J. Dowdy, A. P. Walton, M. K. Gilder and H. H. Duke, and certified copy of marriage license and certificate between E. A. Gilder and Bettie Harrell, to be filed in support of your application for the identification of yourself and your child as Mississippi Choctaws, and for your wife as an intermarried Mississippi Choctaw. The papers have been duly filed with the record in this case.

Yours truly,

Acting Chairman.

MU 1573

Muskogee, Indian Territory, May 16, 1901.

Mr. E. A. Gilder,

Pheba, Mississippi,

Dear Sir:

The Commission is in receipt of affidavit of A. C. Naron, stating that E. A. Gilder is a descendant of M. K. Gilder, who is a descendant of Mrs. Lillie B. Gilder whose maiden name was Suddath; also affidavit of A. C. Naron giving the same information in regard to A. H. Gilder, and certificate of E. J. Hall, Clerk, stating that J. A. Summers, before whom the same are acknowledged, is entitled to administer oaths. No letter accompanies these affidavits, and there is only one certificate. The affidavit of A. C. Naron and the certificate of the Clerk have been filed in support of the application of E. A. Gilder for the identification of himself and children as Mississippi Choctaws and of his wife as an intermarried Mississippi Choctaw; the affidavit of A. C. Naron with reference to A. H. Gilder has been filed in support of his application for identification of himself and family as Mississippi Choctaws. If he desires to have the certificate of the Clerk as to the authority of J. A. Summers to take acknowledgments, it will be necessary to procure a second certificate from him, and send for filing with his application. The rules of the Commission require that each case must stand on its own evidence, and affidavits filed in one case cannot be referred to in another application.

Yours truly,

COPY.

M.O.R. 1573.

Muskogee, Indian Territory, July 18, 1908.

Early A. Gilder,

Phena, Mississippi.

Dear Sir:

You are hereby advised that on the 18th day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Malichi K. Gilder, et al., embracing the following applications for identification as Mississippi Choctaws:

Malichi K. Gilder, et al.,	M.O.R. 1187
Early A. Gilder, et al.,	" 1573
Alfred H. Gilder, et al.,	" 1593
Salina A.E. McCullough, et al.,	" 1923
Rifio C. Gilder,	" 1926

~~These applications were made under the provisions of the~~
act of Congress of June 22, 1898 (30 Stat. 405) which is as follows:

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

Said decision concludes as follows:

■ A G ■

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Malichi K. Gilder, Early A. Gilder, William Harrell Gilder, Alfred H. Gilder, Robert E. Gilder, Oscar K. Gilder, Carrie A. Gilder, Sally V. Gilder, Rivers R. Gilder, Clinton H. Gilder, Sallie A.L. McCullough, Karl McCullough, Sepha McCullough, Sam McCullough, Lulu McCullough and Effie G. Gilder 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.

"It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Cheetaw by intermarriage, and that the application made by Malichi K. Gilder for his wife, Lulu Gilder, by Early A. Gilder for his wife, Nettie Gilder, by Alfred H. Gilder for his wife, Sally Gilder, and by Sallie A.L. McCullough for her husband, J.A. McCullough, in each case for identification as a Mississippi Cheetaw by intermarriage, 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).

Irene Bixby.

Acting Chairman.

Registered.

COPY

M.C.R. 1593.

Muskogee, Indian Territory, September 27, 1902.

Early A. Gilder,

Phoba, Mississippi.

Dear Sir:

You are hereby advised that on the 15th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Malichi K. Gilder, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date APR - 1 1901

Name Early A. Gilder.

Age 31. Blood 1/8.

Post Office. Pheba, Miss.

Father: M. K. Gilder - ✓

Mother: Angelina Gilder - dead.

Claims through father.

WIFE: Bettie Gilder. 29.

FATHER: William Q. Harrell - ✓

MOTHER: Ange Harrell - ✓

Children:

William Harrell } 3.
Gilder. }Claims for self and child:
and for wife as an inter-
married Mississippi Choctaw

Stenographer

A. J. [Signature]

Choctaw MCR 1574

Joannah K. Reed

See MCR 1575

MCR 1574

Annah K. Reed et al.

REFUSED

DECISION RENDERED. JUL 21 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 21 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 21 1902

RECORD FORWARDED DEPARTMENT.

JUL 21 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

SEP -3 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

SEP 15 1902

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

SEP 15 1902

REFER TO M. C. R. 1575

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, April 1, 1901.

In the matter of the application of Jeannah Kitture Reed for the identification of herself and her seven minor children as Mississippian Cheetaws. Said Jeannah Kitture Reed being first duly sworn, upon her oath testified as follows:

Examination by the Commission?

- Q What is your name? A Jeannah Kitture Reed?
What is your age? A Thirty four.
Q What is your post office address? A Ada, Indian Territory.
Q How long have you resided in Indian Territory? A Eleven years.
Q Have you maintained a continuous residence there for the past eleven years? A Yes sir.
Q Have you been outside of the Territory during that time? A Yes sir.
Q How long at a time? A Just on a visit for a short time.
Q You have maintained a residence there for the last eleven years? A Yes sir.
Q Had your house-hold goods there? A Yes sir.
Q Always lived in the Chickasaw Nation? A I have just lived there ten years.
Q Where did you live before that? A In Texas.
Q How long did you live in Texas? A We lived there six years.
Q Where did you live before that? A I never lived anywhere except Texas.
Q Where did you live before you came to Texas? A I lived in Texas, born and raised in Texas.
Q You told me just now you had just lived there five years? A I said six years after we married.
Q You were born in Texas? A Yes sir.
Q Never have lived in Mississippi? A No sir.
Q This is the first time you were ever in Mississippi? A Yes sir.
Q Have you ever received any benefits from the Cheetaw or Chickasaw Nations in Indian Territory? A No sir.
Q Did you ever claim a right in any other tribe of Indians? A No sir.
Q Ever been married to a Cheetaw or Chickasaw Indian? A No sir.
Q What is your father's name? A Floyd.
Q Floyd what? Is that his given name or surname? A J.W. Floyd is his name.
Q What is the J.W. for? A Josiah W. Floyd.
Q Is your father living? A No sir.
Q What is your mother's name? A Eliza.
Q Is your mother living? A Yes sir.
Q Through which one of your parents do you derive your Cheetaw blood? A My mother.
Q How much Cheetaw blood do you claim? A Why, an eighth.
Q Is your name on any of the tribal rolls of the Cheetaw Nation in Indian Territory? A No sir.
Q Have you ever applied to the tribal authorities for citizenship in that Nation? A No sir.
Q Did you make application, or did anyone for you, make application in 1896, to the Commission to the Five Civilized Tribes for

Jessiah Kitture Reed, et al., #2.

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 the tribal authorities of that Nation? A No sir.

Q The Commission to the Five Civilized Tribes, or the United States Court in 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 citizenship on enrollment as a Choctaw Indian? A No sir.

Q Do you own a home in Indian Territory? A Yes sir.

Q Have you been in undisturbed possession of it since you have been there? A No sir.

Q Did the Choctaw authorities ever complain about you holding land in the Choctaw nation? A No sir. We never held any land there we just leased it.

Q From a citizen? A Yes sir.

Q Never attempted to hold it as a claimant? A No sir.

Q What do your possessions in the Indian Territory consist of? A Well, a residence, and my husband has a merchandise business.

Q The land that you hold in Indian Territory, you hold on a lease from a citizen? A Yes sir.

Q This is the first application you have ever made for Choctaw citizenship? A Yes sir.

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

Q Are you claiming to be a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.

Q Did you ever receive any benefits as a Mississippi Choctaw? A No sir.

Q What was the name of your ancestor, or ancestors, who were residents of the State of Mississippi, and members of the Choctaw tribe of Indians in 1830, at the time of the treaty of Dancing Rabbit Creek, between the United States and the Choctaws? A Duncan.

Q Full given name? A James Duncan.

Q Is he a Choctaw Indian? A Yes sir.

Q Was he recognized as such by the Choctaw tribe in Mississippi? A Yes sir.

Q What relation is he to you? A My grand father.

Q Have you any evidence showing that he has ever been recognized by the Choctaw tribe as a member of that tribe? A Only these affidavits.

Q What do these affidavits show? A They show the name of my grand father and mother, and my great grand father and mother.

Q Do they show that James Duncan was ever recognized by the members of the Choctaw tribe of Indians as a citizen of that Nation? A Yes sir.

Q Did he receive benefits the same as the other Choctaw Indians? A No sir, he never received any benefits.

Q Why didn't he? A I can't tell you.

Q Why didn't he remove from Mississippi to the Choctaw Nation at the time of the removal of the other members of the Choctaw tribe? A I don't know sir.

Q Did he remove? A No sir, he lived and died here.

Q Died in Mississippi? A Yes sir.

Q Did he ever signify to the United States Indian Agent of the Choctaw tribe in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A Yes sir.

Q Have you any evidence that he ever did that? A No sir.

Q How do you know he ever did? A Well, he never did go to the Territory, and I suppose he lived here all his life.

Joannah Kitture Reed, et al., #3.

Q Was he recognized by the Choctaw authorities at the time the other Indians were removed there? A I don't know sir.

Q Did he ever receive or claim any lands in Mississippi as a beneficiary under the fourteenth article of the treaty of 1830? A No sir, not that I knew of.

Q Have any of your ancestors claimed or received any lands in Mississippi as beneficiaries under the fourteenth article of that treaty? A No sir, not that I knew of.

Q You make your application solely as a beneficiary under the fourteenth article of the Treaty of 1830? A Yes sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A William Jefferson Reed.

Q Is he a white man? A Yes sir.

Q He never made any claim to Indian citizenship? A No sir.

Q You are not making any claim for him? A No sir.

Q Have you any children under twentyone years of age, and unmarried for whom you desire to make application? A Yes sir.

Q These children all live with you in Indian Territory? A Yes sir.

Q What are their names and ages? A Ada, is aged fifteen.

Q Just Ada Reed? A Yes sir.

Q The next one? A Earnest, thirteen.

Q The next one? A Annie, eleven, Elbert, seven; Richard, five; Earl Lewis, three, and Edgar, six months.

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

Q I would like to ask you, are you the mother of these children? A Yes sir.

Q And William J. Reed, is the father of all seven of them? A Yes sir.

Q They all live with you? A Yes sir.

Q Do you want to file these affidavits? A Yes sir.

Q

There is offered in evidence, filed and made a part of the record in this application, the affidavits of J.W. Duncan, and of Mary Duncan.

Q Your permanent place of residence is Ada, Indian Territory? A Yes sir.

Q

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

(Applicant is apparently white, and does not speak Choctaw language).

H. S. Streit, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above styled cause, and that the foregoing is a full, true and correct translation of his stenographic notes therein.

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of April, 1901.

H. S. Streit
[Signature]
Notary Public.

COPY.

M C R 1574

Waukegan, Indian Territory, July 31, 1902.

Jeannah Kitture Reed,
Ada, 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 Charles D. Turnage, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles D. Turnage, et al.,	M C R 1575
Newton G. Turnage, et al.,	M C R 1590
Jeannah Kitture Reed, et al.,	M C R 1574

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

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under the article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and 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 Charles D. Turnage, Harrison Turnage, Lula Turnage, Anna Turnage, George G. Turnage, Frances Turnage, Charles Robert Turnage, Newton G. Turnage, James Early Turnage, Marcus Lee Turnage, Mary Ellen Turnage, Frances Almer Turnage, Jeannah Kitture Reed, Ada Reed,

August Reed, Louis Reed, Elbert Reed, Richard Reed, Earl Lewis Reed, and Elmer Reed, as Cheater Indians entitled to rights in the Cheater lands under the provisions of said article four-teen of the treaty of 1825, and that the applications for their identification as such should be refused, and it is so ordered.

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

Yours truly,

SIGNED

I. B. Neelies

Commissioner in Charge

Registered.

W C R 1874

COPY.

Muskogee, Indian Territory, September 15, 1908.

Jessiah E. Reed,
Ada, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of September, 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 Charles D. Furnage, et al., of which decision you were advised by registered mail on the 21st day of July, 1908.

Yours truly,

SIGNED

James Birby
Acting Chairman.

For Identification as a Mississippi Choctaw.

Date APR - 1 1901

Name Joanna K. Reed.

Age 94. Blood 1/8.

Post Office. Ada, Ind. Ter.

Father: Josiah W. Floyd - dead

Mother: Eliza Floyd - ✓

Claims through mother.

HUSBAND:

William J. Reed.
(no claim for husband).

Children:

Ada Reed	15.
Earnest "	13.
Annie "	11.
Elbert "	7.
Richard "	5.
Carl Lewis "	3.
Eugene "	6 mos.

Stenographer R. S. Street.

(for self and 7 children).

Choctaw MCR 1575

Charles D. Twinage

See MCR 1590, 1574

MCR 1575

ON AS
A MISSISSIPPI CHOCTAW. R. 1575

Charles D. Turnage, et al.

REFUSED

DEC 1 1902

RECEIVED

JUL 21 1902

RECEIVED

JUL 21 1902

RECEIVED

JUL 21 1902

RECEIVED

SEP -3 1902

RECEIVED

SEP 15 1902

RECEIVED

SEP 15 1902

REFER TO M. C. R. 1590, 1574

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

In the matter of the application of Charles D. Turnage, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Charles D. Turnage, et al	H.C.R. 1578
Newton G. Turnage, et al	" 1590
Jeanah Kitture Reed, et al	" 1574

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Charles D. Turnage, et al.

	(Page)
Original application of Charles D. Turnage, et al., before the Dawes Commission for identification as Mississippi Choctaws	1
Affidavit of J. W. Duncanson	4
Affidavit of Mary Duncanson	6
Certified copy of marriage certificate of C.D. Turnage and Mattie Turnage	7
Original application of Newton G. Turnage, et al., before the Dawes Commission for identification as Mississippi Choctaws	8
Certified copy of marriage certificate of Newton Turnage and Mattie Turnage	12
Affidavit of Mary Duncanson	13
Affidavit of J. W. Duncanson	14
Original application of Jeanah Kitture Reed, et al., before the Dawes Commission for identification as Mississippi Choctaws	16

(Page)

Affidavit of J. W. Dunson19

Decision of the Commission denying the application
of Charles D. Turnage, et al., for identification
as Mississippi Choctaws20

.....

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, April 1, 1901.

In the matter of the application of Charles D. Turnage for the identification of himself and his six minor children as Mississippi Choctaws. Said Charles D. Turnage having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Charles D. Turnage.
Q What is your age? A Forty six years old.
Q What is your post office address? A Buford, Mississippi.
Q You live in Mississippi? A Yes sir.
Q How long have you lived here? A In Mississippi? A
Q Yes sir? A I was raised in Mississippi.
Q Born here? A Yes sir.
Q Never lived anywhere else? A No sir.
Q Have you ever lived in the Choctaw Nation in Indian Territory?
A No sir.
Q What is your father's name? A James Turnage.
Q Is he living? A No sir; he is not living.
Q What is your mother's name? A Frances Turnage.
Q Is your mother living? A No sir; she is not living.
Q Through which one of your parents do you derive your Choctaw blood? A Through my mother.
Q How much Choctaw blood do you claim? A Well, sir, we are claiming an eighth; that is, to the best of my knowledge.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application to the tribal authorities of the Choctaw Nation in Indian Territory to be enrolled as a Choctaw?
A No sir; I never have.
Q Did you 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 That is a question I am not prepared to answer.
Q Well did you make an application? A I made an application, yes sir.
Q To the Commission? A Yes sir.
Q In 1896? A No sir, not until now. If that's the question, no sir; I never made any application before until now.
Q Well, then, in answer to my question if you made application in June 1896 under the Act of Congress of June 10, 1896, your answer would be what? A I don't know.
Q Well, did you make an application in 1896? A No sir.
Q Have you ever made an application prior to this time? A No sir.
Q Have you ever received any benefits as a Choctaw Indian? A No sir.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q Are you making your claims a beneficiary under the fourteenth article of the Treaty of 1830? A Yes sir.
Q What is the name of your ancestor or ancestors who were resident of the State of Mississippi and recognized members of the Choctaw tribe of Indians in 1830? A You mean, my mother, my grand mother or my grand father?
Q Yes sir? A My mother was, you mean before she was married - she was Frances Duncan.

Q What is the name of your ancestor or ancestors who were residents of the State of Mississippi and recognized members of the Choctaw Tribe of Indians? A My grand father was James Duncan.

Q Was he a recognized member of the Choctaw Tribe of Indians? A Well, he was recognized as having the blood of the Choctaw.

Q Was he permitted to draw the annuities with the other Choctaw Indians here? A I don't know that sir.

Q Did he have all the benefits of the Choctaw Indians? A No sir, he never had any.

Q Why did n't he remove to the Choctaw Nation in Indian Territory at the time of the removal of the other Choctaws? A I don't know that sir.

Q Did he ever remove to Indian Territory? 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 guess he did.

Q Have you any evidence showing that he ever did? A No sir.

Q Did he ever receive, or claim any lands in Mississippi as a beneficiary under the fourteenth article of the Treaty of 1830? A No sir.

Q Have you ever received any benefits as a Choctaw Indian? A No sir.

Q Was your grand father always recognized by the Choctaw Indians as a citizen? A Yes sir, of the State of Mississippi.

Q No sir, of the Choctaw tribe? A Well, he was recognized as having the blood of the Choctaw tribe.

Q But was he ever recognized by the tribe as a member of the tribe, did they consider him as a member of their tribe? A I don't know sir.

Q Was he ever known by any other name than Duncan? A No sir.

Q You are making applications solely as a beneficiary under 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 Mattie Turnage.

Q The mother of all of these children? A Yes sir.

Q What are the names and ages of your children? A The oldest one is named Hermion.

Q How old is he? A She is thirteen years old.

Q The next one? A Lula Turnage.

Q How old is she? A Eleven.

Q The next one? A Anna, she is nine years old.

Q The next one? A George G., he is seven years old.

Q The next one? A Frances.

Q How old is Frances? A She is four years old.

Q The next one? A The next one is a boy; his name is Charles Robert.

Q How old is he? A He is nine months old.

Q How long have you been married to Mattie Turnage? A Twelve years.

Q Who is the mother of Hermion Turnage? A Mattie Turnage.

Q Was you married to her when your first child was born? A That's right; I got a little off; we have been married fourteen years.

Q Have you your marriage license and certificate? A I haven't got them with me.

It will be necessary for the Commission to be supplied with evidence of your marriage to Mattie Turnage in the matter of the application for the identification of your children.

Q Now, in the event the Commission will be enabled to identify you and your children as Mississippi Choctaws, is it your intention to remove with your family to the Choctaw Nation, Indian Territory for

Charles D. Turnage, et al., #3.

the purpose of becoming bona fide citizens of that Nation? A Yes sir.

Q Is there any additional statement you desire to make in support of this application at this time A No sir, I don't know that there is.

Q Have you any documentary evidence showing - A I have affidavits, yes sir.

Q What do these affidavits show? A They show the ancestors, the grand father and grand mother, and great grand mother.

Q They show that you are the descendant of James Duncan? A Yes sir.

Q Do they show that James Duncan was ever recognized as a Choctaw citizen? A Yes sir. I guess it does.

Q Have you read them? A Yes sir.

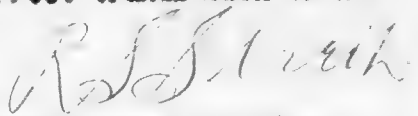
Q Who is J.W. Duncan? A He is J.W. Duncan; he is a second cousin of mine; he is either a second or a third cousin, I don't know just which. He is related in some way.

Q
There is offered in evidence, filed and made a part of the record in this application, the affidavit of J.W. Duncan, and the affidavit of Mary Duncan.

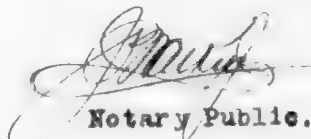
The Decision of the Commission as to your application, and the application you make on behalf of your six minor children for identification as Mississippi Choctaws, will be mailed to you at your present post office address some time in the future.

Applicant apparently white, and does not speak Choctaw language.

R.S. Streit, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported all of the proceedings had in the above styled cause, and that the foregoing is a full, true and correct translation of his stenographic notes therein.



Subscribed and sworn to before me at Meridian, Mississippi, this 10th day of April, A.D. 1901.



Notary Public.

J. F. W.
J. R. B.

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

---o---

In the matter of the application of Charles D. Turnage, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Charles D. Turnage, et al	M.C.R. 1875
Newton G. Turnage, et al	" 1890
Joannah Kitture Reed, et al	" 1874

-- DECISION :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Charles D. Turnage for himself and his six minor children, Hermion, Lula, Anna, George G., Frances and Charles Robert Turnage; by Newton G. Turnage for himself and his four minor children, James Early, Marcus Lee, Mary Elen and Frances Almer Turnage, and by Joannah Kitture Reed for herself and her seven minor children, Ada, Earnest, Annie, Elbert, Richard, Earl Lewis and Edgar Reed, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States

and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Conerly (or Connerly), (given name not stated), who is alleged to have been a full blood Choctaw woman, 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 article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Conerly (or Connerly), or a less remote ancestor of any of the applicants herein, or any of said applicants, signified (in person or by proxy) to Colonel Wm. Ward Indian Agent, Choctaw Agency, an intention to comply with the

(3)

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 Charles D. Turnage, Hernien Turnage, Lula Turnage, Anna Turnage, George G. Turnage, Frances Turnage, Charles Robert Turnage, Newton G. Turnage, James Early Turnage, Marcus Lee Turnage, Mary Allen Turnage, Frances Almer Turnage, Joannah Kitture Reed, Ada Reed, Earnest Reed, Annie Reed, Elbert Reed, Richard Reed, Earl Lewis Reed and Edgar Reed, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



ACTING CHAIRMAN.



Commissioners.

Muskogee, Indian Territory,

JUL 21 1902

COPY.

M C R 1575

Waskogie, Indian Territory, July 21, 1902.

Charles D. Turnage,
Buford, Mississippi.

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 Charles D. Turnage, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles D. Turnage, et al.,	M C R	1575
Newton G. Turnage, et al.,	"	1590
Joannah Kitture Reed, et al.,	"	1574

These applications were made under the provisions of the act of Congress of June 29, 1898 (30 Stats., 495), which is as follows:

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles D. Turnage, Hermion Turnage, Lula Turnage, Anna Turnage, George G. Turnage, Frances Turnage, Charles Robert Turnage, Newton G. Turnage, James Early Turnage, Marcus Lee Turnage, Mary Ellen Turnage, Frances Almer Turnage, Joannah Kitture Reed, Ada Reed, Earnest Reed, Annie Reed, Elbert Reed, Richard Reed, Earl Lewis Reed and Edgar Reed, as Choctaw Indians entitled to rights in the

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.

SIGNED

I. B. Needles.
Commissioner in Charge.

Registered.

H C H 1878

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 Charles D. Turnage, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 21st, 1902.

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

Charles D. Turnage, et al.,	H C H	1878
Newton G. Turnage, et al.,	"	1890
Jessiah Kitture Reed, et al.,	"	1874

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,

(Signature)

I. B. Needles
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

COPY

JUL 28 1898

Muskogee, Indian Territory, July 28, 1898.

Manfield, McKurray & Carnish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Dear Sirs:

You are hereby advised that on the 21st day of July 1898, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles D. Turnage, et al., embracing the following applications for identification as Kiskaigipi Choctaws:

Charles D. Turnage, et al.,	X U S	1873
Newton G. Turnage, et al.,	"	1870
Francis Kirture Reed, et al.,	"	1874

These applications were made under the provisions of the act of Congress of June 22, 1896 (29 Stat., 490), 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 reports to the Secretary of the Interior."

Said decision concluded as follows:

" It is, therefore, the opinion of this Commission that the evidence hereto is insufficient to determine the identity of Charles D. Turnage, Newton Turnage, John Turnage, and Turnage George G. Turnage, Francis Turnage, Charles Robert Turnage, Newton G. Turnage, Susan Mary Turnage, Albert Lee Turnage, and John

2280

Turnage, Frances Almer Turnage, Joseph Kittura Reed, Ada Reed, Margaret Reed, Annie Reed, Albert Reed, Richard Reed, Earl Lewis Reed, and Edgar Reed, as Charles Williams entitled to rights in the Wharton lands under the provisions of said article fourteen of the treaty of 1820, and that the applications for their identification as such should be allowed, and it is so ordered.

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,

(SIGNED)

T. B. Needles,
Commissioner in Charge.

COPY

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS,

Land
43,968-1902.

WASHINGTON, August 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report from Thomas B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, dated July 21, 1902, forwarding the record relative to the consolidated case of Charles D. Turnage, et al., who apply for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of Article 14, of the treaty of 1830.

The commission on July 21, 1902, held that the applicants were not entitled to identification.

Charles D. Turnage applies for the identification of himself and his six minor children, Hermien, Lula, Ann, George G., Frances and Charles Robert Turnage.

Newton G. Turnage applies for the identification of himself and his four minor children, James Early, Marcus Lee, Mary Ellen and Frances Almer Turnage.

Jannah Kitture Reed and her children, Ada, Earnest, Annie, Elbert Rickard, Earl Lewis and Edgar Reed.

Charles D. Turnage, the principal applicant, claims to be the son of Frances Turnage who was the daughter of James Duncan who was the son of Fannie Duncan who was the daughter of Owen Cenerly or Cennerly and "his wife" whose first name is not given. They therefore attempt to trace descent from the wife of Owen Cenerly.

The records of the office have been carefully examined and no record has been found showing that any body by the name of Turnage, Duncan, Cenerly or Cennerly, complied or attempted to comply with the provisions of said treaty or applied to the commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if any they had.

It is therefore respectfully recommended that the decision of the commission rejecting the applicants be approved.

Very respectfully,

Your obedient servant,

A. C. Tenner,
Acting Commissioner.

(G.A.V.)
P.

D.C. No. 14852-1902.

52489

RAF.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

ITD. 5361-1902.

September 3, 1902.

LRN.

Commission to the Five Civilized Tribes.

Muskogee, I. T.

Gentlemen:

July 21, 1902, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws, of Charles D. Turnage and his minor children Hermion, Lula, Anna, George G., Frances and Charles Robert Turnage; of Newton G. Turnage and his minor children, James Early, Marcus Lee, Mary Elen and Frances Almer Turnage; and of Jeannah Kitture Reed and her minor children, Ada, Earnest, Annie, Elbert, Richard, Earl Lewis and Edgar Reed.

The applicants endeavor to trace their descent from one Conerly (or Connerly), who is alleged to have been a full blood Choctaw woman 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 Conerly or a less remote ancestor of the applicants 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).

-4-

You refused the application July 21, 1902.

Forwarding the papers August 22, 1902, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

Having carefully reviewed the entire case, the Department affirms your decision.

Respectfully,

1 inclosure.

Thos. Ryan,
Acting Secretary.

COPY
Muskegee, Indian Territory, September 15, 1902 .

Hansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles D. Turnage, et al., of which decision you were advised by mail on the 21st day of July, 1902.

Yours truly,

Respectfully,
S. J. D. D.

Acting Chairman.

M C R 1575

COPY

Muskogee, Indian Territory, September 15, 1902.

Charles D. Turnage,
Duford, Mississippi.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles D. Turnage, et al., of which decision you were advised by registered mail on the 21st day of July, 1902.

Yours truly,
(SIGNED)

James Blodgett
Acting Chairman.

Card No.

NAME

RESIDENCE
DISTRICT

POST OFFICE

AGE

SEX

REFER TO M. C. R. 1575

Charles D. Jernage
et al

Consolidated Case

Owen Connelley, or Conneray
wife

full blood
(name not given)
mother of

Fannie Duncan
husb.

Jacob Duncan

James Duncan
wife

Winnie Duncan

Frances Duncan 1/8
husb. dead

James J. Surrage, w.
husb. dead

Charles D. Surrage 1/6
wife

Mattie Surrage

Newton G. Surrage 1/6
wife

Martha Surrage, w.

1875
Hermion Surrage 13

"Kula Surrage 11

"Anna Surrage 9

George G. Surrage 7

Frances Surrage 4

Charles Robert Surrage 2

1890
James Surrage 6

Marcus Lee Surrage 5

Mary Ellen Surrage 3

Francis Alver Surrage 1

For Identification as a Mississippi Choctaw.

Date APR - 1 1901

Name Charles W. Turnage.

Age 42. Blood 1/8.

Post Office, Buford, Miss.

Father: James Turnage - dead

Mother: Frances Turnage - dead.

Claims through mother

WIFE: Mattie Turnage - ✓

(no claim for wife).

Children:

F. Herminon Turnage 13

Lula " " 11.

Anna " " 9.

George G. " " 7.

F. Frances " " 4.

Charles R. " " 9 mo.

(claims for self and 6 children)

Stenographer

A. J. Street.

Choctaw MCR 1576

Ludie Warren

MCR 1576

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, April 1, 1901.

In the matter of the application of Lucie Warren for identification as a Mississippi Choctaw. She being first duly sworn upon her oath, testified as follows:

Examination by the Commission.

- Q What is your name? A Lucie Warren.
Q What is your age? A Twenty four.
Q What is your post office address? A Columbia, Mississippi.
Q How long have you lived in Mississippi? A All my life.
Q Born here? A Yes sir.
Q Never have lived anywhere else? A No sir.
Q Have you ever been in Indian Territory? A No sir.
Q What is your father's name? A John I. Warren.
Q Is he living? A Yes sir.
Q What is your mother's name? A Susan E. Warren.
Q Is your mother living? A Yes sir.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q Is your father a white man? A Yes sir.
Q He has never made any claim to Choctaw citizenship? A No sir.
Q How much Choctaw blood do you claim? A Thirty second.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application to the Choctaw tribal authorities in Indian Territory to be enrolled as a Choctaw? A No sir.
Q Did you, or did anyone 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 either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
Q Have you ever made any application, prior to this time, to either the Choctaws or the United States for citizenship, or to be enrolled? A No sir.
Q This is your first application? A Yes sir.
Q Of any description? A Yes sir.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q You claim your rights as a beneficiary under the fourteenth article of the Treaty of 1830? A Yes sir.
Q Have you ever received any benefits as a Choctaw Indian? A No sir.
Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No sir, not that I have ever heard of.
Q What was the name of your ancestor, or ancestors, who were residents of the state of Mississippi and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty was entered into between the United States and the Choctaw Tribe of Indians? A Lott.
Q Do you know their given names? A Yes sir, do you want as far back as, -you say in 1830?
Q Yes mam? A Sarah Ann and Arthur.
Q Now, which one of your ancestors was the Choctaw Indian here in 1830? A It was my grand mother.
Q Your mother's mother? A You say my mother's mother? A
Q Yes? A It was my mother's grand mother.

Ludie Warren, #2.

- Q Your great grand mother then? A Yes sir.
- Q What was her name? A My great grand mother's name, - Martha.
- Q Martha Lo t? A Yes sir.
- Q Did you ever hear of her having any other name? A No sir.
- Q That was her married name was it? A Yes sir, that was my great grand mother. You say, did I ever hear of her having any other name? A
- Q Yes? A Yes sir; my great grand mother's name was Warren? A
- Q Martha Warren? A Yes sir. I was mistaken in the question you asked me a while ago.
- Q Did Martha Warren ever receive any benefits as a Choctaw Indian in Mississippi? A Not that I have heard of.
- Q Have you any evidence showing that she was a recognized member of the Choctaw tribe of Indians in 1830? A It was my great grand mother; that is the one. I was mistaken in the question you asked me a while ago; it was my great grand father; that is where it comes in.
- Q What was his name? A Solomon Lett.
- Q Now, have you any evidence showing that he was a recognized member of the Choctaw tribe of Indians in 1830? A No sir; I don't know of any.
- Q Why didn't he remove from Mississippi to the Choctaw Nation when the other Choctaw Indians moved there? A Well, I don't know sir.
- Q Do you know whether or not he signified to the United States Indian Agent of the Choctaw Indians in Mississippi to stay here when the other Indians moved west of the Mississippi River? A No sir.
- Q Have any of your ancestors ever received or claimed any lands in Mississippi as Choctaw Indians? A No sir.
- Q You are making your claim as a beneficiary 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 You are making this claim solely on your own behalf? A Yes sir.
- Q Are there any additional statements you desire to make in support of your application? A No sir; not that I know of.
- Q Now, in the event the Commission is able to identify you as a Mississippi Choctaw, is it your intention to remove to the Indian Territory, and there establish your bona fide residence? A Yes sir.
- Q Is there any additional statement you desire to make at this time? A No sir.
- Q Have you any documentary evidence in any writing, any old papers showing that any of your ancestors have complied with the fourteenth article of the Treaty of 1830? A No sir.
- Q

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

There is offered and filed in evidence, and made a part of the record in this case, the affidavit of H.H. Johnson, and the affidavits of John I. Grimsley and William R. Williams.

Applicant apparently white and does not speak Choctaw language.

R.S. Streit, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above styled cause, and that the foregoing is a full, true and correct translation of his

Ludie Warren, #3.

stenographic notes therein.

R. S. Strick

Subscribed and sworn to before me this 3rd day of April,
A.D. 1901. *At Meridian Miss.*

J. Mack
Notary Public.

COPY

Muskogee, Indian Territory, September 4, 1902.

Ludie Warren,
Columbia, Mississippi.

Dear Madam:

You are hereby advised that on the 4th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nathan A. Lott, et al., embracing the following applications for identification as Mississippi

Choctaws:

Nathan A. Lott, et al.,	M.C.R. 1269
Susan E. Warren, et al.,	" 1316
Birdie Baylis, et al.,	" 1317
Ludie Warren,	" 1576
Solomon W. Lott, et al.,	" 1319
Katie Lott,	" 1318
Thomas W. Lott, et al.,	" 1266
Thomas W. Lott, Jr., et al.,	" 1321
Jesse A. Lott,	" 1320
Simon C. Lott, et al.,	" 1316
Lucy Hathorn, et al.,	" 1588
Bally Ritchey, et al.,	" 1589

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

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lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and 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 Nathan A. Lott, Elizabeth Lott, Laura Lott, Frances Lott, Susan E. Warren, Susan L. Warren, William W. Warren, Liberty E. Warren, Joseph E. Warren, Mary E. Warren, Emily C. Warren, Birdie Baylis, Julia B. Baylis, George W. Baylis, Eugene K. Baylis, Mamie L. Baylis, Mary F. Baylis, Lucie Warren, Solomon W. Lott, Arthur Lott, Simon Lott, Nathan Lott, Katie Lott, Thomas W. Lott, John Lott, Maggie Lott, Mattie Lott, George Lott, Ruby Lott, Clarence Lott, Thomas W. Lott, Jr., Addie E. Lott, Simon G. Lott, Jesse A. Lott, Simon C. Lott, Lucy Hathorn, John Cooper Hathorn, Lois Hathorn and Sally Ritchey 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 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 Nathan A. Lott, for the identification of his wife, Elizabeth Lott, the application made by Thomas W. Lott for the identification of his wife, Elizabeth Lott, the application made by Simon C. Lott for the identification of his wife, Texanna Lott, the application made by Lucy Hathorn for the identification of her husband, Guy Hathorn, and the application made by Sally Ritchey for the identification of her husband, Robert Ritchey, as intermarried Mississippi Choctaws should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the In-

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terior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(NEED)

James D. Doby

Acting Chairman.

Registered.

M.C.R. 1576

Muskogee, Indian Territory, December 22, 1902.

Ludie Warren,

Columbia, Mississippi.

Dear Madam:

You are hereby notified that on the 2th 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 Nathan A. Lott, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

Jane Dixey

Acting Chairman.

No. 1576

For Identification as a Mississippi Choctaw.

Date APR - 1 1901

Name Lucie Warren.

Age 24. Blood 1/32.

Post Office, Columbia, Miss.

Father: John J. Warren - ✓

Mother: Susan O. Warren - ✓

Claims through mother.

Children.

Claims for herself alone.

Stenographer

A. J. Street.

RECOMMENDED BY THE
APPROVED BY THE
DEC
DEPARTMENTAL SECTION
APPLICANT
DEC
OFFICE OF DEPARTMENTAL ACTION
APPROVED AT FOR THE
OFFICIALS AND NATIONALS
DEC 28
REFER TO M. C. R. 1269

4

Choctaw MCR 1577

Robert E. McCants

MCR 1577

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Robert E. McCants Sr.

REFUSED.

DECISION RENDERED. JUL 28 1902

NOTICE OF DECISION RENDERED A PERSONAL

JUL 28 1902

NOTICE FOR CHOCTAW

JUL 28 1902

RECORD DEPARTMENT.

JUL 28 1902

ACTION

JUL 28 1902

NOTICE ACTION

NOV -7 1902

NOTICE FOR

NOV -7 1902

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

In the matter of the application of Robert E. McCants,
et al., for identification as Mississippi Choctaws. N.C.R. 1877.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above entitled case.

Original application of Robert E. McCants,
et al., for identification as Mississippi
Choctaws.....1
Affidavit of H. B. Sagna.....4
Affidavit of H. E. Trotter..... 5
Certified copy of the marriage record of
R. E. McCants and Emma Henderson.....8
Decision of the Commission denying the
application of Robert E. McCants, et al.,
for identification as Mississippi Choctaws...9.

Department of the Interior
Commission to the Five Civilized Tribes
Meridian, Miss. April 1, 1901.

In the matter of the application of Robert E. McCants for the identification of himself and his two minor children as Mississippi Choctaws. Robert E. McCants being first duly sworn by the Commission testified as follows:

Examination by the Commission.

- Q What is your name? A Robert E. McCants.
Q What is your age? A Forty nine .
Q What is your post-office address? A Tupulo, Mississippi.
Q How long have you lived in the state of Mississippi? A All my life.
Q Born here? A Yes sir.
Q Ever lived any where else? A I lived ~~xxxx~~ one year in Mobile.
Q Have you ever lived in the Indian Territory? A No sir.
Q What is your father's name? A Sam McCants.
Q Is your father living? A No sir, he's dead.
Q What is your mother's name? A Susan.
Q Is your mother living? A No sir, she's dead.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q Was your father a white man? A Yes sir.
Q Never made any claim to Choctaw Indian blood? A No sir not as I know.
Q How much Choctaw blood do you claim? A One quarter.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not as I know.
Q Did you ever make application to the Choctaw tribal authorities for citizenship in that Nation? A No sir.
Q Did you 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 the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A Not as I know.
Q Have you ever made any application to either the Choctaw authorities or the authorities of the United States prior to this time? A No sir.
Q Have you ever received any benefits from the Choctaw Nation in the Indian Territory? A No 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 or ancestors who were residents of the state of Mississippi and members of the Choctaw Tribe of Indians at the time the treaty of Dancing Rabbit Creek was entered into between the Choctaw Indians and the United States? A I don't know sir.
Q How long has your mother been dead? A Sixteen years.
Q How old was she when she died? A About - I couldn't hardly tell you now. She would have been about 60 years old if she had lived now.

Robert E. McCants 2---

- Q Do you know what her father's and mother's names were?
A Yes sir.
- Q Were they both Indians? A No sir.
- Q Which one of your mother's parents was Indian? A My grand mother.
- Q Your mother's mother? A Yes sir.
- Q What was her name? A Venus.
- Q Venus what? A Venus Blakeley I suppose. That was my grand father's name.
- Q Did you ever hear of her having any other name than Venus Blakeley? A No sir, I don't know whether she went by Blakeley but Blakeley was my grand father's name. I don't know whether they were ever married or not. She just went by the name of Venus.
- Q You don't know whether she ever had an Indian name? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Emma.
- Q You stated that she was half negro? A Yes sir.
- Q And half white woman? A Yes sir.
- Q You are not making any claim for her? A No sir.
- Q She is the mother of your children? A Yes sir.
- Q You have two children unmarried and under 21 years of age for whom you desire to make application have you? A Yes sir.
- Q What are their names and ages? A The boy is eighteen. His name is Robert E. McCants.
- Q What is the other's name? A Mary Susie.
- Q How old is she? A Eleven.
- Q Are you the father of both of these children? A Yes sir.
- Q Emma McCants is the mother? A Yes sir.
- Q When did you marry Emma McCants? A In 1880, the 11th of October.
- Q Have you your marriage license and certificate with you?
A No sir.
- Q It will be necessary that the Commission be supplied with evidence of your marriage to Emma McCants in the matter of the application for the identification of your two minor children. In the event that the Commission is enabled to identify you and your children as Mississippi Choctaws entitled to a right in the Choctaw lands ~~under~~ in the Indian Territory is it your intention to remove to the Choctaw Nation in the Indian Territory with your family?
A Yes sir.
- Q Is there any additional statements that you desire to make at this time? A No sir.
- Q Have you any written evidence, any documents of any kind showing compliance by your ancestors with the provisions of the fourteenth article of the treaty of 1830 which you desire to file with the Commission? A No sir.

Here attorney for applicants asks leave to file written evidence in support of this claim within twenty days from this date including marriage certificate.

Permission is granted attorney for the applicant to file written evidence in support of this application provided the same is offered for filing with the Commission within twenty days from the date hereof.

- Q Have you ever been held in slavery? A No sir.

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

- Q Can you speak the Choctaw language? A Only one word that I know.

This applicant is of dark complexion but has nose of

Robert E. McCants 3---

This applicant is of dark complexion but has none of the facial characteristics of a Choctaw Indian, and is unable to speak the Choctaw language.

Myra Young having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 1st day of April, 1901, and that the above and foregoing is a true, full and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young:

Subscribed and sworn to before me this 1st day of April, 1901.

at Meridian, Miss.

J. P. [Signature]
Notary Public.

*Call
J. R. W.
C. v. W.*

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

In the matter of the application of Robert E. McCants,
et al., for identification as Mississippi Choctaws. M.C.R. 1577.

--: 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 Robert E. McCants for himself and his two minor children, Robert E. and Mary Susie McCants, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 498):

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

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

(2).

twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Venus Blakeley, who is alleged to have been a Choctaw Indian (degree of blood not given).

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 Venus Blakeley, 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 Stats., 150), and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that

(3).

the evidence herein is insufficient to determine the identity of Robert M. McCants, Robert E. McCants, Jr., and Mary Susie McCants 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.

COMMISSIONER.


COMMISSIONER.

Muskogee, Indian Territory,

JUL 28 1902.

COMMISSIONERS
HENRY L. DAWES,
TANS BIXBY,
THOMAS S. NEEDLES,
C. R. BRACKINRIDGE,

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY

Meridian, Mississippi, April 2, 1901.

Mr. C. H. Sawyer,
Atoka, Indian Territory.

Dear Sir:

There is enclosed you herewith for filing with the records of your office, testimony in the matter of the application of Robert E. McCants for the identification of himself and two minor children as Mississippi Choctaws.

Personal appearance was made by this applicant at the Commission's office in Meridian, Mississippi. Memorandum slip of this application has been previously forwarded you.

Yours truly,

Tans Bixby
Acting Chairman.

Enc

Closed April 5, 1901

Muskegee, Indian Territory, January 9, 1902.

Robert E. McGants,
Tupelo, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the sixth instant asking if it will be necessary for you to meet the Commission again at Meridian, Mississippi and stating that you appeared before the Commission at Meridian, Mississippi, April 1, 1901 and have heard nothing in regard to your case.

In reply to your letter you are advised that unless you have witnesses whom you wish to introduce or have learned additional facts in regard to your application, it will not be necessary for you to appear again before the Commission during the appointment at Meridian, Mississippi. No decision has yet been reached or opinion rendered relative to your rights as a Mississippi Choctaw. As soon as a decision is reached you will be notified of the action taken by the Commission.

Yours truly,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, July 28, 1902.

Robert E. McCants,

Tupelo, Mississippi.

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 Robert E. McCants, 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 Robert E. McCants, Robert E. McCants, Jr., and Mary Susie McCants 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

R. E. Ma 2.

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.

COPY.

-MCR-1577-

Muskogee, Indian Territory, July 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Robert E. McCants, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 28, 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)

I. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 enclosure.

COPY.

Muskegee, 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 Robert E. McCants, 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 Robert E. McCants, Robert E. McCants, Jr., and Mary Susie McCants 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

M., McM & C., 2.

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. Neaves.

Commissioner in Charge.

--- COPY ---

Land
45524-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, Oct. 23, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith a report made July 28, 1902, by T. B. Needles, Esq., Commissioner in charge of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Robert E. McGants for the identification of himself and his two minor children, Robert E. and Mary Susie, as Mississippi Choctaws claiming rights under the provisions of the fourteenth article of the treaty of 1830

July 28, 1902, the Commission held that the applicants were not entitled to identification.

Descent is claimed from Venus Blakeley, grandmother of Robert E. McGants.

The applicants are not full-blood Choctaw Indians. An examination of the records of this office fails to show that Venus Blakeley received a patent to land under the provisions of article fourteen 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 1, 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 application, be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

GAT
B

3 Inclosures.

- - - COPY - - -

D.C. 20452.

DEPARTMENT OF THE INTERIOR.

OMR

Washington,

October 28, 1902.

ITD 6565-1902.

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

Gentlemen:-

July 28, 1902, you forwarded the record of proceedings had in the application of Robert E. McCants for the enrollment of himself and his two minor children, Robert E. and Mary Susie McCants, as Mississippi Choctaws, together with your decision same date, refusing to enroll said applicants.

The principal applicant claims to be descended from his grandmother, Venus Blakeley, an alleged Choctaw Indian.

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, 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, 1857 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs, in his letter of October 23, 1902, transmitting the record, recommends that your decision be affirmed.

- - - 2 - - -

After a careful review of the whole case, the Department concurs in said recommendation, and your decision is hereby affirmed.

A Copy of the Acting Commissioner's communication is inclosed herewith.

Respectfully,

E. A. Hitchcock,

Secretary.

G.V.F..

1 Inclosure.

W.C.R. 1377

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 26th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commissioner refusing the application for identification of Mississippi Choctaws of the several persons included in the application of Robert E. McCants, et al., of which decision you were duly advised by mail on the 28th day of July, 1902.

Respectfully,


Acting Chairman.

Y.C.R. 1577

COPY.

Muskogee, Indian Territory, November 7, 1902.

Robert E. McCants,
Tupelo, Mississippi.

Dear Sir:

You are hereby advised that on the 28th 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 Robert E. McCants, et al., of which decision you were duly advised by registered mail on the 28th day of July, 1902.

Respectfully,

(Faint signature)

James Dixie.
Acting Chairman.

No. 1577

For Identification as a Mississippi Choctaw.

Date APR - 1 1901

Name Robert O. Mc. Cants,

Age 119. Blood 1/11.

Post Office, Dupelo, Miss.

Father: Sam Mc. Cants - dead

Mother: Susan Mc. Cants - dead

Claims through mother.

WIFE: Emma Mc. Cants -
(no claim for wife).

Children:

Robert O. Mc. Cants 18.

Mary Susie Mc. Cants 11.

(Claims for himself
and two children).

Enographer

Myra Young.

Choctaw MCR 1578

Millie Hollis

MCR 1578

MISSISSIPPI CHOCTAW. R. 1578

Millie Hollis

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 ATTORNEY 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 Millie Hollis for
identification as a Mississippi Choctaw, M.C.R., 1879.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
Millie Hollis.

	(Page)
Original application of Millie Hollis before the Dawes Commission for identification as a Mississippi Choctaw	1
Affidavit of W. P. Gillispie	4
Decision of the Commission denying the application of Millie Hollis for identification as a Mississippi Choctaw	8

Department of the Interior
Commission to the Five Civilized Tribes
Meridian, Mississippi, April 1, 1901.

In the matter of the application of Millie Hollis for identification as a Mississippi Choctaw. Millie Hollis being first duly sworn by the Commission testified as follows:

Examination by the Commission.

- Q What is your name? A Millie Hollis.
- Q What is your age? A 41.
- Q What is your post-office address? A My husband's, Gibson, Mississippi? A Yes sir.
- Q How long have you lived in Mississippi? A Lived in Mississippi all my life.
- Q Born here? A Yes sir.
- Q Ever lived any where else? A No sir.
- Q Ever been in the Indian Territory? A No sir, not that I know of.
- Q What is your father's name? A Rouse Gillispie.
- Q Is your father living? A No sir, he's dead.
- Q What is your mother's name? A Hagar Gillispie.
- 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 Your mother a white woman? A No sir, she's darker than I am.
- Q Is she a negro? A Yes sir.
- Q Was she ever a slave? A Yes sir.
- Q Have you ever been held in ~~the~~ slavery? A No sir, I wasn't under no slave. My foreparents were.
- Q Your father ever a slave? A Yes sir.
- Q How much Choctaw blood do you claim? A They say my father was half.
- Q And your mother was a negro? A Yes sir.
- Q Do you claim about a quarter? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a citizen? A No sir.
- Q Did you make application to this Commission in 1896 under the act of Congress of June 10th, 1896 for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the tribal authorities or the Commission to the Five Civilized Tribes or the United States Court of the Indian Territory? A No sir.
- Q Have you ever made any application prior to this time to either the Choctaw authorities or the authorities of the United States to be enrolled 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 that claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
- Q Did you ever receive any benefits under the provisions of that article of that treaty? A No sir.

Millie Hollis 2--

Q What was the name of your parents or foreparents who were residents of the state of Mississippi at the time the treaty was entered into in 1830 between the United States and the Choctaw Indians? A My parents. I don't know none outside of my mammy and daddy.

Q How old is your mother? A 55 or 60 as near as I can tell you.

Q How old is your father? A Somewhere about 70 or 75 as near as I can get at it.

Q Did you know your father's parents name? A No sir, he didn't know anything about his parents. He was bought from the Indians when he was a lad of a boy. Mr. Bucklaster bought him.

Q Was he held by a Choctaw Indian as a slave? A Yes sir.

Q And sold by him to white people? A Yes sir, sold to old man Bucklaster a long time ago.

Q Did he ever receive any benefits from the Choctaw Indians in the Indian Territory? A No sir, I think not.

Q Have you ever received any benefits as a Choctaw Indian?

A No sir.

Q You are making your claim solely under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

Q Are you married? A Yes sir, that's my husband there.

Q He has already made an application has he? A Yes sir.

Q Have you any children under 21 years of age and unmarried?

A No sir.

Q Making this application solely on your own behalf are you?

A Yes sir, I have one, a daughter. She will be 24 in May.

Q This application you are making now is solely on your own behalf? A Yes sir.

Q In the event that the Commission should be 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 I couldn't say. Of course I am under my husband's law and I have to go by what he says.

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

Q Have you any documentary evidence you desire to file with the Commission in support of your application, any written evidence, affidavits, showing that you are a Choctaw Indian that you desire to file with the Commission? A No sir.

Here attorney for applicant asks leave to file written evidence in support of this claim within twenty days from this date.

Permission is granted attorney for applicant to file written evidence in support of this application, provided the same is offered for filing within twenty days from this date.

Examination by Mr. Hudson, attorney for the applicant

Q How old are you Mrs. Hollis? A 41.

Q And can't you tell about how old your mother is? A Not exactly. The last time she was with me - she lives in Arkansas now, Woodruff County, Arkansas, - she was fifty years old then and that was 12 years ago as near as I can get at it.

Q Then she is about 62 years old? A Yes sir, as near as I can get at it.

Q And you know nothing of your father's mother or father at all? A No sir, he never did. Old man Bucklaster bought him when he was a lad of a boy from the Indians.

Q Did you ever see him? A My daddy?

Q Your grand father? A No sir, I never seen him. I never had a grand father in my life that I knew anything of.

Millie Hollis 3-----

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.

This applicant has some of the appearances of an Indian but it appears from her testimony that both her father and mother were slaves and there us evidence of admixture of negro blood.

Q Can you speak the Choctaw language? A No sir.

Myra Young having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 1st day of April, 1901, 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 1st day of April, 1901.

at Meridian, Miss.

J. M. [Signature]
Notary Public.

J. H. B.
C. v. W.

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

---o---

In the matter of the application of Millie Hollis for identification as a Mississippi Choctaw, M.C.R. 1878.

--: 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 Millie Hollis for herself, under the following provision of the act of Congress approved June 26, 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 the said applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of one Reuse Gillispie, who is alleged to have been a half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that the said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

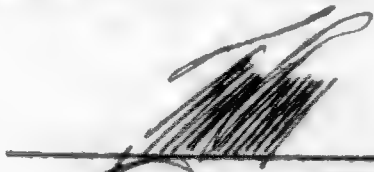
It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Rouse Gillispie 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 Millie Nellie 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

(2)

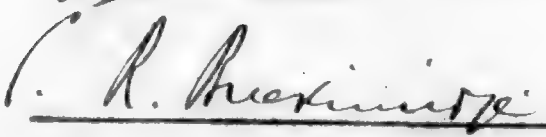
refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



ACTING CHAIRMAN.





Commissioners.

Muskogee, Indian Territory,

JUL 28 1902

W.C.R. 1578.

COPY.

Muskogee, Indian Territory, July 28, 1902.

Willie Hollis,
Gibson, 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 Willie Hollis, an applicant for identification as a Mississippi Choctaw.

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

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Willie Hollis as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this

M.M. #2.

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

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, July 25, 1902.

Wansfield, McMuray & Cornish,

Attorneys for 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 Millie Hollis, an applicant for identification as a Mississippi Choctaw.

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

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and so 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 Millie Hollis 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

90.

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,

(SIGNET

T. B. Needles.

Commissioner in Charge.

COPY.

M.C.R. 1578.

Muskogee, Indian Territory, July 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Millie Hollis, 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 inclosure.

D. C. 14085-1902.

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EAF.

DEPARTMENT OF THE INTERIOR.

Washington.

ITD. 4895-1902.

August 28, 1902.

L. R.S.

Commission to the Five Civilized Tribes,

Muskogee, 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 Millie Hollis for identification as a Mississippi Choctaw.

Applicant endeavors to trace her descent from one Rouse Gillispie, alleged to have been a half 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 Rouse Gillispie 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.

The Acting Commissioner of Indian Affairs forwarded the papers August 11, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

Having carefully reviewed the entire case, the Department affirms your decision.

Respectfully,

1 inclosure.

Thos. Ryan,

Acting Secretary.

E.M.D.

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land. 45,504-1902.

Washington, August 11, 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, dated July 28, 1902, forwarding for the Department's consideration the record relative to the application of Millie Hollis for the identification of herself as a Mississippi Choctaw claiming rights in the Choctaw land under the 14th article of the treaty of 1830.

The applicant claims descent from Rouse Gillispie, her father.

Her ancestor's name is also said to be "Rouse".

Search has been made for the name of Rouse Gillispie and also for the name of "Rouse", and no such names have been found among the records.

June 28, 1902, the commission found that the applicant was not entitled to identification as a Mississippi Choctaw.

The records of the office 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.

It is therefore respectfully recommended that the decision of the commission rejecting the applicant be approved.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(G.A.W.)

P.

M C R 1578

COPY.

Muskogee, Indian Territory, September 5, 1902.

Millie Hollis,

Gibson, 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 Millie Hollis, of which decision you were duly advised by registered mail on the 28th day of July, 1902.

Yours truly,

Tamc Dixby.

Acting Chairman.

M C R 1578

COPY.

Muskogee, Indian Territory, September 8, 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 Millie Hellis, of which decision you were duly advised by letter on the 28th day of July, 1902.

Yours truly,

(SIGNED)

Tamc Dixby.

Acting Chairman.

...TION AS
MISSISSIPPI CHOCTAW

Hollis
ER 1578

No. 104

For Identification as a Mississippi Choctaw.

Date APR - 1 1901

Name Millie Hollis

Age 41 Blood 1/2

Post Office Gibson, Miss.

Father: Pouse Gillespie - dead

Mother: Nager Gillespie - ✓

Claims through father.

Children:

Applicant claims for herself alone.

Stenographer

Myra Young.

Choctaw MCR 1579

Ben Hollis

MCR 1579

Ben Hollis

REFUSED

DECISION MADE. JUL 25 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 25 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 25 1902

RECORD FORWARDED DEPARTMENT.

JUL 25 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 25 1902

NOTICE OF ADMINISTRATIVE ACTION
FORWARDED APPLICANT.

SEP - 5 1902

NOTICE OF ADMINISTRATIVE 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 Ben Hollis for
identification as a Mississippi Choctaw, M.C.R. 1579.

List of papers forwarded to the Secretary of the Interior,
comprising the report in the case of Ben Hollis.

(Page)

Original application of Ben Hollis before the Dawes Commission for identification as a Mississippi Choctaw1
Decision of the Commission denying the application of Ben Hollis for identification as a Mississippi Choctaw4.

Department of the Interior
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 1, 1901.

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

Examination by the Commission.

- Q What is your name? A Ben Hollis.
- Q How old are you? A About 51 years old.
- Q What is your post-office address? A Gibson, Mississippi.
- Q How long have you resided in Mississippi? A I have been here right where I am at now for about eighteen years.
- Q Where did you live before that? A Alabama. I was born in Alabama.
- Q What part of Alabama? A In Marion County I think it was. That is what they called it then. Marion County.
- Q You have always lived in Alabama and Mississippi? A Yes sir.
- Q Have you ever lived in the Indian Territory? A No sir.
- Q What is your father's name? A I can hardly tell you. I don't know anything about it. He was dead before I can recollect. My mother told me his name was John Hollis.
- Q He is dead is he? A Yes sir.
- Q What is your mother's name? A Sarah Hollis.
- Q Is she living? A Yes sir, she's living. That is was the last time I heard of her.
- Q Through which one of your parents do you derive your Choctaw blood? A My mother.
- Q Was your father a Choctaw Indian? A Not that I know of. It is my mother.
- Q Did he ever claim to be a Choctaw? A Not that I knows of. I don't know anything about him.
- Q Did you ever hear that he claimed Choctaw blood? A No sir.
- Q You claim your choctaw blood solely through your mother?
A Yes sir.
- Q How much Choctaw blood do you claim? A I don't know. Some say three quarters. I don't know.
- Q Well, how much do you claim? A I don't think more than one half.
- 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 that Nation? 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 10th, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the tribal authorities of the Choctaw Nation, this Commission or the United States Courts in the Indian Territory?
A No sir.
- Q Have you ever made any application to any tribunal before this time for 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.

A

Ben Hollis 2

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 understand.

Q Why do you believe that you are entitled to this identification as a Choctaw Indian and a right in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A The fourteenth article you say?

Q Yes sir.

A I don't understand that exactly.

Q The authority vested in the Commission to determine the rights of so called Mississippi Choctaws only provides for the identification of those who claim rights under the fourteenth article of the treaty of 1830. Now do you make your claim under the provisions of that article of that treaty? A Yes sir, I think I do. I can't understand it right.

Q Through whom do you claim the right to identification as a Mississippi Choctaw, which one of your parents or your grand parents? A My mother.

Q Did your mother ever derive any benefits under the fourteenth article of the treaty of 1830? A I don't know.

Q What was the name of your ancestor or ancestors who were residents of the state of Mississippi in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians? A My mother.

Q How old is your mother now? A She is about sixty or seventy years old.

Q Do you know what her parent's names were? A No sir, I don't know. And she don't know. She was taken away when she was very small.

Q Did your mother ever have an Indian name? A That's what she always claimed herself and the white people always claimed that where she was raised. My mother always claimed to me that she was Choctaw.

Q You know nothing about your mother's father or mother?

Q Don't know cause she was taken away when she was a child and she don't know where she come from.

Q Did you ever hear whether your mother's parents ever received or claimed any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.

Q Did your mother always live in Alabama or Mississippi?

A Yes sir, ever since I can remember she lived right here.

Q Are you married? A Yes sir I am married.

Q Want to make any claim for your wife at this time? A No?

A Yes sir. A My wife's here herself.

Q Have you any children under twenty one years of age and unmarried for whom you desire to make application? A No sir.

Q This application is made solely on your own behalf? A Yes sir.

Q In the event that the Commission should be enabled to identify you as a Mississippi Choctaw is it your intention to remove to the Indian Territory, the Choctaw nation? A Well, I don't know sir. I want to go there but I don't know whether I would like to stay there all the time or not. I might go there to stay and might not like it all the time.

Q Is there any additional statement that you desire to make? A No sir, I don't know as there is.

Examination by Mr. Hudson, attorney for applicant.

Q Mr. Hollis, is your mother a full blood Choctaw woman? A Well, now, I couldn't tell you. That is what she claims.

Q She claims to be a full blood? A Yes sir.

Q And your father you know nothing of? A No sir.

Ben Hollis 3

By the Commission

Q Have you any documentary evidence, any affidavits or written statements of any kind? A No sir.

Here attorneys for applicants ask leave to file affidavits in support of the same claim within twenty days from this date or during this session of the Commission in Mississippi.

Permission is granted attorneys for the applicant to file documentary evidence in support of this application provided the same is offered for filing with the Commission within twenty 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 to your present post-office address.

This man has some of the appearances of a Choctaw Indian.

Q Can you speak the Choctaw language? A No sir.

But is unable to speak the Choctaw language and apparently has an admixture of negro blood.

Myra Young, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 1st day of April, 1901, 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 1st day of April, 1901.

at Meridian, Miss.

J. M. [Signature]
Notary Public.

Handwritten:
ORB
C. W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Ben Hollis for
identification as a Mississippi Choctaw, M. C. R. 1872.

-: 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 Ben Hollis for himself, under the following provision of the act of Congress approved June 26, 1892 (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 Sarah Hollis, who is alleged to have been a full blood

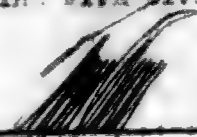
Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

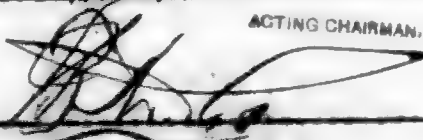
It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted 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, 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 Sarah Hollis, 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 Ben Hollis 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.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



ACTING CHAIRMAN.


C. R. McChesney

Commissioner.

Waskagee, Indian Territory.

JUL 25 1907

M.C.R. 1579

COPY

Muskogee, Indian Territory, July 28, 1902.

Ben Hollis,

Gibson, Mississippi .

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 Ben Hollis, 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 Ben Hollis 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 date forwarded the record in this case to the Secretary of the

(B-K)

Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Registered.

I. E. Needles.
Commissioner in Charge.

COPY

U.S.A. 1579

Muskogee, Indian Territory, July 25, 1902.

Messrs. Mansfield, Murrey & Cernish,

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 Ben Hollis, 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 Ben Hollis 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 date forwarded the record in this case to the Secretary of the

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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.

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M.C.R. 1079

COPY.

Muskogee, Indian Territory, July 25, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Ben Hollis, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of July 25, 1902.

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

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.
1 enclosure.

COPY.

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs.

Land 5069-1902.

Washington, August 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 25, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Ben Hellis for identification as a Mississippi Choctaw.

Descent is claimed by the applicant from his mother, Sarah Hellis, an alleged Choctaw Indian.

A careful search of the records of this office fails to show the name of Sarah Hellis as one of those who received or attempted to secure the benefits of the fourteenth article of the Treaty of Dancing Rabbit Creek.

It is therefore respectfully recommended that the decision of the Commission refusing to identify Ben Hellis as a Mississippi Choctaw, be affirmed.

Very respectfully,
Your obedient servant,

WCY
D

A. C. Tenner,

3 inclosures.

Acting Commissioner.

D. C. 14073-1902.

59932

WHR.

DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D. 4776-1902.

L. R. S.

August 25, 1902.

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

Gentlemen:

Under date of July 25, 1902, you transmitted the record in the matter of the application of Ben Hellis (M.C.R. 1579), for identification as a Mississippi Chectaw.

From an examination of the record, it appears that applicant claims rights in the Chectaw lands under Article 14 of the Treaty of 1830, claiming descent from one Sarah Hellis, his mother, who he alleges is a full blood Chectaw Indian and resided in Mississippi in 1830.

You report that from the evidence submitted in support of said application, and from the records in your possession, it does not appear that said applicant has ever been enrolled by the Chectaw tribal authorities, or admitted to Chectaw citizenship by a duly constituted court or committee of the Chectaw Nation, or by your Commission or decree of the United States Court in the Indian Territory, under the provisions of the Act of Congress approved

June 10, 1896 (29 Stats., 321).

You further report that it does not appear from the testimony and evidence offered, or from the records in your possession relating to persons who complied or attempted to comply with the provisions of said Article 14 of the Treaty of 1830, that said Sarah Hellis signified, in person or by proxy, to Col. William Ward, Indian Agent, Chectaw Agency, any intention of complying with the provisions of said Article, or presented any claim to rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513), and it is therefore your opinion that the evidence is insufficient to determine the identity of the applicant as a Chectaw Indian, and accordingly reject his application.

The Acting Commissioner of Indian Affairs forwarded your report under date of August 5, 1902, and recommended that your decision be affirmed.

Finding no reason to disturb your decision it is hereby affirmed and the application rejected.

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

Respectfully,

Thos. Ryan,

Acting Secretary,

N.M.D.

1 inclosure.

M.C.R. 1079.

COPY.

Muskogee, Indian Territory, September 2, 1902.

Ben Hollis,

Gibson, Mississippi.

Dear Sir:

You are hereby advised that on the 25th day of August 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Ben Hollis, of which decision you were duly advised by registered mail on the 25th day of July, 1902.

Yours truly,

M. C. R.

Tams Dixby.

Acting Chairman.

M.C.R. 1579.

COPY.

Muskogee, Indian Territory, September 5, 1902.

Wm. Field, Murray & 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 this Commission refusing the application for identification as a Mississippi Choctaw of Ben Hollis, of which decision you were duly advised by mail on the 25th day of July, 1902.

Yours truly,

Tame Dixie

Acting Chairman.

1579

No. 1579

For Identification as a Mississippi Choctaw.

Date APR -1 1901

Name Ben Hollis

Age 51. Blood 1/2.

Post Office, Gibson, Miss.

Father: John Hollis - dead.

Mother: Sarah Hollis - ✓

Claims through mother.

Children:

Applicant claims for
himself alone.

Enographer

Myra Young

Choctaw MCR 1580

MCR 1580

Jack Postoak

ENROLLMENT

Jack Portlock et al

I identified

Decision Reversed 2/11/03

Copy of Decision forwarded City
for Johnston & Colburner Motion

Copy of Decision forwarded
Applicant
3/11/03.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE DEVIATED TRIBES

In the matter of the application of Jack Pestoak,
et al., for identification as Mississippi Choctaws, M.C.R. 1590

-----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 April 2, 1901, by Jack Pestoak for himself, his wife, Bessie, and his two minor children, Fee Kelly and Sam Pestoak, 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 Jack Post oak, Bessie Post oak, Fee Kelly Post oak and Sam Post oak should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman

Commissioner

Commissioner

Muskogee, Indian Territory

FEB 14 1903

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Jack Post oak,
et al., for identification as Mississippi Choctaws,
W.C.R. 1580

I N D E X

Original appli ation of Jack Post oak to the Dawes Commission
for identification of himself and family as Mississippi
Choctaws

page

1

Decision of the Commission identifying the applicants
in the application of Jack Post oak et al., as Mississippi
Choctaws

4

Department of the Interior
commission to the five Civilized Tribes,
Meridian, Mississippi, April 2, 1901.

In the matter of the application of Jack Post oak for the identification of himself, his wife and two minor children as Mississippi Choctaws. Jack Post oak being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Jack Post oak.
Q What is your age? A I am about 37.
Q What is your postoffice address? A Hickory.
Q How long have you lived in Mississippi? A I have lived here as long as I have lived. In Jasper County.
Q Born here? A Born in Jasper County.
Q Never lived any where else? A I lived a while in Green County.
Q But never lived any where but in Mississippi? A No sir.
Q What is your father's name? A Isaac Post oak.
Q Is he living? A Yes sir.
Q What is your mother's name? A Lucy Post oak.
Q Is your mother living? A No sir.
Q When did she die? A About two years ago. Since she gave her name at Decatur she die.
Q Your father and mother both full blood Choctaw Indians?
A Yes sir.
Q You are a full blood Choctaw? A Yes sir.
Q What is your wife's name? A Bessie.
Q Bessie Post oak? A Yes sir.
Q How old is she? A About twenty.
Q What is her father's name? A Isom Johnson.
Q Is her father living? A Yes sir.
Q What is your wife's mother's name? A Emma Post oak.
Q Is she living? A No sir, she died.
Q Your wife is a full blood Choctaw? A Yes sir.
Q Is your name or your wife's name ever been placed on any of the rolls of the Choctaws in the Indian Territory? A Yes sir one about six years ago. They gave their name but never done nothing until they come to Decatur and I gave the name again.
Q You made an application then before you made application at Decatur in 1899, two years ago? A Yes sir.
Q You have never been enrolled by the Choctaw authorities in the Indian Territory as a Choctaw Indian have you? Understand the difference between the Commission, the Commission represents the United States, and then the Choctaw Tribe in the Indian Territory had a right to enroll people and admit them to citizenship. Were you ever admitted by the Choctaw tribe in the Territory? A I don't know sir.
Q You don't know whether you ever made an application for yourself or your wife to be enrolled or admitted as citizens of the Choctaw Nation? A No sir.
Q Now about five years ago in 1896, did you make an application to the Commission for citizenship in the Choctaw Nation? A I just gave my name.
Q Where was that? A A Man that stayed around here.
Q Was that about six years ago? A Yes sir, about six years ago I gave the name and they never done nothing but I come down to Decatur.

Jack Posteak 2---

- Q You never heard anything more from that first application?
A No sir, never heard nothing.
- Q You have never been admitted to citizenship in the Choctaw Nation by judgment of the United States Court have you? A No sir.
- Q Did you ever hear whether your case ever went before the United States Court in the Indian Territory in 1896 or 1897? A No sir.
- Q You never heard anything more from that application? A No sir.
- Q Your application which you are now making is 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 No sir, I don't understand it.
- Q You don't understand it? A No sir.
- Q Have you or your wife or children ever resided in the Indian Territory? A No sir.
- Q Did either of your parents ever live in the Indian Territory? A No sir.
- Q Did either of your wife's parents? A No sir, none of them at all.
- Q Do you know what your grand parent's names were? A Don't know.
- Q Just know your mother's and father's names? A Yes sir.
- Q Can't go back any farther than that? A No sir.
- Q Your wife's parents always lived in the state of Mississippi? A Yes sir.
- Q Did you ever hear whether any of her people ever removed to the Indian Territory? A All the Choctaws going to the Indian Territory is all I heard.
- Q Now, did any of your people or your wife's people move there?
A No sir.
- Q You have never received any money from the Choctaw Nation in the Indian Territory? A No sir, that's what I heard some of them got money.
- Q None of your people ever received any money? A No sir, not that I heard of.
- Q Did any of them receive any land in Mississippi? A No sir.
- Q Did you ever hear of your wife's people ever receiving any land from the government? A No sir.
- Q Both your people and your wife's people as far back as you have ever heard have always lived in Mississippi? A Yes sir, that's all I know.
- Q You and your wife have been married have you? A Yes sir.
- Q How many children have you? A I had four children but two died. I got two now.
- Q What are the names of the two that are living now? A Yes Kelly and Sam.
- Q Is Kelly's name Kelly or Posteak? A Posteak.
- Q Yes Kelly Posteak? A Yes sir.
- Q What is the oldest one you have living? A Yes sir.
- Q How old is she? A Six years old.
- Q How old is Sam? A Two.
- Q These children both live with you at your home? A Yes sir.
- Q You and your wife are living together? A Yes sir.
- Q In the event that the Commission should be enabled to identify you, your wife and your two minor children as Mississippi Choctaws entitled to rights in the Choctaw Nation in the Indian Territory, is it your intention to remove with your family to the Choctaw Nation in the Indian Territory and establish your permanent residence? A Yes sir.
- Q Want to move there? A Yes sir, the rest all are going to move I have to move.
- Q You understand there are no benefits unless you do remove to the Indian Territory but it is not compulsory. You don't have to go but if you want to derive any benefits you have to go to the Indian Territory? A Yes sir.

Jack Postoak 3-----

Q How if the Commission does identify you is it your intention to remove there and make your home there? A Yes sir.

Q Is there anything else you want to say? A No sir.

Q Any question you want to ask? A No sir, that's all.

Q That is all? A Yes sir.

Q Have you any documents- any writing showing that your people or your wife's people ever received any benefits as Choctaw Indians in the state of Mississippi? A No sir.

The applicant is the identical Jack Postoak who appeared before the Commission at Decatur, Mississippi, on February 6th, 1899 and made application for the identification of himself, his wife and his three minor children and their names appear upon Mississippi Choctaw card No. 348 and upon the schedule affixed to the Commission's report as to the identification of Mississippi Choctaws on March 10th, 1899 page No. 82 and roll numbers as follows: 1234, Jack Postoak, 1235 Bessie, Postoak, 1236 Foe Postoak, 1237 Nora Postoak and 1238 Sam Postoak. From the testimony of the applicant at this time it appears that his second child, Nora Postoak has died since the preparation of the schedule of March 10th, 1899.

Q You speak the Choctaw language don't you? A Yes sir.

The applicant in this case is to all appearances a full blood Choctaw Indian and speaks the Choctaw language and from his statements his wife also is a full blood Choctaw Indian. Her father Iben Johnson, being present before the Commission is to all appearances a full blood Choctaw. These people have lived in Mississippi all their lives and have never received any benefits as members of the Choctaw Tribe of Indians.

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

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 2nd day of April, 1901, 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 2nd day of April, 1901, at Meridian, Mississippi.

J. M. [Signature]
Notary Public.

Arkness, I. T. February 18, 1903.

To the Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

You will please deliver to J. G. Ralls of Atoka, Indian Territory any copies of the records in my case that under the rule of law the Commission may give out to Attorneys, as I have employed him to assist me in this case.

WITNESSES TO MARK:

William Simpson

66 ^{his} Jack x Post oak
mark

also applies for his wife Bessie, and
three children Fee, Kelly, and Sam.

COPY

M.C.R. 1589

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Jack Posteak, his wife Beanie Posteak, and his minor children, Fee Kelly Posteak and Sam Posteak as Mississippi Choctaw Indians 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 Jack Posteak, his wife and children, as Mississippi Choctaws. You are requested to deposit proof of service of said protest upon the applicants hereto.

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)

Tame Birby

acting Chairman

Registered
Enclosure M.C.R. 1589

M S R 1830

Muskegee, Indian Territory, March 4, 1903.

Jack Pestoak,
c/o Rev. Isham Johnston,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th ultimo, informing the Commission of your removal from Mississippi to Ardmore, Indian Territory, and stating that your wife died on January 29, 1903. For the purpose of making her death a matter of record there is enclosed herewith blank affidavits for proof of death.

In having said affidavits executed be careful to see that all blanks are properly filled, all names written in full, and in event either of the persons whose names are to be affixed to the affidavits are unable to write and their signatures are by mark, that such signatures be attested by two disinterested parties witnesses thereto.

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

Respectfully,

D.C.

Chairman.

COPY.

M.O.E. 1599.

Muskogee, Indian Territory, March 11, 1903.

Jack Postonk,

Ardmore, 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 yourself, your wife, Bessie Postonk, and minor children, Joe Kelly Postonk and Sam Postonk, as Mississippi Choctaw Indians, 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 Fishersing, Chickasaw Nation.

Respectfully,

James Dixby,
Chairman.

Registered.

Enc.: 1580.

W C R 1580

Muskogee, Indian Territory, March 21, 1903.

Jack Postoak,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, enclosing the affidavits of yourself and Thompson Peter relative to the death of your wife, Bessie Postoak, which occurred January 29, 1903. Said affidavits have been filed with the record in your case.

Respectfully,

Chairman.

~~11/11~~ 1580

Muskogee, Indian Territory, May 27, 1903.

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

Dear Sir:

The following notations have this day been made upon
Mississippi Choctaw card No. 414:

SETTLEMENT ADDRESS: "Ardmore, Ind. Ter."

DATE OF PROOF OF SETTLEMENT: "May 19, 1903."

"Declaration and proof of settlement applies to numbers
1, 2, 3, and 4."

Notations have also been made upon Mississippi Choctaw
card No. 414, as follows:

SETTLEMENT ADDRESS: "Ardmore, Ind. Ter."

DATE OF PROOF OF SETTLEMENT: "May 19, 1903."

You are requested to make like notations upon the dupli-
cate cards in your possession in accordance with the above informa-
tion.

Respectfully,

Commissioner in Charge.

M C R 1580

Muskogee, Indian Territory, July 14, 1903.

Jack Postoak,

Box 317,

Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, enclosing letter from the United States Indian Agent, and asking that you be given a certificate of allotment.

In reply you are informed that it is probable a certificate of allotment will be issued to you in the near future.

The Indian Agent's letter is returned you herewith.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, June 8, 1906.

Albert J. Lee,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Replying to your letter of the 29th ultimo, you are informed that the Chief Clerk of the Chickasaw Land Office has this day been instructed to hear testimony relative to the removal to and settlement within the Choctaw-Chickasaw country of Bessie Post-oak, deceased, a duly identified Mississippi Choctaw; such proof to be submitted within sixty days from April 26, 1906.

Respectfully,

Commissioner.

IN RE
THE DEATH OF

Resie Pat Oak

a citizen of the

Choctaw Nation.

Approved MAR 21 1903 1903



Commissioner.

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

FILED

MAR 21 1903



CHAIRMAN

MCR 1580

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Bessie Post Oak
(Here insert name of deceased.)

a citizen of the Choctaw Nation Nation, who formerly resided at or near
Ardmore, I. T., Ind. Ter., and died on the 29th day of
(Here insert name of post-office.)
January, 1903.

AFFIDAVIT OF RELATIVE.

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

I, Jack Post Oak, on oath state that I am 39
years of age and a citizen, by blood, of the Choctaw Nation;
that my post office address is Ardmore, Ind. Ter.; that I am
(Here insert name of post office.)
the husband of Bessie Post Oak,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Choctaw Nation;
and that said Bessie Post Oak died on the 29th day of
(Here insert name of deceased.)
January, 1903.

WITNESSES TO SIGN:

(Must be Two
Whites.)

Anna Tippit
O. F. Gregory

Subscribed and sworn to before me this 9 day of March 1903

O. F. Gregory
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

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

I, Thompson Peter, on oath state that I am 34
years of age, and a citizen, by blood, of the Choctaw Nation;
that my post office address is Ardmore, Ind. Ter.;
(Here insert name of post office.)
that I was personally acquainted with Bessie Post Oak,
(Here insert name of deceased.)
who was a citizen, by blood, of the Choctaw Nation;
and that said Bessie Post Oak died on the 29th day of
(Here insert name of deceased.)
January, 1903.

WITNESSES TO SIGN:

(Must be Two
Whites.)

Subscribed and sworn to before me this 9 day of March 1903

Thompson Peter
O. F. Gregory
Notary Public.

My Term as Notary expires Feb. 9-1907

Choctaw MCR 1581

Charley W. Wiley

MAR 1581

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

Herein is the record in the matter of the application of
Charley Wiley, et al., for identification as Mississippi Choctaws,
M.C.R. 1591.

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

In the matter of the application of Charley Wiley, et al.,
for identification as Mississippi Choctaws, M.C.R.1581.

I N D E X .

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Original application of Charley Wiley, et al., before the Dawes Commission for identification as Mississippi Choctaws,.....	1
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CARTHAGE, LEAKE CO., MISS.

WEDNESDAY, JANUARY 26, 1899.

APPLICATIONS FOR IDENTIFICATION AS MISSISSIPPI CHOCTAWS.

CHARLIE WILEY, the applicant, after being duly sworn, states: I am 30 years old. Am a full blood Choctaw, and my wife is nearly all negro. I married her according to law. I have evidence of the fact but not with me. I got a license but have not it with me. We married in Atalla Co. I have no evidence with me of that marriage. The record up there will show. The record of my marriage is in Washington. I have children by that wife. My children are as follows: Emma, 11; Arthur, 9; Link, 6; Mattie, 3; and Charlie, Jr., 1 year old. I have a sister named Eliza. She has been married to a man named Wedge, that would make her name Eliza Wedge. She is 36 years old, and has a child named Sidney Wedge, aged 13 years. I have another sister named Emma Leflore, aged 33 years. Her husband is named John Leflore. He is half breed Choctaw and the other half negro. I cannot register him but will register her and her children: Richard, 7; Alice, 5; and Lillie May, 2 years old. I have a half brother who is a full blood, named Bud Bell, aged 18.

(Certificate of Clerk of Atalla County shows that record of marriage of Charles Wiley to Mag Thompson was destroyed by fire. He makes other satisfactory proof of his marriage according to the laws of Mississippi, by minister of the gospel, named William Lucas, on November 18, 1886.) Full Blood.

I, Julius Y. Miller, stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the foregoing is a true and correct transcript of the evidence of Charlie Wiley, given before the Commission to the Five Civilized Tribes at Garthage, Seale County, Oklahoma, on November 20, 1902, as appears upon the records of said Commission.

Julius Y. Miller

Subscribed and sworn to before me at Muskogee, Indian Territory, this the 1st day of November, 1902.

Charles H. Sawyer
Notary Public.

1581
DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Testimony of Charlie Wiley taken at Carthage, Mississippi
January 29, 1898.

CHARLIE WILEY, the applicant, after being duly sworn, states: I am 36 years old, a full blood Choctaw, and my wife is nearly all negro. I married her according to law. I have evidence of the fact but not with me. I got a license but have not it with me. We married in Atalla Co. I have no evidence with me of that marriage. The record up there will show. The record of my marriage is in Washington. I have children by that wife. My children are as follows: Emma, 11; Arthur, 9; Link, 6; Mattie, 3; and Charlie, Jr., 1 year old. I have a sister named Eliza. She has been married to a man named Wedge, that would make her name Eliza Wedge. She is 36 years old, and has a child named Sidney Wedge, aged 13 years. I have another sister named Emma Leflore, aged 23 years. Her husband is named John Leflore. He is half breed Choctaw and the other half negro. I cannot register him but will register her, and her children: Richard 7; Alice, 5; and Lillie May, 2 years old. I have a half brother who is a full blood, named Bud Bell, aged 18.

(Certificate of Clerk of Atalla County shows that record of marriage of Charles Wiley to Mag Thompson was destroyed by fire. He makes other satisfactory proof of his marriage according to the laws of Mississippi, by minister of the gospel, named William Lucas, on November 12, 1896.)

(Full Blood)

1591

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 2, 1901.

In the Matter of the Application of Charley W. Wiley for the Identification of himself and his six minor children as Citizens of the Choctaw Nation.

Charley W. Wiley being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Charley Wiley.
Q What is your age? A 30 years.
Q What is your postoffice address? A Lilly, Mississippi.
Q Have you an Indian name? A Yes sir.
Q What is it? A Charley.
Q For what purpose do you appear before this Commission at this time? A I got a note from the Commission to be here at this point.
Q You appear here to make application for your identification as a Mississippi Choctaw? A I did that before; I have been before the Commission.
Q When? A I think last February, year ago, down here in Carthage before Mr. McKennon.
Q How long have you lived in the state of Mississippi? A Little over thirty years.
Q You was born here then? A Yes sir.
Q And have lived here continuously during your life? A Yes sir.
Q What is the name of your father? A Wiley.
Q His given name? A He aint got no given name.
Q Is he living? A No
Q When did he die? A I don't remember; I was very small.
Q Is your mother living? A No sir.
Q What was her name? A Sally Wiley.
Q What proportion of Indian blood do you claim to have? A Full blood.
Q Your father and mother then, were both full blood Indians? A Yes/
Q Have you ever been recognized by the Choctaw tribal government in Indian Territory as a citizen of that nation? A No sir.
Q Have you ever made application to the Choctaw tribal authorities in the Choctaw Nation, for citizenship in Indian Territory?
A Not until this Commission was sent out.
Q No, to the tribal authorities, I mean? A Yes. in 1899 was the first I made.
Q You did not make application to this Commission in the year 1896, under the Act of Congress approved June 10, 1896, for citizenship in the Choctaw Nation? That was 3 years ago? A No sir.
Q You never, then, have been admitted to citizenship in the Choctaw nation in Indian Territory, either by the Choctaw tribal authorities, by this Commission in the year 1896 acting under the act of Congress approved June 10, 1896, nor by a decree of the United States Court in the Indian Territory, have you? A No.
Q The same state of facts exists as to all of your children, that is, in the matter of the application for the identification of any of them? A Yes, I have made application for them.
Q You didn't make application to the tribal authorities in the Indian territory, or to this Commission in 1896 for citizenship of your children, did you? A No, in 1899, was the first application I made.
Q When and where did you make application in 1899? A Carthage, Mississippi.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Maggie Wiley.
Q Is she an Indian? A No, she is a mulatto.
QQ She is living? A Yes sir. |

2-Charley W. Wiley.

- Q Are you making any application for her? A No sir.
Q Please give the names and ages of your children for whom you make application at this time? A Emma Wiley, 13 years, Arthur, 10 years, Link 8 years, Mattie 8 years, Charley W. 3 years, and Anna D. Wiley, 7 months.
Q When was Anna born? A I don't know the exact date; she is 7 months old.

The applicant Charley W. Wiley and his children Emma, Arthur, Link, Mattie and Charley Jr. are identified as the persons whose names appear upon Mississippi Choctaw card field No. D-16, for whom application was made at Carthage, Miss., January 25, 1899. This card shows that the name of Charley Wiley has been transferred from Mississippi Choctaw card field No. 536, and his name is also found on that card. The name of the applicant is also found on page 108 on the schedule of Mississippi Choctaws which accompanied the report of the Commission to the Secretary of the Interior, of ~~August 10, 1899~~ March 10, 1899, of Choctaw Indians residing in the state of Mississippi, claiming rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830, being No. 1921 thereon.

- Q These children all the children of yourself and Maggie Wiley?
A Yes sir.
Q They get their Indian blood solely through you, do they? A Yes.
Q Their claim as Mississippi Choctaws has the same foundation as your own, has it? A Yes sir.
Q Are these children all living with you? A Yes sir.
Q Have you with you at this time, your marriage license and certificate? A No, Captain McKennon got my certificate. I sent it to him.
Q It will be necessary that you furnish evidence of your marriage to Maggie Wiley for consideration in the matter of the application made by you for your six minor children.
A When I made my application to Captain McKennon in 1899 at Carthage, Miss. I was required to furnish evidence of my marriage to Maggie Wiley, and immediately upon my return home to Carthage I furnished such evidence to the Commission and have the receipt of the Commission therefor.
Q You appear before this Commission at this time for the purpose of making application for identification as a Mississippi Choctaw entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830, do you? A Yes sir.
Q Which one of your ancestors was living on the old Choctaw reservation in Mississippi and Alabama at the time this treaty was entered into? Was your father living there then, seventy years ago?
A I don't know--no.
Q Was your mother living here then? A No.
Q Where were they living at that time? A Neither of them was 70; they would not be living.
Q Was your father's mother or father living here at that time?
A Yes, my grandfather was living here then.
Q What was his name? A Joshua.
Q Did he have any surname? A No sir.
Q Just Joshua? A Yes.
Q What was his wife's name? A I don't know.
Q Was she living here then? A I don't think she was.
Q Was your mother's father living here then? A Yes--she wasn't living here--in Lee county.
Q I mean in the state of Mississippi. What was your mother's father's name? A I don't know.
Q What was your mother's mother's name? A I don't know.
Q You never heard either of their names? A Yes, I have heard them but I have forgotten; she was raised in Neeshoba county.

S-Charley W. Wilay.

- Q You are certain they were residents of Neshoba county, Mississippi on September 27, 1830? A My daddy did.
- Q I mean your mother's parents. A Yes.
- Q And your father's parents lived in Lee county in 1830, when this treaty between the Choctaws and the United States was made?
- A Yes sir.
- Q Do you know whether either your father's mother or father or your mother's mother or father received any land in the state of Mississippi as beneficiaries under the 14th article of the treaty of 1830, between the United States and the Choctaw Indians?
- A My grandfather went there; he never got any and he come back.
- Q He was here in 1830? A Yes sir.
- Q Did he receive any land here at that time? A No sir.
- Q Did he remove to the present Choctaw nation, Indian Territory, when the main body of Indians went out there? A Yes.
- Q How long did he stay there? A Two or three months; he didn't go there; he went to Ft. Smith, and then came back to Mississippi.
- Q Do you know whether he made known to the United States Indian agent for the Choctaws in Mississippi, his intention to remain in Mississippi and become a citizen of the United States within six months after the ratification of that treaty? A No, I don't know.
- Q You are sure he never received any land back here? A Yes, that is what Ma said.
- Q Do you know whether he made any effort to get land here after he came back? A No, not as I know of.
- Q Do you know whether your father's father or mother ever received any land here? A No, I don't know.
- Q When did Joshua, your mother's father, die? A I don't know exactly; about 25 years ago; I don't know as that is right; I was small when he died.
- Q About how old a man was he when he died? A I don't know; about 60 or 70 and possibly more.
- Q In case you should be identified by the Commission as a Mississippi Choctaw entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830, between the United States and Choctaw Indians, would you remove to the Choctaw Nation, Indian Territory, and establish your permanent residence there? A Yes, if I received it I would.
- Q Is there any additional statement in regard to your case that you desire to make at this time? A Only what I made before Mr. McKennon.
- Q Are there any affidavits that you desire to offer in support of your claim? You have nothing to submit now? A No sir.

Note: This applicant has ever appearance of a full-blood Choctaw Indian.

The decision of the Commission with reference to your application made by you at this time for the identification of yourself and your six minor children as Mississippi Choctaws entitled to rights in Choctaw lands under the provisions of the 14th article of the treaty of 1830 between the United States and the Choctaw Indians will be mailed to you at a later date at Lilly, Mississippi.

Frances R. Brown, having been duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the proceedings in the above entitled cause, and that the foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on the 2d day of April, 1901.

Subscribed and sworn to before me this 2d day of April, 1901, at Meridian, Mississippi.

Francis R. Brown
J. M. ...
Notary Public.

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

-oOo-

In the matter of the application of Charley Wiley, et al.,
for identification as Mississippi Choctaws, M.C.R. 1581.

---: 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 April 2, 1901, by Charley Wiley for himself and his six minor children, Emma, Arthur, Link, Mattie, Charley W. and Anna D. Wiley, 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 the principal applicant is a full-blood Mississippi Choctaw Indian. The minor applicants herein are mixed-blood Choctaws, and whatever rights as Mississippi Choctaws they may possess by reason thereof will be determined at a later date.

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

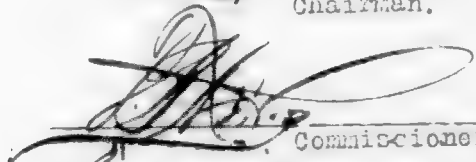
tribes of Indians, and for other purposes," approved July 1, 1902, (22 Stat., 641), and ratified by the Choctaw and Chickasaw Nations September 23, 1902, provides as follows:

"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 conditions 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 Charley Wiley should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

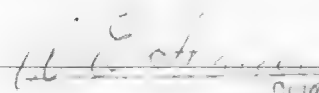

Chairman.


Commissioner.


Commissioner.

Washington, Indian Territory.

MAR 12 1904


Commissioner.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS S. NEEDLES,
C. R. BRACKINRIDGE,

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY

Meridian, Mississippi, April 3, 1901.

C. H. Sawyer, Esq.,

Atoka, Indian Territory.

Dear Sir:

There is enclosed herewith for filing with the records of your office, testimony in the matter of the application of Charley W. Wiley, on behalf of himself and his six minor children, for identification as Mississippi Choctaws.

Personal appearance was made by this applicant at the Commission's office in Meridian, Mississippi. Memorandum slip of this application has been previously forwarded you.

Yours very truly,

Tamm Bixby
Acting Chairman.

*ack'd by 11/1901
1113*

M C R 1581

Muskogee, Indian Territory, February 20, 1902.

Charley Wiley,
Healds, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, enclosing affidavits of the mother, Maggie Wiley, and the midwife, Mary Ann Howel, to the birth of your infant daughter, Maggie Pearl, born June 10, 1902. Said affidavits have been accepted as evidence of the birth of this child and made a part of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

In your letter you ask if the Commission will advise you when your case is decided. You are informed that no opinion or decision has yet been reached relative to the right of yourself and family to be identified as Mississippi Choctaws. 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.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, July 7, 1903.

Dr. R. J. Heald,
Healds, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 10, 1903, relative to the right of Annie Indian to be identified as a Mississippi Choctaw. You ask to be advised the status of the case of Charles Wiley.

In reply you are informed that it does not appear from our records that any application was ever made by or on behalf of ~~the~~ Annie Indian for identification as a Mississippi Choctaw, and your attention is invited to the following provision of the act of Congress of July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"No application of any 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."

Under the above legislation the Commission is now without authority to receive or consider the application of any person for identification as a Mississippi Choctaw.

You are further advised that April 2, 1901, at Meridian, Mississippi, Charley W. Wiley, thirty years of age, post office Idilly, Mississippi, made application to this Commission for the

Dr R J K R

identification of himself and his six minor children as Mississippi Choctaws. Up to the present time the Commission has not rendered any decision relative to the right of these applicants to such identification. As soon as a decision is rendered they will be duly notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

K O R 1881

Muskogee, Indian Territory, September 4, 1903.

Charlie Wiley,

Madison, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 51st ultimo, in which you state that you are waiting to hear from your claim in the Territory; that you are "not able to come out there," and desire free transportation.

In reply you are informed that it appears from our records that you made application to this Commission for the identification of yourself and minor children as Mississippi Choctaws. No decision has yet been rendered relative to the right of yourself and children to such identification. As soon as a decision is rendered you will be duly notified thereof.

Relative to furnishing you transportation from Mississippi to Indian Territory, your attention is invited to the following provision of the act of Congress of March 3, 1903 (Public No. 144):

"That the sum of twenty thousand dollars, or so much thereof as is necessary, is hereby appropriated, to be immediately available for the purpose of aiding Indian and identified full blood Mississippi Choctaws to remove to the Indian Territory, to be expended at the discretion and under the direction of the Secretary of the Interior."

Respectfully,

HC R 1801

Mustagee, Indian Territory, September 23, 1903.

Charlie Wiley,

c/o Dr. E. J. Heald,

Healds, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, in which you state that the Commission did not understand your letter of August 31, 1903; that you know your application is in all right, but that there are a number of full blood Mississippi Choctaw Indians in your section of the country who desire transportation to Indian Territory.

In reply you are advised to have these people correspond in regard to their removal to Indian Territory, with H. Van V. Smith, Special Agent of the United States Government, Meridian, Mississippi. Mr. Smith is now located at Meridian for the purpose of aiding indigent full blood identified Mississippi Choctaws in removing to the Choctaw-Chickasaw country, Indian Territory.

Respectfully,

Chairman.

M C R 1581
M C R 1608

Muskogee, Indian Territory, November 7, 1903.

H. Van V. Smith,
Special Agent, U. S. Government,
Meridian, Mississippi.

Dear Sir:

On October 21, 1903, Harry C. Risteen of your office, enclosed a letter of Charlie Wiley, dated October 12, 1903, carbon copy of reply thereto dated October 15, 1903, to R. J. Heald, and letter of R. J. Heald, dated October 19, 1903, relative to certain Choctaws named therein who wish to be removed to the Indian Territory. In said letter it is stated that the names of these persons do not appear upon the records in your possession, and it is requested that the Commission notify you as to their status and whether or not any additional evidence is required in their cases.

The persons referred to in the letter of Charlie Wiley, of October 12, 1903, are as follows:

Emma Flere, and six children,
Anny Primmie, and three children,
Obie Bell, his wife, and two children,
Charlie Wiley, his wife, and seven children.

None of the above named adults have been identified by the Commission as Mississippi Choctaws, neither is it to be presumed that their un-named children have been identified.

At Carthage, Leake County, Mississippi, on January 25, 1899, Charlie Wiley appeared before the Honorable A. S. McKennon, who was then a member of this Commission, and testified as follows:

"CHARLIE WILEY, the applicant, after being duly sworn, states: I am 30 years old. Am a full blood Choctaw, and my wife is nearly all negro. I married her according to law. I have evidence of the fact but not with me. I got a license but have not it with me. We married in Atalio Co. I have no evidence with me of that marriage. The record up there will show. The record of my marriage is in Washington. I have children by that wife. My children are as follows: Emma, 11; Arthur, 9; Link, 8; Mattie, 3; and Charlie, Jr., 1 year old. I have a sister named Eliza. She has been married to a man named Wedge, that would make her name Eliza Wedge. She is 36 years old, and has a child named Sidney Wedge, aged 13 years. I have another sister named Emma Leflore, aged 23 years. Her husband is named John Leflore. He is half breed Choctaw and the other half negro. I cannot register him but will register her, and her children: Richard 7; Alice, 5; and Lillie May, 2 years old. I have a half brother who is a full blood, named Bud Bell, aged 18."

It is our presumption that the Emma Flore and six children referred to in the letter of Charlie Wiley, of October 12, 1903, is the Emma Leflore and her children, Richard, Alice, and Lillie May Leflore, concerning whom Charlie Wiley testified on January 25, 1899; that the Anny Primus referred to in the letter of Charlie Wiley is the Eliza Wedge referred to in his testimony of January 25, 1899; that the Obie Bell referred to in his letter of October 12, 1903, is the Bud Bell referred to in his testimony of January 25, 1899; and that the Charlie Wiley, his wife, and seven children referred to in his letter is the Charlie Wiley and his children: Emma, Arthur, Link, Mattie, and Charlie, Jr. referred to

in his testimony of January 23, 1899.

It is our further presumption that Emma Flores, Anny Primus, Obie Bell and Charlie Wiley are members of the same family and brothers and sisters.

On April 2, 1901, at Meridian, Mississippi, Charley Wiley applied for the identification of himself and his six minor children, Emma, Arthur, Link, Mattie, Charley W. and Anna D. Wiley, as Mississippi Choctaws. The evidence in this case shows that Charley Wiley is a full blood Choctaw Indian, but that his wife, Maggie Wiley, and the mother of his minor children, is a negro. No application was made by Charley Wiley on April 2, 1901, for the identification of his wife.

There has recently been prepared, and is now pending the action of the Commission, a decision identifying Charley Wiley as a full blood Mississippi Choctaw under the provisions of the first section of the Act of Congress approved July 1, 1902, but no action has as yet been taken relative to the disposition of the application made for the identification of his minor children. No further evidence is required in this case to render a decision.

You are further advised that at Meridian, Mississippi, on April 3, 1901, Eliza Davis, who apparently is a full sister of Charley Wiley, made application for the identification of herself and her minor child, Sidney Davis, as Mississippi Choctaws. The

evidence in this case shows that the principal applicant is a full blood Choctaw Indian and a decision has been prepared and is now receiving the consideration of the Commission, identifying her as a Mississippi Choctaw under the provisions of the 41st section of the Act of Congress approved July 1, 1902.

At the time of her appearance at Meridian, Mississippi, on April 3, 1901, Eliza Davis testified that she was formerly known by the name of Eliza Wedge. It is our presumption that the Eliza Davis who made application at Meridian, Mississippi, on April 3, 1901, is the same person as the Anny Primus referred to in the letter of Charlie Wiley of October 12, 1903.

It does not appear that any application has ever been made subsequent to that made by Charlie Wiley at Carthage, Mississippi, January 25, 1899, for Obie Bell and Emma Flore, or Bud Bell or Emma Leflore.

The record now before this office is sufficient upon which to render decisions relative to the rights of Charley Wiley, his family, Eliza Davis and her family, as Mississippi Choctaws, but in the event that Emma Flore or Leflore or Obie Bell or Bud Bell should appear before you at Meridian, Mississippi, you are authorized to take their testimony in full, to be considered as additional testimony in the matter of the application made for their identification as Mississippi Choctaws by Charlie Wiley at

-5-

Carthage, Mississippi, January 23, 1899.

The enclosures contained in letter of October 21 are
herewith returned.

Respectfully,

Chairman.

MoM 102

M.C.R. 1581

COPY.

Muskogee, Indian Territory, March 16, 1904.

Charley Wiley,

Healds, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 12, 1904, identifying you as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

C. R. Breckinridge.

Commissioner in Charge.

Registered.

Enc. M.C.R. 1581.

M.C.R. 1681

COPY.

Muskogee, Indian Territory, March 16, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 12, 1904, identifying Charley Wiley as a Mississippi Choctaw Indian, under the provisions of Section 41 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 of this notice in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Charley Wiley as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file 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,

(SIGNED)

C. R. Breckenridge.

Commissioner in Charge.

Registered.

Enc. MCR 1681.

See MCR 2059 for registry receipt for this letter.

M.C.R. 1501

COPY.

Muskogee, Indian Territory, March 16, 1904.

Charley Wiley,

Healds, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 12, 1904, identifying you as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

O. R. Breckinridge

Commissioner in Charge.

Registered.

Enc. MCR. 1501.

M. C. R. 1591

Waskogen, Indian Territory, June 24, 1904.

G. W. Wiley,

Care of R. J. Heald,

Healds, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter dated March 26, 1904, acknowledging receipt of notice of the identification of yourself and family by this Commission as Mississippi Choctaws. You state that you have a young boy named Edward Rufus, born about February 10, 1904, and ask that you be furnished with a blank application for his identification as a Mississippi Choctaw. You also ask that the Commission furnish transportation for yourself and family from Mississippi to Indian Territory.

In reply to your letter you are informed that it appears from our records that on March 12, 1904, the Commission rendered a decision identifying you and your minor children as Full-blood Mississippi Choctaws, and you are advised that it will be necessary that you remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, within six months from the date of your identification. Proof of such removal and settlement must be made at either the Choctaw Land Office, at Acker, Choctaw Nation, or the Chickasaw Land Office, at Tishomingo,

C. W. ...

Chickasaw Nation, Indian Territory, within one year from March 12, 1904.

You are further advised that by the act of Congress approved March 3, 1903, there was appropriated twenty thousand dollars for the removal to the Choctaw-Chickasaw country, Indian Territory, of indigent identified full-blood Mississippi Choctaws. This money was expended by a special agent of the Government, who removed from the State of Mississippi to Indian Territory some 350 full-blood Mississippi Choctaw Indians. This money has now been entirely expended, and there is no further provision of law, or appropriation of money, whereby any further assistance can be guaranteed such Mississippi Choctaw Indians.

Relative to making application for the identification of your minor child as a Mississippi Choctaw, 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:

"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...."

Under the above legislation, this Commission is now without authority to receive or consider the original application of any

O. F. No. 5.

person for identification as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.

M.C.R. 1263

COPY.

Muskogee, Indian Territory, September 13, 1904.

Charley W. Wiley,

Beulala, Mississippi.

Dear Sir:

You were hereby notified that the Commission to the Five Civilized Tribes, on September 13, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of Emma Wiley, Arthur Wiley, Link Wiley, Mattie Wiley, Charles W. Wiley, Jr. and Anna D. Wiley.

You are further advised that said applicants will be allowed fifteen days from the date of this notice 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 as may be filed, will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Tama Bixby.

Chairman.

Registered.

Muskogee, Indian Territory, September 30, 1904.

C. W. Wiley.

Healds, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22d instant, acknowledging receipt of a communication from this office under date September 13, 1904, notifying you of the Commission's decision of September 13, 1904, refusing the application for identification as Mississippi Choctaws of Mama, Arthur, Link, Mattie, Charles W. Jr. and Anna D. Wiley, as Mississippi Choctaws. You state that you do not understand this letter, but that you intend to remove to the Indian Territory by Christmas.

In reply to your letter you are advised that the purpose of our communication to you under date of the 13th instant, was to inform you that the application for identification of your minor children was refused by this Commission, and that the record in the case, together with such arguments as might be filed in this office within fifteen days from the date of the decision, would be forwarded to the Secretary of the Interior.

You are further advised that in our letter to you on March 16, 1904, you were notified of the Commission's decision identifying you as a Mississippi Choctaw Indian, under the provisions of Section

5 W W --2

forty-one of the Act of Congress approved July 1, 1902, (32 Stats., 641), and that in order for you to avail yourself of the benefits of such identification, it would be necessary for you to remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and that proof of such settlement must be made on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory. Therefore, if you have not removed to and made settlement in the Choctaw-Chickasaw country, Indian Territory, up to this date, then such rights as were guaranteed you by the Commission's decision of March 12, 1904, identifying you as a Mississippi Choctaw have expired by limitation.

Respectfully,

JD

Chairman.

K C E 1521

Muskogee, Indian Territory, October 28, 1904.

G. W. Wiley,

c/o R. J. Reald,

Realds, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, wherein you complain that the Commission has not furnished you transportation from the State of Mississippi to Indian Territory.

In reply to your letter you are advised that by the Act of Congress approved March 5, 1903, there was appropriated twenty thousand dollars for the removal to the Choctaw-Chickasaw country of indigent identified full blood Mississippi Choctaws. This money was expended by a special agent of the government who removed from the State of Mississippi to the Indian Territory some 350 full blood Mississippi Choctaw Indians. A portion of this money so appropriated was expended by the special agent of the government in the subsistence of the 350 Indians removed from Mississippi to the Indian Territory by him. This money has been entirely expended, and there is no provision of law or appropriation of money whereby any further assistance can be given Mississippi Choctaws in removing from Mississippi to the Indian Territory.

As advised in our letter to you under date of September

30, 1904, such rights as were guaranteed you by the Commission's decision of March 12, 1904, identifying you as a full blood Mississippi Choctaw Indian, have expired by limitation, as you did not remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, within six months from the date of your identification, as required by the provisions of the 41st section of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Respectfully,

Chairman.

M.C.R. 1581

COPY

Muskogee, Indian Territory, November 7, 1904.

Charley W. Wiley,
Care R. J. Heald,
Healds, Mississippi,

Dear Sir:

You are hereby notified that on the 27th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of your children, Emma Wiley, Arthur Wiley, Link Wiley, Mattie Wiley, Charley W. Wiley Jr. and Anna D. Wiley, included in the consolidated case of Elias Davis et al., of which decision you were advised by registered mail on the 13th day of September, 1904.

Respectfully,

SIGNED

James Birby

Chairman

IN RE: ^{MS}
Application for Enrollment of
INFANT CHILD

NO
AP

as a citizen of
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW. Nation.

Approved 190...

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW. Commissioner.

The within application is accepted on behalf of the within named child as evidence of its birth, and will be filed and made a part of the original application of its parents for identification as Mississippi Choctaws, but it is not to be considered as an application for its Enrollment as a citizen of the Choctaw Nation.

~~_____~~
Acting Chairman.

M C R 1581

FILED
1903
ACTING CHAIRMAN.

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

IN RE Application for Enrollment, as a citizen of the Mip Choctaw Nation,
of Maggie Pearl, born on the 10 day of June, 1902
(Give exact name of child.)
Name of Father: Charlie Wiley citizen of the Mip Choctaw Nation.
Name of Mother: Maggie a citizen of the Mip Choctaw Nation.
Post-office: Realds Mip

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY }
State of Mississippi District, }
Atala County }

I, Maggie Wiley, on oath state that I am 32
years of age and a citizen, by marriage, of the Mip Choctaw Nation;
that I am the lawful wife of Charlie W Wiley, who is a citizen, by
Birth, of the Mip Choctaw Nation; that a Female child was
(male or female.)
born to me on 10th day of June, 1902 that said child has been
named Maggie Pearl, and is now living.

WITNESSES TO SIGN:

Maggie Wiley

(Must be Two Witnesses.)

Subscribed and sworn to before me this 9th day of February 1903.
H. P. Rigby J. P. & Co. officio
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY }
State of Mississippi District, }
Atala County }

I, Mary Ann Howel, a Midwife, on oath state that I
attended on Mrs. Maggie, wife of Charlie Wiley
on the 10 day of June, 1902 that there was born to her on
said date a Female child; that said child is now living and is said to have been
named Maggie Pearl.

WITNESSES TO SIGN:

Mary Ann Howel

(Must be Two Witnesses.)

Subscribed and sworn to before me this 9th day of February 1903.
H. P. Rigby J. P. & Co. officio
NOTARY PUBLIC

#11

No. 1581

For Identification as a Mississippi Choctaw.

Date: APR -2 1901

Name ^{N.} Charley Wiley

Age 30 Blood full

Post Office, Lilly, miss.

Father: Wiley (dead) full

Mother: Sally Wiley " "

Claims through

wife Maggie Wiley (no claim for wife.)

Claims for himself and six minor children

Children:

Emma Wiley 13

Arthur " 10

Link " 8

Mattie " 5

Charley W. Wiley 3

Anna S. " 7 mos

(Copies of birth to be supplied)
Mississippi Choctaw Act Jan 20 1899



C

Choctaw MCR 1582

Walter Gibson

MCR 1582

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of the application
of Walter Gibson for identification as a Mississippi
Choctaw----- M.C.R. 1582

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Walter Gibson
for identification as a Mississippi Choctaw
M.C.R. 1562

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Department of the Interior
Commission to the Five Civilized Tribes
Meridian, Mississippi, April 2nd, 1901.

In the matter of the application of Walter Gibson for identification as a Mississippi Choctaw. Walter Gibson being first duly sworn testified as follows:

Examination by the Commission.
Through Interpreter Isem Johnson.

- Q What is your name? A Walter Gibson.
Q How old are you? A 20 last March.
Q What is your post-office address? A Hickory.
Q How long have you lived in Mississippi? A Born in Newton
County.
Q Always lived in Mississippi? A Yes sir.
Q What is your father's name? A Gibson.
Q What was his given name? A William Gibson.
Q Is your father living? A Dead.
Q What is your mother's name? A Sealy Johnson.
Q Is your mother living? A Yes sir.
Q Your father and mother both full blood Choctaws? A Yes
sir.
Q Do you know any of your grand parents, your mother's people
or your father's people? A No sir.
Q Don't remember any further back than your father and mother?
A No sir.
Q Did you ever hear whether your mother and father or their
parents ever removed to the Indian Territory? A Don't know.
Q Your father and mother have always lived in Mississippi as
long as you have heard of them? A Don't know.
Q Did you ever get any money from the Choctaw Indians? A No
sir.
Q Did you ever hear of any of your people, your mother's
people or your father's people ever receiving any land here in
Mississippi from the United States? A No sir.
Q Have you ever been enrolled by the Choctaw tribal authori-
ties in the Indian Territory as a Choctaw Indian? A No sir.
Q Did you ever make application to the Choctaw tribal authori-
ties in the Indian Territory to be enrolled with the Choctaws there?
A No sir.
Q Did your step-father, Bob Johnson, make application for you
at Decatur in 1899 when the Commission was here in Mississippi, you
were living with him? A Yes sir.
Q He made application for you? A Yes sir.
Q Are you married? A No sir.
Q Just applying for yourself are you? A Yes sir.

This applicant, Walter Gibson, is the step-son of Bob Johnson who appeared before the Commission at Decatur, Mississippi on February 9th, 1899 and made application for the identification of himself his wife and two children and his step-son. This applicant appears in said application made by his step-father Bob Johnson, as Walter Johnson. His name appears upon Mississippi Choctaw card No. 508 as Walter Johnson and upon the schedule annexed to the Commission's report of March 10th, 1899 as to the identification of Mississippi Choctaws on page 104, roll No. 1832 as Walter Johnson.

Walter Gibson 2-----

From the statements made by Isom Johnson, Choctaw Interpreter, relative to the family of this applicant, it appears that he is a descendant of the family of Ah-nan-tubbee, whose name is found among the abstract of judgments prepared for the signatures of Commissioners Claiborne and Granves on Page 689 of the report of the Court of Claims in case No. 12742 of the Choctaw Nation of Indians versus the United States. The names of this family appear on page 690, Commissioners No. 305. In addition to the head of the family, Ah-nan-tubbee, the names of the children over ten years of age appear as Ish-ta-ha-man and under ten years of age Onn-ah-han-tubbee and Amos. There was set aside for this family Section 26, Township 12 Range 13 East.

It appears that the Onn-ah-han-tubbee above mentioned is the grand father of this applicant. In the cases above referred to in which the Commissioners in preparing the judgments for signature, stated as follows:

"On examination of the evidence and papers filed in the case of _____ it appears to the board that said claimant complied or offered to comply with all the requisites of the 14th article of the treaty of Dancing Rabbit Creek, and it further appearing that the section of land embracing the improvement of said claimant at the date of said treaty, has been disposed of by the government, the board in pursuance of and in conformity to the act of Congress of the 23rd of August, 1842, do adjudge and allow to said claimant 640 acres of land, to be taken out of any of the public lands in the states of Mississippi, Louisiana, Alabama and Arkansas subject to entry at private sale."

Q Is there anything more that you want to say? A No sir.

Q In the event that the Commission identifies you as a Mississippi Choctaw is it your intention to remove to the Indian Territory and there establish your permanent residence? A I don't know.

Q You explain to him will you that he will derive no benefits as an identified Mississippi Choctaw except by his removal to the Indian Territory and his enrollment there as a Choctaw entitled to allotment.

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

This applicant is to every appearance a full blood Choctaw Indian. Has lived in Mississippi all of his life and from his statements and the statements of Isom Johnson, interpreter, it appears that his people have always been residents of the state of Mississippi and never have derived any benefits or participated in any of the annuities of the Choctaw Tribe of Indians in the Indian Territory. The applicant is unable to speak the Choctaw language and the examination is conducted through an interpreter.

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 2nd day of April, 1901 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 3rd day of April, 1901, at Meridian, Mississippi.

Myra Young

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 8th, 1902.

In the matter of the application of Walter Gibson for the identification of himself as a Mississippi Choctaw.

Supplemental testimony of Big Wiley Johnson, who being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Big Wiley Johnson.
Q How old are you? A Fifty-seven.
Q What is your postoffice address? A Hickory, Mississippi.
Q Are you the identical Big Wiley Johnson who appeared before this Commission at Meridian, Mississippi, on August 20, 1901, and there made application for the identification of yourself, your wife, Patsie, and your ward Allen Gilmore, as Mississippi Choctaws?
A Yes.
Q Are you acquainted with a Choctaw Indian by the name of Walter Gibson? A Yes.
Q How old is he? A Twenty-one now.
Q What is his postoffice address? A Hickory.
Q He is living, is he? A Yes.
Q What is the name of his father? A William Gibson.
Q Is he living? A No.
Q Did he have an Indian name? A No.
Q Do you know anything about Walter Gibson's ancestors--his grandparents? A Yes, his grandpa's name was Tah-nuckee; old woman told me his name.
Q Did you know his grandfather personally? Did you ever see him?
A I never see him.

Reference is made to the statement of the examiner at the time of the personal appearance of Walter Gibson before the Commission at Meridian, Mississippi, April 2, 1901, wherein the statement is made that the grandfather of the applicant is Onn-ah-han-tubbee.

- Q Do you know Walter Gibson's mother? A Yes.
Q What's her name? A Sealy.
Q Sealy what? A Sealy Johnson.
Q Are Walter Gibson and Sealy Johnson in any way related to you or your family? A Yes, my wife's sister.
Q Sealy Johnson is your wife's sister? A Yes.
Q Full sister? A Yes.
Q Same father and same mother? A Yes.
Q What was her father's name? A Chuf-fa-tubbee.

Walter Gibson--2

In a schedule of those Choctaws who received land under the provisions of the 14th article of the treaty of 1830, ~~by remaining upon the land five years~~, in accordance with the provisions of that article, furnished the Commission by the Indian Office, there is found the name of Chuf-fa-tubbee, a child under ten years of age, parent I-ath-le-pah, with a notation "no land".

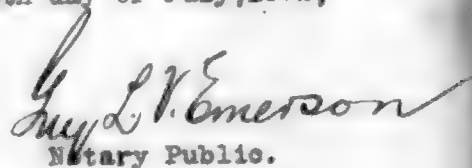
- Q Is Walter Gibson married? A He married but he quit her.
Q Has he any children? A He had one but it died.
Q No children living? A No.

---o---

Ira S. Niles, being ~~ix~~ first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, July 5th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 8th day of July, 1902,
at Muskogee, Indian Territory.



Guy L. V. Emerson
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Walter Gibson
for identification as a Mississippi Choctaw,
M.C.R. 1562

-----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 April 2, 1901, by Walter Gibson 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 Walter Gibson should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman


Commissioner


Commissioner

Muskogee, Indian Territory

FEB 14 1903

COPY:

E.C.R. 1888 6

Muskogee, Indian Territory February 21, 1903.

Manfield, McMurray & Cornish,

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

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Walter Gibson as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (36 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 Walter Gibson 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 July identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

JAMES BIRBY
James Birby

Registered,
McAlester, Okla. 10

M.C.M. 1582.

Muskogee, Indian Territory, March 11, 1903.

Walter Gibson,
Nickery, Mississippi.

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 Stat., 542).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 16, 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,

Tama Bates
Chairman.

Registered.

Dec. 1902.

No. 1672

Identification as a Mississippi Choctaw.

Date 7/5/02

Name Walter Gibson

Age Blood

Post-Office.

Father:

Mother:

Claims through

Additional testimony of
Big W. Johnson

Children:

[Handwritten signature]

1582

For Identification as a Mississippi Choctaw.

Date APR - 2 1901

Name Walter Gibson.

Age 20. Blood full

Post Office. Hickory, Miss.

Father: William Gibson - dead.

Mother: Sealy Johnson - ✓

Claims through both parents.

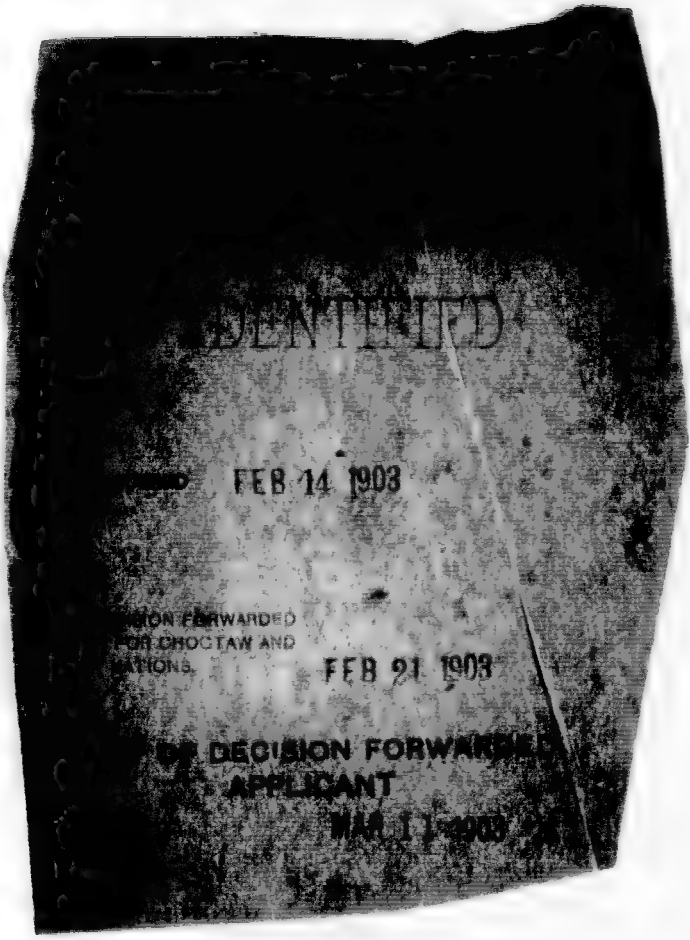
Children:

Claims for himself
alone.

See Mississippi Choctaw card
#505. Testimony taken Feb 9 '99
on card #505 as Walter Johnson

Stenographer

Mrs. [unclear]



IDENTIFIED

FEB 14 1903

COPIES FORWARDED
FOR CHOCTAW AND
NATIONS.

FEB 21 1903

COPIES OF DECISION FORWARDED
TO APPLICANT

MAR 1 1903

MER 1583

Bob Bell

MER 1583

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the identification of Bud, Bell as a Mississippi Choctaw.

M.C.R. 1583

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the identifica-
tion of Bud Bell as a Mississippi Choctaw, M.C.R. 1583

I N D E X

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Original application for the identification of Bud Bull as a Mississippi Choctaw before the Commission to the Five Civilized Tribes	1
Certified copy of the testimony of Charlie Wiley, taken before the Commission at Carthage, Miss. January 25, 1899, showing that Bud Bell is a full blood Choctaw	5
Decision of the Commission identifying Bud Bell as a Mississippi Choctaw	7

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 22d, 1901.

In the matter of the application of Bud Bell for identification as a Mississippi Choctaw, represented by his half brother, Charley W Wiley. Said Charley W Wiley being first duly sworn upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Charley W. Wiley.
Q What is your age? A Thirty.
Q What is your post office address? A Lilly, Mississippi.
Q Are you a white man or a Choctaw Indian? A Choctaw.
Q You appear before the Commission at this time for purpose? To make an application for the identification of your halfbrother, Bud Bell? A Yes sir.
Q As a Mississippi Choctaw entitled to rights in the Choctaw lands under the provisions of the treaty of 1830, between the United States and the Choctaws do you? A Yes sir.
Q What is the name age of Bud Bell? A Nineteen now.
Q What proportion of Choctaw blood does Bud claim to have? A Full blood. No
Q Is his mother living? A Yes sir.
Q What was her name? A Sally.
Q Have any last name did she? A Sally Bell.
Q Was she a full blood? A Yes sir, she was a full blood.
Q Is his father living? A No sir.
Q What was his name? A Kelly Bell.
Q What is Bud Bell's post office address? A Kossiatuke, Mississippi? A Yes sir.
Q Are you the legally appointed guardian for this boy? A No sir.
Q You have acted as his guardian, have you, since the death of his parents? A Yes sir.
Q When did his parents die? A His parents?
Q Yes, his father and mother? A His mother died about twelve years ago.
Q When did his father die? A He has been dead about ten years.
Q Since the death of his father he has made his residence and his home with you, has he? A Yes sir.
Q Does he still maintain his home with you? A Yes sir. He claims it as his home, he don't work there now.
Q Has he ever been recognized by the Choctaw tribal authorities in Indian Territory as a citizen of the Choctaw Nation? A No sir, not until he appeared before Mr. McKennon.
Q Mr. McKennon was a member of the Dawes Commission; he is the man you refer to is he? A Yes sir.
Q Did Bud Bell, or anyone for him, make application to the Dawes Commission, or the Commission to the Five Civilized Tribes, in the year 1896, five years ago, for citizenship in the Choctaw Nation? A No sir.
Q Did Bud Bell, or anyone for him, ever make application to the Choctaw tribal authorities in Indian Territory for citizenship in the Choctaw Nation? A No sir.
Q Then, he has never been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, by this Commission in the year 1896, acting under the Act of Congress, approved June 10, 1896, or by decree of the United States Court for the Indian Territory has he? A No sir.
Q Were his parents ever recognized as citizens of the Choctaw Nation

Bud Bell, #2.

- Nation - his mother and father? A Yes sir.
Q In Indian Territory? A No sir.; not in Indian Territory.
Q Did this boy ever live in the Indian Territory? A No sir.
Q Lived in Mississippi all his life? A Yes sir.
Q Did his parents ever live in the Indian Territory? A No sir.
Q Did his grand parents ever live in Indian Territory? A No sir.
Q Is this the first application of any kind that has been made to this Commission by him? A No sir.
Q When was another made? A In 1899.
Q When the Commission was down in Mississippi? A Yes sir.
Q Who made the application for him at that time? A I did.
Q Where did you appear before the Commission in Mississippi in 1899? A Carthage.

The name of Bud Bell, for whom this application is made, is found on Mississippi Choctaw Card, Field Number 102, and application for his identification was made to the Commission at Carthage, Mississippi, on January 23, 1899; his name also appears on page forty eight of the Schedule of Mississippi Choctaws residing in Mississippi, claiming interest in Choctaw property under article fourteen of the treaty of Dancing Rabbit Creek, concluded September 27, 1830, which accompanied the report of the Commission to the Secretary of the Interior, March 10, 1899, being Number 365 thereon.

- Q Has this boy ever received any benefits as a Choctaw Indian?
A No sir.
Q You make this application for him for identification as a Mississippi Choctaw, entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaw Indians? A Yes sir.
Q Did you ever read that article of the treaty? A Read, it, yes sir.
Q You know what it contains? A I don't know sir.
Q What makes you think he is entitled to be identified as a Mississippi Choctaw, entitled to rights in the Choctaw lands under the fourteenth article of the treaty of 1830? A Yes sir.
Q What makes you think so, I say? A Oh, because he is a Mississippi Choctaw.
Q Did any of his ancestors ever receive any benefits under the provisions of this article; that is, any of his parents or forefathers? A No sir.
Q Do you know whether his father, or mother, or grand father or grand mother ever received any lands in the state of Mississippi, as beneficiaries under the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaws?
A No sir, I don't think they ever received any.
Q You don't know that they ever received any? A No sir, I don't think my grand father ever received any; I know the mother didn't.
Q Were either the father or the mother of this boy living on September 27, 1830? A No sir.
Q Do you know whether either of his grand parents, within six months from the date of the ratification of the treaty of 1830, signified to the United States Indian Agent in Mississippi here, his or her intention to remain in Mississippi, and become a citizen of the United States? A No sir; I don't know.
Q You don't know? A No sir.
Q Do you know the name of any one of his ancestors who was living in Mississippi at the time this treaty was made? A Yes sir, one.

Bud Bell, #3.

Q What was his name? A Joshua.

Q What one of his ancestors was Joshua? A That is on his mother's side.

Q His mother's father? A Yes sir.

Q You don't know whether Joshua ever received any lands here in Mississippi? A No sir, he didn't receive any.

Q Did he go out west when the Choctaw moved in the early thirties?

A Yes sir, he went to Fort Smith and come back.

Q How long was he gone from Mississippi? A He was gone only three or four months.

Q You don't know then when he come back whether he went before the United States Indian Agent and signified his intention to remain here? A Yes sir, he did.

Q Did he make known his intention to remain here and become a citizen of the United States? A I don't know whether he made known or not.

Q Do you know when he went west? A No sir, I don't know when he went west, in 1836, somewhere along there.

Q And he didn't receive any land, you are sure, before that?

A Yes sir, for he come back here and died.

Q Never did receive any land? A No sir.

Q Do you know whether he ever made any claim to the United States for land under this fourteenth article of the treaty of 1830? A I don't know sir, whether he has or not. I don't think that he had.

Q Have you any evidence showing that Joshua ever received any benefits or ever complied with the provisions of the fourteenth article of the treaty of 1830? A No sir.

Q Bud Bell is single is he? A Yes sir.

Q Is there any additional statement in regard to his claim that you desire to make at this time? A No sir, not no more than putting in his application.

Q Have you any affidavits, statements, or other proper papers which you desire to offer in evidence at this time? A No sir, I don't believe I do.

Q In the event that the Commission should be able to identify Bud Bell as being entitled to rights in the Choctaw lands in Indian Territory, under the fourteenth article of the treaty of 1830, between the United States and the Choctaw Indians, would he remove to the present Choctaw Nation, in Indian Territory, and establish his permanent residence? A Yes sir.

Q What makes you think he would? A Well, he said he would.

Q What is Bud's appearance, does he look like a full blood Indian or a half breed? A He is full blood.

Q Does he speak the Choctaw language? A Yes sir; he uses English altogether.

Q But he can speak the Choctaw language? A Yes sir.

The decision of the Commission as to the application made by you at this time on behalf of Bud Bell will be mailed to you at a later date at his proper post office address.

R. S. Streit, being first duly sworn, upon his oath, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled and styled cause, and that the foregoing is a full, true and correct translation of his stenographic notes therein.

R. S. Streit

Bud Bell, #4.

Subscribed and sworn to before me at Meridian, Missis-
sippi, this ~~2~~ day of ~~MA~~ April, A.D. 1901.

J. H. ...
Notary Public.

CARTHAGE, LEAKE CO., MISS.
WEDNESDAY, JANUARY 25, 1899.

APPLICATIONS FOR IDENTIFICATION AS MISSISSIPPI CHOCTAWS.

CHARLES WILEY, the applicant, after being duly sworn, states I am 30 years old. Am a full blood Choctaw, and my wife is nearly all negro. I married her according to law. I have evidence of the fact but not with me. I got a license but have not it with me. We married in Atalfo Co. I have no evidence with me of that marriage. The record up there will show. The record of my marriage is in Washington. I have children by that wife. My children are as follows: Emma, 11; Arthur, 9; Link, 6; Mattie, 3; and Charlie, Jr., 1 year old. I have a sister named Eliza. She has been married to a man named Wedge, that would make her name Eliza Wedge. She is 30 years old, and has a child named Sidney Wedge, aged 13 years. I have another sister named Emma Leflore, aged 23 years. Her husband is named John Leflore. He is half breed Choctaw and the other half negro. I cannot register him but will register her and her children: Richard, 7; Alice, 5; and Lillie May, 2 years old. I have a half brother who is a full blood, named Bud Bell, aged 18.

(Certificate of Clerk of Atalfo County shows that record of marriage of Charles Wiley to Mag Thompson was destroyed by fire. He makes other satisfactory proof of his marriage according to the laws of Mississippi, by minister of the gospel, named William Lucas, on November 18, 1898.) Full Blood.

I, Julius Y. Miller, stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the foregoing is a true and correct transcript of the evidence of Charlie Wiley, given before the Commission to the Five Civilized Tribes at Carthage, Lake County, Mississippi, on Wednesday, January 25, 1899, as appears upon the records of said Commission.

Julius Y. Miller

Subscribed and sworn to before me at Muskogee, Indian Territory, this the 1st day of November, 1902.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the identification of Bud Bell as a Mississippi Choctaw,
M.C.R. 1583

-----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 April 2, 1901, by Charley W. Wiley for his half brother, Bud Bell, 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. 541) 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 Bud Bell should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman

Commissioner


Commissioner

Muskogee, Indian Territory.

FILE 14 1902

H.C.E. 1502

COPY

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McTearry & Corning,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Bud Bell 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 Bud Bell 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,

HONEST

Jame Birby.

Acting Chairman.

Registered.

Enc. N. 30

T. B. BRYAN
THOMAS B. NEEDLER
C. R. BRECKINRIDGE
W. F. STANLEY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

410013
N.C.E. 1863.

ATTENTION: ADVISOR'S
OFFICE

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Washoe, Indian Territory, March 11, 1903.

Ed Bell,
Escanaba, Mississippi.

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,



Chairman.

Registered.

No. 1863.

Muskogee, Indian Territory, November 19, 1903.

E. Van V. Smith,
Special Agent, U. S. Government,
Meridian, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, referring to our letter of November 7th, giving the status of certain Mississippi Choctaw applicants named in correspondence between your office, Charlie Wiley, and R. J. Heald, Healds, Mississippi.

In your letter of the 12th instant you state that it appears from the records in your possession that on or about April 2, 1901, Bud Bell, nineteen years of age, of Kaskusko, Mississippi, appeared before the Commission at Meridian, Mississippi and made application for identification as a Mississippi Choctaw, and that on February 14, 1903, the Commission rendered a decision identifying Bud Bell as a full blood Mississippi Choctaw, his name appearing upon Mississippi Choctaw Identified card, No. 393.

In your letter you further state that it seems that the Bud Bell mentioned in the testimony of Charlie Wiley, of January 25, 1900, and the Ohio Bell mentioned in the correspondence referred to, are not identical, and that the rights of Bud Bell have

W 22 V 2 2

been fully adjudicated in the decision of the Commission above referred to.

In concluding your letter you state that in pursuance of instructions contained in general office letter of November 7, 1903, you will take the testimony of Emma Leflore in case she appears before you at Meridian, Mississippi, but unless otherwise instructed by the Commission you will not take the testimony of Obie Bell and family for the reason above stated.

After a further consideration of this matter and an examination of all of the records in reference thereto, it is apparent that the Bud Bell referred to in the testimony of Charlie Wiley, of January 25, 1899, the Bud Bell identified by the Commission in its decision of February 14, 1903, and the Obie Bell referred to in the correspondence between Charlie Wiley and R. J.

~~and the same person and that no further testimony~~
is therefore necessary in regard to the matter of the application of Obie or Bud Bell for identification as a Mississippi Choctaw.

It is to be noted, however, that in the correspondence between Charlie Wiley and Heald the Obie Bell referred to has a wife and two children. It is possible that since the application made by Bud Bell in April, 1901, he has married and has two children who we may be able to identify under some other name as appli-

H Van Y S 3

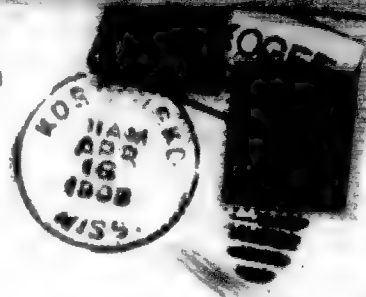
cents for identification at Mississippi Choctaws.

Respectfully,

Chairman.

opened through
mistake by G. B. B. B.

Reg. no. 143.



MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

UNCLAIMED.

Rud Bell,
Keokuk, Mississippi.

RETURN TO WRITER

4332



4524

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE LANDS.

FILED

APR 20 1903

[Handwritten signature]

CHIEF

REGISTERED
APR 20 1903
MUSKOGEE, IND. TERR



1583

No.

For Identification as a Mississippi Choctaw.

Date. APR -2 1901

Name *Dud Bell (Single)*

Age *19* Blood *full*

Post Office, *Kosciusko, Miss.*

Father: *Kelley Bell full (dead)*

Mother: *Sally Bell (dead)*
full

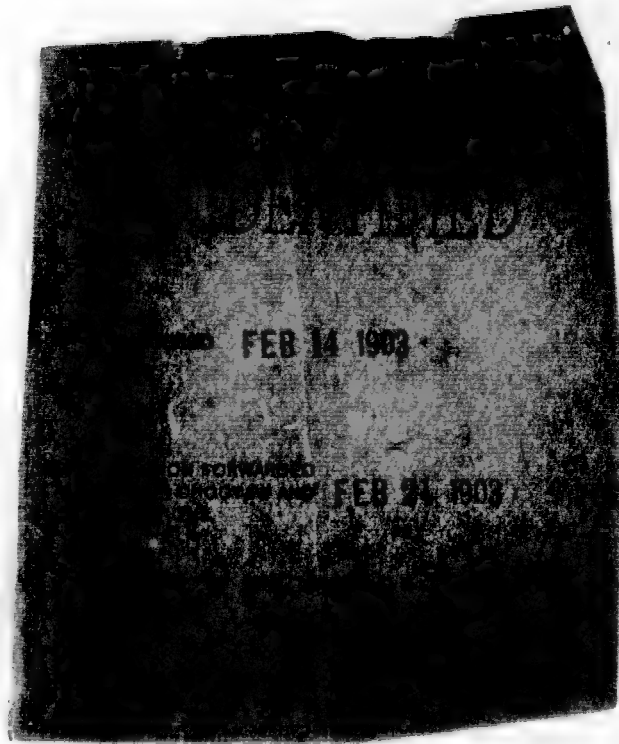
Claims through

Children:

See Mississippi Choctaw Card
Jan. 25th 1899 No. 10

Stenographer

R. S. Strait



FEB 14 1903

FEB 24 1903

William R. Forbes

OR 1584

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, April 2nd, 1901.

In the matter of the application of William R. Forbes, et al.,
for identification as Mississippi Choctaws. Said William R. Forbes,
being first duly sworn, upon his oath, states as follows:

Examination by the Commission.

- Q What is your name? A William R. Forbes.
Q What is your age? A Twenty seven years.
Q What is your post office address? A Dexter, Marion County,
Mississippi.
Q For what purpose do you appear before the Commission at this
time? A To get right in the Territory.
Q Do you claim to be a Choctaw Indian? A Yes sir.
Q What proportion of Choctaw blood do you claim to have? A One
eighth.
Q Did you ever live in Indian Territory? A No sir.
Q How long have you lived in the State of Mississippi? A Well,
I always - born in Mississippi, and never lived anywhere else.
Q Is your father living? A Yes sir.
Q What is his name? A Francis Marion Forbes.
Q Is he a white man or a Choctaw Indian? A Well, he is a Choctaw
Indian.
Q How much Choctaw blood does he claim to have? A One fourth.
Q Where does he live? A He lives in Mississippi; Marion County;
his post office is, Booth, Ms.
Q Is your mother living? A No sir.
Q What was her name? A Mary Forbes.
Q Was she a white woman? A She was a white woman.
Q You get your Indian blood then solely through your father? A
Yes sir.
Q Are you possessed of any other Indian blood except Choctaw? A
No sir; not that I know of.
Q How old a man is your father? A He is about fifty five, I reckon.
Let's see; he is fifty five.
Q Did either you or your father receive any benefits as Choctaw
Indians? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Ida.
Q Is she a white woman? A Yes sir.
Q Do you make any claim for her? A No sir, I believe not.
Q Do you make any claim for her? A Well, I have one child, I want
to claim for.
Q I mean do you make any claim for your wife? A Well, can you
make any claim for a wife; if I can put in a claim for her without
her having - can a man put in a claim for his wife unless she has
Indian blood?
Q Well, a man can claim anything you know. A Well, you can
put in her claim.
Q Well, we want you to say whether you want to make a claim for
her? A Well, I want make no claim for her. I have one child.
Q What is the name of your child? A Mary Edna.
Q How old is she? A She is about a year and ten months old.
Q Is this the only child you have? A Yes sir.
Q She is the child of yourself and Ida Forbes? A Yes sir.
Q She gets her Indian blood solely through you? A Yes sir.
Q Her claim then has the same foundation as yours? A Yes sir.

William R. Forbes, et al. #2.

- Q When and where was you married to Ida Forbes? A I was married to her in Marion County, in 1898, I believe.
- Q Marion County, Mississippi? A Yes sir.
- Q In 1898? A Yes sir, it is in 1897.
- Q What month? A September.
- Q Have you with you at this time your marriage license and certificate? A No sir, I have got them.
- Q It will be necessary that you furnish the Commission with evidence of your marriage to Ida Forbes, in connection with the application made by you on behalf of your daughter, Mary Edna Forbes. This may be furnished within a period of thirty days from this date.
- Q Have you ever been before this Commission before as an applicant for identification as a Mississippi Choctaw? or, for citizenship in the Choctaw Nation? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for citizenship in the Choctaw Nation? A No sir.
- Q Did you make application to the Commission, in the year 1896, for citizenship in the Choctaw Nation? A No sir.
- Q Then, you have never been admitted to citizenship in the Choctaw Nation, Indian Territory, either by the Choctaw tribal authorities, by this Commission, in the year 1896, acting under the Act of Congress, approved June 10, 1896, or by decree of the United States Court for the Indian Territory, have you? A No sir.
- Q What makes you think you are entitled to identification as a Mississippi Choctaw, entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830?
- A Well, my grand father, you know, always claimed to be a Indian.
- Q The mere fact then that you are possessed of Indian blood should entitle you to these rights? A Yes sir.
- Q Do you claim under particular article of the treaty of 1830, between the United States and the Choctaw Indians? A No sir.
- Q You don't base your claim then on the fourteenth article of that treaty? A No, not particularly.
- Q Did you ever read any part of that treaty? A No sir.
- Q Did you ever hear of it before to-day? A Well, I have heard of the treaty; I never read it though.
- Q You don't know that anything that it contains, do you? A No, I don't know what it contains.
- Q Do you know whether your ancestors ever claimed or received any benefits as Choctaw Indians, under the provisions of this treaty?
- A They have never received any.
- Q Did your father get his Indian blood through his mother or through his father? A His mother.
- Q What proportion of Choctaw blood did she have? A She claimed one half.
- Q Was she living in Mississippi, or on the Choctaw reservation in Mississippi or Alabama at the time this treaty of September 27, 1830 was entered into? A She lived in Mississippi?
- Q What part of Mississippi? A She lived in Marion County, Mississippi, the southern part of Mississippi.
- Q Did she ever live in Indian Territory? A No sir.
- Q She didn't go to the Indian Territory in the early thirties, when the main part of the Choctaw Indians moved out there did she?
- A No sir.
- Q Do you know whether she ever received any land in the State of Mississippi as a beneficiary under the fourteenth article of the treaty of 1830, between the United States and the Choctaw Indians?
- A No sir, she never did receive.
- Q What was her name? A Rebecca Forbes.
- Q You are quite certain that she never receive any land in the State of Mississippi? A Yes sir.

William R. Forbes, et al., #3.

Q Was she living among the Indians then? A Well, I suppose she was. She was living here in Marion County. There were some Indians here.

Q Do you know whether within six months from the date of the ratification of the treaty of 1830, between the United States and the Choctaw Indians, she signified her intention to the Indian Agent for the Choctaws in the State of Mississippi, her intention to remain in Mississippi and become a citizen of the United States?

A No, I don't.

Q You don't know? A I don't know.

Q Was she recognized by the Choctaw tribe here at that time as a citizen of the Nation? A Yes sir.

Q She was? A Yes sir.

Q How do you get that information, Mr. Forbes? A Well, her people has told me that she was always recognized as an Indian.

Q Do you know whether she ever participated in any of the annuities of the Choctaws here? A No.

Q You don't know whether she ever received any land or not? A No, I don't know whether she did or not.

Q Have you any evidence of any kind that any of your ancestors ever received any benefits under the provisions of the fourteenth article of the treaty of 1830? A I never seen none.

Q Did you ever hear of any of them ever claiming under that article? A No sir.

Q Have you any evidence that any of them were ever recognized by the tribal authorities as citizens of that nation at the time of this treaty was entered into? A No, not at that time.

Q Is there any additional statement in regard to your case that you desire to make at this time? A Yes, I have an affidavit.

Q You do not desire to make any additional statement now? A No, I believe not.

Q Have you any affidavits, or other proper papers which you desire to offer in evidence in support of your claim? A I have affidavits.

There are offered in evidence at this time, the joint affidavit of H.H. Johnson and N.C. Forbes, and the affidavit of William Rankin Forbes, which are identified as Exhibits "A" and "B" respectively, filed and made a part of the record in this case.

Q What is the name of your father's mother, whom you have heretofore stated resided in the State of Mississippi at the time this treaty of 1830 was entered into? A What was the name of my father's mother?

Q Yes sir? A Rebecca Forbes.


Q In case the Commission should be able to identify you as a Mississippi Choctaw, entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaw Indians, would you remove to the Choctaw Nation, Indian Territory, and establish your permanent residence? A That is my intention if I get my claim.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the identification of yourself and your minor child, Mary Edna Forbes, as a Mississippi Choctaw, claiming rights in the Choctaw lands in the Indian Territory, under the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaw Indians.

William R. Forbes, et al., #3.

(This applicant appears to be a white man, and shows no evidence of Indian blood.)

R.S. Streit, being firstnduly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above styled cause, and that the foregoing is a full, true and correct translation of his stenographic notes therein.


this 30th day of April, A.D. 1901, at Meridian, Mississippi,


Notary Public.

Muskogee, Indian Territory, August 25, 1902,

William R. Forbes,

Dexter, Mississippi

Dear Sir:

You are hereby advised that on the 23th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Alanson Forbes, et al., embracing the following applications for identification as Mississippi

Cheetaws:

John Alanson Forbes, et al.,	N.O.R.	1111
Francois Marion Forbes,	"	1116
Martha Forbes,	"	1119
Malphus Forbes,	"	1121
William R. Forbes et al.,	"	1584
Thomas Austin Forbes,	"	1282

These applications were filed 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 Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to grant and 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:

William R. Forbes-2

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Alanson Forbes, Rebecca Jane Forbes, Martha Louisa Forbes, Samuel Edward Forbes, Elmina Caroline Forbes, Tom Butler Forbes, John Alanson Forbes Jr., Eliza Ann Forbes, Harry Hubbard Forbes, Francis Marion Forbes, Martha Forbes, Asaphus Forbes, William R. Forbes, Mary Edna Forbes and Thomas Austin Forbes 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,

RECEIVED

James L. [unclear]
Acting Chairman

Registered

M.C.R. 1884

COPY.

Muskogee, Indian Territory, February 11, 1903.

William R. Forbes,
Dexter, Mississippi.

Dear Sir:

You are hereby notified that on the 30th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Alanson Forbes, et al., of which decision you were advised by registered mail on the 28th day of August, 1902.

Respectfully,

RECORDED

Fame Birby
Acting Chairman.

REFUSED

DECISION RENDERED AUG 28 1902

NOTICE OF DECISION MAILED APPLICANT.

AUG 28 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

AUG 28 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

AUG 28 1902

RECORD FORWARDED DEPARTMENT.

AUG 28 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN 30 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

FEB 11 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

FEB 11 1903

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

FEB 11 1903

REFER TO M. O. R. 1111

734

No. 1584

For Identification as a Mississippi Choctaw.

Date APR - 2 1901

Name William R. Forbes

Age 27 Blood 1/8

Post Office, Dexter, Miss.

Father: Francis Marion Forbes 1/4 ✓

Mother: Mary " dead

Claims through father.

wife - Ida Forbes - white
~~no claim for her~~
no claim for her

Children:

Mary Edna Forbes 24r.

Claims for himself and
minor child.

Choctaw MCR 1585

Sam (or John) Wilkerson

MCR 1585

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Sam (or John)
Wilkerson, et al., for identification as Mississ-
ippi Choctaws-----M.C.R. 1585

----- 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 April 2, 1901, by Sam (or John) Wilkerson for himself, his wife, Annie, and his four minor children, Mollie, Lemie, Isstralen and Mary Wilkerson, 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 further appears from the record herein that since the date of the above application there was born to the principal

applicant and his wife a child named Cora Wilkerson.

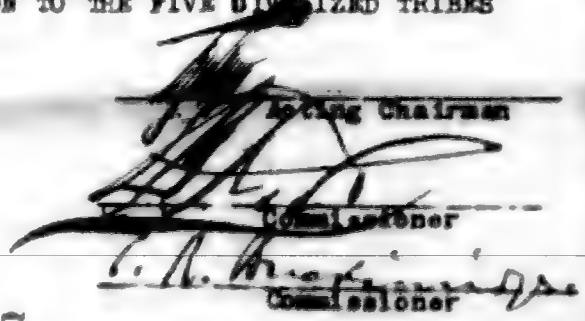
From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.

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 Sam (or John) Wilkerson, Annie Wilkerson, Mollie Wilkerson, Lemie Wilkerson, Isetrallen Wilkerson, Mary Wilkerson and Cora Wilkerson should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman
Commissioner
Commissioner

Department of the Interior
Commission to the Five Civilized Tribes
Meridian, Miss. April 2nd, 1901.

Statement of Sam Wilkerson as to the birth of his child
Mary Wilkerson. Statement to be filed with Mississippi Choctaw
card No. 354. Sam Wilkerson being first duly sworn testified as
follows:

Examination by the Commission.

- Q What is your name? A Sam Wilkerson.
Q What is your wife's name? A Annie.
Q How many children have you? A Four.
Q What are their names? A Nollie.
Q What are the others? A Lewis.
Q The next one? A Iastralen.
Q What is the last one's name? A Mary.
Q When was Mary born? A The 20th of last February a year ago
Q Just a little over a year old? A Yes sir.

Myra Young having been first duly sworn upon her oath
states that as stenographer to the Commission to the Five Civilized
Tribes she reported in full all proceedings had in the above
entitled cause on the 2nd day of April, 1901, and that the above
and foregoing is a full true and correct transcript of her steno-
graphic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 3rd day of April, 1901, at
Meridian, Mississippi.

[Signature]
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Meridian, Miss. April 2nd, 1901.

Statement of Sam Wilkerson as to the birth of his child
Mary Wilkerson. Statement to be filed with Mississippi Choctaw
card No. 354. Sam Wilkerson being first duly sworn testified as
follows:

Examination by the Commission.

- Q What is your name? A Sam Wilkerson.
Q What is your wife's name? A Annie.
Q How many children have you? A Four.
Q What are their names? A Mollie.
Q What are the others? A Lemie.
Q The next one? A Isetrallen.
Q What is the last one's name? A Mary.
Q When was Mary born? A The 20th of last February a year ago
Q Just a little over a year old? A Yes sir.

Myra Young having been first duly sworn upon her oath
states that as stenographer to the Commission to the Five Civilized
Tribes she reported in full all proceedings had in the above
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and foregoing is a full true and correct transcript of her steno-
graphic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 3rd day of April, 1901, at
Meridian, Mississippi.

[Signature]
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Meridian, Miss. April 2nd, 1901.

Statement of Sam Wilkerson as to the birth of his child
Mary Wilkerson. Statement to be filed with Mississippi Choctaw
card No. 354. Sam Wilkerson being first duly sworn testified as
follows:

Examination by the Commission.

- Q What is your name? A Sam Wilkerson.
Q What is your wife's name? A Annie.
Q How many children have you? A Four.
Q What are their names? A Nellie.
Q What are the others? A Lewis.
Q The next one? A Isralen.
Q What is the last one's name? A Mary.
Q When was Mary born? A The 20th of last February a year ago
Q Just a little over a year old? A Yes sir.

Myra Young having been first duly sworn upon her oath
states that as stenographer to the Commission to the Five Civilized
Tribes she reported in full all proceedings had in the above
entitled cause on the 2nd day of April, 1901, and that the above
and foregoing is a full true and correct transcript of her steno-
graphic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 3rd day of April, 1901, at
Meridian, Mississippi.

J. M. [Signature]
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Meridian, Miss. April 2nd, 1901.

Statement of Sam Wilkerson as to the birth of his child
Mary Wilkerson. Statement to be filed with Mississippi Choctaw
card No. 354. Sam Wilkerson being first duly sworn testified as
follows:

Examination by the Commission.

- Q What is your name? A Sam Wilkerson.
Q What is your wife's name? A Annie.
Q How many children have you? A Four.
Q What are their names? A Mollie.
Q What are the others? A Lemie.
Q The next one? A Isatralen.
Q What is the last one's name? A Mary.
Q When was Mary born? A The 20th of last February a year ago
Q Just a little over a year old? A Yes sir.

Myra Young having been first duly sworn upon her oath
states that as stenographer to the Commission to the Five Civilized
Tribes she reported in full all proceedings had in the above
entitled cause on the 2nd day of April, 1901, and that the above
and foregoing is a full true and correct transcript of her steno-
graphic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 3rd day of April, 1901, at
Meridian, Mississippi.

[Signature]
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Meridian, Mississippi, April 2, 1901.

In the matter of the application for identification as Mississippi Choctaws of Wilkerson Sam, his wife and four minor children. Wilkerson Sam being first duly sworn testified as follows:

Examination by the Commission.
Through Interpreter Isom Johnson.

Wilkerson Sam, the applicant who now appears before the Commission is the identical person who at Decatur, Mississippi, on February 6th, 1899, made application for the identification of himself, his wife, Annie and his three children, Mollie, Lemie and Isetralen Sam and their names appear upon Mississippi Choctaw card No. 354 and upon the schedule annexed to the Commission's report as to the identification of Mississippi Choctaws of March 10th, 1899 on page 82, roll numbers as follows: Wilkerson Sam 1252, Annie Sam, 1253, Mollie Sam 1254, Lemie Sam 1255 and Isetralen Sam 1256.

- Q What is your name? A Sam Wilkerson.
Q Is it Sam Wilkerson or Wilkerson Sam? A Sam Wilkerson.
Q Wilkerson is your given name? A Yes sir.
Q Do you know whether your first name is your given name or your surname? A No sir.
Q How do people call you Sam Wilkerson or Wilkerson Sam?
A People call me John Wilkerson.
Q Isn't your name Sam Wilkerson? A My father was Sam Wilkerson.
Q Your name is John Wilkerson? A Yes sir.
Q Is it John or Sam now? A Both of them.
Q How old are you? A 32.
Q What is your post-office address? A Hickory.
Q How long have you lived in Mississippi? A All my life.
Q Born here? A Yes sir.
Q Never have lived anywhere else? A No sir.
Q What was your father's name? A Sam.
Q Did you ever hear of his having any other name? A No sir.
Q That was just an Indian name he went by? A Yes sir.
Q Was your father living? A No sir.
Q What is your mother's name? A Untahemah.
Q Did she ever have any English name? A Yes sir.
Q What was it? A Betsy.
Q Did she have any other name? A No sir.
Q Didn't have any other name but Untahemah and Betsy? A No sir.
Q Is your mother living? A No sir.
Q Both your father and mother were full blood Indians?
A Yes sir.
Q Always lived in Mississippi? A Yes sir.
Q Did you ever hear of any of your people ever removed to the Indian Territory? A No sir.
Q Did any of them ever go there, your father or grand mother or grand father? A My grand mother been there.
Q Your grand mother did go there did she? A Yes sir.

- Q Do you know when she went there? A No sir.
- Q What was her name? A I don't know.
- Q Is your wife a Choctaw Indian? A Yes sir.
- Q A full blood? A Yes sir.
- Q What is her name? A Annie.
- Q How old is your wife? A 26 or 27.
- Q What was her father's name? A John Maley.
- Q Is your wife's father living? A No sir.
- Q What is your wife's mother's name? A I don't know.
- Q Did you ever hear of her name? A No sir.
- Q Is your wife's mother living? A No sir.
- Q Your wife's mother and father were both full blood Choctaws?
- A Yes sir.
- Q Did they ever live in the Indian Territory? A I don't know.
- Q How long did you know them? A All my life until they died
- Q Did you ever hear them say that they had lived in the Indian Territory? A No sir.
- Q As far back as you can remember or as you have ever heard both your father and mother and your wife's father and mother and their people have always lived in Mississippi? A Yes sir.
- Q Did you ever hear of them going to the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever hear of them receiving any benefits or moneys from the Choctaw Indians? A Yes sir.
- Q From whom? Did the Choctaw Nation in the Indian Territory ever pay them any money? A Yes sir, I think they did. My grand mother.
- Q When was that? Has it been in your life time? A No sir.
- Q Before you were born? A Yes sir.
- Q You have never received any money from the Choctaws? A No sir.
- Q Has your wife? A No sir.
- Q Have you or your wife ever applied to the Choctaw Nation in the Indian Territory to be enrolled as citizens of the Choctaw Tribe? A Yes sir.
- Q You did? A Yes sir.
- Q When? A I don't know about that.
- Q Did you ever make any application to the Choctaw authorities in the Indian Territory, did you ever attempt to draw any money or to have your rights recognized by the Choctaw authorities there as a Choctaw Indian? A No sir.
- Q About five years ago the Commission, that is the United States not the Choctaw authorities, the United States represented by this Commission, was authorized to hear and determine original applications for citizenship in the Choctaw Nation. How did your wife make application at that time? A No sir.
- Q The only other application before this one, the only other time you appeared before the Commission was when you were at Decatur in February, 1899, two years ago? A Yes sir.
- Q The time you were at Decatur is the only other time? A Yes sir.
- Q Do you know whether any of your ancestors- do you know what the word ancestors means? A No sir.
- Q Your grand parents, or their parents- ever signify or went to the United States Indian Agent of the Choctaws here after the treaty of Dancing Rabbit Creek and signified their intention to remain in Mississippi and become citizens of the United States. Do you ever heard whether they signified their intention to remain there to the Indian Agent? A No sir.
- Q Did any of your foreparents ever receive any land here in Mississippi from the United States government? A I don't know.
- Q You don't remember any further back than your father and mother and your wife's father and mother? A No sir.
- Q You don't know what their parents names were? A No sir.
- Q You have never heard any talk as to whether your people or your wife's people ever got any land from the government here? A Not that I know of.

Sam Wilkerson 3

- Q How many children have you? A Four.
Q What are their names and ages? A The oldest one, Mollie.
Q Mollie Wilkerson is it, Mollie goes by the name of Wilkerson
A Yes sir.
Q How old is she? A Five.
Q What is the next one? A Lemie.
Q How old is Lemie? A Going on eight.
Q And the next one? A Iastralen.
Q That is a boy? A Yes sir.
Q How old is he? A About three I think.
Q Have you another one? A Yes sir.
Q Born since the Commission was here in February, 1899?
A Yes sir.
Q What is the name of that child? A Mary.
Q How old is Mary? A A little over a year old now.
Q Your wife and all these children live with you do they?
A Yes sir.
Q Have you been married to your wife? A Yes sir.
Q Is there any statement you want to make, anything you want
to say? A No sir.
Q In the event the Commission is enabled to identify you, your
wife and children as Mississippi Choctaws is it your intention to
remove with your family to the Indian Territory and establish your
permanent residence there? A No sir, I believe not.
Q You don't expect to remove to the Territory? A No sir.
Q You understand that you can derive no benefits except upon
your removal to the Indian Territory don't you? A No sir.
Q You and your family would not be benefitted in any manner
by being identified as Mississippi Choctaws except by your removal
to the Choctaw Nation in the Indian Territory. There is no provision
by which the government will provide for the Mississippi Choctaws
here in Mississippi except upon their removal to the Indian Terri-
tory. Do you understand that? A Yes sir.
Q Now in order to derive any benefits it will be necessary for
you to remove to the Indian Territory. Do you want to do that. A
I will move if the rest of them will.

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

The applicant in this case is to every appearance a full
blood Choctaw Indian and from his statements his wife and children
are also full bloods. He is able to speak but little English and the
most of the examination has been conducted through an interpreter.

- Q Does your wife speak English at all? A Very little.

From the examination the Commission is unable to elicit
any information relative to the ancestors of this applicant or of
his wife further back than their fathers and mothers. It does not
appear that they have ever received any benefits as Choctaw Indians
from the Choctaw tribal authorities in the Indian Territory and
that they have always been residents of the state of Mississippi.

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 entit-
led cause of the 2nd day of April, 1901, and that the above and

3
San Wilkerson 4

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 at Meridian, Mississippi, this 3rd day of April, 1901.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
CHICKASAW LAND OFFICE.
ARKMOR, IND. TER. JANUARY 10, 1909.

In the matter of the proof of three years continuous residence within the Choctaw-Chickasaw country for a period of three years of Sam (or John) Wilkerson, his wife, Annis, and their five minor children, Mollie, Lemie, Isetrallen, Mary and Cora Wilkerson, identified Mississippi Choctaws, card number 66, schedule numbers 196 to 202, inclusive, approved roll numbers 134 to 140, inclusive:

Sam (or John) Wilkerson, being first duly sworn by E. M. Fry, a notary public, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Sam (or John) Wilkerson.
Q What is your age? A Soon be thirty-seven.
Q What is your post-office address? A Kemp
Q What is the name of your father? A Sam.
Q What is the name of your mother? A Betsy Sam.
Q What is her indian name? A Untahomah.
Q Are you married? A Yes.
Q What is the name of your wife? A Annie Wilkerson.
Q What is the name of your wife's father? A John Maley.
Q What is the name of your wife's mother? A I don't know I forget.
Q Have you any children? A Yes.
Q How many? A Seven.
Q What are their names? A Mollie, Lemie, Isetrallen, Mary Cora, Lonnie and Dora.
Q Have you made application to have Lonnie and Dora Wilkerson identified as Mississippi Choctaws? A Yes, I have for Lonnie and not for Dora.
Q How old is Mollie Wilkerson? A She will soon be fifteen.
Q How old is Lemie? A Thirteen.
Q How old is Isralen? A Past nine.
Q How old is Mary? A Seven.
Q How old is Cora? A Five.
Q Are these children living now? A Yes.
Q Living with you? A Yes, well not living with me now, going to school at Durant, but their home is with me.
Q Is it your purpose in appearing at the Chickasaw Land Office to-day to submit testimony relative to the continuous residence within the Choctaw-Chickasaw country for a period of three years of yourself, your wife, Annis and your minor children, Mollie, Lemie, Isetrallen, Mary and Cora Wilkerson?
A Yes.

--2--Sam (or John) Wilkerson:

Applicants are identified as Sam (or John) Wilkerson, his wife, Annie Wilkerson, and their minor children, Mollie, Lemie, Isetrallen, Mary and Cora Wilkerson, whose names appear on identified Mississippi Choctaw card number 66, schedule numbers 196 to 202, inclusive, approved roll numbers 134 to 140, inclusive:

Records show that above persons were identified by the Commission to the Five Civilized Tribes as Mississippi Choctaws on February 14, 1903:

Declaration and proof of removal to and settlement within the Choctaw-Chickasaw country of the said Sam (or John) Wilkerson, his wife, Annie, and their minor children, Mollie, Lemie, Isetrallen, Mary and Cora Wilkerson was made July 10, 1903:

- Q Did you at one time live in the state of Mississippi?
A Yes.
- Q What was your post-office address in Mississippi? A Hickory
- Q Did your wife, Annie, and your minor children, Mollie, Lemie, Isetrallen, Mary and Cora Wilkerson live with you at Hickory Mississippi? A Yes.
- Q Did you, your wife, Annie, and your minor children, Mollie, Lemie, Isetrallen, Mary and Cora remove from the state of Mississippi to the Choctaw-Chickasaw country in the Indian Territory? A Yes, sir.
- Q When was that? A 1903.
- Q What month in 1903? A February 13th.
- Q Where did you and your wife, Annie, and your minor children, Mollie, Lemie, Isetrallen, Mary and Cora locate when you first came to the Choctaw-Chickasaw country in the Indian Territory in February 1903? A Sterrett.
- Q Where are you living now? A We live Kemp.
- Q Are you living on the land that was allotted to you by the Commission to the Five Civilized Tribes? A Yes.
- Q Are your wife, Annie, and your minor children, Mollie, Lemie, Isetrallen, Mary and Cora Wilkerson living there with you? A Yes.
- Q Have you or your wife, Annie, or either of your minor children, Mollie, Lemie, Isetrallen, Mary or Cora ever been outside of the Choctaw-Chickasaw country for the purpose of establishing a residence or making a home elsewhere? A No.
- Q Have you, or your wife, Annie, or either of your minor children, Mollie, Lemie, Isetrallen, Mary or Cora ever been off of the lands of the Choctaws and Chickasaws at any time since your removal from the state of Mississippi to the Choctaw-Chickasaw country in the Indian Territory? A No.
- Q Do you or your wife, Annie, or either of your minor children Mollie, Lemie, Isetrallen, Mary or Cora Wilkerson expect to go back to the state of Mississippi to live? A No.
- Q Is it your purpose to make this the permanent and bona fide home for yourself, your wife, Annie, and your minor children, Mollie, Lemie, Isetrallen, Mary and Cora Wilkerson? A Yes.
- Q Have you, your wife, Annie, and your minor children, Mollie, Lemie, Isetrallen, Mary and Cora Wilkerson lived continuously on the lands of the Choctaws and Chickasaws now for a period of three years? A Yes.
- Q Is there any one else here to-day who knows you and your minor children, Mollie, Lemie, Isetrallen, Mary and Cora Wilkerson and knows when you removed from the state of Mississippi to the Choctaw-Chickasaw country in the Indian Territory and knows that you have been here three years?
A Yes, Leanna Chubbae, and Annie Wilkerson.

--3--Sam (or John) Wilkerson.

Annie Wilkerson, being first duly sworn testified as follows:

- Q What is your name? A Annie Wilkerson.
Q How old are you? A About thirty.
Q What is your post-office address? A Kemp.
Q What is the name of your father? A John Maloy.
Q What is the name of your mother? A I don't know, I was little when she died.
Q Are you married? A Yes.
Q What is the name of your husband? A Sam (or John) Wilkerson.
Q Have you any children? A Yes.
Q How many? A Seven.
Q Are they all living at this time? A Yes.
Q Are they all on the rolls? A Two are not.
Q What are the names of the ones who are not on the rolls.
A Lonnie and Dora.
Q Have you made application to have the names of Max Lonnie and Dora placed upon the list of identified Mississippi Choctaws? A Yes, Lonnie but not for Dora.
Q Are Mollie, Lemie, Isetrallen, Mary and Cora all your children? A Yes, all living now.
Q Are any of them of age? A No.
Q Did you at one time live in the state of Mississippi? A Yes.
Q What was your post-office address in Mississippi?
A Hickory.
Q Did you husband, Sam (or John) Wilkerson and your minor children, Mollie, Lemie, Isetrallen, Mary and Cora Wilkerson remove from the state of Mississippi to the Choctaw-Chickasaw country in the Indian Territory? A Yes.
Q When was that? A In the month of February 1903.
Q Where did you, your husband, Sam (or John) Wilkerson and your minor children, Mollie, Lemie, Isetrallen, Mary and Cora Wilkerson locate at that time when you first came to this country in February 1903? A Kemp.
Q Are you living on the land that was allotted to you by the Commission to the Five Civilized Tribes? A Yes.
Q Your husband, Sam (or John) Wilkerson and your minor children, Mollie, Lemie, Isetrallen, Mary and Cora Wilkerson are living there with you, are they? A Yes.
Q Have you or your husband, Sam (or John) Wilkerson or either of your minor children, Mollie, Lemie, Isetrallen, Mary or Cora Wilkerson ever been outside of the Choctaw-Chickasaw country for the purpose of establishing a residence or making a home elsewhere? A No.
Q Have you or your husband, Sam (or John) Wilkerson or either of your minor children, Mollie, Lemie, Isetrallen, Mary or Cora Wilkerson ever been off of the lands of the Choctaws and Chickasaws at any time since your removal from the state of Mississippi to the Choctaw-Chickasaw country in the Indian Territory? A No.
Q Is it your purpose to make this the permanent and bona fide home for yourself, your husband and your minor children?
A Yes.
Q Have you and your family lived continuously on the lands of the Choctaws and Chickasaws now for a period of three years? A Yes.

Leanna Chubbee, being first duly sworn testified as follows:

- Q What is your name? A Leanna Chubbee.
Q How old are you? A Don't know.
Q Are you a full blood Mississippi Choctaw? A Yes.

--4-- Sam (or John) Wilkerson.

- Q Did you know Sam (or John) Wilkerson, his wife, Annie and their minor children, Mollie, Lemie, Isatralen, Mary and Cora Wilkerson, full blood Mississippi Choctaw? A Yes.
- Q Where did you first know them? A Back in Mississippi.
- Q What was Sam (or John) Wilkerson's post-office address in Mississippi? A Hickory.
- Q Did Sam (or John) Wilkerson his wife, Annie and their minor children, Mollie, Lemie, Isatralen, Mary and Cora Wilkerson remove from the state of Mississippi to the Choctaw-Chickasaw country in the Indian Territory? A Yes.
- Q When was that? A About three or four years ago.
- Q Where did they locate when they first came to this country? A Sterretts.
- Q Where are Sam (or John) Wilkerson, his wife, Annie, and their minor children, Mollie, Lemie, Isatralen, Mary and Cora Wilkerson living now? A Kemp.
- Q Are they living on the land that was allotted to them by the Commission to the Five Civilized Tribes? A Yes.
- Q Have Sam (or John) Wilkerson, his wife, Annie Wilkerson or either of their minor children, Mollie, Lemie, Isatralen, Mary or Cora Wilkerson ever been outside of the Choctaw-Chickasaw country for the purpose of establishing a residence or making a home elsewhere? A No.
- Q Have Sam (or John) Wilkerson, his wife, Annie Wilkerson, or either of their minor children, Mollie, Lemie, Isatralen, Mary, or Cora Wilkerson ever been off of the lands of the Choctaws and Chickasaws at any time since their removal from the state of Mississippi to the Choctaw-Chickasaw country? A No.
- Q Is it the purpose of Sam (or John) Wilkerson his wife, Annie, and their minor children, Mollie, Lemie, Isatralen, Mary and Cora Wilkerson to make this their permanent and bona fide home? A Yes.
- Q Do you know of your own personal knowledge that Sam (or John) Wilkerson, his wife, Annie, and their minor children, Mollie, Lemie, Isatralen, Mary and Cora Wilkerson have lived continuously on the lands of the Choctaws and Chickasaws now for a period of three years? A Yes.
- Q Are you in any way interested in either of their allotments? A No.

Helen A Smith, Stenographer to the Commissioner to the Five Civilized Tribes, on oath, states that the above and foregoing is a true and perfect transcript of her stenographic notes taken in said cause on said date.

Helen A Smith

Subscribed and sworn to before me this the 13th day of February, 1907.

[Signature]
Notary Public.

M.C.R. 1800

Madagascar, Indian Territory, July 10, 1902.

Sam Wilkerson,

Hickory, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of the birth of Cora Wilkerson, infant daughter of yourself and wife, Anna Wilkerson, born May 18, 1902. The affidavits of yourself and wife have been accepted as evidence of the birth of this child, and will be filed with the application made by you for the identification of yourself and family as Mississippi Choctaws.

Yours truly,

Acting Chairman.

F.C.R. 1903

Muskogee, Indian Territory, February 21, 1903.

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

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 16, 1903, identifying Sam (or John) Wilkerson, his wife Annie Wilkerson, and his minor children, Willie Wilkerson, Louis Wilkerson, Inez Wilkerson, Mary Wilkerson and Sara Wilkerson as Mississippi Choctaw Indians 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 Sam (or John) Wilkerson, his wife 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,

Tammie Elaby,
Acting Chairman

February 21, 1903

K.O.R.1585.

COPY.

Muskogee, Indian Territory, March 11, 1903.

Sam (or John) Wilkerson.

Hickory, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 12, 1903, regarding yourself, your wife, Annie Wilkerson, and minor children, Hollie Wilkerson, Lemie Wilkerson, Isatralen Wilkerson, Mary Wilkerson and Cera Wilkerson, as Mississippi Choctaw Indians, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 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 your claim as settlement at the office of the Commission at Atoka, Choctaw Nation, or Fishosingo, Chickasaw Nation.

Respectfully,

W. H. H. H.
Chairman.

Enc.: 1585.

**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.**

IN RE

Application for Enrollment of

INFANT CHILD

Mary Wilkerson
as a citizen of

MISSISSIPPI CHOCTAW.

Nation.

Approved, 190

**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.**

Commissioner.

This application for the enrollment of this child is accepted by the Commission as evidence of its birth to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws and not in any manner to be considered as an application for the enrollment of this child as a citizen of the Choctaw Nation.


Acting Chairman.

MISSISSIPPI CHOCTAW

9574

1385

1901

1901

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

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

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Mary Wilkerson, born on the 20th day of February, 1900
(Here insert name of child)
Name of Father: Sam Wilkerson, a citizen of the Choctaw Nation.
Name of Mother: Annie Wilkerson, a citizen of the Choctaw Nation.
Post-office: Nickoy, Miss

AFFIDAVIT OF MOTHER.

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

I, Annie Wilkerson, on oath state that I am 27
years of age and a citizen, by _____, of the Choctaw Nation;
that I am the lawful wife of Sam Wilkerson, who is a citizen, by
_____ of the Choctaw Nation, that a female child was
(male or female)
born to me on the 20th day of July, 1900 that said child has been
named Mary, and is now living.

WITNESSES TO MARK
(Must be Two Witnesses)
E. L. Fawcette
F. E. bearing
Annie her mk Wilkerson

Subscribed and sworn to before me this 6 day of April, 1901.

J. M. Cross
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

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

I, Mary Jane Simon, a midwife, on oath state that I
attended on Mrs. Annie Wilkerson, wife of Sam Wilkerson,
on the 20th day of July, 1900 that there was born to her on
said date a female child; that said child is now living and is said to have been
named Mary
(male or female)

WITNESSES TO MARK
(Must be Two Witnesses)
E. L. Fawcette
F. E. bearing
Mary Jane her mk Simon

Subscribed and sworn to before me this 6 day of April, 1901.

J. M. Cross
NOTARY PUBLIC

1585

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

Application for Enrollment of
INFANT CHILD

William
as a citizen of

Osage (Miss) Nation.

Approved, 190



Commissioner.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

The within application on behalf of the within named child is accepted as evidence of its birth and will be filed with and made a part of the application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

[Signature]
Acting Chairman.

MBR 1585

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

IN RE Application for Enrollment, as a citizen of the Miss Choctaw Nation,
of Cara Wilkerson, born on the 16 day of May, 1902
(Here insert name of child)
Name of Father Sam Wilkerson, a citizen of the Miss Choctaw Nation.
Name of Mother Annie Wilkerson, a citizen of the Miss Choctaw Nation.
Post-office, Hiwary Miss

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
State of Miss District.

I, Annie Wilkerson, on oath state that I am 26
years of age and a citizen, by Full Blood, of the Miss Choctaw Nation;
that I am the lawful wife of Sam Wilkerson, who is a citizen, by
Full Blood of the Miss Choctaw Nation, that a Female child was
(male or female)
born to me on the 16 day of May, 1902 that said child has been
named Cara Wilkerson, and is now living.

WITNESSES TO MARK
(Must be Two Witnesses) Wm Dr McElmore
Annie Wilkerson
mark

Subscribed and sworn to before me this 26 day of July, 1902
J. W. Cross
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

Sam Wilkerson, a mid wife, on oath state that I
attended on Mrs. Annie Wilkerson wife of Sam Wilkerson
on the 16 day of May, 1902 that there was born to her on
said date a Female child; that said child is now living and is said to have been
(male or female)
named Cara Wilkerson

WITNESSES TO MARK
(Must be Two Witnesses) Wm Dr McElmore
Sam Wilkerson
mark

Subscribed and sworn to before me this 26 day of July, 1902
J. W. Cross
NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR

OFFICE OF

INDUSTRIAL MINING AND LAND INVESTIGATION

WASHINGTON, D. C.

THIS IS TO CERTIFY

THAT

THE

NAME

MISS CHOL TAW

GENUINE CARD NO. 66

WILLIAM FARNER, Superintendent.

By *W. F. Farnar*

IN CHARGE CHOL TAW

DATE *JAP* MAY 12 1917 191

1585

IDENTIFIED

DECISION RENDERED FEB 14 1903

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKSAW NATIONS. FEB 21 1903

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

Choctaw MCR 1586

Charley Gun

MCR 1586

Stanley Gun 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 16 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. OCT 29 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. OCT 29 1902

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

In the matter of the application of Charley Gun, et al.,
for identification as Mississippi Choctaws, M. C. R. 1888.

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of Charley Gun, et al.

Page.

Original application of Charley Gun, et al., to the Bureau Commission for identification as Mississippi Choctaws - - - - -	1
Certified copy of marriage record between Charlie Gun and Mary Perry - - - - -	6
Ex parte affidavit of Daniel Gun - - - - -	7
Certificate of J. M. Gillispie and Mrs. M. D. Green - - -	8
Decision of the Commission denying the application of Charley Gun, et al., for identification as Mississippi Choctaws - - - - -	9

*Sub
J.R.B.
C.W.*

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

In the matter of the application of Charley Gun, et al.,
for identification as Mississippi Choctaws, M C N 1586.

DECISION.

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Charley Gun for himself and his wife, Mary, and their eight minor children, Lunday, Sarah Jane, Marion, Richard, Charley, Robert, Rice, and Bessie Gun, under the following provision of the act of Congress approved June 28, 1902, (30 Stats., 498):

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

It also appears that all of said applicants, except Mary Gun, wife of Charley Gun, 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 (or

Jane Gun (or Gunn), also known by the name of Sarah Lise according to the testimony of Charley Gun, who is alleged to have been a half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty; that Mary Gun, wife of Charley Gun, and her eight minor children claim said rights by reason of being descendants of one William Perry, who is alleged to have been a half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

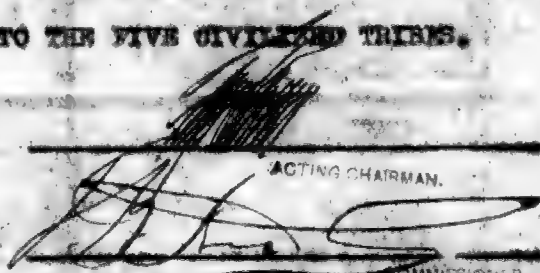
It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly 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., 521).

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 Sarah (or Jane) Gun (or Gunn), alias Sarah Lise, or William Perry, or any 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 Stats., 180), and August 23, 1842, (5 Stats., 613).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charley Gun, Mary Gun, Lunday Gun, Sarah Jane Gun, Marion Gun, Richard Gun, Sharley Gun, Robert Gun, Rice Gun, and Bessie Gun 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.


COMMISSIONER.


COMMISSIONER.

Muskogee, Indian Territory,

JUL 16 1902

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, April 2nd, 1901.

In the matter of the application of Charley Gun, et al., for identification as Mississippi Choctaws; said Charley Gun, being first duly sworn upon his oath testified as follows:

Examination by the Commission.

- Q Please state your name? A Charley Gun.
Q What is your age? A Forty seven.
Q What is your post office address? A Egypt Station, Chickasaw County, Mississippi.
Q How long have you lived in the State of Mississippi? A Ever since I was born, forty seven years.
Q For what purpose do you appear before the Commission at this time? A What purpose?
Q Yes; that is, what are you here for? A I am here claiming for my rights through my mother.
Q Do you claim to be a Choctaw Indian? A Yes sir.
Q Have you any other kind of Indian blood except Choctaw? A No sir.
Q What proportion of Choctaw blood do you claim to have? A A quarter.
Q What is the other three quarters? A White, I reckon.
Q Have you any colored blood? A None ~~any~~ but me and my wife and children.
Q Well, I say, have you any colored blood in your veins? A No sir.
Q Is your father living? A I don't know him.
Q Is your mother living? A No sir.
Q When did she die? A She died, I think, the first year of the surrender.
Q Immediately after the Civil War? A Yes sir.
Q What was her name? A Sarah Lise.
Q Was she a white woman or Choctaw Indian? A She was mixed; half Choctaw Indian.
Q Half breed Choctaw? A Yes sir.
Q You get your Choctaw blood through your mother then? A Yes sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Mary.
Q Is she a Choctaw Indian? A That is what they say down here down here. I lives in Chickasaw County, and I got her down here at the Stepewall pasture, and the people here who knows her here says her father was a half breed Choctaw Indian.
Q Do you make claim for her? A I can't be positive, for I don't know her father, but she has got brothers and sisters down here who knows her father.
Q Then you don't make claim for her? A No sir, unless I could be perfect for her; if you would allow me to say, I would like to do so, to offer what she says; she told me she was a half breed Indian, and the neighborhood knows it and can prove it.
Q If you want to you can make application for her. How old is your wife? A I really don't know her age; I married here and she was a right young girl; I think she is about thirty five.
Q What proportion of Choctaw blood does she claim to have? A A quarter.
Q Is she living with you at this time? A Yes sir.
Q Is her father living? A No sir.
Q Her father is dead? A Yes sir.

Charley Gun, et al., #3.

- Q What was his name? A William Perry.
- Q Was he a white man or an Indian? A He was an Indian.
- Q What proportion of Indian blood did he claim to have, do you know? A No sir; no more than a half is what she tells me.
- Q Is her mother living? A No sir.
- Q What was her name? A Who?
- Q Her mother? A Mama.
- Q Was she a white woman, or a Choctaw? A Why, I think she was a colored woman; I never did see her.
- Q A colored woman? A Yellow; must have had some Indian blood in her I suppose.
- Q Do you know whether she had any Indian blood? A No sir.
- Q Does your wife claim through her father or through her mother?
- A Through her father.
- Q What are the names and ages of your children, under twentyone years of age and unmarried for whom you make this application?
- A Lunday Gun?
- Q How old is Lunday? A About sixteen.
- Q The next one? A Sarah Jane.
- Q How old is Sarah Jane? A Fourteen.
- Q The next one? A Marion.
- Q How old is Marion? A He is about ten.
- Q The next one? A Richard Gun.
- Q How old is Richard? A He is eight I believe.
- Q The next one? A Charley.
- Q How old is Charley? A Seven.
- Q The next one? A Robert..
- Q How old is Robert? A Well, I can't tell you exactly; I think he is somewhere about six.
- Q The next one? A That's Bessie; she is only four years old.
- Q The next one? A Rice. He is about five years old.
- Q These children are all living? A Yes sir.
- Q Do they all live with you? A Yes sir. They all live with me.
- Q Are they all the children of yourself and Mary Gun? A Yes sir.
- Q Do you claim for them through yourself or Mary Gun? A Through myself
- Q Their claim, then, has the same foundation as yours? A Yes sir
- Q When and where were you married to Mary Gun? A I was married to her in Chickasaw County, Mississippi. Old Parson Gain married me, a white man.
- Q When were you married? A I think I married in 1878.
- Q Have you with you at this time your marriage license and certificate? A No sir, but I can get them for you.
- Q It will be necessary for you to furnish to the Commission evidence of your marriage to Mary Gun for consideration in connection with the application made by you at this time for your four minor children. Have you ever appeared before this commission before this time? A Never in my life.
- Q Has anyone ever appeared for you, or for any of your children? A No sir; if they have I never knowed anything about it.
- Q Are the names of yourself, your wife or any of your minor children, for whom you make application at this time, to be found upon the Choctaw tribal rolls of citizens of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Did you or any one for you ever make application for yourself, your wife or any of your minor children, for whom you make application at this time, to the Choctaw tribal authorities in Indian Territory for citizenship in the Choctaw Nation? A Not that I know of
- Q Did you, or did anyone for you, ever make application ~~anywhere~~ for yourself, your wife, or any of your minor children, for whom you make application at this time, to the Commission to the Five Civilized Tribes in the year 1896, for citizenship in the Choctaw Nation?

Charley Gun, et al., #3.

A If they did I don't know of it.

Q You never did? A No sir.

Q Then, neither you, your wife, or any of your minor children included in this application, have ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, by this Commission in the year 1896, acting under the Act of Congress approved June 10, 1896, or by decree of the United States Court for the Indian Territory, have you? A Not that I know of.

Q You would have been apt to know it if they had? A Yes sir.

Q What makes you think that either yourself, your wife, or any of these minor children are entitled to identification as Mississippi Choctaws? A Well, I just know I belong to some Nation or other, and my mother said she was an Indian, and I know I belong to some tribe or other.

Q The mere fact then that you are possessed of Indian blood leads you to think that you are entitled to identification as a Mississippi Choctaw? A Yes sir. I have always been called that all my life.

Q Have you ever received any benefits as a Choctaw Indian? A No sir; if I have I don't know anything about it.

Q Has your wife? A I don't think she has.

Q Any of your minor children? A No sir.

Q What one of your Indian ancestors was living in Mississippi in 1830? A My mother, I think it was.

Q Sarah Lise? A Yes sir.

Q Did she ever go by any other name? A No sir, she was brought into a slave, and her name was changed to Jane.

Q She was a slave was she? A Yes sir.

Q Then she must have had some negro blood, didn't she? A I don't know; she was traded off as a slave.

Q Who owned her? A Mr. Madison Gun.

Q A white man, or an Indian? A I don't know whether he was a white man or an Indian; I know he was a sort of a red looking man.

Q Did you ever hear of your mother ever making any claim under the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaws? A I just remember now, whether I did or not.

Q You make your claim at this time under that treaty? A Yes sir.

Q Do you claim under any particular article? A No more than my mother's side.

Q Well, I mean any particular article of that treaty. A Oh, the 1830.

Q Well, do you claim under any particular article of that? A Yes sir.

Q What article? A 1830.

Q Do you base your claim under the fourteenth article of the treaty of 1830? A Yes sir.

Q What makes you think you do? A I think that was about the Choctaws; they were driven from here and scattered, and lived about.

Q Did you ever read that article of that treaty, or any particular part of it? A I can't read.

Q Have you ever heard it read? A No sir.

Q Did you ever hear anything of the provisions contained in that treaty? A No sir; I am a poor man, and had to work all my life, and never had any chance at all.

Q Do you know whether any of your ancestors were recognized citizens of the Choctaw Nation at the time the treaty of 1830 was made? A No sir, I don't.

Q Do you know whether any of them ever drew any money here as Choctaws at that time? A No sir.

Q Did any of them ever receive any land down here in Mississippi?

A No sir, unless they bought it.

Charley Gun, et al., #4.

Q They ever received any land as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.

Q You are sure of that? A Yes sir; if they did, I never knowed anything about it.

Q None of them moved to the Indian Territory in the early thirties when the Choctaws moved there, did they? A If they did, I don't know it. I was quite a small fellow, and had no one to teach me nothing of the kind.

Q In case the Commission should be able to identify you as a Mississippi Choctaw entitled to rights in the Choctaw Lands in Indian Territory, under the provisions of the fourteenth article of the treaty between the United States and the Choctaw Indians, would you remove to the Indian Territory and establish your permanent residence there? A Yes, if I couldn't do any other way, I would have to; if I can't get any here.

Q Is there any additional statement you desire to make at this time in regard to your case? A No sir, not that I know of.

(L.P. Hudson)

Attorney for applicant here asks leave to file written evidence in support of this claim within twenty days from this date.

Permission is granted to the attorney for applicant to file proper written evidence in support of this claim within twenty days from this date.

Q What one of your wife's ancestors was living in Mississippi in the year 1830, do you know? Were your wife's mother or father either living here then? A Yes sir; they were both living here then.

Q Were William Perry and Emily Perry both living here in 1830? A I think they was.

Q Are you sure they were? A Here father just died about three years ago.

Q How old was he when he died? A I don't know sir. I never seen him.

Q You think either, or both of them, were living in 1830; that is seventy one years ago? A Oh yes sir, both of them was living then, if its been that long.

Q Do you know whether they were recognized citizens of the Choctaw Nation at that time? A No sir, I don't.

Q Did you ever hear that they were? A Yes sir; I heard her children say they were - taken sides with the Indians down here some way; she said she had kin with the Indian camp; kin to her father.

Q Did either of them go west with the Indians when they went west in the early thirties? A I don't know.

Q Did either of them ever derive any benefits under the provisions of the fourteenth article of the treaty of 1830? A If they did, I don't know.

Q Did either of them ever receive any lands under the provisions of the fourteenth article of the treaty of 1830? A I don't think they have.

Q If they did you never heard of it? A No sir.

Q Do you know whether either of them, within six months from the date of the ratification of that treaty signified to the United States Indian Agent here in Mississippi, their intention to remain in Mississippi, and become citizens of the United States? A Well, I do not know sir.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the identification of yourself, your wife, and

Charley Gun, et al., #5.

and your 21 eight minor children as Mississippi Choctaws, claiming rights in the Choctaw lands in Indian Territory, under the provisions of the fourteenth article of the Treaty of 1830, mailed to you at your present post office address, Egypt Station, Mississippi.

This applicant has some facial resemblance of an Indian, his hair being comparatively straight and black, and slightly inclined to be curly, and from his appearance it would seem that he might be possessed of negro blood, though he disclaims such to be the fact.

R. S. Streit, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause, and that the foregoing is a full, true and correct translation of his stenographic notes therein.


Subscribed and sworn to before me at Meridian, Mississippi, this
3rd day of April, A. D. 1901.


Notary Public.

COPY.

W O R 1896

Mustoge, Indian Territory, July 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Charley Sun, 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,

Jams Bixby.

Acting Chairman.

Through the Commissioner
of Indian Affairs.

1 enclosure.

COPY.

M C R 1898

Washington, Indian Territory, July 18, 1908.

Charley Sun,

Egypt Station, Mississippi.

Dear Sir:

You are hereby advised that on the 16th day of July 1908, the Commission created by the Five Civilized Tribes rendered a decision in the case of Charley Sun, 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 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:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charley Sun, Mary Sun, Lunday Sun, Sarah Jane Sun, Marion Sun, Richard Sun, Charley Sun, Robert Sun, Alice Sun and Jennie Sun 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."

1100

You are further advised that the Council on the basis of this
has forwarded the record in this case to the Secretary of the
action as may be taken by him.

Yours truly,

SIGNED

Jayne Dixby

Acting Chairman.

Registered.

COPY

M O R 1000

Muskogee, Indian Territory, July 16, 1900.

Manfield, McMurtry & Corvick,

Attorneys for Cheatek and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 16th day of July 1900, the Commission to the Five Civilized Tribes rendered a decision in the case of Charles Gun, et al., applicants for identification as Mississippi Cheateks.

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stat., 405) which is as follows:

"Said Commission shall have authority to determine the identity of Cheatek Indians claiming rights in the Cheatek lands under article fourteen of the treaty between the United States and the Cheatek Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may examine evidence, 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 Charles Gun, Mary Gun, Sunday Gun, Sarah Jane Gun, Nancy Gun, William Gun, Margaret Gun, Robert Gun, Dick Gun and Revell Gun as Cheatek Indians entitled to lands in the Cheatek lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification should be refused, and it is so ordered."

MEMORANDUM

It is further advised that the Commission has at this date forwarded the record in this case to the Secretary of the Department of Justice and the Bill is referred to the Vice of the action as may be taken by him.

THOMAS BIRBY,

(SIGNED)

Thomas Birby
Acting Chairman.

1288
48,743-1802.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.

WASHINGTON, October 6, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Charley Gun, et al., for identification as Mississippi Choctaws.

The record evidence in this case shows that the applicant, Charley Gun, is 47 years old; that he resides in Chickasaw county, State of Mississippi, where he was born; that he does not know his father and that his mother is dead; that she died at the close of the Civil War and her name was Sarah Lise; that she was a slave and owned by Madison Gun. Applicant also claims for his children on said facts as are set out in support of his claim.

Applicant's testimony tends to show that his wife Mary is of Choctaw descent; that her father, William Perry, was a Choctaw and her mother, Mary, was a colored woman. The applicant's testimony shows that he knows nothing about any of his ancestors or those of his wife having complied with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or claiming rights thereunder

before the commissions authorized by the acts of Congress of March 3, 1837, (5 Stats., 180) or August 23, 1842, (5 Stats., 513).

The affidavit of Daniel Gunn is filed with the record and he states that he was well acquainted with Sarah Gunn alias Jane Gunn and that she was his wife before the war in 1861 and is the mother of Charles Gunn and that ^{said} Sarah alias Jane Gunn was of Choctaw Indian descent, her father and mother being Choctaw Indians.

Said affiant does not claim to be the father of the applicant and an examination of the office records have been made to see if any person by the name of Gun or Gunn was ever a beneficiary under the 14th article of the treaty. This examination shows that Tun-
am-po-tubbee alias George Gunn, son of Yak-a-ti-mah, was two years old at date of treaty and that his father was a 14th article Choctaw claimant. This is the only Gun or Gunn that ever complied with the provisions of said article so far as the office records show.

The evidence shows that some of the ancestors of the applicant and his wife were slaves and while the office records show that several persons by the name of Perry complied with the provisions of the 14th article, there is no William Perry mentioned. None of the applicants are of the full blood and the evidence does not show that any of them had ancestors who complied or attempted to comply with the provisions of the 14th article or ever sought to enforce their rights thereunder by making application to the commissions authorized by the Acts of Congress of March 3, 1837, (5 Stats., 180) or August 23, 1842, (5 Stats., 513)

It is therefore recommended that the decision of the commission

-3-

rejecting the application be affirmed by the Department.

Very respectfully,

Your obedient servant,

A.C. Tonner,

Acting Commissioner.

(W.C.B.)

P.

D.C. 19634-1902.

Copy.

RAF.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

ITD. 6132-1902.

October 16, 1902.

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

Gentlemen:

July 27, 1902, you transmitted the record in the matter of the application for identification of Charley Gun, his wife, Mary, and their minor children, Lunday, Sarah Jane, Marion, Richard, Charley, Robert, Rice and Bessie Gun, as Mississippi Choctaws.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Sarah (or Sarah Jane) Gun (or Gunn), also known as Sarah Lise, and of one William Perry, both of whom are alleged to have been half blood Choctaw Indians residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Choctaw citizen, or that either of said alleged ancestors, or a less remote ancestor of the applicants, complied or attempted to comply with said article 14 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 16, 1902.

Forwarding the record October 6, 1902, the Acting Commissioner of Indian Affairs recommends approval of your decision.

A copy of his letter is inclosed. Finding no reason to disturb your decision, it is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

RM.

1 inclosure.

COPY.

H.C.R. 1586

Waskagee, Indian Territory, October 29, 1902.

Charley Gun,

Esypt Station, Mississippi.

Dear Sir:

You are hereby advised that on the 16th 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 case of Charley Gun, et al., of which decision you were advised by registered mail on the 16th day of July, 1902.

Respectfully,

(SIGNED).

Tamc Dixby.
Acting Chairman.

COPY

U.C.R. 1888

Muskogee, Indian Territory, October 29, 1902.

Manfield, McKurray & Cornish,

Attorneys for the 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 this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Charley Gun, et al.; of which decision you were advised by letter on the 16th day of July, 1902.

Respectfully,

SIGNED:

Tamr Pirby

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date APR -2 1901

Name Charley Gun

Age 47 Blood 1/4

Post Office, Egypt Station, Miss.

Father: dont know who father is

Mother: Sarah Lise 1/2 (dead)

Claims through mother

wife Mary Gun (1/4) 35
Claims for her

Father - William Perry 1/2 dead
mother - Emily " "

claims through father

Children: ^(by) Lunday Gun 16

Sarah Jane " 14

Marion " 10

Richard " 8

Charley " 7

Robert " 6

~~Bessie~~ " ~~5~~

Rice " 5

Bessie " 4

Claims for himself, wife and 8 minor children

Photographer

R. S. Street

Choctaw MCR 1587

Hugh N. Watson

See MCR 726

MCR 1587

W. H. Chas. ...
REFUSED

RECORD FORWARDED DEPARTMENT.

JUL 29 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 29 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

ACTION APPROVED BY SECRETARY OF INTERIOR

JUL 29 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

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

REFER TO M. C. R. 726
REFUSED

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, April 2nd, 1901.

In the matter of the application of Hugh E. Watson, et al., for identification as Mississippi Choctaw, said Hugh E. Watson, being first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q Please state your name? A Hugh E. Watson.
Q What is your age? A Thirty nine, the 15th of this last February.
Q What is your post office address? A Prairie, Mississippi.
Q What proportion of Choctaw blood do you claim to have? A One-sixteenth.
Q How long have you lived in the State of Mississippi? A All of my life.
Q Is your father living? A No sir.
Q What was his name? A Hugh Alexander Watson.
Q Is your mother living? A No sir.
Q What was her name? A Elizabeth.
Q Was your father a white man or a Choctaw Indian? A He was a white man.
Q What was your mother? A She was an eighth.
Q You claim your Choctaw blood then through your mother? A Yes sir.
Q Have you any other Indian Blood than Choctaw? A Not as I know of.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Sarah Clyde Watson.
Q Is she living with you at the present time? A Yes sir.
Q Is she a white woman? A Yes sir.
Q You make any claim for your wife? A No sir, I don't suppose I could, she don't claim no blood.
Q Have you any children? A One, three weeks old this last Saturday.
Q What is its name? A Houston Pete Watson.
Q When and where were you married to Sarah C. Watson? A I was married in Lowndes County, Mississippi.
Q When? A November 22, 1899.
Q Have you your marriage license and certificate with you at this time? A Yes sir.

L.P. Hudson, attorney for applicant:

We will offer them in evidence at a later date.

- Q This child is the child of yourself and Sarah C. Watson? A Yes sir.
Q Have you ever been recognized by the Choctaw tribal authorities in Indian Territory as a citizen of that Nation? A No sir; not that I know of, I have never been there.
Q Never lived 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 in the year 1896 to this Commission for citizenship in the Choctaw Nation? A No sir.
Q Then you have never been admitted to citizenship in the Choctaw Nation either by the tribal authorities in Indian Territory, by this Commission in the year 1896, acting under the Act of Congress approved June 10, 1896, or by decree of the United States Court for Indian Territory? A No sir; not of my own knowing I have not.

Hugh N. Watson, et al., vs.

- Q If you had, you would know about it would you? A Yes sir.
- Q Have you ever appeared before this Commission prior to this time? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know sir.
- Q You never heard of ~~them~~ its being there? A No sir.
- Q Never tried to get it there? A No sir.
- Q For what purpose do you appear before the Commission at this time? A For what purpose?
- Q Yes sir; what are you here for? A I am here under the Act of 1830; the claim of 1830, I suppose.
- Q What is your claim, do you know? A Why it is the time the Indian were driven out of this country, and from what I can learn my grandmother was a quarter; they were in this country all their lives; what I learned was from my mother.
- Q I presume you mean a claim then under the treaty of 1830, between the United States and the Choctaw Indians? A Yes sir.
- Q Do you claim under any particular article of that treaty? A I don't understand you; any particular article?
- Q Yes sir; you know a treaty is divided; there are numerous articles, different parts and paragraphs relating to different subjects; do you claim under any particular article? A The fourteenth.
- Q Did you ever read that article? A No sir, not fully.
- Q Do you know what it contains? A Not altogether.
- Q Do you know anything it contains? A It's been so long since I noticed it.
- Q What makes you think then that you should claim under that article? A I have heard my mother speak of that in her life time.
- Q Did any of your ancestors ever receive any lands in the State of Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No sir, not that I know of.
- Q You never heard of it if they did? A No sir.
- Q What one of your ancestors was living in Mississippi in 1830, when that agreement was entered into? A My grand parents were living here.
- Q What were their names? A Jim Head and Rebecca Head.
- Q Which one of them was a Choctaw? A Rebecca.
- Q What proportion of Choctaw blood did she claim to have? A She was a quarter.
- Q Do you know whether Rebecca Head ever received any land or any benefits whatever as a Choctaw citizen here? A I couldn't say positively, but I don't think she did.
- Q You never heard of her receiving any land under the provisions of the fourteenth article? A No sir.
- Q Do you know whether she ever made any claim to any lands here under the provisions of the fourteenth article of the treaty of 1830? A No sir, I don't.
- Q Was she recognized by the Indians here at that time as a citizen of the Nation? A I think she was, yes sir.
- Q Do you know? A No sir.
- Q Could you swear positively to that? A No sir, I couldn't swear to that.
- Q Do you know whether she, within six months from the date of the ratification of the Treaty of Dancing Rabbit Creek signified to the United States Indian Agent of the Choctaws here in Mississippi, her intention to remain in Mississippi and become a citizen of the United States? A No sir, I do not.
- Q Is there any additional statement in regard to your case you desire to make at this time? A No sir, not that I know of.
- Q Have you any affidavits, statements or other proper papers which you desire to offer in evidence at this time in support of your claim?

Hugh H. Watson, et al., #3.

Attorney for applicant, I. P. Hudson, here asks permission to file written evidence, including marriage license, within twenty days from this date.

Permission is granted the attorney for the applicant to file documentary evidence in support of this application within twenty days from this date.

Q In the event the Commission should be able to identify you as a Choctaw Indian, entitled to rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaw Indians would you remove to Indian Territory, and there establish your permanent residence? A That's my intention now, that I would go there.

Q Well, if you are found to be entitled to participate in the distribution of this land, you would go there and establish your residence? A Yes sir.

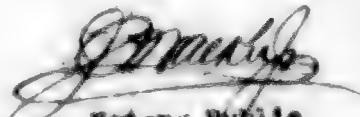
The decision of the Commission with reference to the application made by you at this time for the identification of your self and your minor child, Houston Pete Watson, as Mississippi Choctaws, claiming rights in the Choctaw lands under the fourteenth article of the treaty of 1830, between the United States and the Choctaw Indians will be mailed to you in writing at your proper post office address. A

(This applicant has very little appearance of being possessed of Indian blood; he has, however, high cheek bones, and his skin is inclined to be dark.)

R. S. Streit, being first duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings in the above entitled cause, and that the foregoing is a full, true and correct translation of his stenographic notes therein.



Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of April, A. D. 1901.



Notary Public.

COPY

M C R 1887.

Muskogee, Indian Territory, July 29, 1902.

Hugh H. Watson,

Prairie, Mississippi.

Dear Sir:

You are hereby advised that on the 29th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James F. Head, et al., embracing the following applications for identification as Mississippi Choctaws:

James F. Head, et al.,	M C R	726
Laura Pichens, et al.,	"	730
Lydia Head, et al.,	"	731
William A. Head, et al.,	"	732
Alzada Nash, et al.,	"	735
Annis Elizabeth Annis Lancaster, et al.,	"	900
James H. Head,	"	904
Leonard Moses Head,	"	905
Annie Lee Stith, et al.,	"	908
William Y. Head,	"	909
Dunroath Wilkinson, et al.,	"	1137
Gene Head, et al.,	"	1143
James Head,	"	1415
Sidney A. Head, et al.,	"	1453
Sidney I. Watson,	"	1526
James Atkins, et al.,	"	1527
Guy H. Watson,	"	1544
Georgia Woods, et al.,	"	1747
Fannie Webster,	"	1749
Catherine Miller,	"	1749
Mrs. Walter, et al.,	"	1750
Hugh H. Watson, et al.,	"	1757
Thelbert Gene Head, et al.,	"	2107
L. Dundas Rogillio, et al.,	"	2345
Ella Collins, et al.,	"	2722
Bern Barber,	"	4008
Julia Miller, et al.,	"	1002
Willie J. Watson, et al.,	"	2222
Willie J. Atkins, et al.,	"	2222
John R. Atkins, et al.,	"	2222

—

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stat., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and 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 James P. Head, Walter Isaac Head, Laura Pickens, William Pickens, Dovie E. Pickens, Herbert Houston Pickens, Jesse Leroy Head, Henry Floyd Head, William A. Head, Olive M. Head, Wm. P. Head, Isaac L. Head, Roxy M. Head, Myrtle E. Head, Alzada Hash, Willie Irene Hash, James Arthur Hash, Cassie Elizabeth Cammie Lancaster, Hubert W. Lancaster, James D. Lancaster, Bula Edna Lancaster, Noley May Lancaster, Robert L. Stuckey, Mary Stuckey, William G. Stuckey, James H. Head, Leonard Mason Head, Annie Lee Stith, Stella Head Stith, William Y. Head, Dunreath Wilkinson, Marcus Gillespie Wilkinson, Azalee Dunreath Wilkinson, Thomas Moody Wilkinson, Mattie Audrey Wilkinson, Owen Head, Lee Head, May Head, Bertha Head, Pearl Head, Ruth Head, Herbert Head, Ralph Head, James Head, Sidney A. Head, Willavery Head, Bessie Lou Head, Hilliard Head, Leonard G. Head, Sidney Head, Sidney I. Watson, James Atkins, Essie C. Atkins, Guy E. Watson, Georgia Vaden, Leon Vaden, Fannie McCauley, Catherine McKee, Effie Keltner, Valten Keltner, Herman Keltner, Hugh W. Watson, Houston Pete Watson, Thelbert Otho Head, Carl Head, Fannie Head, Birdie Head, Ruby Head, L. Eunice Rogillie, Lillie Miny Rogillie, Clevis Henry Rogillie, Luther Rogillie, Anna Belle Rogillie, Ella Gatlin, Leop Adelia Gatlin, Verdie Luceil Gatlin, Dora Harvey, Julia Castle, Lessie Castle, Millie J. Wilcox, Belle Wilcox, Ulysses Wilcox, Lurie Wilcox, Dealy Wilcox, Tommy Wilcox, Guy Wilcox, Willie J. Atkins, Miles Harvin Atkins, Ida May Atkins, John R. Atkins and Orbyrie Atkins, 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 provisions of said article fourteen of the treaty of eighteen hundred and thirty, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by James V. Head for the identification of his wife, Lucinda Head, by Laura Pichens for the identification of her husband, Joseph Pichens, by Lydia Head for the identification of herself, and by Almada Nash for the identification of her husband, Robert O. Nash, 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,

T. B. Needles.

Commissioner in Charge.

Registered.

COPY.

H.O.R. 1887

Muskogee, Indian Territory, October 11, 1902.

Hugh F. Watson,
Prairie, Mississippi.

Dear Sir:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Chestnut of the several persons included in the consolidated case of James F. Head, et al., of which decision you were advised by registered mail on the 29th day of July, 1902.

Respectfully,

(SIGNED)

T. D. Neccige

Commissioner in Charge

MCR 1587

Muskogee, Indian Territory, December 8, 1906.

Hugh N. Watson,

Prairie, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 23, 1906, denied a motion for rehearing filed by Attorney D. H. Linebaugh of Atoka, Indian Territory, June 25, 1906, in the consolidated Mississippi Choctaw case of James F. Head, et al.

Respectfully,

Acting Commissioner.

No. 1587

For Identification as a Mississippi Choctaw.

Date

APR -2 1901

Name *Hugh N. Watson*

Age *39* Blood *1/16*

Post Office, *Prairie Miss.*

Father: *Hugh A. Watson (white) dead*

Mother: *Elizabeth " 1/8 "*

Claims through *mother.*

Sarah C. Watson (white)
no claim for his wife.

Children:

Houston P. Watson 3 weeks.

*Claims for himself and one
minor child.*

Stenographer

R. S. Street

Lucy Hathorn

103 1588

Department of the Interior
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 2, 1901.

In the matter of the application of Lucy Hathorn for the identification of herself and her two minor children as Mississippi Choctaws and also an application she makes on behalf of her husband, Guy Hathorn as an intermarried Mississippi Choctaw. Lucy Hathorn being first duly sworn testified as follows:

Examination by the Commission.

Statement by the Commission: Before the Commission will examine you, we will read to you the provision of the law under which the Commission is authorized to determine the identity of Choctaw Indians and which is contained in the 21st section of the act of Congress of June 28th, 1898, and provides as follows: "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Indians, concluded September twenty-seventh, eighteen hundred and thirty and 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 provision of law only empowers the Commission to identify Choctaw Indians and there is no authority vested in the Commission to examine in any way determine the rights of any inter-married white persons. If you desire to make an application for your husband as a so called intermarried Mississippi Choctaw, the Commission will hear your application but will in no way determine his right to enrollment or identification.

- Q What is your name? A Lucy Hathorn.
Q How old are you? A 24.
Q What is your post-office address? A Dexter, Marion County, Mississippi.
Q How long have you resided in Mississippi? A All my life.
Q Never lived any where else? A No sir.
Q What is your father's name? A Thomas W. Lott, Sr.
Q Is your father living? A Yes sir.
Q What is your mother's name? A Elizabeth.
Q Is your mother living? A No sir.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Was your father a Choctaw Indian? A He was white and Choctaw mixed.
Q Was he ever recognized as a Choctaw Indian by the tribal authorities of the Choctaw Nation in the Indian Territory? A No sir, not that I know of.
Q Was your mother a white woman? A Yes sir.
Q Did she ever make any claim to citizenship in any tribe of Indians? A No sir.
Q Did your father ever make any claim to citizenship in any Indian tribe besides the Choctaw? A No sir.
Q Did you ever receive any benefits from any tribe of Indians in the United States? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Indians in the Indian Territory? A No sir.
Q Have you ever made application to the tribal authorities of the Choctaw Nation in the Indian Territory to be enrolled or

Lucy Hathorn 2--

admitted to citizenship in that Nation? 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 Congress of June 10th, 1896?

A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?

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 Indian? A No sir.

Q This is your first application of any description that you have ever made? A Yes sir.

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

Q Are you making such an application as a beneficiary under the provisions of the fourteenth article of the treaty of 1830?

A Yes sir.

Q You claim solely under that article of that treaty? A Yes sir.

Q Have you ever received any benefits as a Choctaw Indian under that article of that treaty? A No sir.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw territory in the states of Mississippi and Alabama and who were recognized as Choctaw Indians by the tribe in 1830 at the time the treaty was entered into between the United States and the Choctaw tribe? A My great grand mother.

Q What was her name? A Sarah Ann Lett.

Q Have you any evidence showing that she was ever recognized by the Choctaw tribe as a citizen? A No sir.

Q Did she ever receive any benefits as a Choctaw Indian?

A Not that I know of.

Q Was she recognized by the United States as a Choctaw Indian in 1830? A I don't know.

Q Did she remove from Mississippi to the Indian Territory when the other Choctaw Indians removed there? A No sir.

Q Did she ever remove from Mississippi? A No sir.

Q Why didn't she? A Why- it was because she was married.

Q If she did not remove from Mississippi or the old Choctaw territory in Mississippi and Alabama to the Indian Territory at the time of the removal of the Choctaw tribe did she within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaws in Mississippi her intention to remain here and become a citizen of the United States? A No sir.

Q You have not any evidence of that fact? A No sir.

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

~~Q You are making your claim solely as a beneficiary under that article of that treaty are you? A Yes sir.~~

Q Are you married? A Yes sir.

Q What is your husband's name? A Guy Hathorn.

Q Is he a white man? A Yes sir.

Q Are you making any claim for him? A Yes sir.

Q How old is he? A Thirty.

Q Does he live with you? A Yes sir.

Q What is his father's name? A N. C. Hathorn.

Q Is he living? A Yes sir.

Q What is your husband's mother's name? A Susan R. Hathorn.

Q Is your husband's mother living? A Yes sir.

Q They are both white people? A Yes sir.

Q They never made any claim to Indian citizenship? A No sir.

Q Don't claim to have any Indian blood? A No sir.

Q They are both citizens of the United States? A Yes sir.

Lucy Hathorn 3

- Q Where did you marry Guy Hathorn? A Dexter, Mississippi.
Q When? A 1897.
Q Married under United States license? A Yes sir.
Q Have you your marriage license and certificate with you?
A Yes sir.

There is offered in evidence, filed and made a part of the record in this case a certified copy of the marriage license and certificate between H. G. Hathorn and Lucy Lett of the 27th of September, 1897.

- Q You were never married to your husband in accordance with the laws of the Choctaw Nation, were you? A No sir.
Q This is the only marriage ceremony that was ever performed between you and your husband? A Yes sir.
Q Have you any children? A Yes sir.
Q How many? A Two.
Q What are their names and ages? A John Cooper Hathorn.
Q How old is he? A Two and a half years old.
Q The next child? A Lois Hathorn.
Q How old is Lois? A Seven months old.
Q These children both live with you at your home? A Yes sir.
Q You and your husband live together? A Yes sir.
Q You are the mother of both of these children? A Yes sir.
Q Guy Hathorn is the father, A Yes sir.
Q In the event that the Commission shall be enabled to identify you and your children as Mississippi Choctaws is it your intention to remove with your family to the Indian Territory for the purpose of establishing your permanent residence? A Yes sir.
Q Is there any additional statement you desire to make in support of your application? A My father has done made his proof and I have proof here that I am his daughter.
Q You understand Mrs. Hathorn, that any documentary evidence that may have been filed with the Commission in support of the application of any person for identification as a Mississippi Choctaw cannot be considered and made a part of the application in any other case. The rules and regulations of the Department of the Interior require that each application must be as a separate case and reference from one case to another will not be permitted. A I will be allowed to send in the proof went I?
Q Yes. How much time do you want? A I could get them here next week. We could have brought it but thought this was all that was necessary.

Permission is granted the applicant to file documentary evidence in support of this claim provided the same is offered for filing with the Commission within thirty days from the date hereof.

This applicant is to all appearances a white woman and has none of the characteristics or appearance of a Choctaw Indian.

The decision of the Commission as to your application, the application you make on behalf of your two minor children for identification as Mississippi Choctaws and on behalf of your husband as an intermarried Mississippi Choctaw will be mailed to you some time in the future to your present post-office address.

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

Lacy Hathers 4

certified copies on the 2nd day of April, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Mrs. Young

Subscribed and sworn to before me at Meridian, Mississippi, this 2nd day of April, 1901.

[Signature]
Notary Public.

APR 2 1901

P A R T I T
Muskogee, Indian Territory, April 25, 1901.

Mrs. Lucy Hathorn,
Dexter, Mississippi,

Dear Madam:

Your letter of April 18 is received, inclosing affidavits of W. R. Williams and H. H. Johnson, to be filed in support of your application for identification as a Mississippi Choctaw. You are advised that these affidavits have been made a part of the record in your case and will receive the consideration of the Commission in determining your rights and the rights of your children to identification as Mississippi Choctaws.

Yours truly,

MC 1588

Acting Chairman.

Muskogee, Indian Territory, September 4, 1902.

Lucy Hathorn,
Dexter, Mississippi.

Dear Madam:

You are hereby advised that on the 4th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nathan A. Lott, et al., embracing the following applications for identification as Mississippi Choctaws:

Nathan A. Lott, et al.,	H.C.R. 1269
Susan H. Warren, et al.,	" 1316
Birdie Baylis, et al.,	" 1317
Ladie Warren,	" 1374
Solomon W. Lott, et al.,	" 1319
Katie Lott,	" 1318
Thomas V. Lott, et al.,	" 1268
Thomas W. Lott, Jr., et al.,	" 1321
Jesse A. Lott,	" 1320
Simon G. Lott, et al.,	" 1314
Lucy Hathorn, et al.,	" 1308
Sally Hitchey, et al.,	" 1309

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:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity Nathan A.Lett, Elizabeth Lett, Laura Lett, Frances Lett, Susan H. Warren, Susan M. Warren, William W. Warren, Liberty H. Warren, Joseph H. Warren, Mary H. Warren, Emily C. Warren, Birdie Baylis, Julia H. Baylis, George W. Baylis, Eugene H. Baylis, Mamie L. Baylis, Mary F. Baylis, Ludie Warren, Solomon W. Lett, Arthur Lett, Simon Lett, Nathan Lett, Katie Lett, Thomas W. Lett, John Lett, Maggie Lett, Mattie Lett, George Lett, Ruby Lett, Clarence Lett, Thomas W. Lett, Jr., Addie H. Lett, Simon G. Lett, Jesse A. Lett, Simon C. Lett, Lucy Hathorn, John Cooper Hathorn, Lois Hathorn, and Sally Ritchey 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 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 Nathan A. Lett for the identification of his wife, Elizabeth Lett, the application made by Thomas W. Lett for the identification of his wife, Elizabeth Lett, the application made by Simon C. Lett for the identification of his wife, Texanna Lett, the application made by Lucy Hathorn for the identification of her husband, Guy Hathorn, and the application made by Sally Ritchey for the identification of her husband, Robert Ritchey, as intermarried Mississippi Choctaws should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the

Very respectfully

Interior for review and you will be informed in due time of such
action as may be taken by him.

Yours truly,

~~James D. Dwyer~~
Acting Chairman

Registered.

M.C.R. 1528

COPY.

Muskogee, Indian Territory, December 23, 1902.

Lucy Hathorn,

Dexter, Mississippi.

Dear Madam:

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 Nathan A Lott, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

Tams Dixby.
Acting Chairman,

REFUSED
DECISION RENDERED. SEP 4 1902

NOTICE OF DECISION MAILED APPLICANT

SEP -4 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

SEP -4 1902

RECORD FORWARDED DEPARTMENT.

SEP 11 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. 1269-

No. 158

For Identification as a Mississippi Choctaw.

Date APR - 2 1901

Name Lucy Hathorn.

Age 24 Blood $\frac{1}{16}$

Post Office, Nexter, Miss.

Father: Thomas W. Lott - ✓

Mother: Elizabeth Lott - dead.

Claims through father

HUSBAND: Guy Hathorn - 30.

FATHER: N. C. Hathorn - ✓

MOTHER: Susan P. Hathorn - ✓

Children:

John C. Hathorn 2½

Lois Hathorn 7mo.

For herself, her children
and her husband as an
intermarried Choctaw

Stenographer

Myra Young.

Sally Ritchey

R 1589

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, April 2nd, 1901.

In the matter of the application of Sally Ritchey for identification as a Mississippi Choctaw; she being first duly sworn upon her oath testified as follows:

Examination by the Commission.

- Q Please state your name? A Sally Ritchey.
Q What is your age? A Nineteen.
Q What is your post office address? A Pickwick, Marion County, Mississippi.
Q For what purpose do you appear before the Commission at this time? A To claim my Choctaw rights.
Q You claim to be possessed of Choctaw Indian blood, do you? A Yes sir.
Q What proportion of Choctaw blood do you claim to have? A One sixteenth.
Q Have you any other Indian blood except Choctaw? A No sir.
Q How long have you lived in Mississippi? A All my life.
Q Is your father living? A Yes sir.
Q What is his name? A Thomas W. Lott.
Q Is he a white man? A Well, he is mixed.
Q How much Choctaw does he claim to have? A One eighth.
Q Is your mother living? A Yes sir.
Q What is her name? A Lizzie.
Q Is she a white woman? A Yes sir.
Q You got your Indian blood solely through your father then? A Yes sir.
Q Are you married? A Yes sir.
Q What is the name of your husband? A Robert Ritchey.
Q Is he a white man? A Yes sir.
Q Do you make any claim for him? A I want to.
Q How old is Robert Ritchey? A He is twenty one.
Q Is his father living? A Yes sir.
Q What is his name? A John B. Ritchey.
Q Is his mother living? A No sir.
Q What was her name? A Susan, I believe.
Q Both of them were white people? A Yes sir.
Q How do you claim for your husband, you say he has no Indian blood?
A I claim through intermarriage, I reckon.
Q Have you with you at this time your marriage license and certificate?
A No sir; I have got my marriage certificate; I have got it at home, I didn't bring it.
Q Do you desire to offer it in evidence at a later date? A Yes sir.
Q You will be permitted to file this marriage license and certificate in support of the application you make for your husband, if it is presented to the Commission for filing within a period of thirty days from this date.
Q Have you any children? A No sir.
Q Have you, or your father, ever been recognized by the tribal authorities in the Indian Territory as citizens of the Choctaw Nation? A No sir.
Q Has you, or has anyone for you, ever made application to the Choctaw tribal authorities in the Indian Territory for citizenship in that Nation? A No sir.
Q Did you, or anyone for you, make application in the year 1896, to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Sally Ritchey, et al., vs.

Q Then you have never been admitted to citizenship in the Choctaw Nation either by the Choctaw tribal authorities, by this Commission in the year 1896, acting under the Act of Congress approved June 10, 1896, or by decree of the United States Court for Indian Territory? A No sir.

Q Did you ever receive any benefits whatever as a Choctaw citizen? A No sir.

Q Did your father ever? A No sir.

Q Upon what do you base your claim? A Well, because my father was a part Indian?

Q Solely because your father claimed to be a part Indian? A Yes sir.

Q Do you claim under any treaty between the United States and the Choctaw Indians? A No I claim under any treaty? Yes sir.

Q What treaty? A 1830.

Q Did you ever read that treaty? A No sir.

Q Did you ever read any part of it? A I have read something about it.

Q Do you claim under any particular article of that treaty? A No sir.

Q You don't claim under the fourteenth article then? A I don't know what you mean.

Q You don't know whether you do or not? A Yes, I claim under that treaty.

Q You don't know whether you claim under the fourteenth article of that treaty or not do you? A Yes sir, I think I do.

Q You think you do? A I think so.

Q Do you know anything that that article contains? A No sir.

Q Do you know whether any of your ancestors ever took advantage of the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Indians? A No sir.

Q Do you know whether any of your ancestors ever received any benefits whatever under the provisions of that article? A No sir, I don't think they did.

Q Do you know whether any of your ancestors ever claimed or received any land under the provisions of the fourteenth article of the treaty of 1830? A No sir.

Q You don't know if they ever did; you never heard of it? A No sir.

Q It is your opinion that they never did? A Yes sir.

Q Do you know any of your ancestors who lived in Mississippi at that time? A Yes sir.

Q Who? A My grand mother by great grand mother.

Q What was her name? A Martha.

Q Martha what? A Martha Lott.

Q She was your father's father's mother? A No sir, is in my grand mother.

Q Oh, your father's mother? A Yes sir.

Q Do you know whether she was recognized at that time as a citizen of the Choctaw Nation? A I don't know.

Q You don't know whether she was recognized by the Indians as a member of the tribe? A No sir.

Q You don't know whether she ever drew any money as a Choctaw? A If she did, I never heard of it.

Q You are quite sure she never received any land here in Mississippi? A No sir, she never received any.

Have you ever been before this Commission before? A No sir.

Q Did any one ever appear before this Commission for you before this time? A No sir.

Q You are living with your husband at this time? A Yes sir.

Q Do you know whether your grand mother, Martha Lott, moved west with the Indians? A No sir, she never moved west.

Sally Ritchey, et al., #3.

Q She remained in Mississippi? A Yes sir, she died in Mississippi.

Q Do you know whether within six months from the date of the ratification of the treaty of 1830, she signified to the United States Indian Agent for the Choctaws here, to remain in Mississippi and become citizen of the United States? A No sir, I don't know.

Q You don't know whether she ever complied with the provisions of the fourteenth article of the treaty of 1830? A No sir.

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

Q Have you any affidavits, statements of other proper papers which you desire to offer in evidence at this time in support of your claim? A I have.

The affidavit of Belle Foxworth offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

Q Do you want to ask permission to file additional evidence in your case? A Yes sir.

Q In case the Commission should be able to identify you as a Choctaw Indian, entitled to rights in the Choctaw lands under the fourteenth article of the treaty of 1830, between the United States and the Choctaw Indians, would you remove to the Choctaw Nation in Indian Territory, and there establish your permanent residence?

A Yes sir /

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for identification as a Mississippi Choctaw, claiming rights in the Choctaw lands under the fourteenth article of the treaty of 1830, and your husband as an intermarried Mississippi Choctaw, mailed to you at your proper post office address.

(This applicant appears to be a white woman, and has no appearance of being an Indian.)

R.S. Streit, being first duly sworn, upon his oath states, that as stenographer to the Commission to the Five Civilized Tribes, he reported the testimony in the above entitled cause, and that the foregoing is a full, true and correct translation of his stenographic notes therein.

Subscribed and sworn to before me at Meridian, Mississippi this 1st day of April, A. D. 1901.


Notary Public.

Muskogee, Indian territory, April 25, 1901.

Sally Ritchey,

Pickwick, Mississippi,

Dear Madam:

The Commission is in receipt of the marriage license and certificate between B. R. Ritchey and Sallie Lott, to be filed in support of your application for identification as a Mississippi Choctaw, and for your husband as an intermarried Mississippi Choctaw. The same has been duly filed with the other records in this case.

Yours truly,

Acting Chairman.

COPY N.C.H. 1889

Muskogee, Indian Territory, September 4, 1902.

Sally Ritchey,

Pickwick, Mississippi.

Dear Madam:

You are hereby advised that on the 4th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nathan A. Lott, et al., embracing the following applications for identification as Mississippi Choctaws:

Nathan A. Lott, et al.,	N.C.H. 1869
Susan E. Warren, et al.,	" 1315
Birdie Baylis, et al.,	" 1317
Ludie Warren,	" 1876
Solomon W. Lott, et al.,	" 1319
Katie Lott,	" 1318
Thomas W. Lott, et al.,	" 1368
Thomas W. Lott, Jr., et al.,	" 1321
Jesse A. Lott,	" 1320
Simon C. Lott, et al.,	" 1316
Lucy Mathers, et al.,	" 1888
Sally Ritchey, et al.,	" 1889

These applications were made under the provisions of the act of Congress of June 25, 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

Sally Ritchey-2

lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and 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 Nathan A.Lett, Elizabeth Lett, Laura Lett, Frances Lett, Susan E.Warren, Susan K.Warren, William W.Warren, Liberty E.Warren, Joseph E.Warren, Mary E.Warren, Emily C.Warren, Birdie Baylis, Julia E.Baylis, George W.Baylis, Eugene E.Baylis, Mamie L.Baylis, Mary F.Baylis, Ludis Warren, Solomon W.Lett, Arthur Lett, Simon Lett, Nathan Lett, Katie Lett, Thomas W.Lett, John Lett, Maggie Lett, Mattie Lett, George Lett, Ruby Lett, Clarence Lett, Thomas W.Lett, Jr., Addie E.Lett, Simon C.Lett, Jesse A.Lett, Simon C.Lett, Lucy Hathorn, John Cooper Hathorn, Lois Hathorn and Sally Ritchey 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 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 Nathan A.Lett, for the identification of his wife, Elizabeth Lett, the application made by Thomas W. Lett for the identification of his wife, Elizabeth Lett, the application made by Simon C.Lett for the identification of his wife, Texanna Lett, the application made by Lucy Hathorn for the identification of her husband, Guy Hathorn, and the application made by Sally Ritchey for the identification of her husband, Robert Ritchey, as intermarried Mississippi Choctaws should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the

Sally Fitzhugh

Interior for review and you will be informed in due time of such
action as may be taken by him.

Yours truly,

SIGNED

James Brady

Acting Chairman

Registered

COPY

Muskogee, Indian Territory, December 22, 1902.

Sally Ritchey,

Pickwick, Mississippi.

Dear Madam:

You are hereby notified that on the 21st day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Shootaws of the several persons included in the consolidated case of Nathan A. Lott, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

James Dixby

Acting Chairman.

REFUSED

DECISION RENDERED SEP 4 1902

NOTICE OF DECISION MAILED APPLICANT.

SEP -4 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

SEP -4 1902

RECORD FORWARDED DEPARTMENT

SEP. -4 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. / 269

49

1389

No.

For Identification as a Mississippi Choctaw.

Date

APR -2 1901

Name

Sally Ritchey

Age

19

Blood 1/16

Post Office, Pickwick, Miss

Father: Thomas W. Latt 1/8

Mother: Lizzie Latt (white)

Claims through father

husband Robert Ritchey, ^{white} 21

Father John B. Ritchey

Mother Susan " dead

Children: none

Claims for herself and husband.

Stenographer

Ross & Street

Choctaw MCR 1590

Newton G. Twinage

See MCR 1575

MCR 1590

J. Turnage et al

REFUSED

~~DECISION RENDERED~~ **JUL 21 1902**

NOTICE OF DECISION MAILED APPLICANT.

JUL 21 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 21 1902

RECORD FORWARDED DEPARTMENT.

JUL 21 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

SEP -3 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

SEP 15 1902

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

SEP 15 1902

REFER TO M. C. R. 1575.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 2nd, 1901.

In the matter of the application of Newton G. Turnage, et al., for identification as Mississippi Choctaws; said Newton G. Turnage, being first duly sworn, upon his oath, testified as follows:

Examination by the Commission.

- Q Please state your name? A Newton G. Turnage.
Q What is your age? A Twenty nine.
Q What is your post office address? A Buford, Mississippi.
Q For what purpose do you appear before the Commission at this time? A For my Indian blood - Choctaw.
Q You claim to be a Choctaw Indian, do you? A Yes sir.
Q What proportion of Choctaw blood do you claim to have? A According to my affidavits, about a sixteenth.
Q Is your father living? A Yes, No sir.
Q What was his name? A James J. Turnage.
Q Was he a white man or an Indian? A A white man.
Q Is your mother living? A No sir.
Q What was her name? A Frances Turnage.
Q Was she a Choctaw Indian or a white woman? A She was mixed blood.
Q What proportion of Choctaw blood did she claim to have? A An eighth, I believe.
Q You claim your Indian blood then through your mother? A Yes sir.
Q How long have you lived in Mississippi? A All my life.
Q Were you ever in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Martha.
Q Is she a white woman? A Yes sir.
Q Do you claim for her? A No sir; she hasn't no Indian blood.
Q Have you any children? A Yes sir.
Q What are their names and ages? A The oldest one, six years old.
Q What is the name? A James Early, is the full name.
Q Six years old? A Yes sir.
Q The next one? A Marcus, Lee.
Q How old is Marcus Lee? A Five years old.
Q The next one? A Mary Elen.
Q Mary Elen is how old? A Three years.
Q The next one? A You want the name first? A
Q Yes sir? A Frances Almer,
Q A girl? A Yes sir.
Q How old is Frances Almer? A One year old.
Q Are these children all the children of yourself and Martha Turnage? A Yes sir.
Q When and where were you married to Martha Turnage? A In what county you mean?
Q Yes sir? A Marion County,
Q Mississippi? A Yes sir.
Q When? A In 1893, if I am not mistaken.
Q What month? A December.
Q Have you your marriage certificate and license with you at this time? A Haven't them with me, no sir.
Q It will be necessary for you to furnish the Commission with evidence of the marriage of yourself and Martha Turnage for consideration in connection with the application made by you on behalf of your minor children. This evidence may be furnished the Commission within a period of thirty days from this date, and will receive consideration.
Q When did your mother die? A I think she died in 1893.

Newton G. Turnage, et al., #2.

Q How old was she when she died, do you know? A Sixty years old.

Q She wasn't living at the time of the treaty of 1830; that was seventy one years ago now? A No sir, she wasn't.

Q Was either yourself or your mother recognized by the tribal authorities in Indian Territory as citizens of the Choctaw Nation? A Let me understand that again.

Q Were you ever admitted to citizenship in the Choctaw Nation by the Indian authorities out in the Indian Territory? A Not that I know of.

Q The same is true of your minor children, is it not? A Yes sir.

Q Then you have never made application to the Choctaw tribal authorities in the Indian Territory for citizenship in the Choctaw Nation? A No sir.

Q Are your names, any of them, to be found on the Choctaw tribal rolls in the Indian Territory? A No sir, not that I know of.

Q Did you, or any one for you, or for your minor children, for whom you make this application, make application to the Commission to the Five Civilized Tribes in the year 1896, for citizenship in the Choctaw Nation? A No sir, not that I know of.

Q Did your mother? A No sir.

Q Then, neither you or any of your minor children have ever been admitted to citizenship in the Choctaw Nation, by the tribal authorities of the Choctaw Nation in the Indian Territory, by this Commission, or by the United States Court in the Indian Territory, have you? A Not that I know of, no sir.

Q Have you ever received any benefits as Choctaws? A No sir.

Q Upon what do you base your claim? A You mean what -

Q Upon what do you base your claim; what makes you think you are entitled to be identified as Mississippi Choctaws? A Because our grandfather's and grand mothers -

Q Merely because you claim to be possessed of Indian blood is that it? A Yes sir, I suppose.

Q Have you any other Indian blood besides Choctaw blood in your veins? A No sir.

Q Did you ever hear of the treaty of 1830, the treaty of Dancing Rabbit Creek, between the United States and the Choctaw Nation? A Did I ever hear of it?

Q Did you ever hear of it? A No sir. I don't remember that I did.

Q Do you base your claim on that treaty; the treaty of 1830, or the treaty of Dancing Rabbit Creek, between the United States, and the Choctaw Indians? A I don't exactly understand what you -

Q Well, do you claim under that treaty? A Well, I suppose so.

Q You think so, yet you have never heard of it before? A I wouldn't know what treaty I would claim under, for I haven't heard much about this.

Q You don't know then whether you claim under the fourteenth article of the treaty of 1830, between the United States and the Choctaws or not? A No sir, I couldn't answer that.

Q Don't you know that this Commission is here for the purpose of hearing the applications of persons for identification as Mississippi Choctaws, claiming rights in the lands in the Choctaw Nation under the provisions of the fourteenth article of the treaty of 1830? A I don't know, whether it was 1830 or 1832. Well, I would suppose of course if they are here for that business, the -

Q You want to claim under that? A Yes sir, I suppose so.

Q Have any of your ancestors ever received any benefits under this article of the treaty of Dancing Rabbit Creek? A No sir.

Hewton G. Turnage, et al., #3.

- Q Did you ever hear of any of your ancestors ever receiving any benefits? A No sir.
- Q Did you ever hear of any of them having complied with the provisions of that article? A No sir.
- Q Did you ever hear of any of your Indian ancestors ever receiving any land here in Mississippi under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.
- Q Do you think it probable you would have heard of it if they had received any lands? A I don't know; I suppose I might, yes sir.
- Q Is it your opinion that they did receive any land? A No sir; I have no cause to think so.
- Q What one of your ancestors was living in the year 1830, in the State of Mississippi; that is, your Choctaw ancestors? A In 1830?
- Q Yes, seventy years ago? A I suppose they were all in Mississippi.
- Q Your mother wasn't living at that time? A Thirty years?
- Q Seventy years ago? A Oh, seventy years ago; my grand-father.
- Q Your mother's father; was he an Indian? A Yes sir, he had Indian blood in him.
- Q What proportion of Indian blood did he have? A A quarter.
- Q You think he was living here in Mississippi at that time? A Yes sir.
- Q What was his name? A James Duncan.
- Q Do you know whether your grand-father, James Duncan, was in 1830, when he was living here in this Choctaw country, recognized by the Choctaws as a citizen of the Nation? A Well, I think so.
- Q I want to know if you know so? A Yes sir.
- Q Will, you swear positively that he was recognized by the Choctaws here at that time as a member of the ir tribe? A Well, I don't remember much about my grand-father; I have seen him.
- Q As a matter of fact, you don't know whether he was or not, do you? A Well, he was raised -
- Q You are not certain that he was even living here, are you? A Well that is before my recollection, and I can't tell.
- Q Did you ever hear that he was living here at that time? A In 1830?
- Q Yes sir? A I can't know that; I wasn't here; he was living in Mississippi in 1830.
- Q Have you ever been before this Commission before? A No sir.
- Q Never made any application of any kind before this Commission before? A No sir, not any at all.
- Q Did you ever hear of your grand father, James Duncan, having ever received any land from the Government here in Mississippi in the early thirties or forties? A No sir.
- Q You think it probable you would have heard it if he had received any, wouldn't you? A Yes sir.
- Q Have you any evidence whatever that he did receive any such land? A Have I any evidence?
- Q Whatever that he did receive any land here? A No sir.
- Q Is there any additional statement you desire to make in regard to your case at this time? A Any what?
- Q Any additional statement in regard to your case that you want to state at this time; that is, do you want to say anything farther in regard to your claim? A No sir, not that I know of.
- Q Have you any written evidence to offer? A Yes sir.

The affidavit of Mary Duncan, and the affidavit of J. V. Duncan, are offered in evidence, identified as Exhibits "A" and "B", respectively, filed and made a part of the record in this case.

Newton G. Turnage, et al., #4.

Q In case you should be found by the Commission to be entitled to identification as a Mississippi Choctaw, entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, would you remove to the Choctaw Nation, in the Indian Territory, and establish your permanent residence? A Yes sir.

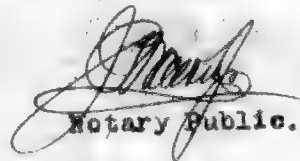
You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time in your own behalf and on behalf of your four minor children, for identification as Mississippi Choctaws, mailed to you at your proper post office address? A

(This applicant has no appearance whatever of being an Indian.)

R. S. Streitz being first duly sworn, upon his oath states, that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the foregoing is a full, true and correct translation of his stenographic notes therein.



Subscribed, and sworn to before me at Meridian, Mississippi, this 2nd day of ~~March~~ April, A.D. 1901.



Notary Public.

COPY.

M C R 1590

Muskogee, Indian Territory, July 21, 1908.

Newton G. Turnage,
Huford, Mississippi.

Dear Sir:-

You are hereby advised that on the 21st, day of July, 1908 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles B. Turnage, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles B. Turnage, et al.,	M C R	1573
Newton G. Turnage, et al.,	M C R	1590
Joannah Kitture Reed, et al.,	M C R	1574

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:

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles B. Turnage, Herman Turnage, Lula Turnage, Anna Turnage, George O. Turnage, Frances Turnage, Charles Robert Turnage, Newton G. Turnage, James Early Turnage, Marcus Lee Turnage, Mary Ellen Turnage, Frances Almer Turnage, Joannah Kitture Reed, Ada Reed, Earnest Reed, Annie Reed, Elbert Reed, Richard Reed, Earl Lewis Reed and Edgar Reed, as Choctaw Indians entitled to rights in the Choctaw lands

Newton S. Furness

under the 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)

F. B. Needles
Commissioner in Charge.

Registered

M C R 1890

DOF
Muskogee, Indian Territory, September 18, 1902.

Newton O. Turnage,
Buford, Mississippi.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles D. Turnage, et al., of which decision you were advised by registered mail on the 31st day of July, 1902.

Yours truly,

CRATED

Tamo Bixby.

Acting chairman

#70

No. 1590

For Identification as a Mississippi Choctaw.

Date APR -2 1901

Name Newton G. Turnage

Age 29 Blood 1/16

Post Office, Bieford, Miss.

Father: James J. Turnage ^{white} dead

Mother: Frances Turnage 1/8 "

Claims through mother

wife Martha Turnage white
no claim for wife

Children: James Early Turnage 6
Marcus Lee " 5
Mary Ellen " 3
Frances Almer " 1

Claims for himself and 4 minor children.

Stenographic

John Sockey

2
1891

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of John Sockey,
et al., for identification as Mississippi Choctaws,
M.C.R. 1591

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of John Sockey,
et al., for identification as Mississippi Choctaws
M.C.R. 1591

I N D E X

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Original application of John Sockey, et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Decision of the Commission identifying John Sockey, et al., as Mississippi Choctaws-----	5

Department of the Interior
Commission to the Five Civilized Tribes
Meridian, Mississippi, April 2, 1901.

In the matter of the application of John Seekey for the identification of himself and his three minor children as Mississippi Choctaws. John Seekey being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A John Seekey.
Q What is your post-office address? A Conway.
Q Mississippi? A Yes sir.
Q How long have you lived in Mississippi? A All my lifetime.
Q Born here? A Yes sir.
Q Never have lived any where else? A No sir.
Q What is your father's name? A Louis Seekey.
Q Is your father living? A No sir.
Q What is your mother's name? A Sally, I think, Sally or Martha as I recollect. She died when I was a little bit of thing.
Q She is dead is she? A Yes sir.
Q Your parents both full blood Choctaws? A Yes sir.
Q You have always lived in the state of Mississippi? A Yes sir.
Q Have you ever made application to the Choctaw Tribe in the Indian Territory to be enrolled as a member of that tribe? A No sir.
Q You never have received any benefits from the Choctaw Tribe of Indians? A No sir.
Q Did you in 1896 about five years ago now, not quite five, 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 sir.
Q You did not? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities in the Indian Territory, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q You have never received any money as a Choctaw Indian from the Choctaw tribal authorities? A No sir.
Q You are making application for identification as a Mississippi Choctaw, is that correct? A Yes sir.
Q Are you claiming as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.
Q You understand what that treaty was do you? Has any one ever explained to you the treaty of 1830 between the Choctaws here in Mississippi and the United States? A No sir.
Q That treaty provided for the removal of the Choctaw Indians from their territory here in Mississippi and Alabama, 71 years ago, to the present Indian Territory and the fourteenth article of that treaty provided that these Choctaw Indians who did not want to remove west of the Mississippi could remain here and become citizens of the United States but if they did that it was not in any way to affect their rights as Choctaws except they could not participate in any annuities. Now that is your claim is it, that you belong to the Choctaws here and never removed to the Indian Territory? Is that right? A Yes sir.
Q Your father and mother never lived in the Indian Territory? A No sir.
Q Died here in Mississippi? A Yes sir.
Q Born here? A Yes sir.
Q Do you know whether any of your people ever removed to the

John Seebay 2

Indian Territory? A No sir.

Q They have always resided here in Mississippi as far back as you know? A Yes sir.

Q Do you know after the ratification of the treaty of 1830 whether your ancestors ever signified to the Indian Agent here their intention to remain and become citizens of the United States?

A No sir.

Q Have you ever heard whether they did or not? A No sir.

Q Do you know the names of your mother's and father's parents, your grand parents? A I recollect thinking my grand mother was Betzie.

Q Do you know whether she had any Indian name? A We-shoc-she-homa.

Q How old would We-shoc-she-homa be? A I don't know. I was little when they all die.

Q About how old was your mother? ~~XXXXXXXXXXXXXXXXXXXX~~ A Twenty or thirty.

Q When she died? A Yes sir.

Q Were you a little boy when she died? A Yes sir.

Q About how old were you? A About two months.

Q Just born were you? A Yes sir.

Q If your mother had lived she would have been about seventy or seventy five? A Yes sir.

Q Do you know about how old your grand mother was when your mother was born? A I don't know.

Q Your grand mother was dead when you were born? A Yes sir.

Q Your mother would be about seventy five years old, your grand mother would be a good deal elder than that? A Yes sir.

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

Q Did you ever hear that she had a claim against the United States government for land here in Mississippi? A No sir, I never did. Hear anything about it.

Q You just knew that her name was We-shoc-she-homa? A That's what the rest of them told me.

Q Did you ever hear any discussion or any talk in your family about your grand mother having certain land here in Mississippi?

A No sir.

Q Do you know whether any of your ancestors, We-shoc-she-homa or any of your people ever received any land here in Mississippi as beneficiaries under this fourteenth article of the treaty of 1830? A No sir.

It appears from an examination of the official records in the possession of the Commission of the adjudication of claims arising under the fourteenth article of the treaty of 1830 that the claim of We-shoc-she-homa was adjudicated under the act of Congress of March 3rd, 1857 and reference is also made to the following letter found in the procedure before the Court of Claims of the Choctaw Nation vs the United States No. 12742:

"Your communication of this day has been received calling my attention to your former arguments in relation to various questions submitted for my decision under the treaty of Dancing Rabbit Creek. In reply I have to say that I have reconsidered the cases of the Choctaw claimants decided by Murray & Vroom, commissioners, and now decide that We-shoc-she-homa is entitled to the benefits of the provisions of the 14th article under the treaty, and all who stand in like position of having five years' residence upon their lands; and in all cases where an Indian was by force or fraud prevented from retaining possession for five years, he is also entitled to the benefit of the provisions of the 14th article when sustained by proof; and where the lands cannot be given with the improvement thereon, bounded by sectional lines, script should be awarded in such cases. Respectfully yours, (Signed) John Tyler. To the Secretary of War."

2

Q Have you ever heard any talk among your family of their ever having removed from the state of Mississippi to the Indian

John Sockey, 3

Territory? A No sir.

Q As far as you know they have always resided in Mississippi?

A Yes sir.

Q You claim your rights solely under the provisions of this fourteenth article of the treaty of 1830 do you? A Yes sir.

Q Are you married? A No sir, I have been married but my wife died.

Q Your wife is dead? A Yes sir.

Q What was your wife's name? A Elsie.

Q Was she a full blood Indian? A Yes sir.

Q Her mother and father both full bloods? A Yes sir.

Q What was her mother's name? A Alice, I think.

Q Alice what? Do you know what her maiden name was? A Alice Dean, I think.

Q She was a full blood Choctaw, was she? A Yes sir.

Q What is your wife's father's name? A She don't know herself. They all died.

Q Did your wife's parents or any of her people remove from Mississippi to the Indian Territory? A No sir.

Q They have always lived here? A A Yes sir.

Q Do you know any of the Indian names of your wife's people? A No sir.

Q Do you know anything further back of your wife's people than her father and mother? A No sir.

Q When were you married to your wife? A I have been married nine years.

Q She has been dead how long? A Five years.

Q She was a full blood Choctaw? A Yes sir.

Q She spoke the Choctaw language? A Yes sir.

Q Have you any children? A Yes sir.

Q How many? A Three.

Q What are their names? A Ethel.

Q How old is Ethel? A Eight years old now.

Q What is the next ones name? A Riley, a boy.

Q How old is Riley? A 7.

Q The next one? A Sarah.

Q How old is Sarah? A 4 years old.

Q All three of these children live with you? A Yes sir.

Q They are all the children you have? A Yes sir.

Q Should the Commission be enabled to identify you and your children as Mississippi Choctaws or as Choctaws entitled to allotment is it your intention to remove with your family to the present Indian Territory? A Yes sir.

Q For the purpose of making your permanent residence there?

Q Yes sir.

Q Is there any additional statement you desire to make, anything more you want to say? A No sir.

Q Any questions you want to ask? A No sir.

The applicant John Sockey is the identical person who appeared before the Commission at Carthage, Mississippi, on January 25th, 1899 and made application for the identification of himself and his three children, Ethel, Riley and Sarah Sockey. Their names are found upon Mississippi Choctaw card No. 52 and also upon the schedule affixed to the Commission's report as to the identification of Mississippi Choctaws of March 10th, 1899, on page 41, roll numbers as follows: 192 John Sockey, 193 Ethel Sockey, 194 Riley Sockey, 195 Sarah Sockey.

Q Have you any affidavits or any written statements, papers of any description, you want to file with the Commission relative to your Indian rights- your Choctaw blood? A Yes sir, I reckon so.

Q Have you got some papers you want to file with the Commission? A Yes sir.

Q Have you got them with you? A I haven't got them.

John Sockey 4--

The Commission's decision as to your application and the application you make on behalf of your minor children for identification as Mississippi Choctaws will be mailed to you some time in the future to your present post-office address.

The applicant in this case is to every appearance a full blood Choctaw Indian. Speaks the Choctaw language and from his statements it appears that his deceased wife was also a full blood Choctaw and that his children are of the same blood. It further appears that this applicant is a direct lineal descendant of a Choctaw Indian whose rights as a claimant under the fourteenth article of the treaty of 1830 were adjudicated by an act of Congress of March 3rd, 1837.

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 2nd day of April, 1901, 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 at Meridian, Mississippi, this 4th day of April, 1901.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of John Sockey,
et al., for identification as Mississippi Choctaws, W.C.R. 1591

----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 April 2, 1901, by John Sockey for himself, and his three minor children, Ethel, Riley and Sarah Sockey, 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 John Sockey, Ethel Sockey, Riley Sockey and Sarah Sockey should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman


Commissioner


Commissioner

Muskogee, Indian Territory

FEB 14 1902

Muskogee, Indian Territory, February 21, 1903.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying John Sockey, and his minor children, Ethel Sockey, Riley Sockey and Sarah Sockey 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 John Sockey and his 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,

James Birby,
Chairman

Registered

Enclosure C.E. 11

COPY.

N. C. R. 1591.

Muskogee, Indian Territory, March 11, 1903.

John Beckey,

Conway, Mississippi.

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 yourself, and children, Ethel, Riley, and Sarah Beckey, as Mississippi Choctaw Indians 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,

James Bixby.

Registered.

SIGNED

Chairman.

Enclosure 1591.

IDENTIFIED

COPIES FORWARDED
FEB 14 1903

COPIES FORWARDED
COPIES FOR CHOCTAW AND
CREEK NATIONS.

FEB 21 1903

**COPY OF DECISION FORWARDED
APPLICANT**

MAR 11 1903

1591

FOR REGISTRATION AS A MISSISSIPPI CHOCTAW.

Date APR - 2 1901

Name John Sockey.
 Age 42. Blood Full.
 Post Office Conway, Miss.
 Father: Louis Sockey - dead.
 Mother: Sallie or Martha Sockey - dead.
 Claims through both parents
 Wife: Elsie Sockey - dead.

Children:

Ethel	Sockey	8.
Riley	" "	7.
Sarah	" "	4.

Claims for himself and his three minor children.

Choctaw # 52.
Paymond Jan 27, 1899.

Stenographer

Myra Young.

Choctaw MCR 1592

William E. Rodwell

See MCR 1594

MCR 1592

WILLIAM E. RODWELL, JR.
William E. Rodwell, Jr.

REFUSED

DECISION RENDERED. JAN 6- 1903

NOTICE OF DECISION MAILED APPLICANT. JAN 6 1903

NOTICE OF DECISION FORWARDING ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS. JAN 6 1903

RECORD FORWARDED DEPARTMENT. JAN 22 1903

ACTION APPROVED BY SECRETARY OF INTERIOR. MAR 28 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. APR 1 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. APR 1 1903

REFER TO M. C. R. 15794

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

In the matter of the application of William E. Rodwell, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

William E. Rodwell, et al., M. C. R. 1592
William S. Calhoun, M. C. R. 1594

List of papers forwarded to the Secretary of the Interior,
comprising the record in the consolidated case of
William E. Rodwell, et al.

	Page.
Original application of William E. Rodwell, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	1
Affidavit of W. E. Rodwell,	5
Certified copy of marriage certificate between W. E. Rodwell and Lannie Long,.....	6
Certified copy of affidavit of T. Gilder,	7
Certified copy of affidavit of T. J. Dowdy,.....	9
Certified copy of affidavit of A. F. Walton,.....	10
Certified copy of affidavit of M. K. Gilder,.....	11
Certified copy of affidavit of M. H. Duke,.....	12
Original application of William S. Calhoun, to the Commission to the Five Civilized Tribes, for identification as a Mississippi Choctaw,.....	15
Certified copy of affidavit of T. Gilder,.....	16
Certified copy of affidavit of T. J. Dowdy,.....	18
Certified copy of affidavit of A. F. Walton,.....	19

-2-

Certified copy of affidavit of M. K. Gilder,	20
Certified copy of affidavit of M. E. Duke,	21
Affidavit of W. S. Calhoun,	22
Decision of the Commission to the Five Civilized Tribes, re- fusing the applications for identification as Mississippi Choctaws in consolidated case of William E. Redwell, et al....	24

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, April 2nd, 1901.

In the matter of the application of William E. Rodwell, et al., for identification as Mississippi Choctaws; said William E. Rodwell, being first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q Please state your name? A William E. Rodwell.
Q What is your age? A Fifty.
Q What is your post office address? A Greenville, Washington County, Mississippi.
Q How long have you lived in the State of Mississippi? A All my life.
Q Never have lived in the Indian Territory? A No sir.
Q Do you claim to be a Choctaw Indian? A I do.
Q What proportion of Choctaw blood do you claim to have? A An eighth.
Q For what purpose do you appear before the Commission at this time? A To present my claim as a Choctaw through direct descendant from a full blood Choctaw.
Q What is the name of the full blood Choctaw? A Letitia Smith.
Q What relation is Letitia Smith to you? A She is my great grand mother.
Q Do you claim under any treaty sir? A Well, under the treaty of 1830.
Q Under any particular article? A Not especially that I know of; simply the treaty made between the United States and the Choctaw Indians.
Q Did you ever read that treaty? A No, I tried to get copies of it but never succeeded.
Q You never read any part of it? A No sir.
Q You know nothing of its contents? A No, only in a general way.
Q What makes you think then that you are entitled to any benefits under that treaty, if you are not familiar with its content? A I simply know that the treaty was made between the Choctaw and Chickasaw Indians and the United States about 1830; I think I claim it under that.
Q Do you base your claim on the fourteenth article of that treaty? A Well, I don't know exactly what the fourteenth article of the treaty contains, but I presume I would if I knew the contents of it.
Q Is your father living? A No sir.
Q What was his name? A James H. Rodwell.
Q Was he a white man? A Yes sir; a white man.
Q Is your mother living? A No sir.
Q What was her name? A Ann Elizabeth Rodwell.
Q Was she a white woman or a Choctaw? A Choctaw.
Q What proportion of Choctaw blood did she claim to have? A One quarter.
Q You get your Indian blood solely through your mother then? A Yes sir.
Q When did your mother die? A She died last June.
Q How old was she when she died? A Seventy six years old.
Q Was she born and raised in Mississippi? A She was born in Alabama.
Q On the Choctaw reservation, was she? A Yes sir.
Q Was she living in Mississippi in 1830? A No, I think not; in fact I know she wasn't. She was born in 1830.

William H. Redwell, et al., #2.

- Q What date? A The ninth of January, 1830.
- Q What was her name? A Gilder.
- Q What was her Indian ancestor's name? A Suddeth, Letitia Suddeth.
- Q It was Smith, but she married a man named Suddeth.
- Q Now, was your mother's father an Indian? A No sir.
- Q When did Letitia Suddeth die? A When did Letitia Suddeth die?
- A Really, I don't know, but she died away back before I was born.
- Q Do you know whether Letitia Suddeth, or Smith, was in 1830 recognized by the Choctaw Indians as a member of their tribe? A I have statements made; I have heard statements made by my grand mother and my grand uncle and grand aunt to that effect, that she was recognized as a full blood Choctaw Indian.
- Q Well, Letitia was your - A My great grand mother.
- Q What was your mother's mother's name? A Gilder.
- Q Was she an Indian? A Yes sir.
- Q What was her given name? A Letitia Gilder.
- Q What was her maiden name? A Her maiden name was Suddeth.
- Q Well, was your mother's mother living in 1830? A Yes sir; she was born in 1817.
- Q Was your grand mother's grand mother living in 1830? A I really don't know.
- Q Do you know whether either of them were recognized by the Choctaw Indians as a member of their tribe at that time? A I know from statements that I have heard made.
- Q They lived among the Indians? A Yes sir.
- Q Did either of them go west with the Indians in the early thirties? A No sir.
- Q Did they ever move west? A No sir.
- Q Do you know whether they ever received any benefits as Choctaw under the fourteenth article of the treaty of 1830? A They never did.
- Q Never received any land of any kind? A No sir.
- Q Did they, either one of them, within six months from the date of the ratification of the treaty of Dancing Rabbit Creek make known their intention to the United States Indian Agent of the Choctaws here in Mississippi, their intention to remain here in Mississippi, and become citizens of the United States? A No, I don't know positively that they did.
- Q Have you ever appeared before this Commission prior to this time? A I never have.
- Q What is the name of your wife? A Lannie Long Redwell.
- Q She is white is she? A Yes sir.
- Q What is her age? A Thirty three.
- Q How do you claim for her? A Well, simply for my marriage is all. I have been so informed that I could claim for my wife, and I make this claim for her.
- Q Have you your marriage license and certificate with you at this time? A No sir, I have not the marriage license and certificate.
- Q The marriage license and certificate between your self and Lannie Long Redwell will be necessary in considering the application made by you for her and your minor children. If evidence of your marriage is submitted to the Commission within a period of thirty days from this date, it will be filed and considered in this case.
- Q Well, I will have it before the Commission before that time; I could have had it here now, if I had known it was necessary.
- Q Is your wife's father still living? A No sir.
- Q What was his name? A His name was - I really don't know his given name; I know, but I forget his name. I think it was Oliver; I am not sure.
- Q Oliver what? A Oliver Long.
- Q He was a white man? A Yes sir.
- Q What was her mother's name? A Mattie Long.
- Q Is she living? A No sir, she is dead.

Was she a white woman? A Yes sir.

Q What are the names and ages of your children? A Inez, two, five years.

Q The next one? A Perrane, two and one half years.

Q The next one? A That is all.

Q These are both the children of yourself and Fannie Tom, Rodwell? A Yes sir.

Q They get their Indian blood solely through you? A Yes sir.

Q You have no Indian blood except Choctaw? A None that I know of.

Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know that such would be the case.

Q You never made any effort to get them on the rolls? A No sir.

Q You never applied to the Commission to the Five Civilized Tribes in the year 1896 for citizenship in the Choctaw Nation? A No sir.

Q You never applied to the Choctaw authorities for citizenship? A No sir.

Q Then you have never been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, by this Commission in the year 1896, acting under the Act of Congress approved June 10, 1896, or by decree of the United States Court in Indian Territory? A Yes sir.

Q You have no evidence whatever, tending to show that any of your ancestors ever complied with the provisions of the fourteenth article of the treaty of 1830? A No sir.

Q In case the Commission should be able to identify you and your minor children as Mississippi Choctaws entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaw Indians, would you remove to the Choctaw Nation in the Indian Territory and establish your permanent residence? A Yes sir.

Q Is there any additional statement in regard to your case, you desire to make at this time? A None that I know of, no more than some affidavits.

Q You have some affidavits you desire to offer in evidence? A Yes sir. I desire to submit written evidence in support of my claim. This application of mine is made from this date.

Permission is granted to the applicant to file written evidence in support of his claim, if presented to the Commission within a period of three months from this date.

You will be notified on a later date with a copy of the decision of the Commission with reference to the application made by you on behalf of yourself, and your two minor children, relative to your removal to the Choctaw Nation.

The applicant has ever resided on the Choctaw lands except for a short period of time, and he is inclined to believe that

... that, being first duly sworn, upon his oath, at that time that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcription of his stenographic notes thereon.

William H. Redwell, et al ., #4.

Subscribed and sworn to before me at Meridian, Mississippi,
this 5th day of April, 1901.


Notary Public.

old
copy

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

-----o-----

In the matter of the application of William E. Rodwell, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

William E. Rodwell, et al., M. C. R. 1592
William S. Calhoun, M. C. R. 1594

-----o-----

--: 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 Com-
mission by William E. Rodwell for himself, his two minor children,
Inez and Hermene Rodwell, and his wife Lammie Leug Rodwell, as an
intermarried Mississippi Choctaw, and by William S. Calhoun for
himself, under the following provision of the act of Congress ap-
proved 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 be-
tween the United States and the Choctaw Nation, con-
cluded September twenty-seventh, eighteen hundred and
thirty, and 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 married to a descendant, of Letitia Buddeth (or Buddath), nee Smith, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 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 Letitia Buddeth (or Buddath), nee Smith, 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, 1837 (5 Stats., 180) and August 23, 1848 (5 Stats., 513).

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

-3-

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

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by William N. Rodwell for the identification of his wife, Lannie Long Rodwell, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

Tame Bixby.

Acting Chairman.

SIGNED:

T. B. Needles.

Commissioner.

SIGNED:

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

JAN 6 1903

Muskogee, Indian Territory, April 29, 1901.

William E. Rodwell,
Greenville, Mississippi.

Dear Sir:

The Commission is in receipt of affidavits to be filed in support of the following applications for identification as Mississippi Choctaws:

William E. Rodwell, M. C. #1592
William S. Calhoun, M. C. #1594

The same have been duly filed with the other records in this case.

Yours truly,

N.C.R. 1893.

COPY.

Muskogee, Indian Territory, January 6, 1903.

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

Gentlemen:

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

William E. Rodwell, et al., M.C.R. 1892,
William S. Calhoun, M.C.R. 1894.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 498).

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 E. Rodwell, Inez Rodwell, Hermene Rodwell and William S. Calhoun 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.

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 William E. Rodwell for the identification of his wife, Lannie Long Rodwell, 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

H. No. 6 C. # 2.

papers in the case, together with such arguments, will be
to the Secretary of the Interior through the Commissioner
Affairs.

Respectfully,

Acting Chairman.

M.C.R. 1592.

COPY.

Muskogee, Indian Territory, January 8, 1903.

William E. Rodwell,
Greenville, Mississippi.

Dear Sir:

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

William E. Rodwell, et al., M.C.R. 1592,
William S. Calhoun, M.C.R. 1594.

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

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by William E. Rodwell for the identification of his wife, Lannie Long Rodwell, as an intermarried Mississippi

W. H. R. § 2.

Chectaw, 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 Dixby
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, January 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William E. Rodwell, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 4, 1903.

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

William E. Rodwell, et al., M.C.R. 1592
William S. Calhoun, M.C.R. 1594.

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.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of Malichi K. Gilder, et al., decision in which was rendered by the Commission on July 12, 1902, and approved by the Secretary on September 15, 1902.

Respectfully,

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 1592.

T. S. Wallace
Commissioner in Charge.

(COPY)

D C 2000-1903.

DEPARTMENT OF THE INTERIOR.

DAY.

ITD. 2500-1903.

Washington.

L.R.S.

March 28, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 22, 1903, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of William M. Redwell, his minor children, Inez and Hermene Redwell, and his wife Lannie Long Redwell, as an intermarried Mississippi Choctaw, and of William S. Calhoun as a Mississippi Choctaw. You denied the applications January 6, 1903.

The applicants claim to be descendants of Letitia Suddath (or Suddath), nee Smith, alleged to have been a full blood Choctaw Indian, and of Letitia Gilder, nee Suddath, Ann Elizabeth Redwell, nee Gilder, and Annie Missouri Calhoun, nee Gilder, all of whom are stated to have been possessed of some Choctaw blood.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that any one of their alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting March 2, 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,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

(COPY)

Land
6029-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

March 2, 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 matter of the application for identification as Mississippi Choctaws of William F. Redwell, and his wife Lennie Long Redwell, as an intermarried Mississippi Choctaw, and William S. Calhoun, wherein a decision adverse to the applicants was rendered by the Commission on January 6, 1903.

It appears from the evidence in this case that the applicants claim identification by reason of their descent from Letitia Suddeth, nee Smith, Letitia Gilder, nee Suddeth, and also Ann Elizabeth Redwell, nee Gilder, and Anne Missouri Calhoun, nee Gilder, who, it is alleged, were citizens of the Choctaw Nation and resided in Alabama or Mississippi in 1830.

The Commission, in its decision, rejects these applicants on the ground that the names of Letitia Suddeth, nee Smith, or ancestors less remote, do not appear in its records of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

A search of the records of this office has been made for all of the names, Letitia Suddeth, nee Smith, Letitia Gilder, nee Suddeth, Ann Elizabeth Hedwell, nee Gilder, and Annee Missouri Calhoun, nee Gilder, and they are not found included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Wsectaw treaty of, 1880; I have, therefore, to recommend, that the decision of the commission rejecting these applicants be approved.

Very respectfully,

(Signed) A. C. Tenner,

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

M C H 1592

COPY:

Muskogee, Indian Territory, April 6, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby notified that on the 28th 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 William E. Redwell et al., of which decision you were advised by mail on the 6th day of January, 1903.

Respectfully,

(SIGNED)

C. R. Brantley
Commissioner in Charge.

COPY:

Muskogee, Indian Territory, April 6, 1903.

William E. Rodwell,
Greenville, Mississippi.

Dear Sir:

You are hereby notified that on the 25th 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 William E Rodwell et al., of which decision you were advised by registered mail on the 6th day of January 1903.

Respectfully,

SIGNED.

C. R. Breckinridge.
Commissioner in Charge.

Supplemental
to 1127
Consolidated Case
of
Wm E. Rodwell et al

REFER TO M.C. R. 1592

Supplemental to ^{more} 1127

~~X~~ Jh
mar
Smith
-w-

parents of

Letitia Smith (ph?)
mar
William Suddeth
or Suddoth

or Lettie

Letitia Suddeth
mar
Benjamin Bilder

(96?)

Ann E. Bilder $\frac{1}{2}$
dead
mar
James H. Rothwell
(dead)

more
1592

William E. Rodwell 50- $\frac{1}{2}$
wife
Lannie Long Rodwell
w

more
1592

Inez Rodwell 5
" Hermene Rodwell 2 $\frac{1}{2}$

Annie Missouri Calhoun $\frac{1}{2}$
husband dead
Charles Calhoun
w

more
1594

William S. Calhoun $\frac{1}{2}$

+ testifies that his mother's name was Bilder - possible conflict - see affidavit of W.S. Calhoun.

No. 1592

For Identification as a Mississippi Choctaw.

Date APR -2 1901

Name William E Rodwell

Age 50 Blood $\frac{1}{8}$

Post Office, Greenville, Miss.

Father, Thomas N. Rodwell ^(white) dead

Mother, Ann E. " $\frac{1}{4}$ "

Claims through mother.

Wife Lannie Long Rodwell ^{white} 33 -
claims for her.

Father, Oliver Long. dead

Mother, Mattie " "

Children:

Inez Rodwell 5

Hermene " $2\frac{1}{2}$

Claims for himself,, his wife
and 2 minor children

Choctaw MCR 1593

Alfred H. Gilder

See MCR 1127

MCR 1593

REFUSED

NOTICE OF DECISION MAILED APPLICANT. JUL 12 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 12 1902

NOTICE OF DECISION MAILED APPLICANT.
FOR CHOCOTAW

JUL 12 1902

NOTICE OF DECISION MAILED APPLICANT.
FOR CHOCOTAW DEPARTMENT.

JUL 12 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

SEP 15 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

SEP 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCOTAW
AND CHOCOTAW

SEP 27 1902

REFER TO M. C. R.

1127

DEPARTMENT OF THE INTERIOR.
COMMISSION ON THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, April 2, 1901.

In the matter of the application of Alfred H. Gilder for himself, wife and children, for identification as Mississippi Choctaws; said Alfred H. Gilder being first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q Please state your name? A Alfred H. Gilder.
Q What is your age? A Forty two.
Q What is your post office address? A Blue, Mississippi.
Q For what purpose do you appear before the Commission at this time? A For identification as a Mississippi Choctaw.
Q Do you apply for anyone besides yourself? A Yes sir.
Q For whom? A My wife and my family.
Q How long have you lived in Mississippi? A I have lived there all my life.
Q Born and raised here? A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A W. H. Gilder.
Q Is he a white man or a Choctaw? A He is a quarter.
Q Is your mother living? A No sir.
Q What was her name? A Angelina.
Q Was she a white woman? A Yes sir.
Q Your get your Indian blood then through your father? A Yes sir.
Q What proportion of Choctaw blood do you claim to have? A An eighth.
Q Choctaw? A Yes sir.
Q Have you any other Indian blood than Choctaw? A No sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Sally; that is, my present wife, I have been married twice.
Q She is a white woman? A Yes sir.
Q How old is she? A She is twenty three years old.
Q What is her father's name? A Rufus Mosely.
Q He a white man? A Yes sir.
Q Is she living? A Yes sir.
Q What is her mother's name? A Gilla.
Q Is she living? A Yes sir.
Q White? A Yes sir.
Q What are the names and ages of your children for whom you make this application? A The oldest one is seventeen, Robert E.
Q The next one? A Oscar K., sixteen.
Q The next one? A Carrie A., fourteen.
Q The next one? A Sally V.
Q How old is Sally V.? A She is twelve.
Q The next one? A Fivers P.
Q How old is Fivers? A Three years old.
Q The next one? A Clinton M.
Q How old is Clinton M.? A Two years old.
Q These children are all living with you, are they? A Yes sir.
Q Which of these children are your children by your first wife present wife? A The last two.
Q When and where were you married to Sally Gilder? A I was married in Calhoun County, Mississippi in 1897.
Q Have you your marriage license and certificate with you? A No sir.
Q It will be necessary that you furnish the Commission with evidence

Alfred H. Gilder, et al., #2.

of your marriage to your present wife in the matter of the application made by you at this time in her behalf, and in behalf of your two minor children, Rivers H. and Clinton H. Gilder. It may be furnished the Commission within thirty days from this date.

Q. These children derive their Indian blood solely through you? A. Yes, sir.

Q. Their claim has the same foundation as yours? A. Yes, sir.

Q. Now, what is the name of the mother of your four children? A. Mary.

Q. Is she living or dead? A. She is dead.

Q. When and where were you married to Mary Gilder? A. In Calhoun County, Mississippi.

Q. When? A. In 1882.

Q. Have you your marriage license and certificate covering the marriage of yourself and Mary Gilder? A. No, sir.

Q. Do you desire to offer it in evidence at a later date? A. Yes, sir.

Q. This marriage license and certificate, covering the marriage of yourself and Mary Gilder will be necessary in the matter of the application made by you on behalf of your children, Robert H., Oscar H., Carrie A. and Sally V. Gilder, and permission is hereby granted to the applicant to furnish evidence of this marriage within thirty days from this date.

Q. Have either you, or any of your minor children, ever received any benefits as Choctaw Indians? A. None at all, sir.

Q. Are your names on the Choctaw tribal rolls in Indian Territory? A. No, sir.

Q. Did any of your Choctaw ancestors ever receive any benefits as Choctaw citizens? A. None that I know of.

Q. Have you ever made application in your own behalf, or on behalf of your minor children to the Choctaw tribal authorities in the Indian Territory, for citizenship in the Choctaw Nation? A. No, sir.

Q. Did you make application in the year 1896, in your own behalf, or in behalf of any of your minor children, to this Commission for citizenship in the Choctaw Nation? A. No, sir.

Q. Then, neither you nor any of your minor children, for whom you made this application, have ever been admitted to citizenship in the Choctaw Nation, either by the Choctaw tribal authorities in the Indian Territory, by this Commission in the year 1896, acting under the Act of Congress approved June 10, 1896, or by decree of the United States Court for the Indian Territory, on appeal, have you? A. No, sir.

Q. Have you ever appeared before this Commission prior to this time? A. No, sir.

Q. Upon what do you base your claim at this time? A. Well, I don't know just how to answer the question.

Q. Well, what makes you think you are entitled to be identified as Mississippi Choctaw? A. Well, under the treaty or treaties that have been - I claim the benefits that the law will give to the Mississippi Choctaws in the Territory.

Q. Do you claim under any particular antislavery treaty? A. Under the treaty of 1830.

Q. Did you ever read that treaty? A. Yes, I reckon I have.

Q. Do you claim under any particular article of that treaty? A. Well, I claim under the part that those who didn't get there might have a right to citizenship in - or to participate in the benefit of the land; those who didn't go to the Territory under the treaty, as it was made then.

Alfred H. Gilder, et al., #3.

- Q Do you claim then as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.
- Q Did any of your ancestors ever comply with the provisions of the fourteenth article of the treaty of 1830? A No sir.
- Q Did any of your ancestors ever derive any benefits under the provisions of the fourteenth article of the treaty of 1830? A None that I have ever been able to learn.
- Q What one of your Choctaw ancestors was living in Mississippi or Alabama on the old Choctaw reservation at the time of the ratification of the treaty of 1830? A My great grandmother, I reckon.
- Q What was her name? A Letitia.
- Q What? A Suddeth.
- Q Was she living here at that time? A Yes sir.
- Q Did she move to the Indian Territory when the majority of the tribe moved out there in the early thirties? A No sir.
- Q Do you know whether within six months from the date of the ratification of the treaty of Dancing Rabbit Creek, she signified ~~xxx~~ to the United States Indian Agent for the Choctaws then in the State of Mississippi, her intention to remain in east of the Mississippi River and become a citizen of the United States? A No sir, I don't.
- Q You are quite sure she never received any land here as a beneficiary under the provision of the fourteenth article of the treaty of 1830? A Yes sir.
- Q Have you any evidence whatever that any of your ancestors ~~xxx~~ ever complied with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek; or ever received any benefits under the provisions of that article? A No sir, I have not.
- Q Is there any additional statement you desire to make in regard to your case at this time? A No sir, I don't know that there is.
- Q Have you any affidavits, statements, or other proper papers which you desire to offer in evidence at this time in support of your application? A Yes sir, I have some affidavits. I suppose the gentleman who preceded me spoke to you in regard to the evidence.
- Q You want permission then to file them at a later date? A Yes sir.

Permission is granted to the applicant to file affidavits, statements or other proper papers in support of his claim, if presented to the Commission within a period of thirty days from this date.

- Q In case the Commission should be able to identify you as a Mississippi Choctaw, entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830, between the United States, and the Choctaw Indians, would you remove to the Choctaw Nation, in Indian Territory, and there establish your permanent residence? A Yes sir.

The decision of the Commission with reference to the application made by you at this time on behalf of yourself, your wife and minor children, will be mailed to you at a later date at your proper post office address.

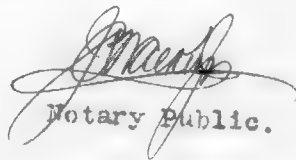
(This applicant has no appearance whatever of being possessed of Indian blood.)

R. S. Streit, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported the testimony of the above applicant, and that the foregoing is a full, true and correct translation of his stenographic notes therein.

R. S. Streit

Alfred H. Gilder, et al., #4.

Subscribed and sworn to before me at Meridian, Mississippi,
this 27th day of ~~March~~ April, A.D. 1901.


Notary Public.

Muskogee, Indian Territory, April 25, 1901.

Mr. A. H. Gilder,
Blue, Mississippi,

Dear Sir:

The Commission is in receipt of certified copies of the affidavits of T. Gilder, T. J. Dowdy, A. F. Walton, M. K. Gilder, and M. H. Duke, to be filed in support of your application for the identification of yourself and your children as Mississippi Choctaws, and of your wife as an intermarried Mississippi Choctaw. You are advised that these papers have been duly filed with the record in your case.

Yours truly,

W7 150X

Acting Chairman.

Muskogee, Indian Territory, May 1, 1901.

Alfred H. Gilder,
Blue, Mississippi.

Dear Sir:

The Commission is in receipt of your letter of April 23, enclosing certified copies of marriage licenses between A. H. Gilder and Miss S. B. Mesley, and A. H. Gilder and M. C. Inman, which you ask to have filed in support of your application for the identification of yourself and child as Mississippi Choctaws. The same have been duly filed and made a part of the record in this case.

Yours truly,

Acting Chairman.

Muskegee, Indian Territory, May 16, 1901.

Mr. E. A. Gilder,
Pheba, Mississippi,

Dear Sir:

The Commission is in receipt of affidavit of A. C. Haron, stating that E. A. Gilder is a descendant of M. K. Gilder, who is a descendant of Mrs. Lillie B. Gilder whose maiden name was Suddath; also affidavit of A. C. Haron giving the same information in regard to A. H. Gilder, and certificate of E. J. Hall, Clerk, stating that J. A. Summers, before whom the same are acknowledged, is entitled to administer oaths. No letter accompanies these affidavits, and there is only one certificate. The affidavit of A. C. Haron and the certificate of the Clerk have been filed in support of the application of E. A. Gilder for the identification of himself and children as Mississippi Choctaws and of his wife as an intermarried Mississippi Choctaw; the affidavit of A. C. Haron with reference to A. H. Gilder has been filed in support of his application for identification of himself and family as Mississippi Choctaws. If he desires to have the certificate of the Clerk as to the authority of J. A. Summers to take acknowledgments, it will be necessary to procure a second certificate from him, and send for filing with his application. The rules of the Commission require that each case must stand on its own evidence, and affidavits filed in one case cannot be referred to in another application.

Yours truly,

Muskogee, Indian Territory, June 6, 1901.

Mr. E. A. Gilder,

Pheba, Mississippi,

Dear Sir:

The Commission is in receipt of your letter of May 26, inclosing the certificate of E. J. Hall, which you ask to have filed in support of the application of A. H. Gilder for the identification of himself and children as Mississippi Choctaws and for his wife as an intermarried Mississippi Choctaw. The same has been made a part of the record in this case.

Yours truly,

Acting Chairman.

COPY.

M.O.R. 1898.

Washoee, Indian Territory, July 18, 1902.

Alfred H. Gilder,

Blue, Mississippi.

Dear Sir:

You are hereby advised that on the 18th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Malichi K. Gilder, et al., embracing the following applications for identification as Mississippi Choctaws:

Malichi K. Gilder, et al.,	M.O.R. 1187
Early A. Gilder, et al.,	" 1573
Alfred H. Gilder, et al.,	" 1593
Sallie A.L. McCullough, et al.,	" 1925
Effie G. Gilder,	" 1926

These applications were made under the provision of the act of Congress of June 20, 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 evidence in this case is insufficient to determine the identity of Malichi K. Gilder, Marly A. Gilder, William Harrell Gilder, Alfred H. Gilder, Robert E. Gilder, Oscar K. Gilder, Carrie A. Gilder, Sally V. Gilder, Rivers R. Gilder, Clinton R. Gilder, Sallie A.L. McCullough, Karl McCullough, Zepha McCullough, Sam McCullough, Lulu McCullough and Effie G. Gilder as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and that the application made by Malichi K. Gilder for his wife Lulu Gilder, by Marly A. Gilder for his wife, Bettie Gilder, by Alfred H. Gilder for his wife, Sally Gilder, and by Sallie A.L. McCullough for her husband, J.A. McCullough, in each case for identification as a Mississippi Choctaw by intermarriage, 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).

Jame Bixby.

Acting Chairman.

Registered.

COPY

H. W. P. 1895.

Muskogee, Indian Territory, September 27, 1902.

Alfred H. Gilder,
Blus, Mississippi.

Dear Sir:

You are hereby advised that on the 15th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nalichi K. Gilder, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

(SIGNED)

Acting Chairman,

Miss. Choctaw R1593

Muskogee, Indian Territory, October 20, 1902.

Alfred H. Gilder,
Vernish, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 9, asking what further evidence would be necessary to establish your claim as a Mississippi Choctaw.

In reply to your letter you are advised that the Commission having, on July 12, 1902, refused the applications of the several persons in the consolidated Mississippi Choctaw case of Malachi K. Gilder, et al., and the Secretary of the Interior having, on September 15, 1902, affirmed the said decision, the Commission considers this case closed.

Respectfully,

Acting Chairman.

No. 1593

For Identification as a Mississippi Choctaw.

Date APR -2 1901

Name Alfred N. Gilder

Age 42 Blood 1/8

Post Office, Blue, Miss.

Father: M. N. Gilder 1/4 ✓

Mother: Angeline " (white) Dead

Claims through father

Wife. Sally Gilder White ²³
Claims for her

Father Rufus Moseley " ✓

Mother Lilla " " ✓

Children: Robert E. Gilder 17

Oscar N. " 16

Carrie A. " 14

Sally V. " 12

Rivers R. " 3

Clinton H. " 4 mo.

Mother Sally Gilder

Mother Mary Gilder (dead)

Claims for himself, his wife and his
minor children

Stenographer

Choctaw MCR 1594

William S. Calhoun

See MCR 1592

MCR 1591

MISSISSIPPI CHOCTAW

William S. Calhoun

REFUSED

DECISION RENDERED. JAN 6- 1903

NOTICE OF DECISION MAILED APPLICANT. JAN 6 1903

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS. JAN 6 1903

RECORD FORWARDED DEPARTMENT. JAN 22 1903

ACTION APPROVED BY SECRETARY OF INTERIOR. MAR 28 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. APR 6 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. APR 6 1903

REFER TO M. C. R. 1592

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, April 22 1901.

In the matter of the application of William S. Calhoun for identification as a Mississippi Choctaw, he being first duly sworn upon his oath testified as follows:

Examination by the Commission.

- Q Please state your name? A William S. Calhoun.
Q What is your age? A Twenty four.
Q What is your post office address? A Greenville, Mississippi.
Q You claim to be a Choctaw Indian? A A sixteenth.
Q For what purpose do you appear before the Commission at this time? A To present my claim, in order to receive the benefit given by the Government.
Q Do you apply for identification as a Mississippi Choctaw? A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A Charles Calhoun.
Q Is he a white man or a Choctaw Indian? A A white man.
Q Is your mother living? A Exact. No sir.
Q What was her name? A Annie Missouri.
Q Was she a Choctaw Indian? A Yes sir.
Q What proportion of Choctaw blood did she claim to have? A I don't know, would be twice as much as yours? A An eighth.
Q You claim your Indian blood then solely through your mother? A Yes sir.
Q Are you married? A Yes No sir, single.
Q You apply then for yourself only at this time? A Yes sir.
Q How long have you lived in Mississippi? A About twenty three years.
Q All your life? A Well, no, about twenty one years; I was born in St. Louis, Missouri; I was there about two or three years before I come here, and I have been here the balance of my life.
Q Never lived in the Choctaw Nation in the Indian Territory? A No sir.
Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of
Q If they had ever been put on there, you would be apt to know about it? A I suppose so.
Q Did you, or anyone for you, ever make application to the tribal authorities in the Indian Territory for citizenship in the Choctaw Nation? A No sir.
Q Did you or anyone for you in the year 1896, make application to this commission for citizenship in the Choctaw Nation? A No sir.
Q Then you have never been admitted to citizenship in the Choctaw Nation either by the tribal authorities, by this Commission in 1896, acting under the Act of Congress approved June 10, 1896, or by decree of the United States Court for the Indian Territory? A No sir
Q You never have enjoyed any of the rights of citizenship to any extent? A No sir.
Q Never have received any benefits at all, as a Choctaw? A No sir.
Q What makes you think you are entitled to identification as a Mississippi Choctaw? A Well through my parents.
Q The mere fact that you are possessed of Indian blood, you think that should give you a right to establish a claim against the Government? A Well, I think so, through my parents.

William S. Calhoun, 4d.

Q Do you claim under any treaty whatever between the United States and the Choctaws? A No sir; my mother was a Gilder.

Q You know that the Commission is here, merely for the purpose of hearing applicants claiming under the fourteenth article of the treaty of 1830? A Yes sir.

Q You don't claim under that article yourself? A Well, what is that article.

Q Well, I don't know that it is hardly within the province of the Commission to explain that to you; we suppose you ought to know that before you come here. That is an article in regard to those Mississippi Choctaws who did not go west with the Indians when they moved west in the early thirties. Do you desire to make your claim then under that article of the treaty of Dancing Rabbit Creek?

A Yes sir.

Q Did any of your ancestors ever receive any benefits under that article? A None that I know of.

Q Did any of them ever comply with the provisions of that article?

A None that I know of.

Q What one of your ancestors was living in Mississippi on the Choctaw reservation east of the Mississippi River at the time that treaty was entered into? A Letitia Smith.

Q What relation is she to you? A I am not well acquainted with my kind people, for I didn't associate with them in my life; I am not prepared to explain that fully.

Q You are one of her descendants? A Yes sir.

Q You are sure of that? A Yes sir.

Q You don't know whether she ever received any lands here in Mississippi under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

Q Do you know whether she within six months from the date of the ratification of the treaty of Dancing Rabbit Creek signified to the United States Indian Agent of the Choctaws here in Mississippi her intention to remain in Mississippi and become a citizen of the United States? A No sir.

Q You have no evidence whatever that she did so? A No sir.

Q You have no evidence whatever that she ever received any land here in Mississippi under the provisions of the fourteenth article of the treaty of 1830? A No sir.

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

Q Do you know whether your ancestor, Letitia Smith, was recognized by the Choctaws here in Mississippi as a member of their tribe?

A No sir.

Q Have you any written evidence of any kind you desire to offer at this time in support of your application? A Nothing more than these affidavits you saw a while ago.

Q You want to keep them and have certified copies of them, and offer them at a later date, do you? A Yes sir.

Permission is here granted to the applicant to present proper written evidence for consideration in connection with the application made by him at this time, it presented within a period of thirty days from this date.

Q You have no other Indian blood except Choctaw? A No sir.

Q In the event that the Commission should be able to identify you as a Mississippi Choctaw, entitled to rights in the Choctaw lands in Indian Territory, under the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaw

William S. Calhoun, #3.

Indians, would you move to the Choctaw Nation, Indian Territory, and establish your permanent residence there? A Yes sir, I think so.
Q You wouldn't swear positively that you would? A No, I couldn't.

The decision of the Commission with reference to the application made by you at this time for identification as a Mississippi Choctaw, entitled to rights in the Choctaw lands, under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, will be mailed to you at a later date your present post office address.

(The applicant has no resemblance whatever to an Indian)

R. S. Streit, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported the testimony of the above named applicant, and that the foregoing is a full, true and correct translation of his stenographic notes therein.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 2nd day of April, A.D. 1901.

George J. Notary Public

Muskogee, Indian Territory, April 29, 1901.

William R. Redwell,
Greenville, Mississippi.

Dear Sir:

The Commission is in receipt of affidavits to be filed in support of the following applications for identification as Mississippi Choctaws:

William R. Redwell, M. C. #1592
William S. Calhoun, M. C. #1594

The same have been duly filed with the other records in this case.

Yours truly,

M.C.R. 1594.

COPY

Muskogee, Indian Territory, January 6, 1903.

William S. Calhoun,
Greenville, Mississippi.

Dear Sir:

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

William E. Redwell, et al., M.C.R. 1592,
William S. Calhoun, M.C.R. 1594.

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 Indians, 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."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidences herein are insufficient to determine the identity of William E. Redwell, Inez Redwell, Hermans Redwell and William S. Calhoun as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by William E. Redwell for the identification of

V. S. C. 23.

his wife, Lennie Long Rodwell, 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 arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Jasno Bixby.
Acting Chairman.

Registered.

W C D 1594

COPY:

Madame, Indian Territory, April 8, 1903.

Dear Sir:

You are hereby notified that on the 25th 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 William B. Rodwell et al., of which decision you were advised by registered mail on the 6th day of January 1903.

Respectfully,

SIGNED:

C. R. Breckinridge.

Commissioner in Charge.

No. 1594

For Identification as a Mississippi Choctaw.

Date APR 2 1901

Name William S. Calhoun
(single)

Age 24 Blood 1/16

Post Office, Greenville, Miss.

Father: Charles Calhoun, ^{white}

Mother: Annie M " 1/8 dead

Claims through mother

Claims for himself alone.

Children:

Photographer

W. S. Calhoun

✓
APR 15 1995

Catherine L. Brem

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, April 2, 1901.

In the matter of the application of Catherine L. Brem et al.,
for identification as Mississippi Choctaw; said Catherine L. Brem
being first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q Please state your name? A Catherine L. Brem.
Q What is your age? A Thirty two.
Q What is your postoffice address? A Clarksville, Red River County
Texas.
Q You claim to be a Choctaw Indian? A Yes sir.
Q What proportion of Choctaw blood do you claim to have? A One
eighth.
Q For what purpose do you appear before the Commission at this
time? A I am here to try to get a claim.
Q Have you any other Indian blood except Choctaw blood? A No sir.
Q What makes you think that you are entitled to some claim? A
Well, because my mother and grand mother -
Q Merely because you think you are possessed of Choctaw blood is
that it? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A His name is Floyd.
Q What was his given name? A Josiah Floyd.
Q Was he a white man or an Indian? A White man.
Q Is your mother living? A Yes sir.
Q What is her name? A Eliza Ann Floyd.
Q Is she a white woman, or part Choctaw? A Part Choctaw.
Q What proportion of Choctaw blood does she claim to have? A An
eighth, I reckon; a seventh or a eighth.
Q You are an eighth, aren't you? A Yes sir.
Q Then, she would be a fourth, wouldn't she? A I don't know.
Q You claim your Choctaw blood through your mother? A Yes sir.
Q Are you married? A Yes sir.
Q You make application for your children? A Yes sir.
Q You apply then, for yourself and your children? A Yes sir.
Q Make no application for your husband? A No sir.
Q What is your husband's name? A Lee Brem.
Q Is he a white man? A Yes sir.
Q What are the names and ages of your children for whom you make
application? A Well, the eldest one is fourteen,
Q What is the name? A His name is Fletcher; Josiah Fletcher.
Q The next one? A Fannie W.
Q How old is Fannie W.? A Twelve.
Q The next one? A Anna.
Q How old is Anna? A Ten.
Q The next one? A Irene V.
Q How old is Irene V.? A Eight.
Q The next one? A William Lee, five years old.
Q The next one? A That is all.
Q These children, are all the children of your self and Lee Brem, a
are they? A Yes sir.
Q Are they all living with you at the present time? A Yes sir.
Q Are the names of yourself, or any of your other children to be
found upon any of the Choctaw tribal rolls in the Indian Territory?
Q No sir.

Catherine L. Brem, et al., #2.

- Q Have you ever made application for yourself or your minor children for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
- Q Did you ever make application for yourself or for your minor children to this Commission in the year 1890, for citizenship in the Choctaw Nation? A No sir.
- Q Then, neither you nor any of your minor children for whom you made this application had, have ever been admitted to citizenship in the Choctaw Nation, either by the Choctaw tribal authorities, by this Commission in the year 1890, acting under the Act of Congress approved June 10, 1890, or by decree of the United States Courts for the Indian Territory? A No sir.
- Q You have not been admitted in any manner? A No sir.
- Q You desire to make this application at this time for the identification of your offspring and your minor children as Missisippi Choctaws? A Yes sir.
- Do you claim under any particular treaty between the United States and the Choctaws? A Yes sir.
- Q What treaty? A Well, I don't know.
- Q Under the treaty of Dancing Rabbit Creek? A No sir.
- Q Don't you know that the Commission is here only for the purpose of hearing applicants for identification as Missisippi Choctaws under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you desire to make an application under that article? A Yes sir.
- Q Did you ever read that article? A No sir.
- Q Do you know anything it contains? A No sir.
- Q Did you, or any of your minor children, ever receive any benefits as Choctaw citizens? A No sir.
- Q Did any of your ancestors, ever receive any benefits as Choctaw citizens? A No sir.
- Q What one of your ancestors was living in the State of Mississippi in the year 1830, your Choctaw ancestors, either in Mississippi, or the Choctaw reservation over in Alabama; what one of your ancestors was living here then, your parents or your grand parents? A My grand father.
- Q What was his name? A James.
- Q James Pugh? A Yes sir.
- Q He was a Choctaw was he? A Yes sir.
- Q What proportion of Choctaw blood did he claim to have? A I don't know.
- Q Do you know whether he was recognized at that time by the Choctaw Indians as a member of their tribe? A No sir.
- Q Do you know whether he ever took advantage of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.
- Q Do you know whether he ever received any benefits under the provision of that article? A No sir.
- Q Do you know whether he ever received any benefits in the State of Mississippi as a citizen benefiting under the provision of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.
- Q Do you know whether he ever went with the Choctaws when they moved west in the early part of the century to the reservation from Mississippi? A No sir.
- Q Did he within a reasonable time after the ratification of the treaty of Dancing Rabbit Creek signify to the United States Indian Agent here in Mississippi, his intention to remain in Mississippi, and become a citizen of the United States? A I don't know sir.

Catherine L. Brem, co. cl., 70.

Q. Have you any evidence whatever that he did so make his intention known to the Indian Agent? A. No, sir.

Q. You have no evidence whatever that he ever received any land as a beneficiary under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A. No, sir.

Q. Did you ever hear that he did? A. No, sir.

Q. Do you know why he didn't move west with the Indians when they moved? A. No, sir.

Q. You are making this application, then, solely on behalf of yourself and minor children, solely as beneficiaries under the fourteenth article of the treaty of 1830 between the United States and the Choctaws? A. Yes, sir.

Q. Is there any additional statement in regard to your case that you desire to make at this time? A. No, sir.

Q. Have you any affidavits, statements or other proper papers which you desire to offer in evidence at this time in support of your claim? A. Yes, sir.

The affidavits of Mary Duncan and J. W. Duncan are offered in evidence, identified as Exhibits "A" and "B", respectively, filed and made a part of the record in this case.

Q. In case the Commission should be able to identify you as a Mississippi Choctaw entitled to rights in the Choctaw Lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, would you remove to the Choctaw Nation, Indian Territory, and there establish your permanent residence? A. Yes, sir.

You will be furnished with a copy of the decision of the Commission with reference to the application made by you at this time for yourself, and on behalf of your five minor children, for identification as Mississippi Choctaws, ~~sent~~ mailed to you at your present post office address.

(The applicant shows no appearance whatever of being possessed of Indian blood.)

H. S. Street, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings in the above entitled cause, and that the foregoing is a full, true and correct translation of his stenographic notes therein.

H. S. Street

Subscribed and sworn to before me at Meridian, Mississippi, this 10th day of April, A. D. 1861.

[Signature]

Notary Public.

COPY

Muskogee, Indian Territory, January 2, 1903.

Catherine L. Brem,
Clarkeville, Texas.

Dear Madam:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William L. Duncan, et al., embracing the following applications for identification as Mississippi Choctaws:

William L. Duncan, et al.,	M.C.R. 1928
James W. Duncan, et al.,	M.C.R. 1927
Catherine L. Brem, et al.,	M.C.R. 1595

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 William L. Duncan, Susan Lovina Duncan, Mary Jefferson Duncan, Fanny Elvina Duncan, James W. Duncan, William Tie Duncan, Catherine L. Brem, Josiah Fletcher Brem, Fannie L. Brem, Anna E. Brem, Irene V. Brem and William Lee Brem 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."

---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 to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

Tame Dixby.

Acting Chairman.

Registered.

W.C.N. 1928

Muskogee, Indian Territory, July 9, 1903.

Wheeler, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior in his letter of June 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of William L. Duncan, et al., with instructions that the several applicants therein be granted an opportunity to introduce further testimony in support of their claims.

In accordance with such instructions 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, August 10, 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 the above case.

Respectfully,

Commissioner in Charge.

M.C.R. 1598

Muskogee, Indian Territory, July 9, 1903.

Catherine L. Brem,

Clarkeville, Texas.

Dear Madam:

The Secretary of the Interior in his letter of June 22, 1903, remanded to this Commission the record theretofore forwarded to the department in the consolidated Mississippi Choctaw case of William L. Duncan, et al., with instructions that the several applicants therein be granted an opportunity to introduce further testimony in support of their claims.

The record in this consolidated case shows that the applicants claim descent from Owen Connerly and his Indian wife, Polly, who was a full blood Choctaw.

The Secretary of the Interior in his letter states: "This case is apparently closely related in many respects to the Mississippi Choctaw case of Mary R. Johnson (M.C.R.480) et al. In the latter case the applicants were the descendants of Owen Connerly and his Choctaw wife, who were residents of Pipe County, Mississippi. # # # # Subsequently the Department received a communication from several of the applicants showing that either Owen Connerly or his Choctaw wife had the Indian name of Ispiah. In view of the fact that the person named Ispiah complied with article 14 of the treaty of 1830, the De-

C.L.R.--2

partment on April 2, 1903, remanded the case of Mary R. Johnson for a re-hearing. As there is of necessity considerable testimony in the case of Mary R. Johnson which is applicable to the case of William L. Duncan it is considered that a final decision cannot be rendered in the latter case until it has been considered in connection with the testimony furnished in reference to the former."

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 Ghostaw 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 Ghostaw cases, and prefers, whenever possible, to have the personal appear-

C. I. Brennan

ance 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, up to and inclusive of Monday, August 10, 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 the above case.

Respectfully,

Commissioner in Charge.

R & R Dep.

Registered.

M. O. R. 1395.

Muskogee, Indian Territory, November 20, 1903.

Catherine L. Eron,
Clarksville, Texas.

Dear Madam:

You are hereby notified that on the 9th day of November, 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 William L. Dunean et al., of which decision you were advised by registered mail on the 2nd day of January, 1903.

Respectfully,

Chairman.

REFUSED

DECISION RENDERED.

JAN 2^d 1903

NOTICE OF DECISION MAILED APPLICANT.

JAN 2^d 1903

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JAN 2^d 1903

RECORD FORWARDED DEPARTMENT.

JAN 19 1903

ORDERED BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.

JUN 22 1903

RECORD FORWARDED DEPARTMENT.

SEP 2^d 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

NOV 9^d 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOV 20 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR APPLICANT.

NOV 20 1903

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

NOV 20 1903

TO M. C. R. 1928.

No. 1595

For Identification as a Mississippi Choctaw.

Date APR 2 1901

Name Catherine L. Brem

Age 32 Blood 1/8

Post Office, Clarksville, Tex

Father: Josiah Floyd (white) dead

Mother: Eliza A. " 1/4 ✓

Claims through mother

husband Lee Brem white
no claim for husband

- Children:
- | | | |
|-----------------|------|----|
| Josiah Fletcher | Brem | 14 |
| Fannie M. | " | 12 |
| Anna E. | " | 10 |
| Irene V. | " | 8 |
| William Lee | . | 3 |

Claims for herself and 5 minor children.

Stenographer

R. S. Street

Choctaw MCR 1596

Richard Webb

MCR 1596

Richard Hebbard

REFUSED.

DECISION RENDERED. APR 15 1902

NOTICE TO MAIL APPLICANT.

APR 26 1902

NOTICE TO MAIL APPLICANT
FOR CANCELLATION OF LAND PATENT.

RECORDS AND ARCHIVES DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAY 26 1902

NOTICE OF CANCELLATION
ACTION MAIL APPLICANT.

JUN 11 1902

NOTICE OF CANCELLATION
FOR CANCELLATION OF MONEY FOR GHOOTAW
AND CANCELLATION.

Department of the Interior.
Commission to the Five Civilized Tribes.
Veridian, Mississippi, April 2nd, 1901.

In the matter of the application of Richard Webb, et al., for identification as Mississippi Choctaws; said Richard Webb, having been first duly sworn upon his oath testified as follows:

Examination by the Commission.

- Q Please state your name? A Richard Webb.
Q What is your age? A About forty.
Q What is your post office address? A Cato, Rankin County, Mississippi.
Q You claim to have Choctaw blood? A Yes sir.
Q What proportion of Choctaw Indian blood do you claim to have? A One quarter.
Q For what purpose do you appear before the Commission at this time? A Appear before the Commission to make an application for my Indian ship.
Q You have no other Indian blood except Choctaw? A No sir.
Q Is your father living? A No sir, he is dead.
Q What was his name? A Jim Webb.
Q Was he an Indian? A No sir.
Q A colored man? A Yes sir.
Q Is your mother living? A No sir, she is dead too.
Q What was her name? A Sally Webb.
Q Did she have any Indian blood? A Yes sir.
Q What proportion? A One half.
Q What was the rest, colored? A Yes sir.
Q You claim your Indian blood then through your mother? A Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Jennie
Q Does she claim to have any Indian blood? A No sir.
Q Is she living? A Yes sir.
Q Is she colored? A Yes sir.
Q Have you any children? A Yes sir.
Q What are their names and ages? A The oldest one is eighteen years old, Ada, a girl.
Q The next one? A A boy, William.
Q How old is he? A Seventeen.
Q The next one? A Claude.
Q How old is he? A Thirteen years old.
Q The next one? A Walter.
Q How old is he? A Ten.
Q The next one? A Charley and Sally, two little twins.
Q How old are they? A Eight years old.
Q Is that all? A Yes sir.
Q These are all the children of yours? A Yes sir.
Q You claim for yourself and minor children? A Yes sir.
Q Do you claim anything for your wife? A No sir, there is no Indian in her.
Q When and where were you married to Jennie Webb? A Last May, in Cato, Rankin County, Mississippi.
Q When? A In 1882.
Q Have you with you at this time your marriage license and certificate? A Yes sir.
Q Do you desire to offer them in evidence in your case? A Yes sir I can; I have got the affidavits with me.

Richard Webb, et al., #2.

Q Evidence of your marriage to Jennie Webb will be necessary in the matter of the application made by you for the identification of your minor children as Mississippi Choctaws; this evidence will be received and considered by the Commission, if filed within a period of thirty days from this date.

Q Have you, or your minor children, ever been recognized in any manner as citizens of the Choctaw Nation, Indian Territory? A No sir.

Q Are your names to be found on the Choctaw tribal rolls there? A No sir.

Q Did you ever draw any money as Choctaws? A No sir.

Q Did you ever make application in your own behalf, or on behalf of your minor children to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.

Q Did you ever make application on your own behalf, or on behalf of your children, to the Commission to the Five Civilized Tribes? A No sir.

Q Then, neither you nor your minor children have ever been recognized in any manner either by the Commission to the Five Civilized Tribes in the year 1896, acting under the Act of Congress approved June 10, 1896, by the tribal authorities or by the United States Courts for the Indian Territory, as citizens of the Choctaw Nation? A Yes sir.

Q Were any of your Indian ancestors ever recognized as citizens of the Choctaw Nation? A Not that I know of.

Q Never received any benefits, any of them, as citizens? A No sir.

Q You appear before the Commission for the purpose of making application for identification of yourself and minor children as Mississippi Choctaws? A Yes sir.

Q Do you claim under any treaty between the United States and the Choctaw Nation; do you base your claim on any treaty? A The treaty of 1830.

Q Do you claim under any particular article of that treaty? A Yes sir.

Q Which one? A The fourteenth.

Q Have you ever read that article? A No sir.

Q Do you know what it contains? A It contains the treaties of the United States and the Choctaws.

Q What? A It claims the treaty - it treats of the treaty of the United States and the Choctaws of the Indian Territory.

Q You are not very familiar with that treaty, are you? A No sir.

Q Did any of your ancestors ever receive any benefits under the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.

Q Did any of your ancestors ever comply with the provisions of the fourteenth article of that treaty? A Not that I know of.

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

Q Did any of your ancestors, within six months, from the date of the ratification of the treaty, identify themselves with the United States Indian Agent then in Mississippi, or in other parts of Mississippi and become citizens of the United States? A Not that I know of.

Q Were any of your ancestors living in Mississippi in 1830, your Indian ancestors? A Yes sir, I guess so.

Q What one of them? A I can't remember her name was where I reckon.

Q What was her name? A Betty Plateer.

Q Was she a Choctaw? A Yes sir.

Q What proportion of Choctaw blood did she claim? A Full blood.

Q You are certain she was living here in 1830? A Yes sir.

Q Did she move west with the Choctaws when they moved west in 1831, 2 and 3? A I don't know sir.

Richard Webb, et al., #3.

Did she move west with the Choctaws when they moved west in 1831, 2 and 3? A I don't know sir.

Q Did you ever hear of her receiving any land back here? A No sir; not that I knows of.

Q What was Betty Fletcher's maiden name? A I don't know sir.

Q Do you know what her husband's name was? A No sir, I don't.

Q Is there any additional statement in regard to your case you desire to make at this time? A Not as I know, only just what I have stated.

L.P.Hudson, attorney for applicant, here asks leave to file written evidence in support of this claim within twenty days from this date.

The Commission: Permission is granted to the attorney for the applicant to file proper written evidence in support of this claim within a period of twenty days from this date.

Q Now, in the event the Commission should be able to identify you as a Mississippi Choctaw, entitled to rights in the Choctaw lands under the fourteenth article of the treaty of Dancing Rabbit Creek, would you remove to the Choctaw Nation in the Indian Territory, and there establish your permanent residence? A Yes sir.

The decision of the Commission with reference to the application made by you at this time for the identification of yourself and your minor children as Mississippi Choctaws will be mailed to you at your proper post office address, Kato, Mississippi.

(This applicant has the appearance of being a negro, but his features somewhat resemble an Indian.)

R.S.Streit, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the foregoing is a full, true and correct translation of his stenographic notes therein.



Subscribed and sworn to before me at Meridian, Mississippi, this 5th day of April, A.D.1901.



Notary Public.

*100
Civ. W.
10/10/01*

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN THE MATTER OF THE APPLICATION OF RICHARD WEBB
for the identification of himself and his six
minor children, Ada, William, Claude, Walter,
Charley and Sally Webb, as Mississippi Choctaws
M.C.R. 1896

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

The record in this case shows that on April 2, 1901, Richard Webb appeared before the Commission at Meridian, Mississippi and there made personal application for the identification of himself and his six minor children, Ada, William, Claude, Walter, Charley and Sally Webb, 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." He claims descent from Sally Webb, an one half blood Choctaw, who married Jim Webb, a negro, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Richard Webb, and his six minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896 (29 Stats. 321)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces a certified copy of the marriage record between Richard Webb and Jennie Gott, and the ex parte affidavits of Caesar Mangrum, and A. P. Powell. By the oral statement of the principal applicant it is attempted to be shown that he was born in about the year 1861, but he does not state where he was born and it does not appear from his testimony that he was ever a resident of the Indian Territory, and it does appear that at the making of his application he was a resident of Mississippi and claims to be an one quarter blood Choctaw. He attempts to trace his alleged Choctaw descent to his mother, who he claims was an one half blood Choctaw and one half negro, to his grandmother Betty Fletcher, who he alleges was a full blood Choctaw and was living in the state of Mississippi in 1830. It cannot be determined from his testimony which of his alleged ancestors was married and the head of a family in 1830, or whether any of them

were recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi at that time, and who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. The certified copy of the marriage record filed herewith is simply proof of the marriage of the principal applicant and his wife, and of the legitimacy of the issue of said marriage. By the ex parte affidavits filed herewith it is attempted to be shown that affiants were acquainted with the principal applicant, who they allege, is an one fourth blood Choctaw and recognized as such in the community in which he resides in Mississippi. Affiants further allege that they were well acquainted with the father of the principal applicant and allege that he was an one half blood Choctaw. There is an apparent discrepancy between the testimony of the principal applicant and the statements made by the affiants in regard to the blood possessed by the father of the principal applicant, inasmuch as the principal applicant himself states that his father was a negro and possessed no Choctaw blood, and the affiants state that he was possessed of one half Choctaw blood. There is nothing in the affidavits above referred to which tends to show that any of the alleged Choctaw ancestors of these applicants ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, or that they were recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi at that time.

The Commission, in view of the fact that these applicants have had sufficient time allowed them in which to present their testimony, considers this case as closed, and the only evidence offered in support thereof is the oral statement of the principal

applicant and the documentary evidence filed by him. If the testimony of the principal applicant is to be given any consideration, the affidavits filed in this case are absolutely worthless, inasmuch as the principal applicant claims that the alleged Choctaw blood of the applicants is derived from his mother and maternal grandmother, and that his father was a full blood negro and possessed no Choctaw blood, while the affidavits filed set forth the fact that the principal applicant's father was an half blood Choctaw, and make no mention of his mother whatsoever. In view of the fact that the principal applicant is forty years of age it is supposed that he is possessed of sufficient knowledge as to the nationality of his parents to be a better witness in that regard than the parties making the affidavits filed in his application, and for that reason the Commission will consider that these applicants derive their alleged Choctaw blood from the mother and maternal grandmother of the principal applicant, and while it is claimed by the applicant that his grandmother was a resident of Mississippi it is not shown that she was married and the head of a family at that time, neither does it appear from the evidence submitted that any of the alleged Choctaw ancestors of these applicants ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and the only search that can be made by the Commission among its records of those persons who did comply or attempted to comply with the provisions of article fourteen of the treaty of 1830, would be for the names of the principal applicant's mother and grandmother, and it does not appear from said examination of the records that any persons bearing said names 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. Neither does it appear from the records of the Commission to the Five Civilized Tribes that there are affiliated with this case any other persons claiming descent or any rights through the alleged ancestors of the principal applicant herein.

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 Richard Webb, Ada Webb, William Webb, Claude Webb, Walter Webb, Charley Webb, and Sally Webb 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.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory

APR 15 1902


C. H. McKeisling
Commissioners

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

*Richard Webb et al.,
M.C. R. 1596-*

M C R 1596

Muskogee, Indian Territory, April 25, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the application of Richard Webb et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 15, 1902.

The Commission has the honor to report that the principal applicant in this application, his 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,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 inclosure.

Muskogee, Indian Territory, April 28, 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 April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the application of Richard Webb et al., for identification as Mississippi Choctaws.

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 Richard Webb, Ada Webb, William Webb, Claude Webb, Walter Webb, Charley Webb and Sally Webb 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."

M M& 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,

Commissioner in Charge.

Registered.

Muskegee, Indian Territory, April 25, 1902.

Richard Webb,

Gato, Mississippi.

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 application of Richard Webb et al., for identification as Mississippi Choctaws.

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 Richard Webb, Ada Webb, William Webb, Claude Webb, Walter Webb, Charley Webb and Sally Webb 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."

K W--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,

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, April 25, 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 application of Richard Webb et al., for identification as Mississippi Choctaws.

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 Richard Webb, Ada Webb, William Webb, Claude Webb, Walter Webb, Charley Webb, and Sally Webb 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."

L P H-2

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

Yours truly,

Commissioner in Charge.

Registered.

COPY

Refer in reply to
the following:
Land
25940-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 7, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made April 25, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Richard Webb, et al., for identification as Mississippi Choctaws, claiming rights under the fourteenth article of the treaty of September 27, 1830.

Principal applicant attempts to trace descent from Betty Fletcher, his grandmother, an alleged fullblood Choctaw.

Neither the record in the case nor an examination of the records in this office shows that the alleged ancestor complied with the provisions of the fourteenth article of the treaty of 1830, or of the Acts of March 3, 1837 and August 23, 1842.

The Commission decided adversely to the applicants, and the office respectfully recommends that its decision in this case be affirmed.

Very respectfully,

Your obedient servant,

A. C. TONNER,
Acting Commissioner.

GAW
D

3 inclosures.

COPY

D. C. No. 9069-1902.

31333

F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.3000-1902.

May 26, 1902

L.R.S.

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

Gentlemen:

The Department has considered the record in the matter of the application of Richard Webb for identification of himself and his minor children, Ada, William, Claude, Walter, Charley and Sally Webb, as Mississippi Choctaws - M. C. R. 1596.

The record shows that Richard Webb claims descent from Sally Webb, a half blood Choctaw as alleged, and Jim Webb, a Negro, his parents, and from Betty Fletcher, an alleged full blood Choctaw, who was Sally Webb's grandmother. You state that not one of the applicants has ever been duly enrolled or admitted to citizenship in the Choctaw Nation, nor is there anything in the testimony to show that any ancestor of the applicants was ever recognized as a member of the Choctaw tribe of Indians in Mississippi; that it does not appear from your records that any one bearing the name of either of said ancestors ever signified her intention to comply with article 14 of the treaty of 1830,

or presented her claim as beneficiary under said article to either of the commissions authorized by the acts of Congress of March 3, 1837 (5 Stat ., 180), and August 23, 1842 (5 Stat., 513), for the adjudication of such claims. You refused the application.

In his letter of May 7, 1902, the Acting Commissioner of Indian Affairs states that no record in the Indian Office has been found to show that the alleged original ancestors complied with the provisions of said article 14, or with the requirements of said acts of Congress above mentioned. He recommends that your decision be approved.

The Department finds no reason to disturb your decision, and it is accordingly affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

EMD

1 inclosure.

N C R 1596

Muskogee, Indian Territory, June 9, 1902.

Richard Webb,

Cato, Mississippi.

Dear Sir:

You are hereby advised that on May 26, 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 Richard Webb, et al., of which decision you were duly advised by registered mail on April 26, 1902.

Yours truly,

Acting Chairman.

M C R 1596

Muskogee, Indian Territory, June 9, 1902.

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

Gentlemen:

You are hereby advised that on May 26, 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 Richard Webb, et al., of which decision you were duly advised on April 26, 1902.

Yours truly,

Acting Chairman.

No. 1596

For Identification as a Mississippi Choctaw.

Date APR 2 1901

Name Richard Webb

Age 40 Blood 1/4

Post Office, Cato, Miss.

Father: Jim Webb (colored) (dead)

Mother: Sally " 1/2 "

Claims through mother

wife Jennie Webb (colored);
no claim for wife

children: Ada Webb 18

William " 17

Claude " 13

Walter " 10

Jim } Charley " 8

} Sally " 8

(Claims for himself and 6
minor children)

Stenographer

R. S. Street

Choctaw MCR 1597

MCR 1597

Lucy Williamson

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of the application
of Lucy Williamson for identification as
a Mississippi Choctaw

M.C.R. 1597

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Lucy Williamson
for identification as a Mississippi Choctaw, M.C.R. 1597

----- I N D E X -----

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Decision of the Commission identifying Lucy Williamson as a Mississippi Choctaw-----	3

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 2, 1901.

In the Matter of the Application for Identification as a
Mississippi Choctaw of Lucy Williamson.

Lucy Williamson being first duly sworn, testified as follows:

Examination by the Commission, through Official Interpreter Isam Johnson:

- Q What is your name? A Lucy Williamson.
- Q How old are you? A 75 years.
- Q You are older than that, aren't you? You were 75 when the Commission was here about 2 or 3 years ago. A About 78 I guess.
- Q What is your postoffice address? A Conahatta, Miss.
- Q How long have you lived in Mississippi? A Born here.
- Q Never have lived anywhere else? A No sir.
- Q Have you ever been outside of the state of Mississippi? A Staid in Mississippi; didn't go no where.
- Q What is your father's name? A Cha hubbee.
- Q Is your father dead? A Yes sir.
- Q What is your mother's name? A Me ah sho nah.
- Q Your mother is dead, is she? A Yes sir.
- Q Were your mother and father both full blood Choctaws? A Yes sir
- Q Have you ever been enrolled by the Choctaw tribal authorities in the Indian Territory as a citizen of the Choctaw Nation? A I was a little child---
- Q Have you ever, during your lifetime made application to the Choctaws in Indian Territory to be enrolled as a member of their tribe there? A No.
- Q Have you ever received any benefits in the Choctaw nation in Indian Territory?--ever received any money from them? A Don't know.
- Q You would know if you ever drew any money from them? If they paid you any money you would know that wouldn't you? A No, I never got any money.
- Q Did your mother and father remove from Mississippi to Indian Territory when the Choctaw Indians went west? A No sir.
- Q Do you remember when the Choctaw Indians removed from Mississippi west of the Mississippi river? A I don't know much about it
- Q Do you remember when the Indians removed from Mississippi over to the Indian Territory? A Yes, I saw the last move.
- Q Did any of your people--mother, father, grandmother or grandfather move to the Indian Territory at that time? A My grandmother went.
- Q Your own mother and father staid here, did they? A Yes sir.
- Q Did either your mother or father ever receive any land here in Mississippi from the United States government after the Choctaws moved from Mississippi to the Indian Territory? A Yes.
- Q Do you know what your mother's mother's name was? Her Choctaw name? A Lohmahiya
- Q Did you have a child named E lah yo koh to na? A No.
- Q Was your mother ever known by the name of Ah ha to nah? A No.
- Q Did you ever have a brother or sister named Fa hah mah ho nah?
- A No, don't know him.
- Q Did you ever have a brother or sister named Ah hi ah ka tubbe?
- A No.
- Q If the Commission should be able to identify you as a Choctaw entitled to allotment is it your intention to remove to the Indian Territory? A I don't know.
- Q You will go if the rest of your family goes? A No sir.

2-Lucy Williamson.

Q You don't think you will go? A No.

The applicant herein is the identical Lucy Williamson who appeared before the Commission at Decatur, Miss. Feb. 8, 1899 and made application for identification as a Mississippi Choctaw and appears on Mississippi Choctaw card No. 448, and on the schedule annexed to the Commission's report, March 10, 1899 as to identification of Mississippi Choctaws, page 96, roll No. 1618, Lucy Williamson.

Q Are there any statements that you wish to make--anything else you wish to say? A Don't know anything.

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

Note: The applicant herein is, to all appearances and characteristics a full blood Choctaw Indian, and is unable to speak the English language, the examination being conducted through an interpreter. She states that she is 75 to 78 years of age and her appearance fully justifies the statement; that she remembers the removal of the Choctaw Indians from the state of Mississippi to Indian Territory, but that neither she nor her father or mother ever removed from Mississippi to Indian Territory, and none of them have ever received any benefits from the Choctaw Nation in the Indian territory as members of that tribe. Among the names of persons whose names were adjudicated by Congress in 1837 and 1842 of claims arising under the 14th article of the treaty of 1830, is found the name of Me ah sho nah. The applicant herein states her mother to have been named Me ah - sho nah, but from her unfamiliarity with the names of her brothers and sisters it is impossible to identify her mother as the same Me ah sho nah mentioned in this list of adjudicated claims.

-----o-----
Frances R. Brown, having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause and that the above and foregoing is a full, true and complete transcript of her shorthand notes taken on the 2nd day of April, 1901, of said proceedings.

Frances R. Brown

Subscribed and sworn to before me this 2nd day of April, 1901, at Meridian, Mississippi.

J. L. Williams
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Lucy Williamson
for identification as a Mississippi Choctaw, M.C.R. 1597 .

-----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 April 2, 1901, by Lucy Williamson for herself, 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 the applicant is a full blood Mississippi Choctaw Indian.


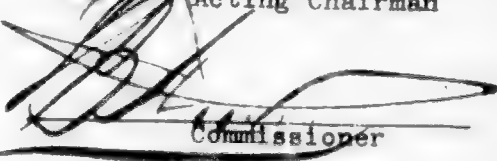
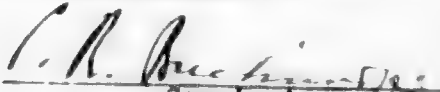
Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902, (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations

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 Lucy Williamson should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman

Commissioner

C. R. Buchanan
Commissioner

Muskogee, Indian Territory

SEP 14 1902

COPY:

M.C.R. 1597

Muskogee, Indian Territory, February 21, 1903.

Kansfield, McMurray & Cornish,

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Lucy Williamson 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 Lucy Williamson 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,

SIGNED:

James D. Kirby

~~Acting~~ Chairman.

Registered.

Enc. MT. 8

H.C.R. 1597.

COPY.

Muskogee, Indian Territory, March 11, 1903.

Lucy Williamson,
Conehatta, Mississippi.

Dear Madam:

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., 642).

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,

Wm. D. Kirby
Chairman.

Registered.

Enc. 1597.

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

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Meridian, Mississippi, April 3, 1901.

C. H. Sawyer, Esq.,

Atoka, Indian Territory.

Dear Sir:

There is enclosed herewith for filing with the records of your office, testimony in the matter of the application of Lucy Williamson for identification as a Mississippi Choctaw.

Personal appearance was made by this applicant at the Commission's office in Meridian, Mississippi. Memorandum slip of this application has been previously forwarded you.

Yours very truly,

Tamm Bixby
Acting Chairman.

Enc.L.W.



#27

No. 1597

For Identification as a Mississippi Choctaw.

Date APR - 2 1901

Name Lucy Williamson.

Age 75 Blood full.

Post Office. Conehatta, Miss.

Father: Cha-hubbee - dead.

Mother: Me-ah-sho-nah-dead.

Claims through both parents

Children

Applies for herself alone

Mississippi Choctaw # 448.
appeared 4/19.

Francis P. Brown.

Choctaw MCR 1598

Caesar Mangrum

See MCR 1183

MAR 1598

Mary
REFUSED.

NOTICE RECEIVED 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.

1902

NOTICE 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. 1183

Department of the Interior.
Commission to the Five Civilized Tribes.
Meridian, Mississippi, April 8, 1901.

In the matter of the application of Caesar Mangrum for identification as a Mississippi Choctaw; he being first duly sworn upon his oath testified as follows:

Examination by the Commissioner.

- Q Please state your name? A Caesar Mangrum.
Q What is your age? A Fifty four.
Q What is your post office address? A Kate, Mississippi.
Q You claim to have Choctaw Indian blood? A Yes sir.
Q What proportion of Choctaw blood do you claim to have? A One half.
Q What is the other, colored? Q Yes sir.
Q Do you apply for anyone besides yourself? A Just for myself.
Q Have you any children under twentyone years of age and unmarried?
A Yes sir.
Q Do you want to apply for them? A Yes sir.
Q Is your wife living? A Yes sir.
Q Is she a Choctaw? A No sir.
Q You make no application for her then? A No sir.
Q Is your father living? A No sir. He is dead.
Q What was his name? A Billy Indian.
Q Was he a Choctaw? A Yes sir.
Q How much Choctaw blood did he claim to have? A Full blood.
Q Did he look like a full blood? A He was when I seen him; just like the balance of the old Indians.
Q Was he lawfully married to your mother? A I don't know sir; that is before I recollect. He raised seven children, and they lived together until he died.
Q Is your mother living? A No sir, she died, I reckon, between eight and nine years ago.
Q What was her name? A Minerva.
Q Was she a negro? A Yes sir.
Q You claim your Indian blood then through your father solely?
A Yes sir.
Q You are married? A Yes sir.
Q What is your wife's name? A Beadie Grubbs, she was; Mangrum now.
Q Is your wife living? A Yes sir.
Q She makes no claim whatever to Indian blood? A No sir.
Q Is she a negro? A Yes sir.
Q You make no claim for her? A No sir.
Q What are the names and ages of your children for whom you make application at this time? A Hattie is twenty, a girl.
Q The next one? A Eighteen, Walter, a boy.
Q The next one? A Sixteen, Eugenia, a girl.
Q The next one? A Minerva, fourteen.
Q The next one? A Susie, nine.
Q The next one? A That is all under age.
Q These children are all the children of yourself and Beadie Mangrum? A Yes sir.
Q Are they living with you at the present time? A Yes sir.
Q They get their Indian blood solely through you? A Yes sir.
Q Their claim has the same foundations as yours, of course? A Yes sir.
Q How and where were you married to Beadie Mangrum? A In Simpson County, Mississippi; I really can't tell you just exactly when; its been ~~long~~ some where, I expect, twenty eight or nine years. I can't state exactly the dates, you know.
Q Have you with you at this time your marriage license and certi-

facts? A No sir.

Q Evidence of the marriage of yourself and Beadie Mangum will be necessary in the matter of the application made by you on behalf of your five minor children; this may be supplied within a period of thirty days from this date, and will be considered by the Commission with this application.

Q You apply for identification as a Mississippi Choctaw, do you?

A Yes sir.

Q Do you claim under any treaty between the United States and the Choctaws? A Well yes sir, under that 1830.

Q 1830? A Yes sir, somewhere about there.

Q Did you claim under any particular article of that treaty? A The fourteenth article, I believe.

Q Have you ever read that article? A No sir.

Q Do you know what it contains? A I don't know exactly what it contains, but I have been taught that I come under that. I don't know what it is, but that is what I claim; I can't read but a little.

Q Have you ever been recognized in any manner as a citizen of the Choctaw Nation? A Well, no sir.

Q These Indians here consider that you have Indian blood? A Oh, yes sir.

Q But you have never been recognized by the Indian authorities in the Indian Territory as a citizen? A No sir.

Q Did you ever make application to them for yourself, or on behalf of your minor children for citizenship? A No sir.

Q Did you ever make application for yourself or on behalf of your minor children to this Commission in the year 1896 for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been before this Commission before? A No sir.

Q Then, are neither you nor your minor children have ever been admitted to citizenship in the Choctaw Nation by the tribal authorities, by this Commission in the year 1896, acting under the Act of Congress approved June 10, 1896, or by the United States Court in Indian Territory? A No sir; not that I know of.

Q Your names are not on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Do you know whether any of your ancestors ever received any benefits as Choctaws, A No sir, I never knowed any of them but one uncle of mine.

Q Did he ever receive any lands or money? A Not that I know of; he died to my recollection in Monticello. That is my father's brother.

Q Do you know whether any of your ancestors ever took advantage of the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaws? A I don't know sir, exactly what that means. Advantage of it?

Q Did they ever comply with the terms of that treaty? A No sir.

Q Did any of your ancestors ever receive any lands under that article? A No sir.

Q Did you ever hear of any of them making any claim under that article? A No sir.

Q Was your father, Billy Indian, living in Mississippi, when the Indians moved out west? A Yes sir; I suppose he was.

Q Do you know when he was born? A No sir.

Q How old a man would he be if he was living now? A I suppose he would be somewhere about eighty or ninety; he died in 1894.

Q He never went west with the Indians when they went west? A No sir.

Q Always lived in Mississippi? A Yes sir.

Q Do you know whether he ever got any land here? A No sir.

Q You never heard of his trying to get any? A No sir.

Caesar Mangum, et al., 98.

Q Did you ever hear of him appearing before the United States Indian Agent here in Mississippi and signifying his intention as to remain here in Mississippi and become a citizen of the United States? A No sir. Not that I knew of.

Q Did he have any other Indian name except Billy Indian? A No sir; I don't know of any other name that he had at all.

Q What was the name of this uncle; your father's brother?
A ~~Willis-to-hubbee.~~

Q You are making this application for yourself and children solely as beneficiaries under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Have you any evidence of any kind to show that your ancestors ever complied with the terms of that article or ever received any benefits under that article? A No sir, none at all.

Q Is there any additional statement you desire to make in regard to your case at this time? A No sir, I believe - none as I know of more than what you said, you would give me time for the license and the marriage.

Q Have you any affidavits, statements or other proper papers which you desire to offer in evidence at this time? A

L.P. Hudson, attorney for applicant, here asks leave to file written evidence in support of this application within a period of thirty days from this date.

The Commission: Permission is granted to the attorney for the applicant to file proper documentary evidence in support of this claim within a period of thirty days from this date.

Q In case the Commission should be able to identify you and your minor children as Mississippi Cheetaw Indians, entitled to rights in the Cheetaw lands under the fourteenth article of the treaty of Dancing Rabbit Creek, would you remove to the Cheetaw Nation, Indian Territory, and there establish your permanent residence? A Yes sir that is my aim.

Q That is your intention? A Yes sir.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time in your own behalf and on behalf of your five minor children, mailed to you at your proper post office address.

[This applicant appears to be a negro, and shows very slight resemblance to an Indian.]

R.S. Streit, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled and numbered cause, and that the foregoing is a full, true and correct translation of his stenographic notes therein.

R.S. Streit
Subscribed and sworn to before me at Meridian, Mississippi, this
day of April A.D. 1901.

J. Mangum
Notary Public

Waskogee, Indian Territory, April 25, 1902.

Caesar Mangrum,

Gato, Mississippi.

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 Ephraim Manguin et al., embracing the following applications for identification as Mississippi Choctaws:

Ephraim Manguin,	M C R 1183
Lee Mangrum et al.,	" 3454
Henry Mangrum,	" 3462
Caesar Mangrum et al.,	" 1598
Mary Foot 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 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.'

C M-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, Caesar Mangrum, Mattie Mangrum, Walter Mangrum, Eugenia Mangrum, Minerva Mangrum, Susie Mangrum, Mary Foot, Nora Lee 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.

GOPY.

K C R 1598

McKee, Indian Territory, June 9, 1902.

Caesar Mangrum,
Cato, 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 Mangum, et al., of which decision you were advised by registered mail on April 25, 1902.

Yours truly,

(SIGNED)

James Dixby.

Acting Chairman.

No. 1598

For Identification as a Mississippi Choctaw.

Date APR 2 1901

Name Caesar Mangrum

Age 54 Blood $\frac{1}{2}$

Post Office, Cato, Miss.

Father: Billy Indian ^{full} dead

Mother: Minerva " (negro) "

Claims through father

Wife Beadie mangrum ^{negl.}

no claim for wife

Children:

Matthe Mangrum 20

Walter " 18

Eugenia " 16

Minerva " 14

Bessie " 9

(Claims for himself
and 5 minor children)

Choctaw MCR 1599

James Robinson

MCR 1599

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of the application
of James Robison, et al., for identification as Miss-
issippi Choctaws----- --M.C.R. 1599

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of James Robison
et al., for identification as Mississippi Choctaws,
M.C.R. 1599

I N D E X

Original application of James Robison to the Dawes Commission
for the identification of himself and family as Mississippi
Choctaws

Page

1

Copy of the testimony of James Robison taken at the
time of his appearance before the Commission in
Mississippi in 1899

5

Decision of the Commission identifying the applicants
in the application of James Robison, et al., as Miss-
issippi Choctaws

6

Department of the Interior
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 2, 1901.

In the matter of the application of James Robison for the identification of himself, his wife and three minor children as Mississippi Choctaws. James Robison having been first duly sworn testified as follows:

Examination by the Commission.
Through interpreter Isham Johnston.

- Q What is your name? A James Robison.
Q What is your age? A I don't know exactly. I think I say I am about 48 then.
Q You are about fifty now? A Yes sir.
Q What is your post-office address? A At that time my post office was - but different places now. I have three or four.
Q You used to live at Hayes? A Yes sir.
Q Don't live there now? A No sir. Lena one post-office. Beach another.
Q What is your father's name? A Charlie Robison.
Q Is he living? A Dead.
Q What is your mother's name? A Lucy.
Q Is she living? A Yes sir, there she is.
Q Your parents both Choctaw Indians were they? A Yes sir.
Q Are you a full blood? A Yes sir.
Q What is your wife's name? A Betsy.
Q How old is Betsy? A About 35.
Q What is her father's name? A John Farmer.
Q Is he living? A Dead.
Q What is your wife's mother's name? A Lucy.
Q Lucy Farmer? A Yes sir.
Q Is she living? A She's dead.
Q Is your name or the name of your wife on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you or your wife ever made application to the Choctaw Tribe in the Indian Territory to be enrolled as members of that tribe? A No sir.
Q Now in 1896, nearly five years ago now, was there any application made by you or your wife to this Commission for citizenship in the Choctaw Nation? Did you make an application about five years ago? A No sir.
Q Have you or your wife ever been admitted to citizenship in the Choctaw Nation in the Indian Territory either by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Never made any application to be admitted? A No sir.
Q Your application for yourself, your wife and your children is made for identification as Mississippi Choctaws? A Yes sir.
Q Now have you and your wife and your children always lived in Mississippi? A Yes sir.
Q Have you ever received any benefits as Choctaw Indians from the Choctaw Tribe in the Indian Territory? By benefits I mean have you ever drawn any money when the other Indians in the Indian Territory received money? A No sir.
Q Never have received any benefits from the Choctaw tribe in the Indian Territory? A No sir.

Q Are you claiming for yourself, your wife and children as beneficiaries under the fourteenth article of the treaty of 1830?

A No sir.

Q Do you understand what that treaty was? A No sir.

Q The treaty of 1830 made between the United States and the Choctaw Indians in Mississippi provided for removing the Choctaws from Mississippi to the present Indian Territory. Now the fourteenth article of that treaty provided that those Choctaws who did n't want to go could remain here in Mississippi, take up land here which the government would give them and become citizens of the United States but if they did that it would not in any way affect their rights to Choctaw citizenship in the Choctaw Nation in the Indian Territory except they couldn't participate in any annuities- have any moneys paid to them, but they could participate in the land. Now that is what your claim is now, is it? A Yes sir.

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

Q Did your mother ever have any Indian name? A Yes sir.

Q What was it? A Lahpahhonah.

Lucy Williamson being first duly sworn testified as follows: Examination by the Commission.

Q What is your name? A Lucy Williamson.

Q Have you any Indian name? A Yes sir.

Q What is your Choctaw name? A Lah-pah-onah.

Q How old are you? A 75.

Q Have you always lived in Mississippi? A Yes sir.

Q James Robison is your son? A Yes sir.

Q Do you remember when the Choctaws were moved from this state west of the Mississippi River? A I saw them.

Q Did any of your people go? A Malahona. She went and didn't get nothing.

Q Did you go to the Indian Territory? A No.

Q Did your father go? A I don't know.

Q What was your father's name? A Chan-chubbee.

Q Where did you live when the Choctaws were moved west? A Newton County.

Q Did you ever have any brothers and sisters named Tickalintubbee and Compalactubbee? A No.

On page 598 of the record of procedure before the Court of Claims of the Choctaw Nation of Indians vs the United States No. 12742 appears the name of Lah pah honah, a Choctaw Indian and a beneficiary under the fourteenth article of the treaty of 1830. La pah honah appears as the child of ~~XXXXXXXXXXXX~~ Im-mah-tha-chubbee ~~xxxx~~ over ten years of age at the time of the adjudication of these claims and children of Im-mah-tha-chubbee under ten years of age are given as Com-pah-lubbe and Con-on-tam-bee.

James Robison, being recalled, testified as follows: Examination by the Commission.

Q Did any of your wife's people ever remove from Mississippi to the Choctaw Nation in the Indian Territory? A They went out there and came back.

Q Did they go out there when the Choctaw Tribe moved there, when they all went? A Yes sir.

Q Do you know how long they staid in the Indian Territory? A About a year I think.

Q Just went out there and came back again? A Yes sir.

Q That was when the Choctaws first moved west? A Yes sir.

Q Have you ever heard whether your people, ~~xx~~ whether your mother or father or their fathers and mothers or any of your wife's parents or foreparants ever received any land here in Mississippi of the United States Government as beneficiaries under that article of that treaty? A No.

Q What are your children's names? A The oldest one is named

James Robison 3---

Fronie.

Q How old is she? A Fourteen.

Q The next one? A Mattie.

Q How old is Mattie? A Eight.

Q And the next one? A Died, named Thompson.

Q ~~Do~~ Have you any other children? A Yes sir, one.

Q What is the other ones name? A Charlie.

Q How old is Charlie? A Six months old.

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

Q Betsy Robinson is the mother of them? A Yes sir.

Q Should the Commission be enabled to identify you, your wife and your children as Choctaw Indians entitled to allotment, is it your intention to to remove with your wife and children to the Indian Territory and establish your permanent residence there?

A No.

Q You wont go? To the Interpreter. Explain to him that in order to receive any benefits from the Choctaw Tribe in the Indian Territory it will be necessary that he remove there and become a citizen of the tribe. I have told him that.

The Commission. He understands that does he? A Yes sir.

Q He does not want to go? A No sir.

Q Is there any statement you want tomake, any questions you want to ask? A No sir.

This applicant is the identical person Jim Robison who appeared before the Commission at Decatur, Mississippi, on February 6th, 1899 and appears upon Mississippi Choctaw card No. 364 together with his wife Betsie Robison and his three minor children, Fronie, Mattie and Thompson Robison. These persons also appear upon the schedule ~~attached~~ to the Commission's report of March 10th, 1899 as to the identification of Mississippi Choctaws, page 48 and roll numbers as follows: Jim Robison 1293, Betsie Robison 1294, Fronie Robison 1295, Mattie Robison 1296 and Thompson Robison 1297.

The decision of the Commission as to your application and the application made by you on behalf of your wife and your three minor children for identification as Mississippi Choctaws will be mailed to you at your post-office some time in the future.

The applicant in this case is to every appearance a full blood Choctaw Indian. He is unable to speak the English language except a few words and this examination has been conducted for the greater part through an interpreter. His mother, Lucy Williamson whose Choctaw Name is Lah-pah-honah is present before the Commission at this time and is apparently the same Lah-pah-honah mentioned in the record of the United States Court of Claims referred to in this testimony. She is a full blood Choctaw Indian unable to speak any English.

It further appears from the testimony of this applicant that his wife and children are all full blood Choctaws. That neither the applicant, his wife nor any of their ancestors have ever received any benefits from the Choctaw Nation in the Indian Territory and have since the emigration of the tribe from Mississippi to the present Indian territory, been actual residents of the state of Mississippi.

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

James Robinson 4

entitled cause on the 2nd day of April, 1901, 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 at Meridian, Mississippi, this the 4th day of April, 1901.

J. M. [Signature]
Notary Public.

Copy of the testimony of James Robison taken at the time of his appearance before the Commission to the Five Civilized Tribes during its sessions in the State of Mississippi in the months of January and February, 1899.

JIM ROBISON, the applicant, states: I am about 48 years old, and a full blood Choctaw. My wife is a full blood, named Betsie, about 30 years old. We have the following children: Franie, 11; Mattie, 6; Thompson, 7 months. My brother-in-law is named Thomas Farmer, about 28 years old, and he is a full blood Choctaw, and has a full blood wife, named Malissa, about 19 years old. They have no children. My sister-in-law is named Eliza, Her husband was named Jacob. Eliza Jacobs, 40 years old. Her husband is dead. She has a boy named John B. Jacobs, 18 years old.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of James Robison,
et al., for identification as Mississippi Choctaws, M.C.R. 1599

----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 April 2, 1901, by James Robison for himself, his wife Betsy, and his three minor children, Fronie, Mattie and Charlie Robison, 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 James Robison, Betsy Robison, Fronie Robison, Mattie Robison and Charlie Robison should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman

Commissioner


Commissioner

Muskogee, Indian Territory

FEB 14 1903 APR 27 1903

W.C.R. 1599

DEY:

Muskogee, Indian Territory, April 27, 1903.

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying James Robison, his wife Betsy Robison and his minor children Fronis Robison, Mattie Robison and Charlie Robison 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 James Robison, his wife 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 Dixby.
Chairman.

Registered.
Enclosure 1599.

COPY.

Muskogee, Indian Territory, May 6, 1903.

James Robison,

Lena, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself, your wife, Betsy Robison, and your minor children, Fronie Robison, Mattie Robison and Charlie Robison as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 611).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 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,

James Bixby.
Chairman.

Registered.

**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW**

IN RE

Application for Enrollment of

INFANT CHILD

Charley Robison,

as a citizen of

Choctaw, Nation.

Approved,

190

Commissioner.

The application herein is accepted by the Commission as evidence of the birth of Charley Robison and filed with and made a part of the application of Jim Robison, his father. Personal appearance of Jim Robison having been made before the Commission at Decatur, Mississippi, February 6th, 1899. This application is not accepted and considered for the enrollment of this child as a citizen of the Choctaw Nation.


Acting Chairman.

MISSISSIPPI CHOCTAW.

3614

1597

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

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

In the Application for Enrollment, as a citizen of the Choctaw Nation,
of *Charley Robison*, born on the *28th* day of *September*, 1900
(Here insert name of child)
Name of Father: *James Robison*, a citizen of the *Choctaw* Nation.
Name of Mother: *Betsie Robison*, a citizen of the *Choctaw* Nation.
Post-office, *Lena, Mississippi*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, *State of Mississippi*
~~INDIAN TERRITORY.~~ District: *Lauderdale County*

I, *James Robison*, on oath state that I am *50*
years of age and a citizen, by *blood*, of the *Choctaw* Nation;
that I am the lawful ~~wife~~ ^{husband} of *Betsie Robison*, who is a citizen, by
blood, of the *Choctaw* Nation, that a *male* child was
(male or female)
born to ~~me~~ ^{her} on the *28th* day of *September*, 1900; that said child has been
named *Charley Robison*, and is now living.

WITNESSES TO MARK *James Robison*
(Must be Two) *Wm. O. Beall* ^{his} ~~mark~~
Nyra Young

Subscribed and sworn to before me this *2nd* day of *April*, 1901.
[Signature] NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, *State of Mississippi*
~~INDIAN TERRITORY.~~ District: *Lauderdale County*

I, *Lucy Williamson*, *mother of James Robison*, on oath state that I
know *Betsie Robison*, wife of *James Robison*,
attended on Mrs. *Betsie Robison*, on the *28th* day of *September*, 1900; that there was born to her on
said date a *male* child; that said child is now living and is said to have been
named *Charley Robison*.

WITNESSES TO MARK *Lucy Williamson*
(Must be Two) *Wm. O. Beall* ^{her} ~~mark~~
Nyra Young

Subscribed and sworn to before me this *2nd* day of *April*, 1901.
[Signature] NOTARY PUBLIC

No. 1599

For Identification as a Mississippi Choctaw.

Date APR - 2 1901

Name James Robison.

Age 50. Blood full.

Post Office, Lena, Miss.

Father: Charley Robison - dead.

Mother: Lucy Robison - ✓

Claims through both parents.

WIFE: Betsie Robison - 35

FATHER: John Farmer - dead

MOTHER: Lucy Farmer - dead.

children:

Arnie Robison 14.

Mattie Robison 8.

Charlie Robison 6 mo.

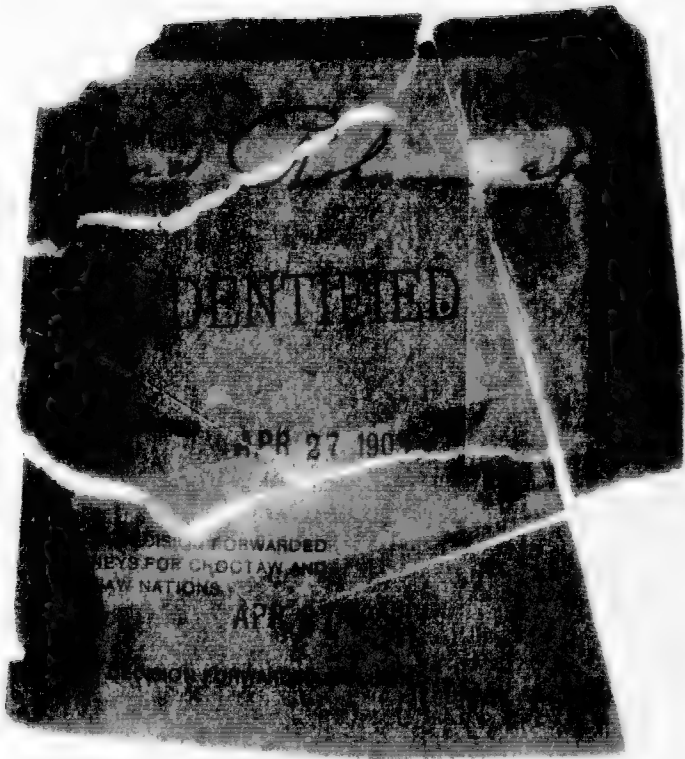
Claims for himself, his wife and 3 minor children.

Mississippi Choctaw # 354.

Appointed Feb 6, 1899.

Stenographer

Nlyra Young.



Choctaw MCR 1600

Julia A. Bridge

MCR 1600

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Julia A. Bridges,
for identification as a Mississippi Choctaw, M C R 1600.

List of papers forwarded to the Secretary of the Interior
comprising the record in above entitled case.

Original application of Julia A. Bridges, to the Commission to the Five Civilized Tribes for identification as a Mississ- ippi Choctaw.....	1
Petition of Julia A. Bridges addressed to the Commission to the Five Civilized Tribes.....	4..
Ex parte affidavit of W. A. Fulson.....	6
Ex parte affidavit of M. S. Bloor.....	7
Ex parte affidavit of G. W. Davis.....	8
Decision of the Commission refusing the application of Julia A. Bridges for identification as a Mississippi Choctaw.....	9

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, APRIL 6, 1901.

In the matter of the application of Julia A. Bridges for identification as a Mississippi Choctaw. Julia A. Bridges, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Julia A. Bridges.
 Q What is your age? A Forty three.
 Q What is your post office address? A Fort Smith, Arkansas. (221 South Sixth Street)
 Q How long have you lived at Fort Smith? A About twenty years.
 Q What? A About twenty or twenty one years.
 Q Where did you live before you lived there? A Why I lived in Perry County, in the state.
 Q In the state of Arkansas? A Yes sir.
 Q Were you born in Arkansas? A Yes sir.
 Q And always lived there? A Yes sir, most of my time.
 Q Where did you live when you were out of the state of Arkansas?
 A In the Territory, the Choctaw Nation.
 Q How long since you lived in the Territory? A About eight years I guess.
 Q You lived in the Territory eight years ago? A Yes sir.
 Q For the last eight years you have lived in Arkansas? A Yes sir.
 Q What is your father's name? A Thomas Richard McCabe.
 Q How do you spell the last name? A Mc-S-a-b-e.
 Q Is he living? A No sir.
 Q What is your mother's name? A My mother was named Rhoda Fulsem.
 Q Well, Rhoda McCabe? A Yes sir.
 Q Is she living? A No sir.
 Q Through which one of these parents do you claim Choctaw blood?
 A Mother.
 Q How much do you claim? A Why, about a quarter I guess it would be.
 Q Did your mother ever live in the Indian Territory? A Yes sir.
 Q Was she ever recognized by the Choctaw tribal authorities as a Choctaw Indian? A Yes sir, I guess she was.
 Q By the Choctaw tribal authorities? A I don't know anything about that part of it.
 Q You don't know anything about it? A No sir, I don't know.
 Q Is her name on any of the tribal rolls of the Choctaw Nation?
 A I don't know, I never heard of it.
 Q Did you ever make application for citizenship or enrollment to the Choctaw tribal authorities or the Dawes Commission? A No sir, I just went to Red Oak in 1899.
 Q Went before the Dawes Commission? A Yes, I went to go before them but they didn't hear me at all.
 Q Why didn't they hear you? A They just told me it didn't make any difference what proof I established that I could not get in.
 Q You made application then for enrollment as a Choctaw by blood?
 A Yes sir, would have.

- Q But you now make application for identification as a Mississippi Choctaw? A Yes sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No sir.
- Q You did not appear before the Dawes Commission in 1896 under the act of Congress of June 10, 1896? A No sir.
- Q The only time you ever appeared was the time you appeared for enrollment as a Choctaw by blood before the Dawes Commission in 1899? A Yes sir.
- Q This is the first application you have ever made for identification as a Mississippi Choctaw? A Yes sir.
- Q Do you claim as a beneficiary under article fourteen of the treaty of 1830? A Do I which?
- Q Do you claim under 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 Jerry Fulson.
- Q Your kin? A Jerry Fulson.
- Q What is that? A Jerry Fulson.
- Q What relation was he to you? A Grandfather.
- Q On your mother's side? A Yes sir.
- Q Was he a full blood Choctaw Indian? A Yes sir.
- Q Have you any documentary proof that he was? A No sir, none at all.
- Q Just hearsay in the family? A Yes sir.
- Q Did he, within six months after the ratification of the treaty of 1830, tell the United States Indian Agent, Colonel Ward, who lived in Mississippi at that time, that he intended to stay in Mississippi and take land there and become a citizen of the United States under the fourteenth article of that treaty? A I don't know.
- Q Do you know whether he came from Mississippi to the Indian Territory with the other Indians in the years 1833 to 1837? A I don't know, I don't guess he did.
- Q Did he ever take advantage or comply with the conditions of the fourteenth article of the treaty of 1830? A I don't know.
- Q Did he ever receive or claim any land in Mississippi under article fourteen of that treaty? A I don't know that.
- Q Have you ever received any benefits whatever in the Choctaw Nation as a Choctaw Indian? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Thomas Bridges. T. W. is the way he signs it.
- Q Thomas W. is it? A Yes sir.
- Q Do you make any claim for him? A No sir.
- Q When and where were you married to him? A In Fort Smith, the fourth day of March a year ago.
- Q Have you any children that you would like to make application for? A Not unless it was my son.
- Q Is he under age? A He is twenty one.
- Q He is of full age. A I have two children, my daughter, she is twenty four, she is married.
- Q Your children are all over age and one is married. You have no children under age and unmarried? A No sir.
- Q These other children will have to make their own applications. Have you any documentary evidence that you would like to introduce now? in support of your application?

John London, attorney for applicant, asks for time in which to file affidavits.

Fifteen days time from the date hereof is allowed applicant in which to file documentary evidence in support of her application.

Julia A. Bridges 3

Q This application then, you are making for yourself alone, are you not? A Yes sir.

Q Is there anything further you would like to say in support of your claim, that you can think of? A Nothing that I know of.

The decision of the Commission in regard to this application for identification as a Mississippi Choctaw which make in your own behalf, will be mailed to you at your present post office address.

Q What is your street number? A 221 South Sixth Street.

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 April 6, 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 April, 1901.

Charles H. Saurer

Notary Public.

Cow.

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

In the matter of the application of Julia A. Bridges
for identification as a Mississippi Choctaw, H.C.R. 1690.

----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 Julia A. Bridges for herself, under the following provision of the act of Congress approved June 20, 1898 (30 Stat. 498):

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

It also appears that 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 Jerry Fulson (or Felson), 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 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 article fourteen of the treaty of eighteen hundred and thirty , and to persons who heretofore were claimants thereunder, that the said Jerry Fulson (or Felson) 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 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 Julia A. Bridges as a Choctaw Indian entitled to rights in the

Miss. Choctaw 1660.

Muskogee, Indian Territory, May 24, 1902.

T. W. Bridges,

Port Smith, Arkansas,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 22, in which you ask if the name of your wife, Julia A. Bridges, appears on the Choctaw roll.

In reply to your letter you are advised that it appears from our records that Julia A. Bridges, wife of Thomas W. Bridges, is an applicant for identification as a Mississippi Choctaw. No decision has yet been reached nor opinion rendered relative to her rights as such Mississippi Choctaw. As soon as a decision is reached she will be notified of the action of the Commission.

Yours truly,

Acting Chairman.

COPY

Muskogee, Indian Territory, December 5, 1902.

Julia A. Bridges,
#221, South Sixth Street,
Port Smith, Arkansas.

Dear Madam:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Julia A. Bridges, 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 Julia A. Bridges 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 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

J. A. B. -----2.

case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Bixby.
Acting Chairman.

Register.

COPY

M.C.R. 1800.

Muskogee, Indian Territory, December 5, 1902.

John Landon,
Attorney at Law,
Poteau, Indian Territory.

Dear Sir:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Julia A. Bridges, 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 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 Julia A. Bridges 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 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

J.A.-----2.

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 Birby
Acting Chairman.

Register.

M. O. R. 1000.

COPY.

Muskogee, Indian Territory, December 5, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Julia A. Bridges, 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).

Said decision concludes as follows:

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

James D. Doby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sirs:

There is transmitted herewith the record in the case of Julia A. Bridges, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of December 8th, 1902.

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

Respectfully,

Through the
Commissioner of Indian Affairs.

James D. ...
Acting Chairman.

Enc. M.C.R. 1600.

(COPY)

DEPARTMENT OF THE INTERIOR,

FILE

Washington, March 27, 1903.

D.C. 8991--1903.

I.T.D. 2524--1903.

L.R.S.

Commission to the Five Civilized Tribes.

Waskogee, Indian Territory.

Gentlemen:

December 22, 1902, you transmitted the record in the case involving the application for identification as a Mississippi Choctaw of Julia A. Bridges (M C R 1800), for herself, including your decision of December 5, 1902, refusing to identify her as such.

The applicant claims rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being a descendant of one Jerry Fulson (or Folsom), who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in 1830.

The records fail to show that the applicant was ever admitted or enrolled as a member of the Choctaw tribe of Indians, or that her alleged ancestor ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts relating

2.
thereto.

Reporting in the matter March 2, 1905, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

1 inclosure.

(COPY)

Refer in reply to the following:
Land--74232--1892.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, March 2, 1903.

The Honorable,
The Secretary of the Interior.

Sir-

There is transmitted, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Julia A. Bridges, for identification as a Mississippi Choctaw, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicant bases her claim to identification on her descent from Jerry Fulson (or Folsom), who it is alleged was a Choctaw Indian, and a resident of the Choctaw Nation, in Mississippi in 1830, through Rhoda McCabe, nee Fulson (or Folsom), his daughter.

The Commission rejected the applicants December 5, 1902, because the name of her ancestor through whom she claims does not appear among the names of those who complied or attempted

to comply with the provisions of the 14th article of the treaty of 1830; and for the additional reason that the applicant had never been enrolled as a citizen of the Choctaw Nation.

An examination of the records of this office discloses the fact that the names of Jerry Fulson (or Folsom), or Rhoda McGabe, nee Fulson (or Folsom), do not appear among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, neither does it appear that they applied to the commission appointed to adjudicate the claims of those having rights as Choctaw Indians.

It is therefore respectfully recommended that the decision of the Commission rejecting the applicant be approved.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

G.T.C. (K.)

M. C. R. 1200

COPY.

Hudonoo, Indian Territory, April 7, 1903.

John London,

Attorney at Law,

Poteau, Indian Territory.

Dear Sir:

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Julia A. Bridges, of which decision you were advised by registered mail on the 5th day of December, 1902.

Respectfully,

(SIGNED)

C. R. Breckinridge.
Commissioner in Charge.

M. C. B. 1600

COPY.

Muskogee, Indian Territory, April 7, 1903.

Julia A. Bridges,

221 South Sixth St.

Fort Smith, Arkansas.

Dear Madam:

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw of which decision you were advised by registered mail on the 8th day of December, 1902.

Respectfully,

(SIGNED)

C. R. Breckinridge.
Commissioner in Charge.

M C R 1600

COPY

Muskogee, Indian Territory, April 7, 1903.

Mansfield, McMurray & Chornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Julia A. Bridges, of which decision you were advised by mail on the 5th day of December, 1902.

Respectfully,

(SIGNED)

C. R. Breckinridge.
Commissioner in Charge.

John A. Bridge
JUDGMENT WRITTEN MAY 7, 1901, B.M.

DECISION RENDERED. DEC 5 1902

NOTICE OF DECISION MAILED APPLICANTS. DEC 5

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS. DEC 5 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS. DEC 5 1902

RECORD FORWARDED DEPARTMENT. DEC 22 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. MAR 27 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. APR 7 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. APR 7 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT. APR 7 1903

DECISION PREPARED

John A. Bridge

TC600

For Identification as a Mississippi Choctaw.

Date April 6, 1901

Name Julia A. Bridges

Age 43 Blood 1/4

Post Office, Fort Smith, Ark.

Father: Thomas R. McCabe, d

Mother: Rhoda " d

Claims through Mother

Husband

Thomas W. Bridges

Children:

For self alone

Stenographer

Anna Bell

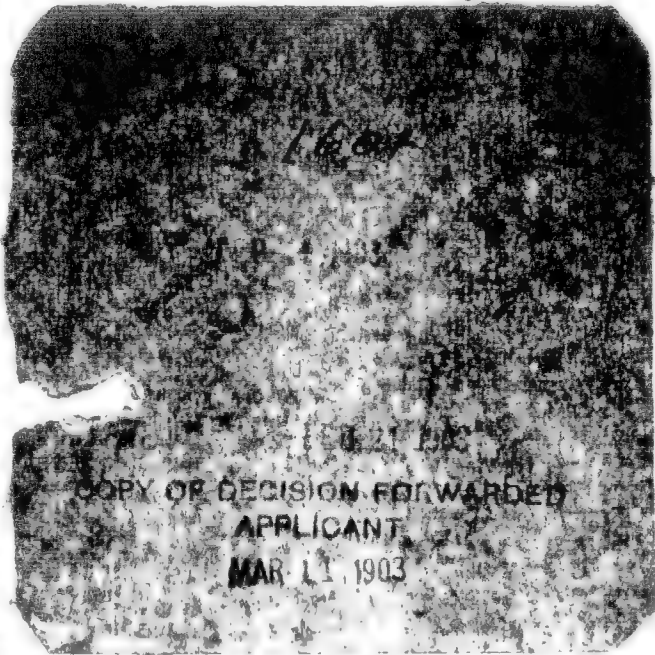
Choctaw McR 1601

Thomas Isaac

McR 1601

MISS-CHOCTAW
Enrollment 1601

Thomas Isaac, et al.



COPY OF DECISION FORWARDED
APPLICANT
MAR 11 1903

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of the applica-
tion of Thomas Isaac, et al., for identification as
Mississippi Choctaws-----M.C.R. 1601

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Thomas Isaac,
et al., for identification as Mississippi Choctaws,
M.C.R. 1601

I N D E X

Original application of Thomas Isaac, et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Decision of the Commission identifying Thomas Isaac, et al., as Mississippi Choctaws-----	5

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Thomas Isaac,
et al., for identification as Mississippi Choctaws,

M.C.R. 1601

----- 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 April 3, 1901, by Thomas Isaac for himself, his wife Lucy, and his seven minor children, Clinton, Tennis, Halmond, Hollis, Nabors, Tommie and Wandy Isaac, 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-second, 1830, and to administer oaths, receive evidence 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 Thomas Isaac, Lucy Isaac, Clinton Isaac, Tennis Isaac, Halmond Isaac, Hollis Isaac, Nabors Isaac, Tommie Isaac and Maddy Isaac should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman

Commissioner


Commissioner

Muskogee, Indian Territory

FEB 14 1903

Department of the Interior,
Commission to the Five Civilized Tribes
Meridian, Mississippi, April 3rd, 1901.

In the matter of the application of Thomas Isaacs for the identification of himself, his wife and seven children as Mississippi Choctaws. Thomas Isaacs being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Thomas Isaacs.
Q How old are you? A I am 47 years old.
Q What is your post-office address? A Aden .
Q What county is that in? A Neshoba.
Q That is in Mississippi is it? A Yes sir.
Q How long have you lived in Mississippi? 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 Isaacs.
Q Is that the only name you ever heard? A That is all I know.
Q Just Isaacs? A Yes sir, Isaacs.
Q Is your father living? A No sir.
Q What is your mother's name? A Amy.
Q Amy Isaacs? A Amy Isaacs.
Q Is your mother living? A No sir.
Q How long have your father and mother been dead? A My father been dead about 33 year ago.
Q Your mother and father both full blood Choctaws? A Yes sir, both dead. My mother just been dead last fall.
Q Your mother and father full blood Choctaw Indians? A Yes sir.
Q What is your wife's name? A Lucy Isaacs.
Q How old is Lucy? A About 35.
Q Is she a full blood Choctaw? A Yes sir.
Q What is her father's name? A Dixon.
Q Is that all the name he had? A That's all we know of.
Q Is he living? A Yes sir.
Q Where does he live? A Aint got no home, just first one place and then another.
Q Is he living with you now? A He lives with me now.
Q Has he ever been before this Commission? A He don't want to go before the commission before.
Q Don't want to go? A No sir.
Q What is your wife's mother's name? A I have forgotten.
Q Was her name Martha? A I can't think of it.
Q Her name was Dixon was it? A Yes sir.
Q Is she living? A No sir, been dead long time.
Q Have you and your wife always lived in Mississippi? A Yes sir, both raised in Mississippi.
Q Your parents always lived here? A Yes sir.
Q Your wife's parents always lived here? A Yes sir.
Q Did either one of your parents or your wife's parents ever remove to the Indian Territory? A No sir, never have.
Q Is your name, the name of your wife or the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for yourself, your wife and your children to be enrolled as citizens of the Choctaw Nation in the Indian Territory? A No sir.
Q In 1896 at the time the Commission was hearing original applications for citizenship in the Choctaw Nation under the act of

Thomas Isaac 2

Q Congress of June 10th, 1896 did you or did your wife or any one for you or for your wife or your children, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A Yes sir.

Q That is five years ago now, did you make an application then? A Yes sir, we went before the Commission then.

Q That is two years ago when you went before the Commission at Philadelphia. Now three years before that about five years ago did you make any application to this Commission? A Yes sir.

Q Made it in writing? A Yes sir.

Q Sent it to the Indian Territory? A Yes sir.

Q Did you ever hear from it? A No sir.

Q Do you know Jack Amos? A I don't know.

Q Wasn't that the title of the case in which all these Choctaws down here made their applications five or six years ago?

A I reckon so.

Q Tell me what kind of an application you made then? A Well they wants their half.

Q You made that application in writing and sent it to the Indian Territory? A Just gave our names. We didn't write it ourselves.

Q You never heard anything from that? A No sir, never heard a thing since that.

Q Your application is now made for yourself and your wife and your children for identification as Mississippi Choctaws, is that right? A That's right.

Q What are the names of your children? A The biggest one is Clinton.

Q How old is Clinton? A Eighteen years old.

Q The next one? A I think Tennis about fifteen.

Q Tennis living? A Yes sir.

Q The next one? A Halmond.

Q Is he living? A Yes sir.

Q How old is he? A 12 years old.

Q The next one? A Hollis.

Q How old is Hollis? A 8 years old.

Q The next one? A The next one I think is about six.

Q What is his name? A Mullen.

Q And the next one? A Robert.

Q Is that the only name he has? A Just Robert Isaac.

Q Isn't his name Nabors Isaac? A Yes, that's it.

Q It isn't Robert? A No sir, it is Nabors.

Q How old is he? A 4 years old.

Q The next one? A Tommie.

Q Is he living? A Yes sir.

Q How old is he? A 4 years old.

Q Is he as old as Nabors? A Nabors is older than Tommie.

Q Have you any more? A One, a girl named Mandy.

Q Is that all? A Yes sir.

Q How old is Mandy? A 2 years old.

Q You have got eight children? A Yes sir, eight. Mullen's dead.

Q You make your application for yourself, your wife and your seven minor children for identification as Mississippi Choctaws under the provisions of the 14th article of the treaty between the Choctaws and the United States- do you understand that? Do you claim under the 1830 treaty? A I don't understand that.

Q The old treaty of 1830 known as the treaty of Dancing Rabbit Creek? A Oh yes. I never recollect that. That is way off of me. Just heard of it that is all.

Q Do you know what it is? A No sir.

Q The treaty was made between the United States and the Choctaws and provided for the removal of the Choctaws from Mississippi to the present Indian Territory. A I don't know anything about that. I just hearn talk of it.

Q Now when that treaty was made there was a clause put in known as the 14th article that provided that any Choctaws who did not want to remove to the Indian Territory could remain here in Mississippi, signify their intention to remain and become citizens.

Thomas Isaac 3

of the United States after the ratification of the treaty and if they did that it would not in any wise affect their rights as Choctaw citizens except they would not participate in any annuities that is any moneys that there paid to the Choctaws in the future.

A Yes sir.

Q Now is that what your claim is, that you have remained here in Mississippi and never removed to the Indian Territory? A I never out of one county yet. I am within three mile of where I was born and raised.

Q Did you ever hear of any of your people or your wife's people, that is your father or mother or grand father or grand mother of any of your wife's frand fathers or grand mothers going to the Indian Territory? A I don't know that.

Q Did you ever hear that any of them went to the Indian Territory? A Mammie used to tell me that nary one of the children went Never wanted to go.

Q Then they have always resided here in the state of Mississippi as far as you knew, all of your people? Is that correct? A Yes sir.

Q Do you know your father's father's name? A I know my father's name^d. His name was Isaac. I never seen him. Just know from my mother.

Q Did you ever hear your grand father's name? A No sir.

Q Ever hear of your grand mother's name? A No sir.

Q Don't know anything further back concerning your ancestors than your father or your mother? A No sir.

Q Did you ever hear whether any of your ancestors, that is your father or your mother or grand father or grand mother ever received any land here in Mississippi from the United States government. A No sir reckon not.

Q Any of your wife's people ever received any land from the government here in Mississippi? A No sir.

Q Have you, your wife or your children ever received any benefits as Choctaw Indians from the Choctaw tribe in the Indian Territory? A No sir.

Q Have you ever had any rights of citizenship there? A No sir.

Q In the event the Commission should be enabled to identify you and your wife and children as Mississippi Choctaws entitled to an allotment of the lands of the Choctaw Indians in the Indian Territory is it your intention to remove with your family to the Indian Territory and establish your permanent residence there? A Move my family?

Q Yes sir, that is if you are identified as a Mississippi Choctaw- that is as a Choctaw Indian living here in Mississippi entitled to rights in the Choctaw lands, do you want to move out to the Indian Territory with your wife and family? A No, I don't want to go.

Q Don't want to go? A I don't know I likes to go . I wanted to go 25 years ago but I don't want to go now.

Q Own any property here? A Aint got much.

Q Do you understand that the land you would receive out there would be valuable? A Well it might be but I don't want to go. I don't want to go. They would have to carry me if I had to go.

Q You understand that you couldn't receive any benefits except by removing to the Indian Territory? Do you understand that? A Yes sir.

Q You would rather stay here in Mississippi, would you? A Yes sir .

Q Would you let your family go, your children? A They wouldn't go unless I would go.

Q Is there any questions you want to ask? Any statements you want to make? A No sir, I reckon not.

Thomas Isaac 4-

The decision of the Commission as to your application and the application you make on behalf of your wife and your seven minor children for identification as Mississippi Choctaws will be mailed to you some time in the future to your present post-office address.

The applicant in this case is to every appearance a full blood Choctaw Indian and it appears from his testimony that both his wife and children are also full bloods. The applicant speaks the Choctaw language and broken English. From his testimony it appears that both he and his wife and their ancestors have always maintained a residence in the state of Mississippi and neither he, his wife nor his children have ever received any benefits as Choctaw Indians from the Choctaw authorities in the Indian territory.

This applicant is the identical Thomas Isaac who appeared before the Commission at Philadelphia, Mississippi on February 2nd 1899 and made application for the identification of himself, and his wife Lucy and their eight minor children as Mississippi Choctaws and appears upon Mississippi Choctaw card No. 300 and upon the schedule annexed to the Commission's report of March 10th, 1899 as to the identification of Mississippi Choctaws, page 75 roll numbers as follows: 1044 Thomas Isaac. 1045 Lucy Isaac. 1046 Clinton Isaac. 1047 Tennis Isaac. 1048 Halmend Isaac. 1049 Hollis Isaac. 1050 Mullen Isaac. 1051 Nabers Isaac. 1052 Thomas Isaac Jr. 1053 Wandy Isaac.

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 3rd day of April, 1901, 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 at Meridian, Mississippi, this the 4th day of April, 1901.

J. M. [Signature]
Notary Public.

Department of the Interior
Commission on the Five Civilized Tribes
Chickasaw Land Office
Tishomingo, I. T.
Oct. 26, 1903

In the matter of the declaration and proof of settlement within the Choctaw-Chickasaw Country of Lucy Isaac and her seven minor children, Clinton, Tennis, Halmond, Hollis, Nabors, Tommie and Mandy Isaac, Mississippi Choctaw card 62, Mississippi Choctaw roll numbers 184 to 191 inclusive.

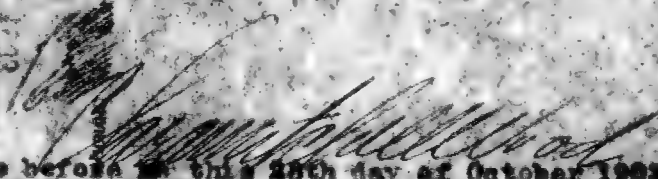
Lucy Isaac being first duly sworn testified as follows:

Examination by the Commission:


- Q What is your name? A Lucy Isaac.
Q What is your age? A I don't know; I'm over forty.
Q What is your post office address? A Ardmore.
Q What is the name of your father? A Dixon.
Q What is the name of your mother? A I don't know.
Q Who do you want to file for? A Myself and seven children
Q What are the names of the seven children? A Clinton, Tennis, Halmond, Hollis, Nabors, Tommie and Mandy.
Q How old is Clinton? A Twenty.
Q Is he married? A No sir.
Q Are any of your children married? A No sir.
Q Are you a full blood Mississippi Choctaw? A Yes sir.
Q Are these children all full blood Mississippi Choctaws?
A Yes, sir.
Q What is the name of their father? A Tom Isaac.
Q Is Tom alive or dead? A Dead.
Q When did he die? A The last day of March; this last March.
Q Where did he die? A Mississippi.
Q Did he ever come over here from Mississippi? A He was fixing to come and taken sick and died.
Q Are these seven children that you have mentioned all living with you now? A Yes.
Q What was your post office address in Mississippi? A I did know but I've forgotten
Q When did you leave Mississippi to come to the Choctaw Chickasaw country? A I've forgotten what month I come here; a little over three months ago.
Q Did you come directly to Indian Territory? A I come straight to Ardmore.
Q Did you bring your seven children with you? A Yes, sir
Q Did you bring your household goods with you? A Yes.
Q Have you any home at the present time in Mississippi?
A No.
Q Do you intend to reside permanently in Indian Territory?
A Yes.
Q What will be your permanent post office address? A Ardmore.
Q Are you the identical Lucy Isaac who with her husband Thomas Isaac and her seven minor children, Clinton, Tennis, Halmond, Hollis, Nabors, Tommie and Mandy Isaac were identified as full blood Mississippi Choctaw Indians by the Commission on February 14, 1903? A Yes, sir.

Q Have you made any agreement with a view to leasing the lands which you are about to select in the Chickasaw Nation? A Yes, sir, I'm going to lease some of it; I'm going to keep a part for myself and children.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above proceedings on the 28th day of October 1903 and that this is a correct transcript of her stenographic notes.



Subscribed and sworn to before me this 28th day of October 1903



Notary Public.

Mundie
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REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE
TO THE SECRETARY OF THE INTERIOR
FOR THE YEAR ENDING JUNE 30, 1903

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

FILED
NOV 8 1903

[Signature]
CHAIRMAN

NOV 11 1903

COPY

H.C.R. 1801

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McBarry & Gornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Thomas Isaac, his wife Lucy Isaac and his minor children, Clinton Isaac, Yennie Isaac, Halmont Isaac, Hollis Isaac, Nabors Isaac, Tommie Isaac and Mandy Isaac as Mississippi Choctaw Indians 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 Thomas Isaac, his wife 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:

Tarne Bixby.

Acting Chairman

Registered
Enclosure G.H. 8

EX-100
M C R 1601

Muskogee, Indian Territory, May 23, 1903.

D. E. Moore,

Cartersville, Indian Territory.

Dear SIR:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you ask whether or not "Tom Isaac and his family of wife and six or seven children are duly identified. Also Louis a young man and Billie a man about 50 years old."

In reply you are informed that it appears from our records that on February 14, 1903, the Commission rendered its decision identifying Thomas Isaac, his wife, Lucy Isaac, and their seven minor children as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations, of which action they were duly advised by registered mail at Aden, Mississippi, on March 11, 1903.

It does not appear from our records that any persons by the name of Louis and Billie Isaac are applicants to this Commission for identification as Mississippi Choctaws.

Respectfully,

Chairman.

COPY.

K.O.R.1601.

Muskogee, Indian Territory, March 11, 1903.

Thomas Isaac,

Aden, Mississippi.

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 yourself, your wife, Lucy Isaac, and minor children, Clinton Isaac, Tennis Isaac, Halmond Isaac, Hollis Isaac, Fabers Isaac, Tommie Isaac and Mandy Isaac, as Mississippi Choctaw Indians, 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,

Jams Bixby.
Chairman.

Registered.

Enc.: 1601.

H C R 1906
H C R 5038
H C R 1601

Muskogee, Indian Territory, May 9, 1905.

Southern Investment Company,
Armore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 27th
ultimo, enclosing applications for the enrollment of Lemmie Isaacs,
Johnson John and George John, as citizens of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date APR -3 1901

Name Thomas Isaac

Age 47. Blood full.

Post Office, Oden, Miss.

Father: Isaac - dead.

Mother: Amy Isaac - dead.

Claims through both parents

WIFE: Lucy Isaac. 35

FATHER: Dixon - ✓

MOTHER: — Nixon - dead

Children:

Clinton Isaac. 18.

Dennis " " 15

Halmond " " 12

Hollis " " 8

~~Mullen Dead. " 6~~

Nabors " " 4.

Donnie " " Jr. 3.

Maudy " " 2

Stenographer

Myra Young. OKER

Choctaw MCR 1602

Billy Washington

MCR 1602

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of the application
of Billy Washington, et al., for identification as
Mississippi Choctaws-----M.C.R. 1602

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Billy Washington et al., for identification as Mississippi Choctaws-----M.C.R. 1602

I N D E X

Original application of Billy Washington to the Dawes Commission for identification of himself and family as Mississippi Choctaws-----1

Decision of the Commission identifying Billy Washington, et al., as Mississippi Choctaws-----5

Page

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

Meridian, Mississippi, April 3, 1901.

In the matter of the application of William Washington, et al., for identification as Mississippi Choctaws. Said William Washington having been first duly sworn upon his oath testified as follows:

Examination by the Commission.

- Q Please state your name? A Billy Washington.
Q What is your age? A forty one.
Q What is your post office address? A Rosehill.
Q You claim to be a full blood Choctaw? A Yes sir.
Q How long have you lived in Mississippi? A I have been here all the time.
Q Born and raised here? A Born and raised in Jasper.
Q In Mississippi? A Yes sir.
Q Are you married? A No sir.
Q You have been married? A Yes sir, I have been married, and my wifedied and I not married no more.
Q What was your wife's name? A Lucy.
Q Was she a full blood? A Yes sir.
Q How many children have you living? A Three.
Q What are their names and ages? A Eliza.
Q How old is Eliza? A Nineteen.
Q The next one? A The next one is seventeen.
Q What is the name? A Hannah.
Q The next one? A Martha.
Q How old is Martha? A Fourteen.
Q That's all now? A Yes sir.
Q These children are all living with you, are they? A Yes sir.
Q They are the children of yourself and Lucy Washington? A Yes sir.
Q When were you married to Lucy Washington? A Its been twenty two years I have been married, and my wife been dead nine years.
Q Where were you married to her? A Right at Rosehill, in Jasper County.
Q Were you married by a minister, a preacher? A No sir, you see we didn't have no license; my father and my wife's father let me marry.
Q They had an agreement that you should marry? A Yes sir.
Q Was that the Indian custom prevailing at that time? A Yes sir, old fashion.
Q Is there anyone here to-day who was present when you was married?
A No sir.
Q Is your father living? A No sir.
Q What was his name? A George Washington.
Q He was a full blood Choctaw? A Yes sir; a full blood Choctaw.
Q When did he die? A Last Christmas a year ago.
Q How old was he when he died? A Seventy five when he died.
Q Did he have an Indian name? A Yes sir.
Q What was it? A He got two names; I can't think of it. I don't recollect. Noah-tumbee, the old folks name; I can't think of them all the time.
Q Is your mother living? A No sir.
Q What was her name? A Susan.
Q When did she die? A She died twenty two years.
Q How old was she when she died? A What?
Q How old was she when she died? A I can't tell you.
Q About how old? A About forty four.
Q Was she a full blood? A Yes sir.

William Washington, et al., #2.

Q Did she have an Indian name? A Yes sir, but I don't remember it; I was a little fellow.

Q Have you or any of your ancestors, or any of your wife's ancestors ever received any benefits as Choctaw citizens, in lands or moneys? A No sir, never have got any.

Q Did you ever apply for citizenship in the Choctaw Nation to the Indian authorities out there? A No sir.

Q Did you apply to this Commission in the year 1896, five years ago, for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been before the Commission before? A Yes sir.

Q Five years ago, did you make application to the Commission, that is not at Decatur, but three years before that? A No sir.

Q Never did? A No sir.

Q You never have been admitted to citizenship in the Choctaw Nation, by either the tribal authorities, by this Commission or by the United States Court in Indian Territory? A No sir.

Q Never have been recognized in any manner as a citizen of the Choctaw Nation? A No sir.

Q Did any of your ancestors ever claim or receive and land here in Mississippi from the Government of the United States? A No sir.

Q Never did? A never did.

Q Did you ever hear your parents claim that they were entitled to any land here? A No sir, never did.

Q Did you ever hear of your wife's parents claiming receiving any land here in this country? A No sir.

Q You claim under the fourteenth article of the treaty of Dancing Rabbit Creek, do you? Or, do you know what that is? A No sir, I don't know.

Q Now that article of the treaty was made before the Choctaws began to move away from here, and the fourteenth article provided that in case a Choctaw did n't want to go out west with the Indians, and locate on their new reservation, he might stay here in this country, and he could within six months from the date that treaty was ratified, go before the United States Indian Agent of the Government here, and tell him he preferred to remain in Mississippi and become a citizen of the United States, and then he was entitled to select a tract of 640 acres of land for himself, and smaller tracts for his children, and a good many of these Choctaws stayed here and decided they would not go west with the Choctaws; do you know whether any of your ancestors did that or not? A I don't know.

Q Did any of them go west with the Indians that you know of? A No sir, I don't know; never heard of it.

Q Do you know whether any of your wife's people went west with the Indians at that time? A I don't know if they did; I was little and don't remember it at all.

Q You never heard, then, whether any of your ancestors or your wife's ancestors ever received any lands or moneys from the Government; never heard of it if they did? A No sir, I never heard of it.

Q Have you ever been before the Commission prior to this time? A Yes sir.

Q Where? A No sir.

Q Yes, you said at Decatur? A Yes sir.

Q When was that? A I mean Hattiesburg, I go there.

Q When was you at Decatur? A Two years ago I think.

The records of the Commission show that on February 7, 1899, William Washington appeared before the Commission at Decatur, Mississippi, and there made application for the identification of himself and his minor children, Eliza, Hannah and Martha, as Mississippi Choctaws, entitled to

William Washington, et al., #3.

rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek. Their names also appear upon Mississippi Choctaw card, Field Number 380; also upon page 86 of the schedule of Mississippi Choctaws residing in Mississippi and claiming interest in the Choctaw lands under the provisions of the fourteen article of the treaty of Dancing Rabbit Creek, which accompanied the report of March 10, 1899, of the Commission to the Five Tribes, to the Honorable Secretary of the Interior as to the identify of Choctaw Indians claiming rights in the Choctaw lands under the fourteenth article of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, being numbers 1350, 1351, 1352, and 1353, respectively thereon.

Q In case the Commission should be able to identify you as a Mississippi Choctaw, entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, could you be willing to remove to the Choctaw Nation, Indian Territory, and make your home permanently, and live there? A No sir.

Q You wouldn't want to do that? A No sir. I rather stay in my old country; I raised, born here; my old country, I like to stay here.

Q You own no land here? A No sir.

Q If you went out there you would get a big tract of land, you would get all the way from one hundred and sixty to five hundred acres, possibly, in that country, and it would be your own, and you would get all the profits from it. Its worth a good deal of money; you think if you got all of that land you would not be willing to move out there? A No sir.

Q Why don't you want to go out there? A Because aint no timber there, no good water. Good land but no timber, no good water; water sorter taste bad.

Q You don't think you could live there? A I couldn't stand it?

Q There is where you are mistaken? A They have good timber, and water, and that is a healthier place than here likely. Well, now suppose most of these people here, all of the Bull bloods in Mississippi went wouldn't you be willing to go then? A I would if they all go. These Choctaws move over here, but see aint going there; going to move before, and I didn't want to go before.

Q You mean you are afraid they will move again? A Yes.

Q Well they can't move from there for a long time; they can't trade that land for twenty one years, most of it, and there will be enough, and that will keep them there for that long you know. You think if all of your people went out there you would be willing to go? A If all my people go, I would go.

Q Is there anything further you want to say about your case? A

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

The Commission: Permission is granted to attorney for applicant to file proper written evidence in support of this ~~case~~ claim within a period of thirty days from this date.

The decision of the Commission with reference to the application made by you at this time, will be mailed to you at your present post office address.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Billy Washington
et al., for identification as Mississippi Choctaws, M.C.R. 1802.

-----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 April 3, 1901, by Billy Washington for himself and his three minor children, Kliza, Hannah and Martha Washington, 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 Billy Washington, Eliza Washington, Hannah Washington and Martha Washington should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman

Commissioner


Commissioner

Muskogee, Indian Territory

FEB 14 1903

M.C.R. 1602

Muskogee, Indian Territory, February 21, 1903.
M.C.R. 1602.

COPY.

Mansfield, McMurray & Johnson, Indian Territory, March 11, 1903
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Billy Washington and his minor children, Lisa Washington, Hannah Washington and Martha Washington 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 Billy Washington and his 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,

Jame Bixby
Chairman

Registered
Enclosure
G. H. S.
1903.

205A

REGISTERED MAIL

COPY.

M.C.R. 1603.

Muskogee, Indian Territory, March 11, 1903.

Billy Washington,
Rose Hill, Mississippi.

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 yourself and your minor children, Lisa, Hannah and Martha Washington, as Mississippi Choctaw Indians 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,

Jame Dixby.

SIGNED

Chairman.

Registered.

Enc. 1603.

Araders, I. T. February 17, 1903.

To the Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

You will please deliver to J. G. Rals of Atoka, Indian Territory, any of the copies of the records in my case that, under the rule of law, the Commission may give out to Attorneys, as I have employed him to assist me in this case.

WITNESSES TO MARK:

JT Tippit
Charles Lewis

William Washington

Mr. Washington also applied for his four children to wit, Martha Meyer, Mrs. Hannah, and Eliza.

IDENTIFIED

DECISION RENDERED FEB 14 1903

COPY OF DECISION FORWARDED
SERVICES FOR GHOSTAW AND
LAW PATENTS FEB 21 1903

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

sent 1/20/03 P.O. #1014 - Deerwood, Ga.
Edna

A. Arthur J. J.

Choctaw MCR 1603

Wesley Phillip

MCR 1603

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

----- oOo -----

The record herein is in the matter of the application
of Wesley Phillip, et al., for identification as Miss-
issippi Choctaws-----M.C.R. 1603

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Wesley Phillip
et al., for identification as Mississippi Choctaws,
M.C.R. 1603

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 3, 1901.

In the matter of the Application of Wesley Phillip for the
identification of himself and one child as Mississippi Choctaws.

Wesley Phillip being first duly sworn testified as follows

Examination by the Commission:

- Q What is your name? A Wesley Phillip.
- Q What is your age? A 29 years.
- Q What is your postoffice address? A Hamlock, Mississippi.
- Q You claim to be a full blood Choctaw do you? A Yes sir.
- Q You appear here at this time for the purpose of making application for the identification of Mississippi Choctaws of yourself and child claiming rights in the Choctaw lands in Indian Territory, do you? A Yes sir.
- Q Do you claim under any particular treaty between the United States and Choctaws, or do you understand the treaties? A No.
- Q You don't know anything about that? A No.
- Q Did you ever hear of the treaty of Dancing Rabbit Creek? A No.
- Q Did you hear of the treaty of 1830 between the United States and the Choctaws? A I don't know.
- Q You never heard of it? A No.
- Q Don't you know that the Commission is here for the purpose of hearing applicants for identification as Mississippi Choctaws claiming rights in the Choctaw lands west of the Mississippi river in the present Choctaw reservation by reason of a provision contained in the 14th article of the treaty of 1830? A No.
- Q You just came for the purpose of proving up whatever that you have as a Choctaw? A Yes sir.
- Q Under that article if that article will benefit you? A Yes.
- Q Is your father living? A Yes sir.
- Q What is his name? A Sock Phillip.
- Q Is he a full blood? A Yes sir.
- Q Is your mother living? A No.
- Q What was her name? A Emily Phillip.
- Q Was she a full blood? A Yes sir.
- Q Are you married? A I have been married; my wife is dead.
- Q What is your wife's name? A Betty Phillip.
- Q Was she a full blood? A Yes sir.
- Q When and where were you married to Betty Phillip? A In Neahoba county seven years ago.
- Q Married by a minister were you? A Yes.
- Q Have you your marriage license with you? A No.
- Q You have it at your home have you? A Yes.
- Q You can send that to the Commission when you get home for consideration with the application you make for your minor child, and if it is received within thirty days from this date it will be considered by the Commission.
- Q What is the name of the child for whom you make application?
A Maggie.
- Q How old is Maggie? A Four years.
- Q That is all the child you have? A Yes sir.
- Q She is the daughter of yourself and Betty Phillip, is she?
A Yes sir.
- Q You then make this application for yourself and one child? A Yes
- Q Have you or any of your ancestors ever received any benefits as Choctaw Indians? A No sir.
- Q Has your wife ever received any benefits as a Choctaw that you know of? A No.
- Q Did any of them ever live in the Indian Territory? A No.
- Q Did you or any one of your ancestors ever live in Indian Territory?
A No sir.

2-Wesley Phillip.

- Q Lived in Mississippi all your life? A Yes.
Q This child has lived in Mississippi all its life? A Yes.
Q Lived with you? A Yes sir.
Q Have you ever made application to the tribal authorities in Indian Territory for citizenship in the Choctaw nation out there?
A No.
Q Did you make application to this Commission in the year 1896 for citizenship in the Choctaw nation? A No.
Q You have never been admitted to citizenship by either the Choctaw Indian authorities in Indian Territory, by this Commission, in the year 1896, or by a decree of the United States court in Indian Territory? A No.
Q Never had anything to do with them? A No.
Q Have you ever appeared before the Commission before this time?
A Yes sir, two years ago.
Q Where? A Philadelphia.
Q At the time you appeared before this Commission at Philadelphia your wife was living? A Yes sir.
Q When did she die? A A little over a year ago.

It appears from the records of the Commission that on January 31, ~~1899~~ 1899 Wesley Phillip appeared before this Commission at Philadelphia, Mississippi, and there made application for the identification of himself, his wife, Betty Phillip and one minor child Maggie Phillip as Mississippi Choctaw entitled to rights in the Choctaw lands. The names of these parties appear on Mississippi Choctaw card No. 201. These names also appear on page 61 of the schedule annexed to the Commission's report of March 10, 1899 as to the identification of Mississippi Choctaws, roll numbers 687, 688 and 689 respectively.

- Q Did you ever receive any benefits as a Choctaw citizen? A No.
Q Never received any land or money? A No.
Q Did your mother? A No.
Q Did your wife's mother or father? A No.
Q Did any of your ancestors or wife's ancestors ever receive any benefits as Choctaw Indians? A No.
Q Neither land nor money? A No.
Q Which one of your ancestors was living in Mississippi in 1830 when the Choctaws moved west of the Mississippi river? A I don't know.
Q Do you know if any of your wife's ancestors were living here at that time? A No.
Q Do you know whether any of your ancestors or your wife's ancestors within six months after this treaty was ratified went before the Indian agent here in Mississippi and made known to him their desire to stay here in Mississippi and not go west with them?
A No, don't know.
Q Is there any additional statement in regard to your case that you desire to make at this time? A No.
Q Do you know whether your name or the name of your child appears on any of the Choctaw tribal rolls of the Indian Territory?
A I don't know.
Q They never paid you any money did they? A No.
Q And never recognized you as a citizen? A No.

This applicant is the son of Sock Phillip whose testimony has this day been taken, and inasmuch as the applicant has no knowledge of his ancestors father back than his father, special reference is hereby made to the testimony of his father, Sock Phillip as to the ancestors of this applicant.

- Q Have you any papers or affidavits that you want to file with the Commission in connection with your claim? A No.
Q In case the Commission should be able to identify you as a Mississippi Choctaw entitled to rights in the Choctaw lands in Indian Territory, would you be willing to move out there and live

3-Wesley Phillip.

on those lands? and make it your home? A Yes sir.

Q Why have you not made an attempt to do that before? A No money

Q You would have gone if you had money? A Yes, I would go right now if I had it.

The decision of the Commission with reference to your application and the application made by you for ~~your~~ identification of your child, will be mailed to you at a later date to your present postoffice address

This applicant looks to be a full blood Choctaw Indian - speaks Choctaw and broken English.

Frances R. Brown having been first duly sworn upon oath states as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 3rd day of April, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me at Meridian, Mississippi, this 5th day of April, 1901.

J. M. [Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Wesley Phillip
et al., for identification as Mississippi Choctaws

M.C.R. 1603

-----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 April 3, 1901, by Wesley Phillip for himself and his minor child, Maggie Phillip, 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 both 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 Wesley Phillip and Maggie Phillip should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman

Commissioner


Commissioner

Muskogee, Indian Territory

FEB 14 1903

COPY.

M.C.R. 1603

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Wesley Phillip and his minor child, Maggie Phillip 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 Wesley Phillip and his child 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,

W. J. BIRNEY

W. J. Birney

Acting Chairman

Registered
Enclosure G.H. 8

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

WASHINGTON, D. C. MARCH 11, 1903.

M. C. R. 1603.

COPY

Muskogee, Indian Territory, March 11, 1903.

Wesley Phillip,

Homlock, Mississippi.

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 yourself and your minor child, Maggie Phillip, as Mississippi Choctaw Indians, 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,

Tame Blaxby,
Chairman.

Registered.

Enc.: 1603.

COPY

M.C.R. 1003

Muskogee, Indian Territory, February 21, 1902.

Massfield, McMurray & Carnish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1902, identifying Wesley Phillip and his minor child, Maggie Phillip 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 Wesley Phillip and his child 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,

Yours truly,

Tammie Blodgett

Acting Chairman

Registered
Enclosure C.E. 6

H.C.R. 1603.

COPY

Muskogee, Indian Territory, March 11, 1903.

Wesley Phillip,

Kenlock, Mississippi.

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 yourself and your minor child, Maggie Phillip, as Mississippi Choctaw Indians, 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 Fishomingo, Chickasaw Nation.

Respectfully,

Jame Bixby.
Chairman.

Registered.

Enc.: 1603.

Muskogee, Indian Territory, August 27, 1903.

Commissioner in Charge,

Chickasaw Land office,

Fishosings, Indian Territory.

Dear Sir:

You are hereby advised that the following notations have this day been made upon identified Mississippi Choctaw card Number 65, and the information is furnished in order that you may make corresponding notations upon the duplicate Mississippi Choctaw card in possession of your office:

*SETTLEMENT ADDRESS *Atoka, Ind.T.*

DATE OF PROOF OF SETTLEMENT *Aug. 15, 1903.*

Respectfully,

Chairman.

Wishogee, Indian Territory, August 27, 1903.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the following notations have this day been made upon identified Mississippi Cheetaw card Number 65, and this information is forwarded that you may make the records of your office conform thereto:

SETTLEMENT ADDRESS "Atoka, Ind. T."

DATE OF PROOF OF SETTLEMENT "Aug. 16, 1903."

Respectfully,

Chairman.

No. 1603

For identification as a Mississippi Choctaw.

Date APR 3 1901

Name Wesley Phillip.

Age 29 Blood full

Post Office, Humlock, Miss.

Father: Sock Phillip ✓

Mother: Emily " (dead)

Claims through both parents.

Wife Betty Phillip, ^{full} (dead)

Children:

Maggie Phillip 4.

(Claims for himself and one
minor child.)

See Miss. Choct. Card 12/19, No. 201.

Stenographer

Francis A. Brown

IDENTIFIED

RECORDED FEB 14 1903

DECISION FORWARDED
FOR CHOCTAW AND
NATIONS FEB 21 1903

COPY OF DECISION FORWARDED
APPLICANT
MAR 11 1903

Choctaw

MCR 1604

Geo. Thomas

MCR 1604

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of the application
of George Thomas, et al., for identification as
Mississippi Choctaws-----M.C.R. 1604.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

M.C.R. 1604

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Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 3, 1901.

In the matter of the application of George Thomas for the identification of himself, his wife and minor child as Mississippi Choctaws. George Thomas being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A George Thomas.
Q What is your age? A About 47.
Q What is your post-office address? A Sandersville.
Q Mississippi? A Yes sir.
Q How long have you lived in Mississippi? A All my life.
Q Never lived outside of the state? A No sir.
Q Have you ever been outside of the state of Mississippi?
A No sir.
Q What is your father's name? A Thomas.
Q Is that all? A Yes sir.
Q Never heard of him having any other name? A No sir.
Q Is that his surname or given name? A I don't know. The
only name he had.
Q Is he living? A No sir.
Q What is your mother's name? A Sally.
Q Sally Thomas? A Yes sir.
Q Is your mother living? A No sir.
Q Are both of your parents full blood Choctaws? A Yes sir.
Q What is your wife's name? A Susie Thomas.
Q How old is she? A She is about 49.
Q Older than you is she? A Yes sir.
Q Is she a full blood Choctaw? A Yes sir.
Q What is her father's name? A Istubbee.
Q Is he living? A No sir.
Q What is your wife's mother's name? A Janie.
Q Is that the only name she ever had? A That is all I know.
Q Is she living? A No sir.
Q Your wife's parents both full blood Choctaw Indians? A Yes
sir.
Q Is your name and the name of your wife on any of the tribal
rolls of the Choctaw Indians in the Indian Territory? A I guess
so.
Q Do you think they are? A Yes sir.
Q Why do you think so? A Well I have been once to the
Commission.
Q When? A About two years ago.
Q When the Commission was here at Decatur? A Yes sir.
Q Well, that wasn't the roll of the Choctaws. That was the
United States government. The Commission down here looking up the
Mississippi Choctaws. A Yes sir.
Q Now we are talking about the Choctaw Indian rolls in the
Indian Territory. A Yes sir.
Q Now is your name or the name of your wife on the Choctaw
Indian rolls in the Indian Territory? A Not as I know of.
Q Did you or your wife ever make application to the Choctaw
tribal authorities for citizenship in the Choctaw Nation in the
Indian Territory? A No sir.
Q About five years ago in 1896 the Commission was authorized
to determine the applications of persons for citizenship in the
Choctaw Nation under an act of Congress of June 10th, 1896. Did you
or your wife make an application at that time? A No sir.

George Thomas 2

Q Do you remember there were a good many Choctaws down here that did make an application about five years ago. Do you remember about that? A Yes sir.

Q Did you do that? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory?

A No sir.

Q Have you ever made an application to either the Choctaw tribal authorities or to the authorities of the United States for citizenship or enrollment as a Choctaw Indian prior to this time?

A Yes sir.

Q Where? A That's the only place I know of. Up there.

Q Where was that? A I don't know sir.

Q You made an application once before up at Decatur, didn't you? A That's all. That is the only time.

Q Did you make that application yourself? A Yes sir.

Q Were you there before the Commission ourself? A Yes sir.

Q You are now making application for identification as a Mississippi Choctaw for yourself, your wife and your son are you?

A Yes sir.

Q Are you making this claim under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Did any of your ancestors - do you know what the word ancestor means? A No sir.

Q That is people from whom you are descended. That is your father, your grand father or great grand father. Did any of your ancestors or your wife's ancestors ever remove from Mississippi to the Indian Territory with the Choctaw Indians? A No sir.

Q Did you ever hear of any of them moving out there? A No sir. I reckon my wife's daddy has been but I don't know.

Q Have any of your family, have you or your wife or your son ever received any benefits as Choctaw Indians, ever received any money from the Choctaw Tribe in the Indian Territory? A Yes sir.

Q You have received money from them? A Yes sir.

Q When did you ever receive any money from the Choctaw tribe in the Indian Territory? Are you sure about that statement? A No sir.

Q You would know if the Choctaws in making any payments had paid you wouldn't you? A Yes sir.

Q Well, did they ever pay you any money? A No sir.

Q Did you ever receive any land from the Choctaws? A No sir.

Q At the time of the removal of the Choctaw Indians from Mississippi to the present Indian Territory, the country west of the Mississippi River did any of your people, any of your ancestors remove with the Indians, have you ever heard them say? A No sir.

Q Have always lived here in Mississippi? A Yes sir.

Q Did your father and mother always live here in Mississippi?

A Yes sir.

Q Did your wife's father and mother always live in Mississippi? A Yes sir.

Q Never went away from here? A No sir.

Q Do you know anything about your grand parents? A No sir.

Q Do you know what your grand father's name was? A No sir.

Q Do you know what your grand mother's name was? A No sir.

Q Just the names of your mother and father and your wife's mother and father? A Yes sir.

Q If your father were living now about how old would he be?

A Over a hundred.

Q Were you one of the youngest of his children? A Yes sir, I was the youngest.

Q Did you ever hear ~~him~~ of him having a ny Indian name?

A No sir.

Q Thomas is the only name you ever knew him by? A Yes sir.

Q Sally Thomas is the only name you ever heard your mother had? A Yes sir.

George Thomas 3

- Q Did she have any Indian ~~names~~? A If she did I never heard it.
- Q Were you married to Susie Thomas? A Yes sir.
- Q And lived with her ever since then? A Yes sir all my life.
- Q Have you any children? A Yes sir.
- Q How many? A I have three. Two dead and one living.
- Q Only one child living? A Yes sir.
- Q The other two have been dead how long? A One been dead about seventeen years.
- Q What is the name of the one that is living? A Lewis Thomas.
- Q How old is he? A He will be 20 the next 18th of November.
- Q Are you the father of Lewis Thomas? A Yes sir.
- Q And Susie Thomas, your wife, is the mother? A Yes sir.
- Does Lewis live with you at your home? A Yes sir.
- Q And his claim is the same as yours, through his father and mother? A Yes sir.

This applicant is the identical George Thomas who appeared before the Commission at Decatur, on February 7th, 1899 and made application for the identification of himself, his wife Susie, and his son Lewis Thomas and their names are found upon Mississippi Choctaw card No. 398 and on the schedule annexed to the Commission's report of March 10th, 1899 as to the identification of Mississippi Choctaws page 89 roll numbers as follows: George Thomas 1421, Susie Thomas 1422 and Lewis Thomas 1423.

Q In the event that the Commission should identify you, your wife and your child as Mississippi Choctaws or as Choctaws entitled to allotment of the lands of the Choctaw Indians in the Indian Territory is it your intention to remove with your wife and your son to the Indian Territory for the purpose of establishing your permanent residence there? A I don't know, sir.

Q You understand that there will be no benefits that would be derived from being identified as a Mississippi Choctaw except by your removal to the Indian Territory, don't you? A Yes sir.

Q Are you familiar with the benefits that you would receive if you would remove there? A Yes sir.

Q You know about how much land you would receive, about the value of it? A Yes sir.

Q Why is it that you don't want to remove there? A I am a poor man and haint able.

Q Do you want to move out there? A I don't know sir whether I do or not. I was raised in this country.

Q Do you own any property here? A No sir.

The decision of the Commission as to your application and the application made by you on behalf of your wife and son for identification as Mississippi Choctaws will be mailed to you some time in the future to your present post-office address.

The applicant in this case is to every appearance a full blood Choctaw Indian, speaks the Choctaw language and from his testimony it appears that both his wife and son are full blood Choctaws. It further appears that the applicant and his wife and their ancestors have always been residents of the state of Mississippi and have never participated in any of the benefits of Choctaw citizenship or received any payments of money from the Choctaw funds.

George Thomas 4

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 3rd day of April, 1901, 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 April, 1901, at Meridian, Mississippi.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of George Thomas,
et al., for identification as Mississippi Choctaws,
M.C.R. 1604

-----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 April 3, 1901, by George Thomas for himself, his wife, Susie, and his minor child Lewis Thomas, 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 George Thomas, Susie Thomas and Lewis Thomas should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman


Commissioner


Commissioner

Muskogee, Indian Territory

FEB 14 1903

COF M.C.R. 1604

Muskogee, Indian Territory, February 21, 1903.

Mansfield, Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying George Thomas, his wife Susie Thomas and minor child, Lewis Thomas, 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 George Thomas, his wife and child, 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:

Tanis McCoy
Chairman

Registered
Enclosure G.H. 7

M. C. R. 1604.

Muskogee, Indian Territory, March 11, 1903.

George Thomas,
Sandersville, Mississippi.

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 yourself, your wife Susie Thomas, and child, Lewis Thomas, as Mississippi Choctaw Indians 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,

Tame Dixey.

(SIGNED)

Chairman.

Registered.

Enclosure 1604.

Muskogee, Indian Territory, January 19, 1903.

George Thomas,
Sanderaville, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter without date to the Secretary of the Interior, by him referred to this Commission for consideration and proper action. Therein you state: "there is a party of men wanting all those Choctaw Indians to go to the Territory; they say the Government will give us the lands"; that you "fear there is some trick in it", and ask to be advised about the matter.

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 family as Mississippi Choctaws. The Commission has not, up to the present time, reached any opinion or decision relative to your right to be identified as such Mississippi Choctaws, but is now considering your application and it is probable a decision will be rendered in the near future when you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Relative to the time you should remove to and make settlement in the Choctaw-Chickasaw country and the quantity of land

G. Thomas---2

that is to be allotted to each duly identified Mississippi Choctaw, your attention is invited to the following provisions of the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for the 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

"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."

Respectfully,

Commissioner in Charge.

COPY.

X.C.R. 1604

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying George Thomas, his wife Susie Thomas and minor child, Lewis Thomas, 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 George Thomas, his wife and child, 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)

Tame B. ~~Chairman~~
Chairman

Registered
Enclosure G.H. 7

M. C. R. 1604.

Muskogee, Indian Territory, March 11, 1903.

George Thomas,
Sandersville, Mississippi.

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 yourself, your wife Susie Thomas, and child, Lewis Thomas, as Mississippi Choctaw Indians 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,

Jame Dixey.

(SIGNED)

Chairman.

Registered.

Enclosure 1604.

For Identification as a Mississippi Choctaw.

Date APR - 3 1901

Name George Thomas.

Age 47. Blood full.

Post Office. Sandersville, Miss.

Father: Thomas - dead.

Mother: Sallie Thomas - dead.

Claims through both parents

WIFE: Susie Thomas. 49

FATHER: Is-tubbee - dead

MOTHER: Janie - dead.

Children:

Lewis Thomas 20.

See Mississippi Choctaw

Card # 398.

testimony of Feb. 11, 1891.

(Claims for himself, wife and one child).

Stenographer

Myra Young.

Thomas
IDENTIFIED

RENDERED FEB 11 1903

DECISION FORWARDED
FOR SHOOTAW AND
NATIONS. FEB 9 1903

COPY OF DECISION FORWARDED
APPLICANT

MAR 15 1903

Choctaw MCR 1605

SOCK Phillip

MCR 1605

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of the
application of Sock Phillip, et al., for identification
as Mississippi Choctaws---M.C.R. 1605

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Sock Phillip,
et al., for identification as Mississippi Choctaws,
M.C.R. 1605

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Decision of the Commission identifying the applicants in the application of Sock Phillip, et al., as Miss- issippi Choctaws----	5

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 3, 1901.

In the Matter of the Application of Sock Phillip for the identification of himself and his five minor children as Mississippi Choctaws.

Sock Phillip being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Sock Phillip
Q What is your age? A I claim 53.
Q What is your post office address? A Henlock, Mississippi.
Q What county? A Neshoba.
Q You claim to be a full blood Choctaw? A Yes sir.
Q Can you speak the Choctaw language? A Yes sir.
Q Is your father living? A No.
Q What was his name? A Him no nubbee.
Q What was his American name? A Phillip.
Q When did he die? A About 15 years ago.
Q How old was he when he died? A He claimed to be 27.
Q Is your mother living? A No.
Q What was her name? A Nancy Phillip.
Q Did she have an Indian name? A Ho nah
Q When did she die? A About 20 years ago.
Q How old was she when she died? A About 40--I don't know.
Q What are the names and ages of these children for whom you make application? A Ples Tinsley Phillip, 20 years, Bettie 18 years, Sis 15 years, Lewis 10 years and Celia Ann 7 years.
Q Are these children all living with you? A Yes.
Q What is the name of the mother of these children? A Emily.
Q She is dead, is she? A Yes sir.
Q When did she die? A Going on 3 years.
Q Was Emily a full blood? A Yes sir.
Q When and where were you married to Emily? A In Neshoba Co., Miss.
Q When? A It is about 31 years.
Q Did you get a marriage license? A No, never have Injuns married with license until about 10 or 12 years ago; use to Injun don't marry license.
Q Just had a wedding and had their own ceremony? A Yes.
Q Didn't have a minister? A No.
Q Is anyone here that was present when you was married? A No.
Q These five children are all the children of yourself and Emily Phillip? A Yes.
Q Have you always lived in Mississippi all your life? A Yes.
Q These children are all living with you are they--all of them? A Yes.
Q Did you ever try to establish your citizenship in the Choctaw nation in Indian Territory? A Yes, I reckon so.
Q You did try? When? A The same thing I am going to try now.
Q This is the first time you have tried? A Yes.
Q You have never tried before the Choctaw tribal authorities ever there? A No.
Q Why didn't you go over there before this? A Fellows are not able to go.
Q Not able to get money? A No.
Q You have always been able to go there whenever you could get able? A Yes, that's right.
Q You have never have been admitted to citizenship by the Choctaw nation, or by this Commission, or by the United States court? A No sir.
Q The same is true as to your children is it? A Yes sir.
Q Are your names on any of the tribal rolls out there in Indian

2-Sock Phillip.

Territory, do you know? A Yes.

Q You think they are? A Yes.

Q What makes you think so?

A I think we will go this time.

Q You mean you think you will get in this time? A Yes.

Q You don't know then, that they are now? A No.

Q You did not apply to this Commission five years ago for citizenship in the Choctaw nation did you? A No.

Q Have you ever been before the Commission before this time? A Yes one time.

Q Where? A Philadelphia.

Q When? A Two years ago.

This applicant is the identical Sock Phillip who appeared before the Commission at Philadelphia, Miss. on January 31, 1899, and there made application for identification of himself and his six minor children Ples Tinsley, Sis, Lewis, Sarah Ann and his daughter Bettie Jack, 22 years of age.

These names also appear on page 60 of the schedule annexed to the Commission's report of March 10, 1899 as to the identification of Mississippi Choctaws, roll numbers as follows: 679, 680, 681, 682, 683 and 684, respectively.

Q Did you have a daughter by the name of Sarah Ann Phillips?

A Yes--it is Celia Ann and not Sarah Ann.

Q It appears that when you was before the Commission in 1899 they got the name of one of your children who was 5 years old Sarah Ann; you think that was an error, that this child's name is Celia Ann? A Yes sir.

Q Did you ever receive any benefits whatever as a Choctaw citizen?

A No sir.

Q You never received any land from the government? Nor any money from the government? A No sir.

Q Did any of your ancestors ever receive any? A No.

Q Did any of your wife's parents or grandparents ever receive any benefits? A No.

Q Do you know the names of her father and mother? A Her father's name was Jackson.

Q Did he have any Indian name? A Yes.

Q What is the Indian name of your wife's father? A I don't know the Indian.

Q Do you know your wife's mother's name? A Yes.

Q What is her name? A Polly.

Q Did she have an Indian name? A I don't know she did.

Q Your father was here when the Choctaws moved west? A I expect so.

Q Did you ever hear him say he was? A Yes, he talked about it.

Q Did he go out with them? A Yes.

Q He went out west when they moved? A Yes.

Q Do you know how long he staid there? A He said there, I don't know how long; he said he come back about 2 or 3 months. Just go over afoot from here to the Indian nation.

Q Walked clear over to the Territory? A Yes, and come back next spring.

Q Did he get any money out there? A I don't know; they said he did.

Q When he came back here did he go to the Indian agent and tell him that he wanted to take advantage of the 14th article and stay here? A I don't know.

Q Do you know whether he was ever given any land by the Government here? A No, he didn't get any land; he hadn't got it when he died.

Q You appear here for the purpose of making application for the identification of yourself and minor children as Mississippi Choctaws entitled to land in the Choctaw land under this treaty, do you? A I don't understand it.

Q Did you ever hear of the treaty of Dancing Rabbit Creek? A Yes, they talked a little about it; I don't know what it is; my daddy talked about it a little.

3-Seck Phillip.

- Q He went out there with them and came back in the spring? A Yes.
- Q Do you know whether your mother ever received any land here in Mississippi? A No.
- Q Did she go west with the Indians? A No.
- Q Do you know whether she was recognized here at that time when the Indians moved, as a member of the tribe? A No.
- Q She was a full blood though, was she? A Yes sir.
- Q Did you ever hear whether your wife's parents ever went out west with the Indians when they first went out there? A No.
- Q Did you ever hear whether either of them received any land here in Mississippi? A No.
- Q Did your father ever tell you he claimed any land here? A No. there had been Injun country here but they moved away west and he knew he lose his place here in Mississippi.
- Q He lost it? A Yes.
- Q And never did get any more lands? A No; don't know whether he got money or not; they went out there and come back in the spring.
- Q Do you know what made him come back? A No, he said he didn't like to stay there; he was sick there and people died; Injuns died off there and he come back; he didn't talk much about it.
- Q Is there any additional statement you want to make in regard to your case? A No, I reckon not.
- Q If you want to say anything more in regard to your claim we will be glad to hear you; are they any papers you would like to file in support of your claim? A No.
- Q In case the Commission should be able to identify you as a Mississippi Choctaw entitled to rights in the Choctaw Nation under this treaty, would you be willing to move out there and take up your permanent home upon that land? A Yes sir.
- Q You are willing to do that are you? A Yes.
- Q Did you ever hear what your father's father's name was? A No.
- Q Did your grandfather o out west with the Indians? A No, he died before they moved out there I think.
- Q Your father's mother, how about her? A My daddy, he don't know himself hardly; he said small pox killed all his brothers and mother and daddy and all when he was a little fellow.
- Q Was he a grown man when the Indians moved out west? A I expect so- be 97; ought to be grown.
- Q Do you know the name of your mother's parents? No han's parents?
- A I don't know.
- Q Did she have any brothers and sisters? A I don't think she had.
- Q You don't know whether any of your mother's people got any land in Mississippi? A No, never heard of it.
- Q You don't know whether any of them went west with the Indians in 1830 when they went out there? A I expect so; never heard her talk of it.
- Q Did your mother ever get any money from the government? A No.
- Q Ever get any land from the government? A No.
- Q She never lived anywhere except in Mississippi?
- A No, nowhere but Neshoba county Miss; born there and died there; that's what she said; that's what she told me; my daddy was born in Neshoba county and his daddy and mummy and brother all had small pox and died.
- Q They died before the Indians moved away from here--his mother and father and brother? A I suppose so; my daddy was grown when he went away; he said he had been gone in the fall and come back in the spring.

You will be furnished at a later date with a copy of the decision of the Commission with reference to your application and the application you make on behalf of your minor children, mailed to your present post-office address.

4-Book Phillip.

This applicant has every appearance of being a full blood Choctaw Indian; he speaks the Choctaw language and speaks broken English.

Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 3rd day of April, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 5th day of April, 1901, at Meridian, Mississippi.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Sock Phillip,
et al., for identification as Mississippi Choctaws,

M.C.R. 1605

-----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 April 3, 1901, by Sock Phillip for himself and his five minor children, Ples Tinsley, Bettie, Sis, Lewis and Celia Ann Phillip, 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."

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 Sock Phillip, Fles Tinsley Phillip, Bettie Phillip, Sis Phillip, Lewis Phillip and Celia Ann Phillip should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman

Commissioner


Commissioner

Muskogee, Indian Territory

FEB 14 1903

COPY

E.C.R. 1008.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, Mc Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Sook Phillip, and minor children Ples Tinsley Phillip, Bettie Phillip, Sis Phillip, Lewis Phillip and Celia Ann Phillip 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 Sook Phillip 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.

Enc. NT. 1

M.C.R. 1605.

COPY.

Muskogee, Indian Territory, March 11, 1903.

Book Phillip,

Hemlock, Mississippi.

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 yourself, and your minor children, Ples Tinsley Phillip, Bettie Phillip, Sis Phillip, Lewis Phillip and Golia Ann Phillip, 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 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

Tame Dixby.

Chairman.

Registered.

Enc., 1605.

Muskogee, Indian Territory, August 27, 1903.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory,

Dear Sir:

You are informed that the following notations have this day been made upon identified Mississippi Choctaw card Number 76, and the information is furnished in order that you may make corresponding notations upon the records of your office:

SETTLEMENT ADDRESS "Atoka, Ind. Ter."
DATE OF PROOF OF SETTLEMENT "August 18, 1903."
"Declaration and proof of settlement applies to Nos. 1, 2, 3, 5 & 6."

Respectfully,

Chairman.

Muskogee, Indian Territory, August 27, 1903.

Commissioner in charge,

Chickasaw Land office,

Fishomingo, Indian Territory,

Dear Sir:

You are hereby informed that the following notations have this day been made upon identified Mississippi Choctaw card Number 76, and this information is forwarded in order that you may make the records of your office conform thereto:

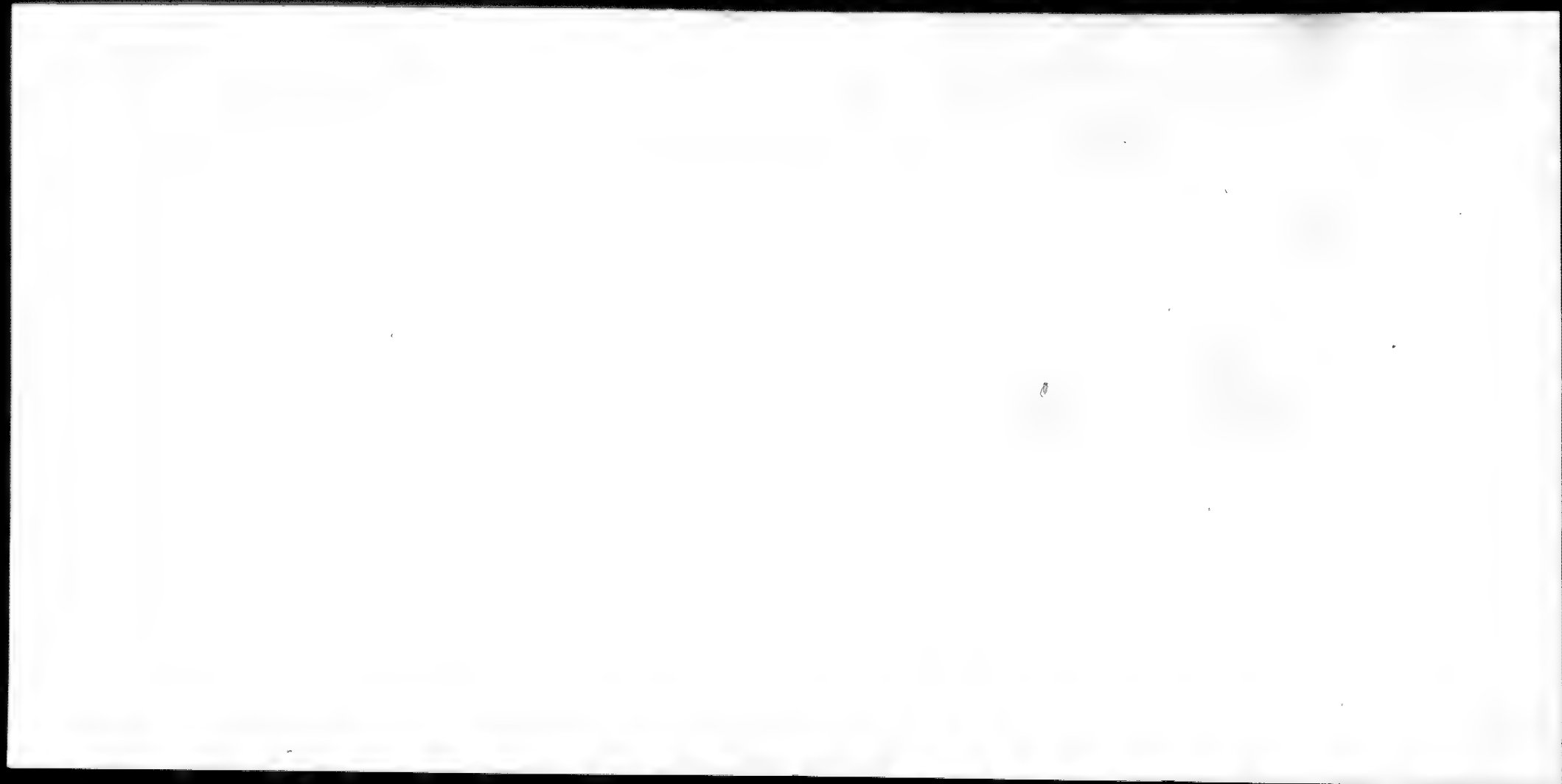
SETTLEMENT ADDRESS "Atoka, Ind. Ter."

DATE OF PROOF OF SETTLEMENT "August 18, 1903."

"Declaration and proof of settlement applies to Nos. 1, 2, 3, 5, & 6."

Respectfully,

Chairman.



For Identification as a Mississippi Choctaw.

Date APR 3 1901

Name Dock Phillip

Age 53 Blood full

Post Office, Hemlock, Miss.

Father: Phillip (dead)
alias Him-mo-nubbe

Mother: Nancy Phillip
alias Ho-nah

Claims through both parents

wife Emily Phillip (full) dead

(See Miss Choctaw Jan 21, 1894
No. 1144)

Children:

Ples Truly Phillip 20

Bettie " 18

Sis " 15

Lewis " 10

Celia Ann " 7

Claims for himself and 5 minor children.

Stenographer

Frances R. Brown

IDENTIFIED

RECORDED FEB 14 1903

COPIES FORWARDED FOR CHOICE AND SELECTIONS FEB 21 1903

COPY OF DECISION FORWARDED APPLICANT

MAR 11 1903

Choctaw MCR 1606

Cricket Byrnes

MCR 1606

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of the application
of Cricket Byrnes, et al., for identification as
Mississippi Choctaws-----M.C.R. 1606

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Cricket Byrnes
et al., for identification as Mississippi Choctaws
M.C.R. 1606

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Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 24, 1901.

In the matter of the application of Cricket Byrnes for the identification of herself and minor child as Mississippi Choctaw. Cricket Byrnes being first duly sworn testified as follows:

Examination by the Commission,
Through Isham Johnston, Interpreter.

- Q What is your name? A Cricket Byrnes.
Q How old are you? A Don't know.
Q About how old are you? A About 23.
Q What is your post office address? Where do you get your mail? A Enterprise.
Q That is in Mississippi? A Yes sir.
Q How long have you lived in Mississippi? A Born here.
Q Did you ever live any where else? A Jasper County.
Q That is in Mississippi? A Yes sir.
Q What is your father's name? A Sapp Thomas.
Q Is your father living? A Dead.
Q Do you know what your mother's name is? A She died when I was a little child.
Q Did you ever hear her name? A Sally Thomas.
Q She is dead is she? A Yes sir.
Q Were your parents both full blood Choctaw Indians? A Yes sir.
Q Have they always lived in the state of Mississippi? A Yes sir.
Q Did either of them ever live in the Indian Territory? A I don't remember.
Q Did you ever hear of any of your father's or mother's people removing from Mississippi to the Indian Territory? A No.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, don't know anything about it.
Q Did you ever apply to the Choctaws in the Indian Territory to be enrolled with the Choctaw Indians in the Indian Territory? A Don't know about it.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of the Choctaw Nation, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir, I don't know anything about it.
Q You are now making application for identification as a Mississippi Choctaw are you? A Yes sir.
Q Do you know the names of your mother's and father's mother and father? Your grand parents? A Don't know about it.
Q Are you married? A I was married but quit.
Q What was your husband's name? A Albert James.
Q Were you ever married to him or did you just go and live with him? A Don't know.
Q You would know if you and Albert James were married by a minister or a justice of the peace wouldn't you? A No.
Q Never married by a minister? A No.
Q Did you have any children by Albert James? A Yes sir. Three children, two of them dead.
Q You have one child living have you? A Yes sir.
Q What is the child's name? A Mattie.
Q Do you call her Mattie James? A Yes sir.
Q How old is she? A Five years old.

Cricket Byrnes 2

- Q Are you the mother of this child? A Yes sir.
Q Albert James is the father? A Yes sir.
Q Where does this child live? A Home.
Q With you? A Yes sir.
Q Who are you living with now? A With my aunt.

This applicant Cricket Byrnes is the identical person who appears upon Mississippi Choctaw card No. 406 as Cricket James, the wife of Albert James. It appears from the testimony of Albert James taken before the Commission at this appointment that at the time of the Commission's session at Decatur on February 7th, 1899 when he made application for the identification of himself and wife and child that they were living together but since then they have separated and the two children Mamie and Wandy have died. Albert James has this day made application for himself alone and his wife now makes application for herself under the name of Cricket Byrnes and her child under the name of Mattie James. The applicant herein and her child appear upon Mississippi Choctaw card 406 and upon the schedule annexed to the Commission's report of March 10, 1899 as to the identification of Mississippi Choctaws page No. 90 and roll numbers as follows: Cricket James 1454, Mattie James 1455.

Q In the event that the Commission should be able to identify you and your child as Mississippi Choctaws entitled to an allotment of the Choctaw lands in the Indian Territory, is it your intention to remove with your child to the Choctaw Nation in the Indian Territory and establish your permanent residence there? A No.

Q Don't want to move there? A No.

Q You explain to her that she can derive no benefits as a Choctaw Indian except upon her removal to the Choctaw Nation in the Indian Territory? Did you explain that to her? A Interpreter. Yes sir. She went go.

Q Is there any question that you want to ask or statement you want to make? A No.

The applicant in this case is to every appearance a full blood Choctaw Indian. Is unable to speak any English and the examination has been conducted through a Choctaw interpreter. It has been very difficult to elicit any intelligent answers from her and there are no witnesses present who can testify to her ancestry. She seems to have no knowledge of the Indian Territory and from her testimony it is evident that she and her ancestors have always been residents of the state of Mississippi and never received any benefits as Choctaw Indians from the Choctaw tribal authorities in the Indian Territory.

The decision of the Commission as to your application and the application made by you on behalf of your child, Mattie James, will be mailed to you to your post-office address some time in the future.

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 3rd of April, 1901, 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 5th day of April, 1901, at Meridian, Mississippi.

Myra Young

[Signature]
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 3, 1900.

In the Matter of the Application of Albert James for Identification as a Mississippi Choctaw.

Albert James being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Albert James.
Q What is your age? A 29 years.
Q What is your postoffice address? A Stringer, Mississippi.
Q How long have you lived in Mississippi? A Always.
Q Born here? A Yes sir.
Q Never lived anywhere else? A No sir.
Q Have you ever been out of the state? A No sir.
Q What is your father's name? A Doctor James.
Q Is your father living? A No sir.
Q What is your mother's name? A Sophie James.
Q Is your mother living? A No sir.
Q Were your mother and father both full blood Choctaw Indians?
A Yes sir.
Q They always lived in Mississippi, did they? 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 citizenship in the Choctaw nation? A Yes.
Q Where? A At Decatur, Mississippi.
Q That was not the Choctaw authorities; the Choctaws in the Indian Territory have their own government; the time you made your application, that was made to the United States; we are talking about Indian Territory. A No sir.
Q Five years ago the Commission had authority to hear and determine applications of persons for citizenship in the Choctaw nation under the act of Congress of June 10, 1896, and at that time there was a lot of Indians here in Mississippi who made application to the Commission for citizenship in the Choctaw nation; did you make application then? A Yes sir.
Q These Indians made this application with an Indian named Jack Amos down here; did you ever hear of him? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw nation by the commission to the Five Civilized Tribes, the Choctaw tribal authorities or the United States court in Indian Territory?
A No sir.
Q Have you ever received any benefits as a member of the Choctaw tribe in Indian Territory? A No sir.
Q You are making application now for identification as a Mississippi Choctaw? Is that right? A Yes sir.
Q Have you ever made such application before this? A Yes.
Q Where? A At Decatur.
Q Did you make it yourself? A No.
Q Who made it? A My brother Wash James.

The applicant is the identical person for whom an application was made by Wash James, his brother, for identification as a Mississippi Choctaw at Decatur, Mississippi, February 7, 1899. The application made at that time was for Albert, Crickett and their three children. From testimony taken at this appointment of the Commission it develops that Albert and Crickett James have separated and do not live together and the application which Albert James now makes is for the identification of himself alone. His name appears

2-Albert James.

upon Mississippi Choctaw card No. 406, and upon the schedule annexed to the Commission's report of March 10, 1899 as to the identification of Mississippi Choctaws, page 90, roll No. 1453, Albert James.

- Q You are making your application as a beneficiary under the 14th article of the treaty of 1830, are you? A Yes sir.
- Q Did any of your ancestors ever claim or receive any land here in Mississippi from the United States government as beneficiaries under the 14th article of the treaty of 1830? A No sir.
- Q Did you ever hear of any of them getting any land from the Government? A No sir.
- Q Did the Government ever pay any of them any money? A No sir.
- Q How long has your father been dead? A I don't know; it has been a good while.
- Q About how old a man would he be if he were living? A He would be about 65.
- Q Did you know his father's or grandfather's names? A No.
- Q Do you know your grandmother's name? A No sir.
- Q Or your mother's mother's and father's names? A No.
- Q Did you ever hear of any of them going out to the Indian Territory? A No sir.
- Q As far back as you can remember have they always lived in Mississippi? A Yes sir.
- Q Did you ever hear of any of them receiving money from the Choctaw nation in Indian Territory? A No sir.
- Q Have you any relations in the Indian Territory--any cousins? A No sir.
- Q Have your people always lived here in Mississippi? A Yes sir.
- Q You don't know anything about your grandparents? A No sir.
- Q Your mother and father would both be about 70 years of age if they were living? A Yes sir.
- Q Are you married? A No sir.
- Q You are just making application for yourself alone? A Yes sir.
- Q In the event that this Commission should be able to identify you as a Mississippi Choctaw, or a Choctaw entitled to allotment under the provisions of the 14th article of the treaty of 1830, is it your intention to remove to the Indian Territory and take up your abode there as a permanent place of residence? A Yes, I guess so.
- Q You want to move there do you? A Yes.
- Q Are there any additional statements that you want to make, or questions that you want to ask? A No sir.
- Q You understand now fully do you that if you should be identified as a Mississippi Choctaw or a Choctaw entitled to rights to allotment in the Indian Territory, that you will have to move there and live there in order to have any benefits? A Yes sir.
- Q That there is no money paid to the Choctaw here in Mississippi? A Yes sir.

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

The applicant in this case is to all appearances a full blood Choctaw Indian; he speaks the Choctaw language and from his testimony it appears that both he and his ancestors have always been residents of the state of Mississippi and have never in any way participated in the benefits of Choctaw citizenship in Indian Territory, nor received any part of the annuities or payments made by the Government to the Choctaw Indians in Indian Territory.

Frances R. Brown having been first duly sworn, upon oath

3-Albert James.

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 3rd day of April, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 5th day of April, 1901, at Meridian, Mississippi.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Cricket Byrnes
et al., for identification as Mississippi Choctaws,
M.C.R. 1606

----- 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 April 3, 1901, by Cricket Byrnes for herself and her minor child Mattie James, 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 both 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 Cricket Byrnes and Mattie James should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman

Commissioner


Commissioner

Muskogee, Indian Territory

FEB 14 1903

COPY

M.C.R. 1606

Muskogee, Indian Territory, February 21, 1903.

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Cricket Byrnes and minor child Mattie James, 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 Cricket Byrnes and child 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,

Tamm Dixey

Acting Chairman.

Registered.

Enc. No. 2

41203

TAMM W
THOMAS
R. B.
W. F.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

M.C.N. 1006

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

McKague, Indian Territory, March 11, 1903.


Orlando Byrnes,
Enterprise, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your minor child, Mattie James, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 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,



Chairman.

Registered.

Enc. 1006.

N O R 7296
N O R 8034
N O R 2458-1004

Muskogee, Indian Territory, July 16, 1904.

John S. Hagler,
National Life Building,
Fort Worth, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo, in which you state that the following named persons have died in the Chickasaw Nation, Indian Territory, since making application for identification as Mississippi Choctaws:

Joseph Yearby,
Nannie Willis, infant of Robinson Willis,
Selia Sampson, infant of John Sampson,
Lawrence John, infant of Cricket Byrnes.

You ask to be advised whether the above named persons have been identified by this Commission as Mississippi Choctaws, the date of such identification, and whether or not an administrator, properly appointed by the United States District Court of the Indian Territory, would, at this time, be allowed to make selection of allotment in the name of any of the persons above mentioned.

In reply to your letter you are informed that it appears from our records that application has been made to this Commission for the identification of Selia Sampson, minor child of John and Louisiana Sampson, as a Mississippi Choctaw, but up to the present time no action has been taken on said application.

J E H R

On March 12, 1904, the Commission rendered a decision identifying Salina Farve, her minor child, Turner Farve, and her minor brothers and sisters, Joseph, Thomas, Christie and Mary Yearby, as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations.

Our records further show that on March 5, 1904, the Commission rendered its decision identifying Hattie Willis, minor child of Robison and Lizzie Willis, as a full blood Mississippi Choctaw entitled to allotment in the lands of the Choctaw and Chickasaw Nations.

A careful examination of the records of this office has been made and it does not appear that any application has ever been made to this Commission by or on behalf of any person by the name of Lawrence John for identification as a Mississippi Choctaw.

As to the rights of deceased Mississippi Choctaws to participate in the distribution of the tribal property of the Choctaw and Chickasaws, you are advised that the Assistant Attorney General for the Department of the Interior, in an opinion dated March 3, 1904, in discussing this question held that:

"The making of proof of removal to and settlement within the Choctaw-Chickasaw country by a representative of a deceased Mississippi Choctaw is not provided for in the agreement. On the contrary, the provisions of the 3rd and 4th sections of the agreement seem to have been framed for the express purpose of excluding from the right to allotment one who died before making such proof."

J E K 3

In accordance with this opinion of the Assistant Attorney General for the Interior Department, you are advised that the Commission holds that in order for a Mississippi Choctaw to participate in the distribution of the lands of the Choctaws and Chickasaws he must have been identified by the Commission to the Five Civilized Tribes as a Mississippi Choctaw and removed to and made settlement within the Choctaw-Chickasaw country, Indian Territory, submitting satisfactory proof of such removal and settlement.

Respectfully,

Commissioner in Charge.

No. 145065

For Identification as a Mississippi Choctaw.

Date APR - 3 1901

Name Cricket Byrnes.

Age 23. Blood Full

Post Office Enterprise, Miss.

Father: Sapp Thomas - dead.

Mother: Sally Thomas - dead.

Claims through both parents.

To Mississippi Choctaw
Children: none # 406.
Testimony of July 7th. 1899.

Mattie James - 5.

(Father of Mattie James is
Albert James - a full blood
Choctaw, now separated
from Cricket Byrnes).

Stenographer

Myra Young.

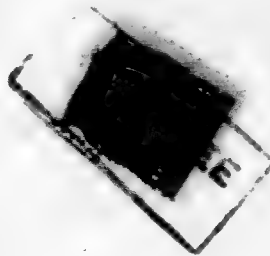
Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



96/96

Cricket Byrnes,

4442

Enterprise, Mississippi.

2286

Not claimed



DEPARTMENT OF THE INTERIOR,
Commission to the Public Lands.

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Cricket Byrne



Commission to the
MUSKOGEE
OFFICE
Penalty for pre

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES

FILED
JAN 8 1904

[Handwritten signature]



H. P. Ryan
IDENTIFIED

RECEIVED FEB 14 1903

NOT FORWARDED
BY CHURCH AND
STATE FEB 21 1903

NOT DECISION FORWARDED

Choctaw MCR 1607

Solomon Willis

MCR 1607

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

In the matter of the application of Solomon Willis, et al.,
for identification as Mississippi Choctaws, M.C.R.1607.

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

-oOo-

In the matter of the application of Solomon Willis, et al.,
for identification as Mississippi Choctaws, M.C.R. 1607.

---: 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 April 3, 1901, by Solomon Willis for himself, his wife,
Josephine Willis, and his three minor children, Willie, Sarah
Jane and Henney Lee Willis, 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 ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

From the evidence offered in support of said application
it appears that Solomon Willis is a full-blood Mississippi Choctaw
Indian. All the other applicants are mixed-blood Choctaws, and
whatever rights as Mississippi Choctaws they may possess by reason
thereof will be determined at a later date.

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 Stat., 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 Solomon Willis should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory.

MAR 12 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 3, 1901.

In the matter of the Application of Solomon Willis for the Identification of himself, his wife and three children as Mississippi Choctaws.

Solomon Willis being first duly sworn testified as follows

Examination by the Commission:

- Q What is your name? A Solomon Willis.
Q What is your age? A 35 years.
Q What is your post office address? A Aden, Neshoba county, Miss.
Q You claim to be a full blood Choctaw, do you? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Just Willis; his Choctaw name is Tonnapayah
Q He was a full blood, was he? A Yes sir.
Q Is your mother living? A No sir.
Q What was her name? A Nancy Willis.
Q Was she a full blood? A Yes sir.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Josephine
Q What proportion of Choctaw blood does she claim? A 1/4.
Q How old is she? A 27 years.
Q Is her father living? A No sir.
Q What was his name? A Lewis Tubby
Q Was he full blood? A Yes, Lewis is full blood.
Q When did he die? A Died last summer two years ago.
Q Is your wife's mother living? A Yes sir.
Q What is her name? A Mandy Tubby
Q Is she a white woman? A She is half Choctaw.
Q When and where were you married to Josephine Willis?
A I was married at Winston, Miss.
Q When did you marry her? A in '93.
Q Have you your marriage license and certificate with you?
Q Yes, we was married with a license and a preacher
Q Have you your license here with you? A No sir.
Q It will be necessary for you to furnish the Commission with evidence of the marriage of yourself and Josephine Willis to be considered in connection with your application. If this evidence is received within thirty days it will be filed and considered with this application.
Q What are the names and ages of your children? A Willie, 8 years Sarah Jane 2 years and Henney Lee(boy) 1 year.
Q These children are all living with you at the present time?
A Yes sir.
Q You and your wife live together? A Yes sir.
Q She is the mother of all these children? A Yes sir.
Q Have either you or any of your ancestors ever received any benefits at all as Choctaw citizens? A Not as I know of.
Q Has your wife or any of her ancestors ever received any benefits as Choctaw citizens? A No.
Q Are any of your names to be found on the Choctaw tribal rolls back in the Indian Territory at present? A Pa has been there and come back and he said--
Q Your father was out there one time was he? A Yes, and come back.
Q You don't know whether your names are on the rolls? A No.
Q You never lived in the Indian Territory? A No.
Q Has your wife? A No
Q Have you both always lived in Mississippi? A Yes.
Q When did your father go out there? A I don't know; the time all the Choctaws went I think.
Q How old would he be if he was living now? A I don't know He said 27 when he died; it is 16 or 17 years since he died.
Q He was a full blood Choctaw, was he?
A Yes, he was a full blood Choctaw, he went to the Choctaw nation,

2-Solomon Willis.

- Q How long did he stay out there? when he was there? A He went in the fall and came back in the spring, he said.
- Q He never went back again? A No.
- Q Did you ever hear of him receiving any land here in Mississippi from the Government? A No.
- Q Did he ever draw any money with the Choctaws out there? A Yes, he said he got \$100 in money.
- Q That was when he left here? A Yes, and when he came back he brought \$100 back.
- Q He drew it while he was there did he? A Yes.
- Q Did he get any land when he came back? Land here in Mississippi? A No sir.
- Q Did your mother get any land here? A No, I reckon she didn't.
- Q Did you ever hear her say whether she did? A No.
- Q Do you know whether your grandparents got any land here? A No.
- Q Did any of them go west with the Choctaws? Your mother's or father's father and mother? A I don't know only what pa said.
- Q Did he ever say they went out there? A No.
- Q You don't know whether they went out there or not? A No.
- Q What was the name of your father's father? A I don't know.
- Q Do you know your ather's mother's name? A No.
- Q Do you know your mother's mother's name? A No.
- Q How old would your mother be if she was living now? A I think about 60 if she was living now.
- Q Have you ever been before the Commission before? A Yes, I was at Philadelphia.
- Q When was that? A Two years ago.
- Q That was before Henney Lee was born was it? A Yes sir.
- This applicant is identified as the identical Solomon Willis who appeared before the Commission at Philadelphia, Mississippi on February 2, 1899, Mississippi Choctaw card No. 533 Solomon Willis, Josephine Willis, Willis Willis and Sarah J. Willis. These same four names appear upon the schedule annexed to the Commission's report of March 10, 1899 as to the identification of Mississippi Choctaws, at page 108, roll numbers as follows: 1914, 1915, 1916 and 1917.
- Q It will be necessary for you to furnish the Commission evidence of the birth of your youngest child, Henney Lee.
- Q Did you say your wife's mother is a half blood Choctaw? A Yes.
- Q You are sure of that are you? A Yes sir.
- Q What is the other half? A I don't know what it is.
- Q White or colored? A Well, she was bright.
- Q You don't know whether she had any colored blood or not? A No.
- Q Do you swear positively she has not? A I can't swear because I don't know which one.
- Q Did you ever hear of your wife's parents receiving any benefits as Choctaw citizens? A No.
- Q Did they ever live in Indian Territory? A No.
- Q Did your wife ever live out there? A No.
- Q They have always lived in Mississippi? A Yes.
- Q Were her parents living here when the Choctaws removed west in the year 1830? A My wife's father don't know anything about it.
- Q You don't know whether they were living here or not? Were her grandparents living here in 1830 when the Choctaws moved west? A Don't know.
- Q Did you ever hear of any of them receiving any land here in Mississippi? A No sir.
- Q Did you ever hear of any of them receiving money from the Government? A No.
- Q Did you hear they had ever been admitted to citizenship in the

3-Solomon Willis.

- Choctaw nation, Indian Territory? A No.
- Q They have never been recognized by them as citizens? A No.
- Q They never got any money from the government? A No.
- Q You appear and claim for yourself and wife and three minor children as beneficiaries under the provisions of the 14th article of the treaty of 1830 A I don't know anything about that.
- Q Why are you here then? Simply to make claim for land in Indian Territory. A Just what these folks said.
- Q You thought you were entitled to something over there did you?
- A Yes sir.
- Q Did you ever hear of the treaty of Dancing Rabbit Creek, between the Choctaws and the United States? A No.
- Q Ever hear of the treaty of 1830? A Pa was telling me about that; I was small then.
- Q In case the Commission should be able to identify you and your wife and minor children as Mississippi Choctaws entitled to rights in the Choctaw lands under the provisions of this treaty of Dancing Rabbit Creek--the 14th article of that treaty-- would you be willing to move out to the Choctaw nation, Indian Territory and get land and live there permanently? A I can't go like I am now; I would want to go.
- Q What you mean, you haven't got the money? A Yes.
- Q If you could get the means you would go all right? A Yes, if I had a way to go I would.
- Q Is there any additional statement in regard to your case that you want to make now? A No sir. I want to know if you be sure we get land.

The decision of the Commission with reference to your application and the application you make on behalf of your wife and three minor children will be mailed to you at a later date, to your present postoffice address.

-----0-----
This applicant has every appearance of being a full blood Choctaw Indian; he speaks Choctaw fluently, and broken English.

Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings has in the above entitled cause on the 3rd day of April, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 5th day of April, 1901, at Meridian, Mississippi.

[Signature]
Notary Public.

Wardmore, I. T. February 19, 1903.

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

You will please deliver to A. G. Balls, of Atona, Indian Territory, my copies of the record in my case that under the rule of law the Commission will give out to attorneys, as I have employed him to assist me in this case.

TITLED BY YOU AS:

Anna Tippit

Harold J. Willis
muk

also applied for his 3
Children. Willie. Sarah. Hammie.

M C R 1610
M C R 1607

Muskogee, Indian Territory, April 1, 1903.

Frank Stribling,

Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter, without date, in which you ask that the "notification" to you and Solomon Willis be sent to Armore, Indian Territory. You also ask to be advised when the land offices will open.

In reply you are informed that a proper record has been made of the change of your post office address and that of Solomon Willis. You are further advised that on Wednesday, April 15, 1903, the Commission will establish, at the town of Atoka in the Choctaw Nation, and at the town of Tishomingo in the Chickasaw Nation, offices for the allotment of the lands of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

COPY.

M.C.R. 1607.

Muskogee, Indian Territory, March 16, 1904.

Solomon Willis,

Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 12, 1904, identifying you as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

C. R. Brochin

Commissioner in Charge.

Registered.

Enc. MCR 1607.

COPY:

M.C.R. 1507

Muskogee, Indian Territory, March 16, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 12, 1904, rendered its decision identifying Solomon Willis as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1903 (32 Stat. 641).

Under the provisions of the law above cited, the person so identified, in order to avail himself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tahawingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

C. R. Breckinridge.

Commissioner in Charge.

Registered.

H.C.R. 1607.

COPY.

Muskogee, Indian Territory, March 16, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 12, 1904, identifying Solomon Willis as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

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

If you fail to file 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,

SIGNED

H. D. ...
Commissioner in Charge.

Registered.

Enc. 1607.

COPY.

M.C.R. 1607.

Muskogee, Indian Territory, March 18, 1904.

Solomon Willis,

Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 18, 1904, identifying you as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tahlequah, Chickasaw Nation, Indian Territory.

Respectfully,

SIGNED

C. R. Breckinridge.

Commissioner in Charge.

Registered.

Enc. MCR 1607.

COPY:

M.C.N. 1607

Muskogee, Indian Territory, March 16, 1904.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 12, 1904, rendered its decision identifying Solomon Willis as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat, 641).

Under the provisions of the law above cited, the person so identified, in order to avail himself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

J. H. Breckinridge.
Commissioner in Charge.

Registered.

M.C.R. 1607.

COPY.

Waskagee, Indian Territory, March 16, 1904.

Mansfield, McBarry & Gernish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 12, 1904, identifying Solomon Willis as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

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

If you fail to file 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,



C. R. Brockbridge,

Commissioner in Charge.

Registered.

Enc. 1607.

See MCR 2059 for registry receipt for this letter.

M.C.A. 1607

Muskogee, Indian Territory, June 23, 1904.

Solomon Willis,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you ask if your name has been approved as a Mississippi Choctaw. You also ask to be advised the status of the application of your children, Henry, Willie and Sarah Willis.

In reply to your letter you are informed that it appears from our records that on March 12, 1904, the Commission rendered a decision identifying you as a full-blood Mississippi Choctaw, and your name appears upon a schedule of duly identified Mississippi Choctaws approved by the Secretary of the Interior on May 2, 1904. You may now present yourself at either the Choctaw or Chickasaw Land Office and make selection of allotment of the lands of the Choctaw and Chickasaw Nations.

You are further advised that the Commission has not, up to the present time, rendered a decision relative to the rights of your minor children, Willie, Sarah Jane and Henry Lee Willis, to identification as Mississippi Choctaws. When their rights are

S. W. B.

passed upon by the Commission, you will be duly notified of such action as may be taken.

Respectfully,

Commissioner in Charge.

M C R 1607

Muskogee, Indian Territory, July 8, 1904.

Solomon Willis,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, in which you state that although you have filed, yet you have not received your "identification papers," and ask when the same were mailed to you.

In reply you are informed that on March 16, 1904, a copy of the Commission's decision identifying you as a full blood Mississippi Choctaw was forwarded you by registered mail at Ardmore, Indian Territory, and the Commission holds registry receipt for same signed by W. A. Edwards for Solomon Willis.

Respectfully,

Commissioner in Charge.

Waskoge, Indian Territory, October 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the Mississippi Choctaw case of Solomon Willis, et al., including the decision of the Commission refusing the applications of Josephine Willis, Willie Willis, Sarah Jane Willis and Henney Lee Willis, applicants in said case.

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

You are further advised that Solomon Willis was identified by this Commission as a full blood Mississippi Choctaw on March 12, 1904, his name appearing upon a schedule of duly identified Mississippi Choctaws approved by the Secretary of the Interior on May 2, 1904, opposite number 1970.

Respectfully,

Through the Commissioner
of Indian Affairs.

Chairman.

(Copy)

DEPARTMENT OF THE INTERIOR,

Land
69238-1904.

OFFICE OF INDIAN AFFAIRS,

Washington, December 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith a report from the Commission to the Five Civilized Tribes, dated October 1, 1904, transmitting the record of the application for identification as Mississippi Choctaw by Solomon Willis for himself, his wife, Josephine Willis and his three minor children, Willis, Sarah Jane and Henney Lee Willis.

March 12, 1904 Solomon Willis was duly identified as a full blood Mississippi Choctaw Indian.

September 13, 1904 the Commission decided adversely to the other applicants.

The record shows that Josephine Willis claims rights in the Choctaw lands under article 14 of the treaty of Dancing Rabbit Creek by reason of being a descendant of Lewis Tubby, who is alleged to have been a full blood Choctaw Indian and Mandy Tubby, who is alleged to have been a one-half blood Choctaw Indian, and that the minor applicants claim said rights by reason of being descendants of the above named ancestors and Willis (Indian name Tonnatayah) and Nancy Willis, both of whom are alleged to have been full blood Choctaw Indians.

It further appears from the record and from the records of this office that none of said applicants have ever been recognized, enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal.

It does not appear from the testimony and evidence offered or from the records of this office relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830, and to persons who heretofore were claimants thereunder, that the said Lewis Tubby, or Mandy Tubby, or Willis (Indian name Tonnatayah) or Nancy Willis, signified in person or by proxy to any person an intention to comply with the provisions of article 14 of said treaty or presented a claim to rights under the same or subsequent legislation.

In view of the record the approval of the Commission's decision adverse to Josephine, Willie, Sarah Jane and Henney Lee Willis is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

M.M.N.-L.M.

(Copy)

DEPARTMENT OF THE INTERIOR,

W.C.P.

D. C. 45779-1904.
I.T.D. 12340-1904.

WASHINGTON.

YHS.

December 13, 1904.

LRS

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

Gentlemen:

October 1, 1904, you transmitted the record in the Mississippi Choctaw case of Solomon Willis, et al. (W.C.R. 1807), including your decision of September 13, 1904, which was adverse to all the applicants except Solomon Willis, you having on March 12, 1904, duly identified Solomon Willis as a full blood Mississippi Choctaw Indian.

Reporting December 6, 1904, the Acting Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

M.S.N. 1507

COPY.

Muskogee, Indian Territory, September 13, 1904

Solomon Willis,

Andover, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 13, 1904, rendered its decision refusing the application for identification as Mississippi Choctaw, of your wife, Josephine Willis, and your children, Willie Willis, Sarah Jane Willis and Henney Lee Willis.

You are further notified that said applicants will be allowed fifteen days from the date of this notice 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 as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tame Bixby.

Chairman.

Registered.

M.C.R. 1807.

COPY:

Muskogee, Indian Territory, September 13, 1904.

J. G. Balls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes on September 13, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of Josephine Willis, Willie Willis, Sarah Jane Willis and Henney Lee Willis.

You are further advised that the applicants herein have been allowed fifteen days from the date of this notice 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 as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tams Dixby.

Chairman.

Registered.

M.C.R. 1607

COPY.

Muskogee, Indian Territory, September 13, 1904

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered September 13, 1904, refusing the application for identification as Mississippi Choctaws of Josephine Willis, Willie Willis, Sarah Jane Willis and Henney Lee Willis.

You are further advised that the applicants herein have been allowed fifteen days from the date of this notice 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 as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Incl. M.C.R. 1607.

M 5 R 1607

Waukegee, Indian Territory, November 26, 1904.

J. F. Robinson,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, stating that you have been appointed administrator of the estate of Solomon Willis, deceased, and ask that you be furnished a copy of the Commission's decision refusing the application for the identification of the children of Solomon Willis as Mississippi Choctaws. A copy of such decision is herewith enclosed you.

Respectfully,

Commissioner in Charge.

KOM 99

M.C.R. 1807

COPY.

Muskogee, Indian Territory, December 22, 1904.

Solomon Willis,

Armore, Indian Territory,

Dear Sir:

You are hereby notified that on the 13th day of December, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of your wife, Josephine Willis, and children, Willie Willis, Sarah Jane Willis and Henry Lee Willis, included in the case of Solomon Willis, et al., of which decision you were advised by registered mail on the 13th day of September, 1904.

Respectfully,

ESIGNEE

Tams Bixby

Chairman.

M. O. B. 1607

COPY,

Muskogee, Indian Territory, December 22, 1904.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory,

Dear Sir:

You are hereby notified that on the 13th day of December, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of Josephine Willis, Willie Willis, Sarah Jane Willis and Henry Lee Willis, included in the case of Solomon Willis, et al., of which decision you were advised by registered mail on the 13th day of September, 1904.

Respectfully,

SIGNED

Tamm Birby

Chairman.

COPY.

H.C.R. 1699

Waskogie, Indian Territory, December 22, 1904.

Manaffield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 15th day of December, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaw of Josephine Willis, Willie Willis, Sarah Jane Willis and Henry Lee Willis, included in the case of Solomon Willis, et al., a copy of which decision was mailed you on the 15th day of September, 1904.

Respectfully,

SIGNED:

Tame Dixey

Chairman.

M C R 1907

Waukegee, Indian Territory, December 29, 1904.

Gilbert & Bond,
Attorneys at Law,
Duncan, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th instant, asking to be advised the status of the application for the identification of Willie Willis, Henry Lee Willis and Sarah Jane Willis, ~~sons~~ children of Solomon Willis.

In reply to your inquiry you are advised that on December 15, 1904, the Secretary of the Interior approved the decision of the Commission refusing the application for the identification of the above mentioned children as Mississippi Choctaws, of which departmental action the father, Solomon Willis, was duly notified on December 22, 1904.

Respectfully,

Chairman.

M C R 1607

Muskogee, Indian Territory, July 30, 1906.

Brown & Turner,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 23rd instant, requesting to be advised the status of the application for the identification as Mississippi Choctaws of the minor heirs of Solomon Willis, deceased.

In reply you are informed that on September 13, 1904, the Commission to the Five Civilized Tribes rendered a decision refusing to identify as Mississippi Choctaws Josephine Willis, wife of Solomon Willis, and their minor children, Willie, Sarah Jane and Henry Lee Willis. This decision was affirmed by the Secretary of the Interior December 13, 1904.

Due notice of the action of the Commission and of the Department in this matter was furnished Solomon Willis at Ardmore, Indian Territory, and J. G. Halls, attorney of record in the case, Atoka, Indian Territory.

Respectfully,

Commissioner.

16
DECISION RENDERED MAR 12 1904

Salomon Willis et al

IDENTIFIED MAR 12 1904

COPY OF DECISION FORWARDED
APPLICANT MAR 16 1904

NOTICE OF DECISION
FORWARDED ATTORNEY MAR 16 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS MAR 16 1904

DECISION RENDERED SEP 13 1904

REFUSED, SEP 13 1904

NOTICE OF DECISION FORWARDED
APPLICANT SEP 13 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS

NOTICE OF DECISION
FORWARDED ATTORNEY SEP 13 1904

FOR APPLICANTS SEP 13 1904

RECORD FORWARDED DEPARTMENT. OCT - 1 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR
DEC 13 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT
DEC 22 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS
DEC 22 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT
DEC 22 1904

Choctaw MCR 1608

Eliza Davis

MCR 1608

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

Herein is the record in the matter of the application of
Eliza Davis, et al., for identification as Mississippi Choctaws,
M.C.H. 1608.

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

-oOo-

In the matter of the application of Eliza Davis, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Eliza Davis, et al., M.C.R. 1608
Charley W. Wiley, et al., M.C.R. 1581

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

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Original application of Eliza Davis, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Original application of Charley W. Wiley, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	4
Additional testimony of Charley Wiley-----	7
Decision of the Commission refusing the ap- plications in the case of Eliza Davis, et al., for identification as Mississippi Choctaws-----	8

-oOo-

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

In the matter of the application of Eliza Davis, et al.,
for identification as Mississippi Choctaws, M.C.R.1608.

I N D E X .

	page
Original application of Eliza Davis, et al., before the Dawes Commission for identi- fication as Mississippi Choctaws.....	1
Decision of the Commission identifying Eliza Davis as a Mississippi Choctaw,.....	4

Department of the Interior
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 3, 1901.

In the matter of the application of Eliza Davis for the identification of herself and minor child as Mississippi Choctaws. Eliza Davis being duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Eliza Davis.
Q How old are you? A I am 36 ye ars old.
Q What is your post-office address? A I just can't think of that post-office. It is a mighty curious name.
Q What county is it in? A Attala County.
Q Is it an old postoffice? A Yes sir.
Q We will see if we can find it. (Reads list of post offices in Attala County.) A Zebulon.
Q That is in Attala County, Mississippi is it? A Yes sir.
Q How long have you lived in Mississippi? A I was born here.
Q Always lived here? A Yes sir, I was born in Leake County about eight miles from Carthage. That's where my pa had his place and after he died my ma wasn't able to pay the taxes and we left.
Q You have never lived anywhere but in Mississippi? A No sir.
Q What was your father's name? A Wiley.
Q What was his given name? His first name? A Willie Wiley.
Q Is your father living? A Been dead a long time. Died when I was nine years old.
Q What is your mother's name? A Sally Wiley.
Q They are both full blood Indians? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application to the Choctaws in the Indian Territory for citizenship in that Nation? A No sir.
Q In 1896 did you 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, that was five years ago? Did you make application then? A No sir, just two years ago last February.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q You just want to make application for identification of yourself and your child as Mississippi Choctaws? A Yes sir.
Q Have you ever made an application before this? A No sir.
Q Any body make one for you? A No sir, notnas I knew of.
Q Didn't Charlie ~~Wiley~~ Wiley your brother make an application for you? A If he did its at Carthage that time.
Q Were you ever known by the name of Eliza Wedge? A Well, he just gave a short name that time but when we write we put Davis on. The Choctaw folks got different names you know. Got curious names. When I mary his name Jeff Wedge Davis.

It appears that an application was made on behalf of this applicant and her son Sidney by Charley Wiley her brother, at Carthage, Mississippi, on January 25th, 1899, and this applicant and her son under the surname of Wedge appear upon Mississippi Choctaw card

Eliza Davis 2---

103 and the schedule annexed to the Commission's report of March 10th, 1899 as to the identification of Mississippi Choctaws page 48 roll numbers as follows: Eliza Wedge 366, Sidney Wedge 367.

Q You are claiming your right to identification under the 14th article of the treaty of 1830? A Yes sir.

Q Did any of your ancestors ever claim or receive any land in Mississippi from the United States government as beneficiaries under the 14th article of the treaty of 1830? Did your mother, your father or grand mother or grand father ever receive any land from the government after the removal of the Choctaw Indians from Mississippi to the Indian Territory, do you know? A No sir.

Q Do you know your grand fathers and grand mothers names?

A No sir.

Q Do you know anything about your people further back than your mother and father? A I know my grand mother's name?

Q What was her name? A Polly Wiley.

Q Did you ever hear of her having a Choctaw Name? Did you ever hear of your grand mother having another name of Sallie? A No sir that was my mother's name. Sally Wiley. She been dead fourteen years long ago.

Q Did you ever hear of your grand mother having a Choctaw Name, any other name besides Polly Wiley? A Just named Polly Wiley is all.

Q Are you married? A No sir.

Q Have you ever been married? A He left me and I never did marry no more. I have been single ever since he left me.

Q You have been married? A Yes sir.

Q What was your husband's name? A Jeff Wedge Davis. He been married five years last January. After he went to the Territory he married and got two children.

Q When were you married to him? A 14 years last June a year ago.

Q How long did you live with him? A I lived with him for two or three years.

Q Were you married under a license? A Yes sir, under license?

Q Yes by a preacher, by a minister? A Yes sir. He had to pay divorce \$65.00 after he got there before he could marry. Just before he marry he write to me. I got a letter from him.

Q He was divorced from you was he? A That's what that letter said.

Q And he married some woman in the Indian Territory? A Yes sir and got two or three children.

Q Was he an Indian? A He's one half.

Q Look much like an Indian? A Yes sir. Right smart of it.

Q Do you know where he is living now? A He lives in the Territory. His post-office name is Summerfield.

Q He married a Choctaw woman out there? A Yes sir. I hear from him every year.

Q Have you any children? A Yes sir.

Q How many? A Just one living.

Q A boy? A Yes sir.

Q What is his name? A Sidney Davis.

Q How old is he? A He will be 14 years old next Monday.

Q Does he live at home with you? A Yes sir. I would have brought it if I had enough money.

Q He is Jeff's son is he? A Yes sir.

Q Jeff is his father and you are his mother? A Yes sir.

Q You were married when he was born? A Yes sir. I was married on the 7th day of June is 14 years ago.

Q Should the Commission be enabled to identify you and your son as Mississippi Choctaws or as Choctaw Indians entitled to allotment in the lands of the Indian Territory is it your intention to remove with your son to the Indian Territory and make a permanent residence there? A To remove to the territory.

Eliza Davis 3

Q Yes. A Well the reason is I never move to the Territory is because it would take money to go there. I am too poor to get up money enough. I can't walk away out ther.

Q Do you want to go out there? A Yes sir I can go.

Q Is there anything you want to say, any question you want to ask? A I want to know how is they going to do if we cant get up enough money to go there. We would get none will we?

Q No provision has been made for the removal of the Mississippi Choctaws to the Indian Territory. Has any one explained to you what your interest out there would be worth if you are identified as a Mississippi Choctaw? A Yes sir I have seen the paper.

Q Do you know about how much it would be worth? A 640 acres it didn't say money, how much.

Q I don't expect you will get that much land but you will get a lot of land there that would be very valuable. It would be worth a lot of money to you and you oughtn't to have any trouble getting out there if you wanted to go. You want to go out there do you?

A Yes sir but it will take money to go there.

Q Without talking about how much it costs you want to go to the Indian Territory do you? A Yes sir.

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

Q You speak the Choctaw language don't you? A A little.

Q Did you ever belong to any other tribe of Indians? A No sir.

Q Did you ever hear of your people ever having lived any where else besides here in Mississippi, your mother and father? Did you ever hear them say they come from any other state? A Yes sir, she used to live in Leake County.

Q That is here in Mississippi? A Yes sir and after pa died we moved to Kosciusko and that is where we was raised. Now I am way off. Close to Vaden now. There aint any Choctaws there where I is. Aint but two or three families there now.

This woman has every appearance of a full blood Indian but does not seem to be able to speak the Choctaw language. She states that she has been residing among white people ever since she was a child and has had little opportunity to be with the Choctaws. From her testimony it appears that she has always been a resident of the state of Mississippi as have also her ancestors and that she has never received any benefits from the Choctaw Nation as a citizen thereof or participated in any moneys paid by or to that tribe.

Kyra Young, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 3rd day of April, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Kyra Young

Subscribed and sworn to before me this 5th day of April, 1901, at Meridian, Mississippi.

[Signature]
Notary Public.

COPY.

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

-000-

In the matter of the application of Eliza Davis, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Eliza Davis, et al., M C R 1508
Charley W. Wiley, et al., M C R 1581

---: 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 Eliza Davis for herself and her minor child, Sidney Davis, and
by Charley W. Wiley for himself and his six minor children, Emma,
Arthur, Link, Mattie, Charley W. Jr. and Anna D. Wiley, under the
following provision of the act of Congress approved June 20, 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 8, 1830,
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

From the records of the Commission it appears that Eliza
Davis and Charley W. Wiley, who are full-blood Mississippi Choctaw

Indians, were, on March 12, 1904, duly identified as Mississippi Choctaws under the provisions of section forty-one of the act of Congress approved July 1, 1902, (32 Stats., 641). The evidence herein shows that all the other applicants are mixed-blood Choctaws and as such do not come within the purview of said section.

It also appears that the minor applicants in N.C.R. 1581 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 Joshua, Polly Wiley and Sally Wiley, the two former of whom are alleged to have been Choctaw Indians, degree of blood not stated, and the latter a full-blood Choctaw Indian, and that the minor applicant in N.C.R. 1608 also claims said rights by reason of being a descendant of the above named ancestors and Jeff Wedge Davis, who is alleged to have been an one-half blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), nor are any of the applicants herein parties litigant before the Choctaw-Chickasaw Citizenship Court created under the act of Congress approved July 1, 1902, (32 Stats., 641).

It is found that the name Joshua appears on page 224 of

Volume I, Claimant's Brief and Evidence in the case of the Chester Nation vs. the United States before the Court of Claims No. 12742 is "a list of claims proved and allowed in Capt. Samuel Cobb's Company, but it does not appear from the evidence submitted by the applicants herein that the Joshua, through whom they claim, is the identical Joshua whose name appears in the record above cited.

It is further found that a person bearing the name of Joshua received scrip as a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek," but there is nothing in the testimony of the applicants which tends to show that the Joshua who received such scrip is the identical Joshua, through whom they claim.

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 Joshua, through whom these applicants claim, or Polly Wiley, or Sally Wiley, or Jeff Wedge Davis, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Chester Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 813).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sidney Davis, Emma Wiley, Arthur Wiley, Link Wiley, Mattie Wiley, Charley W. Wiley, Jr. and Anna D. Wiley, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

Tame Bixby.

Chairman.

SIGNED:

I. B. Needles.

Commissioner.

SIGNED:

C. R. Breckinridge.

Commissioner.

Waskogee, Indian Territory,

SEP 13 1904

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

In the matter of the application of Eliza Davis, et al.,
for identification as Mississippi Choctaws, M.C.R.1608.

.....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 April 3, 1901, by Eliza Davis for herself, and her minor child,
Sidney Davis, 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 be-
tween the United States and the Choctaw Nation, concluded
September twenty-seventh, eighteen hundred and thirty,
and 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 the principal applicant is a full-blood Choctaw
Indian. The minor applicant herein is a mixed-blood Choctaw, and
whatever rights as a Mississippi Choctaw he may possess by reason
thereof will be determined at a later date.

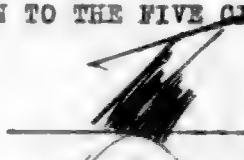
Section forty-one of the act of Congress entitled "An Act
To ratify and confirm an agreement with the Choctaw and Chickasaw
tribes of Indians, and for other purposes," approved July 1, 1902,

(32 Stat., 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 Eliza Davis should be identified as a Mississippi Choctaw, and it is so ordered.

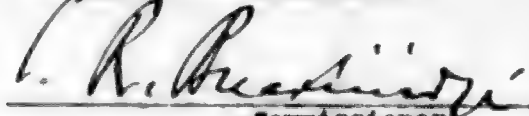
COMMISSION TO THE FIVE CIVILIZED TRIBES.



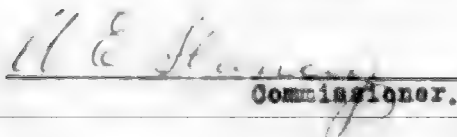
Chairman.



Commissioner.



Commissioner.



Commissioner.

Muskogee, Indian Territory.

MAR 12 1904

M C R 1561
M C R 1608

Waskogee, Indian Territory, November 7, 1903.

H. Van V. Smith,
Special Agent, U. S. Government,
Meridian, Mississippi.

Dear Sir:

On October 21, 1903, Harry C. Risteen of your office, enclosed a letter of Charlie Wiley, dated October 12, 1903, carbon copy of reply thereto dated October 15, 1903, to R. J. Heald, and letter of R. J. Heald, dated October 19, 1903, relative to certain Choctaws named therein who wish to be removed to the Indian Territory. In said letter it is stated that the names of these persons do not appear upon the records in your possession, and it is requested that the Commission notify you as to their status and whether or not any additional evidence is required in their cases.

The persons referred to in the letter of Charlie Wiley, of October 12, 1903, are as follows:

Emma Fiore, and six children,
Anny Primm, and three children,
Obie Bell, his wife, and two children,
Charlie Wiley, his wife, and seven children.

None of the above named adults have been identified by the Commission as Mississippi Choctaws, neither is it to be presumed that their un-named children have been identified.

At Carthage, Leake County, Mississippi, on January 25, 1899, Charlie Wiley appeared before the Honorable A. S. McKennon, who was then a member of this Commission, and testified as follows:

"CHARLIE WILEY, the applicant, after being duly sworn, states: I am 30 years old. Am a full blood Choctaw, and my wife is nearly all negro. I married her according to law. I have evidence of the fact but not with me. I got a license but have not it with me. We married in Atalfo Co. I have no evidence with me of that marriage. The record up there will show. The record of my marriage is in Washington. I have children by that wife. My children are as follows: Emma, 11; Arthur, 9; Link, 6; Mattie, 3; and Charlie, Jr., 1 year old. I have a sister named Eliza. She has been married to a man named Wedge, that would make her name Eliza Wedge. She is 36 years old, and has a child named Sidney Wedge, aged 13 years. I have another sister named Emma Leflore, aged 23 years. Her husband is named John Leflore. He is half breed Choctaw and the other half negro. I cannot register him but will register her, and her children: Richard 7; Alice, 5; and Lillie May, 2 years old. I have a half brother who is a full blood, named Bud Bell, aged 18."

It is our presumption that the Emma Flore and six children referred to in the letter of Charlie Wiley, of October 12, 1903, is the Emma Leflore and her children, Richard, Alice, and Lillie May Leflore, concerning whom Charlie Wiley testified on January 25, 1899; that the Anny Primus referred to in the letter of Charlie Wiley is the Eliza Wedge referred to in his testimony of January 25, 1899; that the Obie Bell referred to in his letter of October 12, 1903, is the Bud Bell referred to in his testimony of January 25, 1899; and that the Charlie Wiley, his wife, and seven children referred to in his letter is the Charlie Wiley, and his children, Emma, Arthur, Link, Mattie, and Charlie, Jr. referred to

in his testimony of January 28, 1899.

It is our further presumption that Emma Flore, Anny Primus, Obie Bell and Charlie Wiley are members of the same family and brothers and sisters.

On April 2, 1901, at Meridian, Mississippi, Charley Wiley applied for the identification of himself and his six minor children, Emma, Arthur, Link, Mattie, Charley W. and Anna D. Wiley, as Mississippi Choctaws. The evidence in this case shows that Charley Wiley is a full blood Choctaw Indian, but that his wife, Maggie Wiley, and the mother of his minor children, is a negro. No application was made by Charley Wiley on April 2, 1901, for the identification of his wife.

There has recently been prepared, and is now pending the action of the Commission, a decision identifying Charley Wiley as a full blood Mississippi Choctaw under the provisions of the 41st section of the Act of Congress approved July 1, 1902, but no action has as yet been taken relative to the disposition of the application made for the identification of his minor children. No further evidence is required in this case to render a decision.

You are further advised that at Meridian, Mississippi, on April 3, 1901, Eliza Davis, who apparently is a full sister of Charley Wiley, made application for the identification of herself and her minor child, Sidney Davis, as Mississippi Choctaws. The

evidence in this case shows that the principal applicant is a full blood Choctaw Indian and a decision has been prepared and is now receiving the consideration of the Commission, identifying her as a Mississippi Choctaw under the provisions of the 41st section of the Act of Congress approved July 1, 1902.

At the time of her appearance at Meridian, Mississippi, on April 3, 1901, Eliza Davis testified that she was formerly known by the name of Eliza Wedge. It is our presumption that the Eliza Davis who made application at Meridian, Mississippi, on April 3, 1901, is the same person as the Anny Primus referred to in the letter of Charlie Wiley of October 12, 1903.

It does not appear that any application has ever been made subsequent to that made by Charlie Wiley at Carthage, Mississippi, January 25, 1899, for Obie Bell and Emma Flore, or Bud Bell or Emma Leflore.

The record now before this office is sufficient upon which to render decisions relative to the rights of Charley Wiley, his family, Eliza Davis and her family, as Mississippi Choctaws, but in the event that Emma Flore or Leflore or Obie Bell or Bud Bell should appear before you at Meridian, Mississippi, you are authorized to take their testimony in full, to be considered as additional testimony in the matter of the application made for their identification as Mississippi Choctaws by Charlie Wiley at

-5-

Carthage, Mississippi, January 25, 1899.

The enclosures contained in letter of October 21 are
herewith returned.

Respectfully,

Chairman.

McM 102

7
N.O.R. 1400

COPY?

Muskogee, Indian Territory, March 16, 1904.

Eliza Davis,

Zebulon, Mississippi,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 12, 1904, identifying you as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat, 841).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

ENCLOSURE

C. R. Brockbridge.

Commissioner in Charge.

Registered.

Enc. NCR 1400.

H.C.R. 1608

COPY.

Muskogee, Indian Territory, March 16, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 12, 1904, identifying Eliza Davis as a Mississippi Choctaw Indian, under the provisions of Section 41 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 of this notice in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Eliza Davis as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file 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,

Respectfully,

C. B. Breckinridge
Commissioner in Charge.

Registered.

Enc. MCR 1604.

See MCR 2059 for registry receipt for this letter.

M.C.R. 1608.

COPY

Muskogee, Indian Territory, September 13, 1904.

Eliza Davis,

Osborne, Mississippi.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 13, 1904, rendered its decision refusing the application for identification as a Mississippi Choctaw of your minorson, Sidney Davis.

You are further advised that he will be allowed fifteen days from the date of this notice 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 as may be filed, will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Tame Dixby.

Chairman.

Registered.

W.C.R. 1606

COPY.

Muskogee, Indian Territory, September 13, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered September 13, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Davis et al.

You are further advised that the applicants herein have been allowed fifteen days from the date of this notice 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 as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

~~(signature)~~

Jame Bixby.

Chairman.

Incl, MER 1606.

Muskogee, Indian Territory, October 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated Mississippi Choctaw case of Eliza Davis, et al., including the decision of the Commission of September 15, 1904, refusing the applications of Sidney Davis, Emma Wiley, Arthur Wiley, Link Wiley, Mattie Wiley, Charley W. Wilby, Jr. and Anne D. Wiley, applicants in this case.

The Commission has the honor to report that the applicants 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.

You are further advised that Charley Wiley and Eliza Davis were identified by this Commission as full blood Mississippi Choctaws on March 12, 1904, their names appearing upon a schedule of duly identified Mississippi Choctaws, approved by the Secretary of the Interior on May 2, 1904, opposite numbers 1969 and 1971 respectively.

Respectfully,

Through the

Commissioner of Indian Affairs.

Chairman.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

October 19, 1904.

Land.
69763-1904.

The Honorable,
The Secretary of the Interior;

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated October 1, 1904, transmitting the record in the consolidated applications for identification as Mississippi Choctaws by Eliza Davis for herself and her minor child, Sidney Davis, and by Charley W. Wiley for himself and his six minor children, Emma, Arthur, Link, Mattie, Charley W. Jr. and Anna D. Wiley.

March 12, 1904, the Commission duly identified Charley W. Wiley and Eliza Davis as full-blood Mississippi Choctaw Indians.

September 13, 1904, the Commission decided adversely to all the other applicants.

The record shows that the minor applicants claim rights in the Choctaw lands under Article 14 of the Treaty of Dancing Rabbit Creek by reason of being descendants of Joshua, Polly Wiley and Sally Wiley, the two former of whom are alleged to have been part blood Choctaw Indians, and the last named a full-blood Choctaw Indian, and the applicant, Sidney Davis, also claims by reason of being a descendant of the above named ancestors and Jeff Wedge Davis

2--

who is alleged to have been an one-half blood Cheetaw Indian.

It further appears from the record and the records of this office that none of the applicants has ever been recognized enrolled or admitted to citizenship by the Cheetaw tribal authorities or by any tribunal of the United States. While it is shown by the records of this office, that one Joshua received scrip as a beneficiary under Article 14 of the Treaty of Dancing Creek, there is nothing in the evidence of the applicants which tends to show that he is the identical Joshua through whom they claim.

It does not appear from the evidence in the case or from the records of this office relating to persons who complied, or attempted to comply with the provisions of Article 14 of the Treaty of Dancing Rabbit Creek, and to persons who were heretofore claimants thereunder, that the said Joshua, or Polly Wiley, or Sally Wiley, or Jeff Wedge Davis, or an ancestor less remote signified in person or by proxy to any one an intention to comply with the provisions of said Article 14, or presented a claim to rights thereunder, through subsequent legislation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very Respectfully,

M.K.M. (W)

A.C. Tenner,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR

FILE

Y.P.

D.C. 41878-1904. WASHINGTON October 27, 1904.
I.T.D. 10886-1904.
L.R.S.

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

Gentlemen:

October 1, 1904, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws of Eliza Davis, for herself and her minor child, Sidney Davis, and of Charley W. Wiley for himself and his six minor children, Emma, Arthur, Link, Mattie, Charley W. Jr. and Anna D. Wiley, including your decision of September 13, 1904, which was adverse to all the applicants except Eliza Davis and Charley W. Wiley, who were, on March 12, 1904, duly identified by you as Mississippi Choctaws under the provisions of section 41 of the act of July 1, 1902 (32 Stat., 641).

Reporting in the matter October 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

E. A. Hitchcock,
Secretary.

1 inclosure.

H.C.R. 1508

Muskogee, Indian Territory, November 7, 1904.

Eliza Davis,

Osokulau, Mississippi,

Dear Madam:

You are hereby notified that on the 27th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification as a Mississippi Choctaw of your minor child, Sidney Davis, included in the consolidated case of Eliza Davis et al., of which decision you were advised by registered mail on the 13th day of September, 1904.

Respectfully,

Chairman.

E. C. S. 1608

COPY.

Wetumpka, Indian Territory, November 7, 1904.

Mansfield, Murray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 27th day of October, 1904, 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 Eliza Davis et al., a copy of which decision was mailed you on the 13th day of September, 1904.

Respectfully,

W. C. S.

Chairman.

608
For Identification as a Mississippi Choctaw

Date APR -3 1901

Name *Elija Davis.*

Age *36.* Blood *full.*

Post Office. *Georgetown, Miss.*

Father: *Willie Wiley - dead.*

Mother: *Fallio Wiley dead*

Claims through both parents.

Children:

Sidney Davis 11.

*Grandmother of Sidney Davis is Jeff
Woods Davis, divorced, and married
to (Phoelaw in Ind. County).*

Claims for herself and her son.

Stenographer

Mrs. Young.

Eliza Davis

DECISION RENDERED

MAR 12 1904

IDENTIFIED MAR 12 1904

COPY OF DECISION FORWARDED APPLICANT MAR 16 1904

COPY OF DECISION FORWARDED AT TORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. MAR 18 1904

DECISION RENDERED SEP 13 1904

REFUSED SEP 13 1904

NOTICE OF DECISION FORWARDED APPLICANT SEP 13 1904

COPY OF DECISION FORWARDED AT TORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. SEP 13 1904

RECORD FORWARDED DEPARTMENT. OCT -1 1904

ACTION FORWARDED BY SECRETARY OF THE INTERIOR

SEP 13 1904

NOTICE OF DECISION FORWARDED AT TORNEYS FOR CHOCTAW AND CHICKASAW NATIONS

NOTICE OF DECISION FORWARDED AT TORNEYS FOR CHOCTAW AND CHICKASAW NATIONS

NOV 1 1904

7-5-1904

Choctaw MCR 1609

Richard F. Hamton

MCR 1609

Richard E. Hamton

REFUSED

DECISION RENDERED. AUG 11 1902

NOTICE OF DECISION BY THE BOARD OF APPEALS, AUG 11 1902

NOTICE OF APPEAL FROM DECISION OF THE BOARD OF APPEALS, AUG 11 1902

NOTICE OF APPEAL FROM DECISION OF THE BOARD OF APPEALS, AUG 11 1902

RECORD OF APPEALS, AUG 11 1902

ACTIONABLE DECISION, JUL 20 1902

NOTICE OF APPEAL FROM DECISION OF THE BOARD OF APPEALS, NOV 1902

NOTICE OF APPEAL FROM DECISION OF THE BOARD OF APPEALS, NOV 1902

NOTICE OF APPEAL FROM DECISION OF THE BOARD OF APPEALS, NOV 1902

3466
Post PO Address - Atoka, I.T.
Bennington, I.T.

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

In the matter of the application of Richard F. Hamton,
et al., for identification as Mississippi Choctaws. M.C.R. 1609.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above entitled case.

Original application of Richard F. Hamton et al., to the Dawes Commission for iden- tification as Mississippi Choctaws.....	1
Affidavit of Harry Simpson.....	5
Likeness of Harry Simpson.....	6
Affidavit of General L. Wallace.....	8
Likeness of General L. Wallace.....	8
Certificate of W. A. Graham, M.D.....	9
Affidavit of Etta Hamton.....	10
Affidavit of W. A. Graham, M.D.....	11
Decision of the Commission denying the application of Richard F. Hamton, et al., for identification as Mississippi Choctaws.....	12

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 3rd, 1901.

In the matter of the application of Richard W. Hamten for identification of himself and his five minor children as Mississippi Choctaw. Richard W. Hamten being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Richard W. Hamten.
Q What is your age? A I am 56.
Q What is your post-office address? A Cairo,
Illinois? A Yes sir.
Q How long have you lived in Illinois? A Twenty years.
Q Maintained a continuous residence there for the past 20
years? A Yes sir.
Q Where did you live before that? A I was born in Tish-
minge County this state.
Q Did you live there up until the time you removed to Illin-
ois? A No sir.
Q How long did you live in Mississippi? A Until I was about
14 years old.
Q Then where did you go? A ~~Went~~ Up on the mussel shoals
of the Tennessee River.
Q Lived in Tennessee? A Yes sir, it was in Alabama I think
right there close.
Q How long did you live in Alabama? A 4 or 5 years.
Q When did you go then? A Tennessee.
Q How long did you live in Tennessee? A About a year.
Q Where did you go then? A Illinois.
Q Have you lived there ever since? A Yes sir.
Q Have you ever maintained a residence in the Indian Terri-
tory? A No sir.
Q What was your father's name? A Gray Hamten.
Q Is he living? A No sir.
Q What is your mother's name? A Mary.
Q Is your mother living? A No sir.
Q Through which one of your parents do you derive your Choctaw
blood? A My mother.
Q Was she a Choctaw Indian? A Said to be, yes sir.
Q Was she ever recognized as such by the Choctaw tribal
authorities either in the state of Mississippi or in the Indian
Territory? A Not that I know of.
Q How much Choctaw blood do you claim? A My mother was
said to be a full blood.
Q Your father a white man? A Yes sir.
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 ever made application to the Choctaw Tribal authori-
ties in the Indian Territory for citizenship in that Nation? A No
sir.
Q In the year of 1896 did you make application to the Commis-
sion 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 the Choctaw tribal authorities, the Commission to the
Five Civilized Tribes or the United States Court in the Indian
Territory? A No sir.

Richard F. Hamton 2

Q Have you ever prior to this time made any application to either the authorities of the Choctaw Nation 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 Yes sir.

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

Q Do you make your claim as a beneficiary under the 14th article of the treaty of 1830? A I don't know. I make it as a Choctaw Indian. I could not say what I make it under.

Q You understand that the Commission is now hearing the applications of persons for identification as Mississippi Choctaws?

A Yes sir.

Q Who claim rights in the Choctaw lands under the provisions of the 14th article of the treaty of September 27th, 1830 between the United States and the Choctaw Indians? Are you claiming under that provision of that article of that treaty? A Yes sir.

Q What was the name of your ancestor or ancestors who resided in Mississippi in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians? A My mother. Do you mean my mother's name?

Q I don't know. Was she a recognized member of the Choctaw Tribe of Indians in Mississippi in 1830? A I could not tell you.

Q Have you any evidence of the fact that she was recognized by the Choctaw Indians in Mississippi as a member of that tribe?

A Yes sir, I have affidavits here that she was a Choctaw but I don't know about her being recognized.

Q Did she remove from Mississippi to the Choctaw Nation at the time the other Indians were moved? A No sir, she didn't go.

Q What was our mother's maiden name? A I think it was Rogers.

Q Her mother and father both full blood Choctaws? A I could not tell you about that.

Q You said she was a full blood? A She told me so.

Q Do you know what their names were? A No sir.

Q Did you ever hear of any ~~Indian~~ Indian name that your mother had, any Choctaw name? A No sir.

Q Her maiden name was Mary Rogers? A I think so.

Q You don't know what her father's and mother's names were?

A No sir.

Q Did any of your ancestors ever claim or receive any land in Mississippi from the United States government as beneficiaries under the 14th article of the treaty of 1830? A No sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians from the Choctaw Tribe in the Indian Territory?

A No sir.

Q Did you ever participate in any of their payments, drawn any money? A No sir. We had some land. We thought when I was a boy, I think in Tishomingo County. We thought we had land there. Was told so and lived upon the place and when I was about 12 years old I remember we was plowing and making a crop and a man said he had bought the place from the government and we had to leave and we left there and went up on the mussel shoals of the Tennessee River and staid there I think about five years.

Q How did your people acquire this land in Tishomingo County?

A We just moved on it my mother told me. People said it was Indian land.

Q They didn't receive any grant from the United States government for the land? A No sir. And this man said he had bought it. I was small and couldn't tell you just how it was.

Q You are making your claim solely as a beneficiary under the 14th article of the treaty of 1830? A Yes sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Etta.

Q Is she living? A Yes sir.

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

Richard P. Hanten 3

- Q Is she a white woman? A Yes sir.
Q Is she the mother of your children? A Yes sir.
Q Where did you marry her? A Hardin County, Illinois.
Q When? A In 1881.
Q Married under license issued by Clerk of the Court for the County in which you were married? A Not in Hardin County. I lived in Hardin but was married in Gallatin County.
Q Have you your marriage license and certificate? A I have a certificate but I haven't it with me.
Q It will be necessary that the Commission be supplied with evidence of your marriage inx to your wife in the matter of the application for the identification of your children. Your wife is a white woman is she? A Yes sir.
Q Never made any claim to Indian citizenship? A No sir.
Q How many children have you under 21 years of age and unmarried? A I have five.
Q Do you wish to make application for them? A Yes sir.
Q What are their names and ages? A Ralph.
Q How old is he? A Will be 19 the first day of August.
Q The next one? A The next one is a girl, Ella.
Q How old is Ella? A She's 14 years old the 4th day of this month.
Q The next one? A The next one is Willie, a girl.
Q How old is Willie? A She's a little over 12. Since January older than 12.
Q All right, sir. A The next one is Horace .
Q How old is Horace? A He was 10 last January.
Q The next one? A Little girl. Her name is Hallie.
Q How old is she? A She is 7 this June.
Q These children all live with you at your home? A Yes sir.
Q Their residence has always been the same as yours since their birth? A Yes sir.
Q You and your wife are living together? A Always , yes sir.
Q Your claim on behalf of these children is identical with your own is it? A Yes sir.
Q Is there any additional statement you desire to make in support of this application? A Not as I know. I went to Illinois. I have been refused right of voting in this state and in Tennessee both.
Q Why? A Because I am said to be an Indian. I was contracting some work in Kentucky and moved my family over there. I wanted to send my children to school and they wouldn't let me send them because I was an Indian. They wanted me to send them to a nigger school and I would not do it. They refused me because I wanted to send them to the white school. They would let me and afterwards they said they would permit me to send them but I had been refused and I wouldn't do it.

There is offered in evidence, filed and made a part of the record in this application, affidavit of General L. Wallace.

There is also offered in evidence, filed and made a part of the record in this application the affidavit of Harry Simpson.

- Q Can you speak the Choctaw language? A No sir.
Q You have not lived in Mississippi for the last 35 years?
A No sir, not since the war.

Examination by Alexander Wilson, attorney for the applicant.

Q State if your folks ever advised you to go to the Indian Territory since you left home? A Before my father died he advised me to go.

A State your reasons for not going? A My reason for not

Richard P. Hunter 4 --

going was I understood if I get there I couldn't get away. Of course I didn't want to go if I couldn't get away. I was outside and free and able to work and make a living and sort of drag around and considered my freedom worth something. By the Commission.

Q Is there any additional statement you want to make? A I could have got two other full blood Choctaws only they were afraid. They had been told by people that they would all be sent off soldiering. One of them I thought was going to give me his affidavit until the day before I left. We was boys together but some one give him the idea he would be sent to the Phillipines Islands with the Blue on and he said he didn't want to get into any trouble that he was making a living where he was and would just stay there. They are the only two besides the two I got that I know of that I could identify myself by.

Q Do you desire to offer any additional documentary evidence in a reasonable time in the future? A Yes sir.

Q Permission will be granted the applicant to file documentary evidence in support of this application provided the same is offered for filing with this Commission within thirty days from the date hereof.

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

Q What is your street number? A 1109 Washington Street is where I am at now. I just rent though and will probably be there a short time only.

The applicant in this case has a number of the characteristics of a Choctaw Indian. Coarse straight hair and high cheek bones. He is unable to speak the Choctaw language and states he has never been a resident of the Indian Territory or resided in Mississippi for the last 35 years.

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 3rd day of April, 1901, 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 5th day of April, 1901, at Meridian, Mississippi.

J. M. [Signature]
Notary Public.

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

Clued
C. W.

In the matter of the application of Richard F. Haxton,
et al., for identification as Mississippi Choctaws. M.C.R. 1609.

--; 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 Richard F. Haxton for himself and his five minor children, Ralph, Ella, Willie, Herace and Hallie Haxton, under the following provision of the act of Congress approved June 23, 1898, (30 Stat., 499):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and 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

(2).

twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Mary Hanton (nee Rogers), who is alleged to have been a full-blooded 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 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).

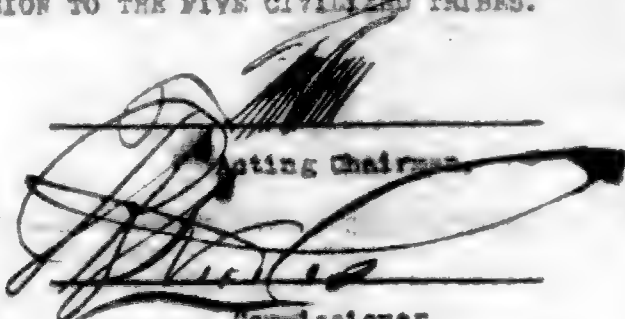
It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary Hanton (nee Rogers), signified (in person or by proxy) to Colonel W. 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 act of Congress approved March 3, 1857, (9 Stats., 100), and August 25, 1862, (18 Stats., 515).

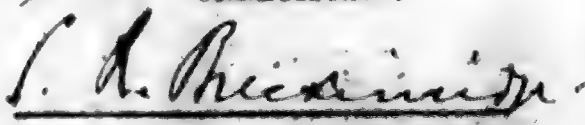
It is, therefore, the opinion of this Commission that

(3)

the evidence herein is insufficient to determine the identity of Richard F. Hanton, Ralph Hanton, Ella Hanton, Willie Hanton, Horace Hanton and Hallie Hanton 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.

Muskogee, Indian Territory,

AUG 11 1902

Muskogee, Indian Territory, September 3, 1901.

Mr. James W. Zachary,

433 North Upper Street,
Cairo, Illinois.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 27 in which you ask if the names of Richard P. Hanton and his wife Etta Hanton and their children, Ralph, Ethel, Ella, Horace and Hallie have been duly enrolled as Mississippi Choctaws. You state that Mr. Hanton appeared before the Commission at Meridian, Mississippi and was duly recognized there, and has now removed to Atoka, Indian Territory.

In reply to your letter you are advised that on April 3, 1901 Richard P. Hanton appeared before the Commission at Meridian, Mississippi and applied for the identification of himself and his five minor children, Ralph, Ella, Willie, Horace and Hallie, as Mississippi Choctaws. No action has yet been taken in regard to this application and no opinion rendered relative thereto. As soon as a decision is reached a copy of the same, stating fully therein reasons for any action taken by the Commission, will be mailed to Mr. Hanton at his present post office address.

Yours truly,

M.O. 1609

Muskogee, Indian Territory, March 6, 1902.

Richard P. Haxton,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the fourth instant, in which you ask what decision has been rendered in your application for identification as a Mississippi Choctaw, and state that if you do not receive land you desire to return to Mississippi in the spring. You also state that if the proof is not sufficient in your case you will procure more.

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, and it is impossible to say at this time when your case will be reached for consideration. As soon as a decision is rendered you will be notified of the action of the Commission. The Commission cannot pass upon the sufficiency of the evidence in support of any application for identification as a Mississippi Choctaw until the same is taken up for final consideration and determination.

Yours truly,

Commissioner in Charge.

W. O. B.

COMMISSIONERS
HENRY L. DAVIS
TAMM BIXEN
THOMAS H. NELSON
R. B. BROWN

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

NOTE: REFER TO THE FOLLOWING

H.C.R. 1609

Muskogee, Indian Territory, August 11, 1902.

Alexander Wilson,
Attorney at Law,
Meridian, Mississippi.

Dear Sir:

You are hereby advised that on the 11th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Richard F. Hamton, 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."

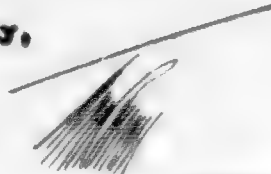
Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Richard F. Hamton, Ralph Hamton, Ella Hamton, Willie Hamton, Horace Hamton and Hallie Hamton 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."

A W _____

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,

A handwritten signature in dark ink, consisting of several overlapping, somewhat vertical strokes that form a cursive or stylized name. The signature is positioned to the right of the text "Yours truly," and above the text "Acting Chairman."

Acting Chairman.

Registered.

COPY.

M.C.R. 1609

Muskogee, Indian Territory, August 11, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 11th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Richard F. Hanton, et al., applicants for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Richard F. Hanton, Ralph Hanton, Ella Hanton, Willie Hanton, Harnce Hanton and Nellie Hanton 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 M & 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,

(SIGNED)

Tame Dixby.
Acting Chairman.

M.O.R. 1609

COPY.

Maakagee, Indian Territory, August 11, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Richard F. Hanson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 11, 1902.

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

Respectfully,

(SIGNED)

Jame Dixby

Acting Chairman.

Through the
Commissioner of Indian Affairs.
1 enclosure.

COPY.

W.S.R. 1899

Muskogee, Indian Territory, August 21, 1902.

Richard F. Hamton,
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 11th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Richard F. Hamton, 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 Richard F. Hamton, Ralph Hamton, Ella Hamton, Willis Hamton, Horace Hamton and Mallie Hamton 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."

R F U 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,

WJH:ED

James Pixby.

Acting Chairman.

Registered.

H C R 1009

Muskogee, Indian Territory, September 13, 1902.

Richard Hampton,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant to the Secretary of the Interior, which has been by him referred to this Commission for consideration and appropriate action. Therein you state that you have not been able to introduce witnesses to testify in support of your claim on account of sickness of the witnesses, and ask that you be granted an extension of time within which to introduce additional evidence in support of your case.

In reply you are informed that the Commission, on August 11, 1902, rendered its decision refusing your application for the identification of yourself and minor children as Mississippi Choctaws, and on the same date notified you of such decision and of the forwarding of the record to the Secretary of the Interior for review.

Pending action of the Secretary of the Interior on your case, the Commission cannot receive or consider any further evidence offered in support thereof.

Yours truly,

John H. ...

Land
48,781--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 Mississippi Choctaw case of Richard F. Hanton, et al., in which the principal applicant asks for the identification of himself and his five minor children as Mississippi Choctaws entitled to lands in the Choctaw Nation under the provisions of the 14th article of the treaty of 1830.

On August 11, 1902, the Commission rendered a decision in said case finding that the evidence submitted by the applicants is insufficient to determine their identity as Mississippi Choctaws entitled to rights in the Choctaw lands under the provisions of said article 14, and that their application for such identification should be refused.

The office has examined the testimony submitted by the applicants and finds that the principal applicant, Richard F. Hanton, was at the date of his examination 56 years old; that he was born in Wickhamage County, Mississippi, and that he now lives in the State of Illinois.

The principal applicant claims that he derives his Choctaw blood from his mother, whose name was Mary, and who, he claims was a full blood Choctaw, but none of the evidence submitted shows that his said mother, nor any other of his ancestors, ever received a patent for land under the provisions of article 14 of the treaty of 1830 or ever complied or attempted to comply with said provisions.

From the evidence submitted by the applicants the office can trace nothing of record that adds to the record evidence submitted by the applicants, and as said record evidence shows that the applicants are not Choctaw Indians of the full blood, the office is of the opinion that the said decision of the commission is correct and recommends that the same be affirmed by the Department.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

(W.C.B.)

P.

D.C. 19750

COPY

TP
WHR

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 8461-1902.
8826-1902.
8840-1902.

LRS.

October 20, 1902.

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

Gentlemen:

The Department has considered the case involving the application of Richard F. Hampton (or Hamton) for the identification of himself and Ralph Ella, Willie, Horace and Hallie Hampton, as Mississippi Choctaws, transmitted with your letter of August 11, 1902.

You rejected the application because the testimony submitted was insufficient to enable you to identify the applicants as Choctaw Indians entitled to rights in the Choctaw Nation.

Submitting the case October 15, 1902, the Commissioner of Indian Affairs recommended that your decision be concurred in as there is no evidence that the alleged ancestor of the principal applicant ever complied or attempted to comply with the provisions of the 14th Article of the treaty of 1830, and as his office cannot find anything in the files of his office in favor of the applicants.

---3---

It is shown that the applicants are not Choctaw Indians of full blood. The principal applicant has requested the Department to allow him to submit further evidence, but apparently he is under the impression that such evidence, if it showed his Choctaw blood, would entitle him to be identified as a Mississippi Choctaw. This of course is erroneous. He states positively in his testimony taken by you that none of his ancestors ever claimed or received any land in Mississippi as beneficiaries under the 14th Article of the Treaty of 1830.

The Department does not consider another hearing necessary and hereby affirms your decision.

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

Respectfully,

(Signed)

E. A. Hitchcock,
Secretary.

1 inclosure.

M.C.R.1609.

COPY.

Muskogee, Indian Territory, November 7, 1902.

Richard F. Hamton,
1109 Washington Street,
Gairo, Illinois.

Dear Sir:

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 Richard F. Hamton, et al., of which decision you were duly advised by registered mail on the 11th day of August, 1902.

Respectfully,

James Dixby.
Acting Chairman.

COPY.

H.C.R.1009

Washago, Indian Territory, November 7, 1902.

Alexander Wilson,
Attorney-at-Law,
Meridian, Mississippi.

Dear Sir:

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 Richard F. Hamton, et al., of which decision you were duly advised by registered mail on the 11th day of August, 1902.

Respectfully,

(SIGNED)

James Dixby
Acting Chairman.

H.C.B.1409.

COPY.

Waskagee, Indian Territory, November 7, 1902.

Hansfield, McTarray & Cernish,
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 Richard F. Hamton, et al ., of which decision you were duly advised by mail on the 11th day of August, 1902.

Respectfully,

Signed

James D. Doby,
Acting Chairman.

W.O.R. 1899
* 1980

Muskogee, Indian Territory, December 9, 1902.

James W. Zachary,

Lexington, Kentucky.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3d inst., in which you state that you are surprised that the decisions rendered by the Commission in the Mississippi Choctaw cases of Richard T. Hampton, wife and children, and Gen. Lew Wallace and children are sustained by the Secretary of the Interior.

You further state that if the facts had been explained to the Commission according to the truth in the cases, you do not understand on what ground the applicants have been excluded from enrollment as Mississippi Choctaws.

In reply, you are informed that the applicants above named submitted their applications for identification as Mississippi Choctaws under a provision of an act of Congress approved June 28, 1898 (30 Stats., 495) 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."

Article fourteen of the Choctaw treaty of 1830, referred to in this 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 each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission requires of applicants that they reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or were subsequently adjudicated beneficiaries thereunder by either of the two commissions authorized for this purpose by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1848 (5 Stats., 513).

The applicants, Richard T. Hampton, et al., and Gen. Lew Wallace, et al., having failed to submit any evidence of any act of compliance on the part of the ancestors through whom they claim

J W Z 3

their right to identification as Mississippi Choctaws with the provisions of article fourteen of the Choctaw treaty of 1830, the Commission rendered its decisions refusing their applications, which decisions were approved by the Secretary of the Interior, and the several applicants duly notified thereof.

Respectfully,

Acting Chairman.

M C R 1009

Muskogee, Indian Territory, February 2, 1904.

Mansfield, McMurray & Cornish,

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

Gentlemen:

Receipt is hereby acknowledged of your letter of the 28th ultimo, in which you request a copy of the testimony of Richard F. Hamton, given at the time he made application to this Commission for identification as a Mississippi Choctaw. A copy of such testimony is herewith enclosed.

Respectfully,

Commissioner in Charge.

McM 1

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. 1609

Muskegee, Indian Territory, November 7, 1902.

Alexander Wilson,
Attorney-at-Law,
Meridian, Mississippi.

Dear Sir:

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 Richard F. Hamton, et al., of which decision you were duly advised by registered mail on the 11th day of August, 1902.

Respectfully,



Acting Chairman.



C O P Y .

D. C. 782-1903.

1000

J.P.

DEPARTMENT OF THE INTERIOR,
Washington.

ITD. 6401, 7791,
8099 & 8079-1902.

January 6, 1903.

L.R.S.

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

Gentlemen:

December 24, 1902, the Commissioner of Indian Affairs reported in regard to a petition for rehearing made by Richard F. Hamton, of Atoka, I. T., on the matter of the application of himself and others for identification as Mississippi Choctaws, the subject of departmental letter of October 20, 1902.

Hamton alleged that he can prove that Dill Rodgers, through whom the applicants claim, complied with the fourteenth article of the treaty of 1830 and procured a patent to the land allotted to him.

The Commissioner states that the records of his office fail to disclose the name of Dill Rodgers, or any other person of the surname of Rodgers, as being an applicant or beneficiary under the fourteenth article of the treaty of 1830, or an applicant or beneficiary under any other provision of that treaty; that this being the case, the submission of the testimony of the parties whose names Hamton gives would in no wise aid him in the prosecution of his claim, and he recommends that no rehearing be granted.

On December 30, 1902, two affidavits in regard to this case were received without letter of transmission. These affidavits do not throw any new light of much importance upon the question, though it is stated that Dill Rogers "was called Hamp & Hawk and by the white people John the Baptist, but he was known as Dill Rogers throughout the tribe as Dill Rogers."

Concurring in the recommendation of the Commissioner of Indian Affairs, the application for rehearing is hereby denied. A copy of the Commissioner's letter is inclosed. Properly advise the party.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary.

1 inclosure.

COPY.

Land
78,135-1908

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, December 24, 1908.

The Honorable

The Secretary of the Interior.

Sir:

On the 20th instant the Department transmitted to this office for consideration and report, a communication from R. F. Hanton, of Atoka, Indian Territory, enclosing a petition and application for rehearing in the matter of his application for identification as a Mississippi Choctaw.

Mr. Hanton states in his petition that he can prove by Charley Gaith, of Colbert, Indian Territory, Samuel Perry, of Lehigh, Indian Territory, Willis Jackson, of Atoka, Indian Territory, W. C. Boen and Ches Boen, postoffice address unknown, that they were acquainted with Dill Rodgers in his life time; that on the 27th day of September, 1830, said Dill Rodgers was a full blood Choctaw Indian and resided in the old Choctaw Nation in the State of Mississippi, and was the head of a family; that within the time prescribed by the treaty of that date he applied to the U. S. Indian Agent and was duly enrolled for the five years stay in the State of Mississippi under the 14th article of the treaty and procured a patent to the lands so allotted to him by virtue of his enrollment; that he is a descendant of said

Dill Rodgers and is therefore entitled to favorable action on his application for identification as a Mississippi Choctaw.

Contrary to the claim of Mr. Hanton the records of this office fail to disclose the name of Dill Rodgers or any other person of the surname of Rodgers as being an applicant or beneficiary under the 14th article of the treaty of 1830 or an applicant or beneficiary under any other provision of that treaty, this being the case, the submission of the testimony of the parties whose names he gives would in no wise aid him in the prosecution of his claim, and I therefore recommend that no rehearing be granted, and that the decision heretofore rendered be allowed to stand.

Very respectfully,

(Signed) W. A. JONES,
Commissioner.

(E.B.H.)

P.

N C R 1609

Mustoge, Indian Territory, January 21, 1903.

Richard F. Hampton,
Atoka, Indian Territory.

Dear Sir:

The Secretary of the Interior under date of the 6th inst. directs the Commission to notify you that the petition filed by you with the Department for a re-hearing in the matter of the application made by you for the identification of yourself and minor children as Mississippi Choctaws fails to show any act of compliance on the part of the ancestors through whom you claim your right to be identified as Mississippi Choctaws with any of the provisions of article fourteen of the Choctaw treaty of 1830, and that a re-hearing in your case is denied.

Respectfully,

Commissioner in Charge.

Muskegee, Indian Territory, March 6, 1903.

Richard F. Hanton,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th ultimo, to the Secretary of the Interior, which has been by him referred to this Commission for consideration and appropriate action. Therein you state you have just returned from the old Choctaw Nation in Mississippi and "I find that there are on record Dhill Rodgers; that the government took the claim from him and sold it on October 6, 1832 and that he did take land for the five years stay; that the date of the sale of same, that the Commissioners certificate of sale October 6, 1832, I can furnish with a copy of same."

In reply to your letter you are informed that the Secretary of the Interior having on October 20, 1902, approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, the Commission considers the case closed and cannot receive or consider further evidence therein.

Respectfully,

Chairman.

M.C.R. 1809

Muskogee, Indian Territory, October 7, 1903.

T. E. Foster,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 2, asking the status of the application of Richard F. Hampton for identification as a Mississippi Choctaw.

In reply to your letter, you are informed it appears from our records that Richard F. Hampton was an applicant to this Commission for the identification of himself and his minor children as Mississippi Choctaws, and on August 11, 1902, the Commission rendered its decision refusing said application and on October 20, 1902, the decision of the Commission was affirmed by the Secretary of the Interior.

Respectfully,

Chairman.

W S R 1609

Muskogee, Indian Territory, April 11, 1906.

Richard F. Hamton,
Bennington, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 14, 1906, addressed to the Attorney General of the United States, and which has been referred to this office for consideration and appropriate action. You state that your application for identification as a Mississippi Choctaw was rejected by the Commission to the Five Civilized Tribes, and you now desire to be advised if you will be allowed to introduce further evidence in support of your claim.

In reply you are informed that the Secretary of the Interior on October 20, 1902, approved the decision of the Commission to the Five Civilized Tribes rendered August 11, 1902, refusing your application, and before any further testimony or other evidence can be received in your case, it will be necessary that you securing a rehearing in your case through the Secretary of the Interior.

You are further advised that rehearings in Mississippi Choctaw cases are only granted where sufficient reason appears for so doing. Applicants are required to show that they, or some one of their ancestors, were citizens of the old Choctaw Nation in the

R F H 2

States of Mississippi and Alabama in 1830 and heads of families, and as such, complied with the provisions of the 14th article of the Choctaw treaty of September 27, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the Commissioner to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said wit-

R F H 3

nesses acquired their knowledge of the matters whereof it is expected that they will testify.

Respectfully,

Acting Commissioner.

For Identification as a Mississippi Choctaw.

Date APR - 3 1901

Name Richard G. Hamtaw.

Age 56 Blood 1/2.

Post Office, Cairo, Illinois.

Father: Gray Hamtaw - dead. ^{1109 Washington street.}

Mother: Mary Hamtaw - dead.

Claims through mother.

WIFE: Etta Hamtaw - ✓
(no claim for wife).

Children:

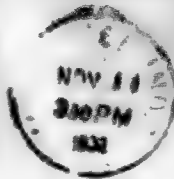
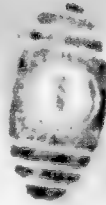
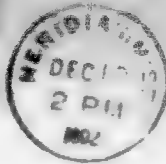
- Ralph Hamtaw 19.
- Etta Hamtaw. 14.
- Willie " " 12.
- Horace " " 10.
- Hallie " " 7.

Claims for himself and his five minor children.

Stenographer

Myra Young.

No 8



Department of the Interior.

Commissary to the Five Civilized Tribes,
MOORE, IND. TER.

SPECIAL BUSINESS

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Alexander Wilson, Attorney at Law,



Mississippi.

1009

File

DEPARTMENT OF THE INTERIOR,
THE FIVE CIVILIZED TRIBES.
B I L L S,
DEC 10 1902

P. J.
ACTING CHAIRMAN



Choctaw MCR 1610

Frank Stribling

MCR 1610

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

Herein is the record in the matter of the application of
Frank Stribling, et al., for identification as Mississippi
Choctaw. M.C.R. 1410.

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

In the matter of the application of Frank Stribling, et al., for identification as Mississippi Choctaws, M.C.R. 1610.

I N D E X .

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Original application of Frank Stribling, et al., before the Dawes Commission for identification as Mississippi Choctaws,.....	1
Decision of the Commission identifying Frank Stribling as a Mississippi Choctaw,.....	4

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

-000-

In the matter of the application of Frank Stribling, et al.,
for identification as Mississippi Choctaws, M.C.R. 1610.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Frank Stribling, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Certified copy of marriage record as between Frank Stribling and Roxie Ann Tubby-----	4
Decision of the Commission refusing the ap- plication of Jimmie J. Stribling as a Mis- sissippi Choctaw-----	5

-000-

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MERIDIAN, Mississippi, April 3, 1901.

In the Matter of the Application of Frank Stribling for
the identification of himself and one child as Mississippi Choctaws.

Frank Stribling being first duly sworn testified as follows:

By the Commission:

- Q What is your name? A Frank Stribling.
Q What is your age? A 28 years.
Q What is your postoffice address? A Toles, Mississippi.
Q You claim to be a full blood Choctaw Indian, do you? A Yes sir.
Q Are you married? A I have been married; my wife is dead.
Q Have you any children? A I have got one; two died.
Q You want to make application for your child, do you? A Yes sir.
Q What was the name of your wife? A Roxie.
Q Was Roxie a full blood? A No, she was 1/4.
Q When did she die? A She has been dead going on three years.
Q When and where were you married to her? A I married her in Kemper county, Miss., in 1894 I think.
Q Have you your marriage license and certificate with you here?
A No.
Q You have one at home, have you? A Yes.
Q It will be necessary for you to furnish the Commission with proper evidence of the marriage of yourself and Roxie to use in the matter of your application and the application of your minor child. If this evidence is received within thirty days from this date it will be filed with the Commission. What is the name of the child for which you are making application? A Jimmie Jefferson Stribling.
Q How old is Jimmie? A Four years.
Q You apply then only for yourself and minor child Jimmie J. Stribling? A Yes sir.
Q Is your father living? A No sir.
Q What is his name? A Bill Stribling.
Q He was a full blood Choctaw, was he? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Phoebe.
Q She is a full blood Choctaw, is she? A Yes sir.
Q Have you ever appeared before the Commission before this time?
A No, this is my first time.
Q You didn't go before them in 1899 when they were here? A No.
Q Did you ever live outside the state of Mississippi? A No, I staid in Mississippi all my life.
Q Did you ever apply to the Choctaw tribal authorities in Indian Territory for citizenship in the Choctaw nation--that is, did you ever present a petition to those Indians out there in Indian Territory for citizenship? A No, I didn't.
Q Did you apply to this Commission in 1896 for citizenship in the Choctaw nation? A No, I don't know anything about it.
Q You would know if you did, wouldn't you? A Yes.
Q You never then have been admitted to citizenship in the Choctaw Nation, Indian Territory, either by the Indian authorities out there, by this Commission or by the United States court in Indian Territory, have you? A No sir.
Q Have you ever received any benefits whatever as a Choctaw citizen--ever received any money or land? A No sir.
Q Is your name on any of the tribal rolls out in Indian Territory, do you know? A No sir.

2-Frank Stribling.

- Q You appear here for the purpose of making application for identification as a Mississippi Choctaw claiming rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of 1830, do you? A No.
- Q Isn't that what you are here for? A Yes, but I don't understand that.
- Q You know that the Commission is here for that purpose, to hear you people here who claim a share in the Choctaw lands under the treaty of 1830? A Yes sir.
- Q How long has your father been dead? A He has been dead about 17 years.
- Q How old a man was he when he died? A I can't tell exactly; somewhere about 49 years.
- Q He was not living in the year 1830 when the Indians moved west? A No, I don't think he was.
- Q How old is your mother? A She is about 55--somewhere along there
- Q Do you know the name of your father's mother? A I have forgotten it; I never did learn my grandpa.
- Q You don't remember his name? A No sir.
- Q Did you ever see your father's mother? A No sir.
- Q Do you know what her name was? A I did hear but I have forgotten.
- Q Did you ever see your mother's father? A No sir.
- Q Did you ever see your mother's mother? A No.
- Q Did you know her name? A No.
- Q Do you know whether either of your grandparents were living in Mississippi when the Indians moved west in the early thirties? A Yes, I think they were.
- Q Why was it they didn't move out with the Choctaws when they moved? A No, I don't think they did.
- Q Why didn't they go? A I don't know nothing about it.
- Q Do you know whether any of them ever received any money about that time--any of your grandparents? A Yes, hear them speak about it.
- Q Did you hear them say they got some money? A Yes.
- Q You are sure of that are you? A Yes.
- Q Which one of your grandparents got it? A My father's father.
- Q He got money did he when they moved out there? A That's what I hear.
- Q Did your mother's parents receive any money? A No, I don't think they did.
- Q Did any of them get any land? A No.
- Q You are sure about that? A Yes.
- Q You never heard of your ancestors getting any land here in Mississippi after the Indians moved west? You don't remember hearing such a thing? A No sir.
- Q You think it probable you would have heard of it? A Yes.
- Q You never heard either of your parents say anything about it? A No sir.
- Q Do you know whether any of your ancestors who might have been living in Mississippi, or on the Choctaw reservation, within six months after the ratification of the treaty of Dancing Rabbit Creek, went to the Indian Agent, Col. Ward and told him that they wanted to stay here and not move west with the band? A No, I don't know as I heard of it.
- Q In case the Commission should be able to identify you as a Mississippi Choctaw, entitled to rights in the Choctaw lands in Indian Territory, as beneficiary under the fourteenth article of the treaty of Dancing Rabbit Creek, between the United States and the Choctaws would you be willing to remove to the Choctaw Nation, Indian Territory, and take up your permanent residence there? A I don't know about that, but if some of the rest of them would go I would go.
- Q If the rest of the full bloods moved out there you would go along

3-Frank Stribling.

- with them? A Yes sir.
- Q Is there anything further in regard to your case that you would like to say? A No.
- Q Are there any affidavits, statements or papers that you want to file in support of your claim? A No sir.
- Q Do you speak the Choctaw language? A Yes sir.
- Q Your mother speaks Choctaw? A Yes sir.
- Q Does she speak English? A No, she don't speak English much.
- Q You never got any money from the Choctaw out in Indian Territory at any time? A No sir.
- Q Did your mother or father get any? A No.
- Q Did they ever go to the Indian Territory at all? A No.
- Q Always lived in Mississippi? A Yes sir.
- Q What county do you live in? A Neshoba.
- Q Did your grandparents live in Neshoba county? A Yes sir.
- Q This boy for whom you are making application lives with you? A Yes sir.

You will be furnished at a later date with a copy of the decision of the Commission with reference to your application and the application made by you for your son Jimmie J. Stribling, mailed to your present post-office address.

-----o-----

Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 3rd day of April, 1901, and that the foregoing is a full, true and correct transcript of her shorthand notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 5th day of April, 1901, at Meridian, Mississippi.

J. M. [Signature]
Notary Public.

COPY.

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

In the matter of the application of Frank Stribling, et al.,
for identification as Mississippi Choctaw, H.O.R. 1610.

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 Frank Stribling for himself and his minor child, Jimmie J.
Stribling, under the following provision of the act of Congress
approved June 26, 1898, (30 Stats., 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 be-
tween the United States and the Choctaw Nation, concluded
September twenty-seventh, eighteen hundred and thirty,
and 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 records of the Commission it appears that the prin-
cipal applicant, Frank Stribling, who is a full-blood Mississippi
Choctaw Indian, was, on March 4, 1904, duly identified as a Mis-
sissippi Choctaw, under the provisions of section forty-one of the
act of Congress approved July 1, 1902, (32 Stats., 641). The
evidence herein shows that the other applicant is a mixed-blood
Choctaw, and as such does not come within the purview of said
section.

(2)

It also appears that the minor applicant herein 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 Bill Stribling and Phoebe Stribling, both of whom are alleged to have been full-blood Choctaw Indians, and Roxie (or Roxie Ann) Stribling, nee Tubby, 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 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 Bill Stribling, or Phoebe Stribling, or Roxie (or Roxie Ann) Stribling, nee Tubby, 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 Jimmie J. Stribling, 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.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED Jame Dixby.
Chairman.

SIGNED I. B. Needles.
Commissioner.

SIGNED C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

JUL 29 1904

COMMISSIONER.

(Post card)

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

-oOo-

In the matter of the application of Frank Stribling, et al., for identification as Mississippi Choctaws, M.C.R. 1610.

---: 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 April 3, 1901, by Frank Stribling for himself and his minor child, Jimmie Jefferson Stribling, 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."

From the evidence submitted in support of said application it appears that the principal applicant is a full-blood Mississippi Choctaw Indian. The minor applicant herein is a mixed-blood Choctaw, and whatever rights as a Mississippi Choctaw he may possess by reason thereof will be determined at a later date.

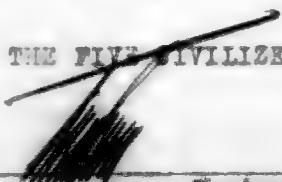
Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902,


(32 Stat., 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."

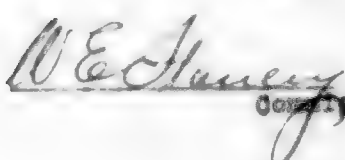
It is, therefore, the opinion of this Commission that Frank Stribling should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory.

MAR 4 1904

Muskogee, Indian Territory, April 20, 1901

Mr. Frank Stribling,

Toles, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage license and certificate of Frank Stribling and Roxie Ann Tubby and same has been filed with the proper records in this office.

Yours truly,

Acting Chairman.

1610

Arkawa, I. T. February 27, 1903.

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

You will please deliver to J. G. Ralls, of Atoka, Indian Territory, any copies of the records in my case that under the rule of law, the Commission may give out to Attorneys, as I have employed him to assist in my case.

WITNESSES: TO MARK:

Frank Stribling

Frank Stribling also applied
for his one child Jimmie.

H O R 1610
H O R 1607

Muskogee, Indian Territory, April 1, 1903.

Frank Strikling,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter, without date, in which you ask that the "notification" to you and Solomon Willis be sent to Ardmore, Indian Territory. You also ask to be advised when the land offices will open.

In reply you are informed that a proper record has been made of the change of your post office address and that of Solomon Willis. You are further advised that on Wednesday, April 15, 1903, the Commission will establish, at the town of Atoka in the Choctaw Nation, and at the town of Tishomingo in the Chickasaw Nation, offices for the allotment of the lands of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

1610
M C R 1880-

Wagon, Indian Territory, September 11, 1903.

Frank Stribling,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you ask to be advised the status of your claim. You ask "If I am not yet identified can I get land and hold it?"

In reply you are informed that it appears from our records that you made application to this Commission for identification as a Mississippi Choctaw. No decision has yet been rendered relative to your right to such identification, and it is not believed that you are at this time entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

H.C.R. 1610

Muskogee, Indian Territory, March 4, 1904.

Frank Stribling,

Artmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 4, 1904, 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).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 4, 1904, and must make proof of such removal and settlement on or before March 4, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

T. D. Needles.

Commissioner in Charge.

Registered.

Enc. H.C.R. 1610.

COPY:

H.C.R. 1610

Muskogee, Indian Territory, March 4, 1904.

Manfield, McMurray & Cernish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 4, 1904, identifying Frank Stribling as a Mississippi Choctaw Indian, under the provisions of Section 41 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 the Commission such protest as you desire to make against the action of the Commission in identifying said Frank Stribling as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file 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,

WJMSB

T. D. Hodges

Commissioner in Charge.

Registered.

Enc. H.C.R. 1610.

M.C.R. 1410.

COPY.

Muskogee, Indian Territory, July 29, 1904.

Frank Stribling,

Ardmore, Indian Territory,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision, refusing the application for identification of Jimmie J. Stribling as a Mississippi Choctaw.

You are further notified that you will be allowed fifteen days from the date of this notice 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 as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

W. B. B. 161010

COPY,

Muskogee, Indian Territory, July 29, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 20, 1904, refusing the application for identification as a Mississippi Choctaw of Jimmie J. Stribling.

You are further advised that the applicant herein has been allowed fifteen days from the date of this notice 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 as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, August 18, 1904.

COPY!

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Frank Stribling et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 29, 1904.

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

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

2 enclosures M.C.R. 1610.

M C R 1519

Muskogee, Indian Territory, August 17, 1904.

Frank Stribling,
 Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you ask that you be allowed to introduce further testimony in support of the application for the identification of your child, Jimmie J. Stribling.

In reply you are informed that on August 15, 1904, the record in the matter of the application above mentioned, together with the decision of the Commission refusing said claim, was forwarded to the Secretary of the Interior, and the Commission is now without authority to receive or consider any further evidence in support of the application for the identification as a Mississippi Choctaw of Jimmie J. Stribling.

When this office is informed of departmental action in this case you will be promptly notified thereof.

Respectfully,

Commissioner in Charge.

M C R 1610

Mustoge, Indian Territory, August 26, 1904.

Frank Stribling,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you ask that you be allowed an extension of time in which to file argument in this office in support of the Mississippi Choctaw application of Jimmie J. Stribling.

As advised in our letter to you under date of August 17, 1904, the record in the matter of the application of your son, Jimmie J. Stribling, together with the decision of the Commission refusing his claim, was forwarded to the Secretary of the Interior on August 15, 1904, and this office is now without authority to receive or consider any further evidence in support of the above mentioned application.

Respectfully,

Chairman.

(COPY)

Land.
86078-1904.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

August 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 15, 1904, transmitting the record of the application for identification under the 14th Article of the treaty of Dancing Rabbitt Creek, by Frank Stribling for his minor child, Jimmie J. Stribling.

June 29, 1904, the Commission decided adversely to the applicant.

The record shows that Jimmie J. Stribling is the son of Frank Stribling, a full blood Choctaw, and his wife Roxie Tubbie Stribling a quarter blood Choctaw.

The applicant appears to be unable to give the names of any ancestors except his father and mother the eldest of whom was born in 1846.

There is no record in this office, and the record itself furnishes none of any ancestor who ever complied with the provisions of the 14th Article of the treaty of Dancing Rabbitt Creek, or subsequent legislation thereunder.

It does not appear that Jimmie J. Stribling has ever been recognized, identified or enrolled as a Choctaw, Mississippi, or otherwise.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very Respectfully,

W. A. Jones.

Commissioner.

H.M.M.

W.

(COPY)

J.W.H.
LHB

D.C.
I.T.D.
Y.P.

35934-1904.
6988-1904.

DEPARTMENT OF THE INTERIOR
WASHINGTON

September 8, 1904.

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

Gentlemen:

August 15, 1904, you transmitted the record in the matter of the application of Frank Stribling for identification of himself and his son, Jimmie J. Stribling, as Mississippi Choctaws.

From your decision of July 29, 1904, it appears that on March 4, 1904, you identified the principal applicant as a Mississippi Choctaw of Full blood. It does not appear however that the rights of Frank Stribling were passed upon in said decision. In reference to his son, Jimmie J. Stribling, you held that he is not entitled to identification as a Mississippi Choctaw, being a Choctaw of mixed blood and unable to show that any of his ancestors complied with article 14 of the treaty of September 27, 1830.

Reporting in the matter August 30, 1904, the Commissioner of Indian Affairs recommended that your action denying the application of Jimmie J. Stribling be approved.

The Department concurs in said recommendation. Your decision is accordingly affirmed.

Respectfully,

Thos. Ryan.
Acting Secretary.

H.C.A. 1610.

COPY.

Muskogee, Indian Territory, September 28, 1904.

Frank Stribling,

Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that on the 8th day of September, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for the identification as a Mississippi Choctaw of Jissie J. Stribling, of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

(SIGNED)

Jame Bixby.

Chairman.

M.C.R. 1610

COPY.

Waskagee, Indian Territory, September 26, 1904.

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

Gentlemen:

You are hereby notified that on the 8th day of September, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for the identification as a Mississippi Choctaw of Jimmie J. Stribling, of which decision you were advised by mail on the 29th day of July, 1904.

Respectfully,

SIGNED

James Bixby.
Chairman.

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

IDENTIFIED

MAR 4 1904

COPY OF DECISION FORWARDED

APPLICANT

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

DECISION RENDERED JUL 29 1904

REFUSED JUL 29 1904

NOTICE OF DECISION FORWARDED

APPLICANT JUL 29 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT

AUG 15 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR

SEP 8 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

SEP 26 1904

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

SEP 26 1904

10.21

For Identification as a Mississippi Choctaw.

Date APR 3 1901

Name Frank Stribling

Age 28 Blood full

Post Office, Toles, Miss.

Father: Bill Stribling (full) dead

Mother: Phoebe " (full) ✓

Claims through both parents

Wife Roxie Stribling (full) dead

Children:

Jimmie J. Stribling 4 yrs

(Claims for himself, and one
minor child.)

Stenographer

Francis R. Brown

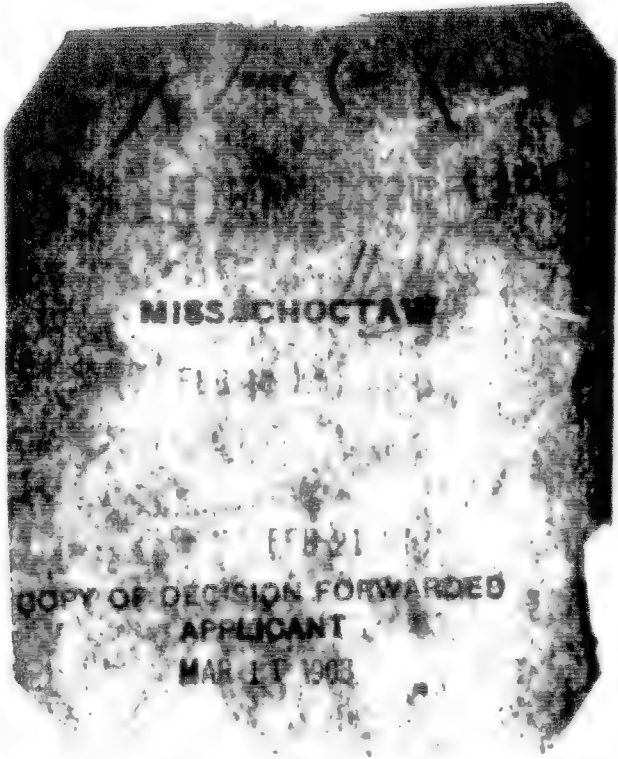
Choc. MCR 1611

Lucy Jim (Lo-mah)

MCR 1611

1611

MISS CHOCTAW



MISS CHOCTAW

FEB 21

COPY OF DECISION FORWARDED
APPLICANT
MAR 11 1903

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of the application
of Lucy Jim(or Lo-mah) for identification as a Miss-
issippi Choctaw----- M.C.R. 1611

1611

Department of the Interior.
Commission to the Five Civilized Tribes.
Meridian, Mississippi, April 3rd, 1901.

In the matter of the application of Lucy Jim for identification as a Mississippi Choctaw; she being first duly sworn upon her oath testified as follows:

Examination by the Commission.

- Q Please state your name? A Lucy Jim.
Q How old are you? A About twenty.
Q Do you think you are twenty one? A About twenty one.
Q What is your post office address? A Rosehill, Mississippi.
Q Are you a full blood Choctaw? A Yes.
Q Can you speak the English language? A No.
Q Do you understand English? A No.
Q Have you ever been before this Commission before? A No.
Q Has anyone else ever appeared before the Commission for you? A No.
Q Did you appear when the Commission was down here in 1899, about two years ago? A I don't know about that.
Q Have you ever had any other name than Lucy Jim? A Le-mah.
Q Are you single, or married? A Single.
Q Do you claim for anybody besides yourself? A No.
Q Is your father living? A Yes sir.
Q What is his name? A Billy Jim.
Q Is he a full blood Choctaw? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Sukey.
Q Is she a full blood Choctaw? A Yes sir.
Q Do either one of them speak English? A My father does.
Q Have you or your parents ever received any benefits from the Government of the United States? A No sir.
Q Did you or anyone for you or your parents ever make application to the Choctaw authorities, that is the tribal authorities out in the Indian Territory, for citizenship in the Choctaw Nation? A No sir.
Q Have you always lived here in Mississippi? A Yes sir.
Q Have your father and mother always lived here in Mississippi? A Yes sir.
Q Did you, or anyone for you, make application in the year 1896, five years ago, to this Commission for citizenship in the Choctaw Nation? A No sir.
Q Then you have never been admitted to citizenship in the Choctaw Nation, in the Indian Territory, either by the Choctaw Indian authorities out there, by this Commission or by the United States Court for the Indian Territory? A No sir.
Q For what purpose do you appear before the Commission at this time? A To establish my rights as a Mississippi Choctaw.
Q Did any of your ancestors, your grand father or grand mother, ever receive any benefits as Choctaw Indians, either land or money? A I don't know.
Q You never heard of it? A No sir.
Q Did you ever hear of the treaty of Dancing Rabbit Creek between the United States and the Choctaws? A I never heard about it.
Q Still, you think you ought to be entitled to land in the Choctaw Nation, Indian Territory, is that the case? A Yes sir.
Q What one of your ancestors, your father or your mother, or your grand father or grand mother, remained here in Mississippi when the main body of the Choctaws went west about 1830? A I don't know who.

1611
Lucy Jim, #28

Q You don't know whether any of them were here in Mississippi about that time, and remained hereafter the main body of the Choctaws went west? A No sir.

Q Do you know whether any of your ancestors moved west with the Choctaws in the early thirties? A I don't know.

Q How old is your father? A I don't know.

Q Well, about how old is he? A About a middle aged man.

Q How old is your mother? A About a middle aged woman?

Q Neither one of them were living in 1830, or seventy years ago? A I don't know.

Q Do you think they are as much as seventy years old, either your father or your mother? A No sir.

Q What is the name of your father's father? A I don't know.

Q Do you know the name of your father's mother? A I don't know.

Q Do you know the name of your mother's father? A I don't know.

Q Do you know your mother's mother's name? A No sir.

Q You don't know whether any of your grand parents ever received any land here under the treaty of Dancing Rabbit Creek, as beneficiaries under the fourteenth article of that treaty? A I have never heard of it if they did.

Q Does your name appear upon any of the Choctaw Indian rolls out in the Indian Territory? A I don't know.

Q In case the Commission should be able to identify you as a Mississippi Choctaw entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, it is probable that you would have to remove to the Indian Territory and there share in the per capita distribution of the lands; and in case the Commission should determine that you are so entitled to share in the distribution of the lands under that treaty, would you be willing to remove to the Choctaw Nation, Indian Territory, and there establish your home? A I don't want to move there.

Q Even if you could get all of this land, you wouldn't want to move there? A I would rather have the money than the land.

Q You want the money instead of the land? A Yes sir.

Q There is no provision for you to get the money; you could only get the land, and you will have to move there to get that? A If the rest of my people here in Mississippi will go, I will go.

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

Q Have you any written evidence, statements or other papers you desire to file with the Commission in support of this claim? A No sir.

The decision of the Commission with reference to the application made by you at this time for identification as a Mississippi Choctaw, entitled to rights in the Choctaw lands under the fourteenth article of the treaty of Dancing Rabbit Creek will be mailed to you at your present post office address, Rosehill, Mississippi.

(This applicant has ever apearance of being a full blood Choctaw Indian. She does not speak the English language but speaks Choctaw fluently. It appears from her testimony that she does not know the names of her ancestors farther back than her mother and father; also that neither of her parents, nor any of her ancestors so far back as she knows, have ever participated in any of the Choctaw annuities or privileges of Choctaw citizenship in the Indian Territory, they having always been residents of the State of Mississippi;

164

Lucy Jim, #3.

that so far as she knows, none of her ancestors have ever received any land in the State of Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.)

R.S. Streit, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the foregoing is a full, true and correct translation of his stenographic notes therein.

R.S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 20 day of April, A.D. 1901.

[Signature]
Notary Public

1611

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Lucy Jim (Lo-mah)
for identification as a Mississippi Choctaw, M.C.R. 1611.

-----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 April 3, 1901, by Lucy Jim (Indian name Lo-mah), for herself, 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 the 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 Lucy Jim(or Lo-mah) should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman


Commissioner


Commissioner

Muskogee, Indian Territory.

FEB 14 1903

Commission to the Five Civilized Tribes

Muskogee, Indian Territory

You will already be advised by J. G. Kaine, of Atoka, Indian Territory, that any copies of the records in my case that under the rule of law, the Commission may give out to attorneys, as I have employed him to assist me in this case.

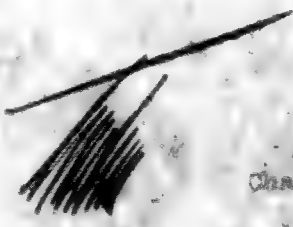
Lucy J. ...

2111

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

In the matter of the removal to and settlement within the Choctaw-Chickasaw country, Indian Territory, of Lucy Jim (Lo-mah), schedule of identified Mississippi Choctaws No. 193:

The evidence herein shows that Lucy Jim (Lo-mah) was identified as a Mississippi Choctaw by the Commission to the Five Civilized Tribes February 14, 1903; that she removed to and established her residence in the Choctaw-Chickasaw country, Indian Territory in the spring of 1903; that satisfactory proof of such removal and settlement was submitted to the Commission to the Five Civilized Tribes July 15, 1903; and that she is, therefore, entitled to enrollment as a Mississippi Choctaw, under the provisions of Section 43 of the Act of Congress approved July 1, 1902 (32 Stats., 641).



Chairman.

Huskogee, Indian Territory,
December 12, 1904.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Lucy Jim, (or
Lo-mah), for identification as a Mississippi Choctaw

M.C.R. 1611

----- I N D E X -----

	Page
Original application of Lucy Jim to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Decision of the Commission identifying Lucy Jim as a Mississippi Choctaw -----	4

COPY.

M.C.R. 1011

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Lucy Jim 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 Lucy Jim, 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

Jens Dixby.

Acting Chairman

Registered
Enclosure C.M. 9

H.C.R. 1611.

Muskogee, Indian Territory, March 11, 1903.

Lucy Jim, (Lo-mah)

Rose Hill, Mississippi.

Dear Madam:

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,

Tame Birby
Chairman.

Registered.

Enc.: 1611.

No. 1611

For Identification as a Mississippi Choctaw.

Date APR 3 1901

Name Lucy Jim (single)

Age 21 Blood full

Post Office, Rose Hill, Miss.

Father: Billy Jim (Full) ✓

Mother: Sukey " (..) ✓

Claims through both parents.

~~Children:~~ Claims for herself only.

Stenographer

R. S. Street

Choc. MCR 1612

Albert James

MCR 1612

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of the application
of Albert James for identification as a Mississippi
Choctaw ----- M.C.R. 1612

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 3, 1901.

In the Matter of the Application of Albert James for Identification as a Mississippi Choctaw.

Albert James being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Albert James.
Q What is your age? A 29 years.
Q What is your postoffice address? A Stringer, Mississippi.
Q How long have you lived in Mississippi? A Always.
Q Born here? A Yes sir.
Q Never lived anywhere else? A No sir.
Q Have you ever been out of the state? A No sir.
Q What is your father's name? A Doctor James.
Q Is your father living? A No sir.
Q What is your mother's name? A Sophie James.
Q Is your mother living? A No sir.
Q Were your mother and father both full blood Choctaw Indians?
A Yes sir.
Q They always lived in Mississippi, did they? 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 citizenship in the Choctaw nation? A Yes.
Q Where? A At Decatur, Mississippi.
Q That was not the Choctaw authorities; the Choctaws in the Indian Territory have their own government; the time you made your application, that was made to the United States; we are talking about Indian Territory. A No sir.
Q Five years ago the Commission had authority to hear and determine applications of persons for citizenship in the Choctaw nation under the act of Congress of June 10, 1896, and at that time there was a lot of Indians here in Mississippi who made application to the Commission for citizenship in the Choctaw nation; did you make application then? A Yes sir.
Q These Indians made this application with an Indian named Jack Amos down here; did you ever hear of him? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw nation by the commission to the Five Civilized Tribes, the Choctaw tribal authorities or the United States court in Indian Territory?
A No sir.
Q Have you ever received any benefits as a member of the Choctaw tribe in Indian Territory? A No sir.
Q You are making application now for identification as a Mississippi Choctaw? Is that right? A Yes sir.
Q Have you ever made such application before this? A Yes.
Q Where? A At Decatur.
Q Did you make it yourself? A No.
Q Who made it? A My brother Wash James.

The applicant is the identical person for whom an application was made by Wash James, his brother, for identification as a Mississippi Choctaw at Decatur, Mississippi, February 7, 1899. The application made at that time was for Albert, Crickett and their three children. From testimony taken at this appointment of the Commission it develops that Albert and Crickett James have separated and do not live together and the application which Albert James now makes is for the identification of himself alone. His name appears

Albert James.

upon Mississippi Choctaw card No. 406, and upon the schedule annexed to the Commission's report of March 10, 1899 as to the identification of Mississippi Choctaws, page 90, roll No. 1453, Albert James.

- Q You are making your application as a beneficiary under the 14th Article of the treaty of 1830, are you? A Yes sir.
- Q Did any of your ancestors ever claim or receive any land here in Mississippi from the United States government as beneficiaries under the 14th article of the treaty of 1830? A No sir.
- Q Did you ever hear of any of them getting any land from the Government? A No sir.
- Q Did the Government ever pay any of them any money? A No sir.
- Q How long has your father been dead? A I don't know; it has been a good while.
- Q About how old a man would he be if he were living? A He would be about 65.
- Q Did you know his father's or grandfather's names? A No.
- Q Do you know your grandmother's name? A No sir.
- Q Or your mother's mother's and father's names? A No.
- Q Did you ever hear of any of them going out to the Indian Territory? A No sir.
- Q As far back as you can remember have they always lived in Mississippi? A Yes sir.
- Q Did you ever hear of any of them receiving money from the Choctaw nation in Indian Territory? A No sir.
- Q Have you any relations in the Indian Territory--any cousins? A No sir.
- Q Have your people always lived here in Mississippi? A Yes sir.
- Q You don't know anything about your grandparents? A No sir.
- Q Your mother and father would both be about 70 years of age if they were living? A Yes sir.
- Q Are you married? A No sir.
- Q You are just making application for yourself alone? A Yes sir.
- Q In the event that this Commission should be able to identify you as a Mississippi Choctaw, or a Choctaw entitled to allotment under the provisions of the 14th article of the treaty of 1830, is it your intention to remove to the Indian Territory and take up your abode there as a permanent place of residence? A Yes, I guess so.
- Q You want to move there do you? A Yes.
- Q Are there any additional statements that you want to make, or questions that you want to ask? A No sir.
- Q You understand now fully do you that if you should be identified as a Mississippi Choctaw or a Choctaw entitled to rights to allotment in the Indian Territory, that you will have to move there and live there in order to have any benefits? A Yes sir.
- Q That there is no money paid to the Choctaw here in Mississippi? A Yes sir.

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

The applicant in this case is to all appearances a full blood Choctaw Indian; he speaks the Choctaw language and from his testimony it appears that both he and his ancestors have always been residents of the state of Mississippi and have never in any way participated in the benefits of Choctaw citizenship in Indian Territory, nor received any part of the annuities or payments made by the Government to the Choctaw Indians in Indian Territory.

Frances E. Brown having been first duly sworn, upon oath

S-Albert James.

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 3rd day of April, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 5th day of April, 1901, at Meridian, Mississippi.

J. M. [Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Albert James
for identification as a Mississippi Choctaw,

M.C.R. 1612

-----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 April 3, 1901, by Albert James 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 Albert James should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman

Commissioner


Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Albert James
for identification as a Mississippi Choctaw,

M.C.R. 1612

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DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the death of Albert James
(Here insert name of deceased)
a citizen of the Miss. Choctaw Indian Nation, who formerly resided at or near
Stinger, Miss., Ind. Ter., and died on the 26th day of
June, 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

Southern District

I, Wash James, on oath state that I am 28
years of age and a citizen by Mississippi Choctaw Indian
of the Nation,
that my post office address is Ravia Ind. Ter.; that I am
(Here insert name of post office)
a brother of Albert James
(State relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased)
who was a citizen by Mississippi Choctaw Indian Nation,
and that said Albert James died on the 26th day of
(Here insert name of deceased)
June, 1902.

WITNESSES TO SIGN:

(Must be Two Witnesses)

Wash James

Subscribed and sworn to before me this 30th day of April, 1903.
E. D. Rodgers
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

Southern District

I, Kit Reed, on oath state that I am 29
years of age, and a citizen by Mississippi Choctaw Indian
of the Nation;
that my post office address is Ravia Ind. Ter.;
(Here insert name of post office)
that I was personally acquainted with Albert James
who was a citizen by Mississippi Choctaw Indian Nation,
and that said Albert James died on the 26th day of
(Here insert name of deceased)
June, 1902.

WITNESSES TO SIGN:

(Must be Two Witnesses)

Kit Reed

Subscribed and sworn to before me this 30th day of April, 1903.
E. D. Rodgers
Notary Public.

C 20

1612

One W 15

82

IN RE
THE DEATH OF

Albert James

a citizen of the

Miss Chintaw India..
Nation.

Approved *[Signature]* MAY 5 1903 1903

[Signature]
Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

W
2)

MAY 5 1903

[Signature]

CHAPMAN

COPY.

K. O. B. 1512

Muskogee, Indian Territory, February 21, 1903.

Wadfield, Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Albert James as a Mississippi Choctaw Indian under the provisions of the 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 Albert James 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,

SENRY

John B. B. B.

Acting Chairman

Registered

M.C.R. 1612.

Wakarusa, Indian Territory, March 11, 1903.

Albert James,
Sandersville, Mississippi.

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,

W. D. Dancy
Chairman.

Registered.

Enc. 1612.

W D I 20

Muskegee, Indian Territory, May 7, 1903.

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

Dear Sir:

You are hereby advised that the following notation has
this day been made on the original identified Mississippi Choctaw
card No. 20:

"No. 1 died June 26, 1902; proof of death filed
May 6, 1903."

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

Respectfully,

Chairman.

M C R 1612
M C R 1612

Muskogee, Indian Territory, February 3, 1904.

Wash James,

Troy, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 18, 1904, by reference from the U. S. Indian Agent, Union Agency, asking if you can make selection of allotment for your step-son, Mack Billey, who is "still in Mississippi"; also for your brother who died in Mississippi after making application to this Commission for identification as a Mississippi Choctaw.

Replying to your inquiries you are advised that our records show that on February 14, 1903, the Commission rendered a decision identifying you, your wife, Easter James, your minor child, Harbar James, and your step-child, Mack Billey, as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations. Also on May 28, 1903, a supplemental decision was rendered, identifying Ore James, minor child of Wash and Easter James, and for whom application for identification as a Mississippi Choctaw was received at this office in proper form on March 23, 1903.

Our records further show that on February 14, 1903, a decision was rendered by the Commission identifying your brother,

V J 2

Albert James, as a Mississippi Choctaw; that said Albert James died on June 26, 1902, proof of death being filed with this Commission on May 6, 1903.

As the law requires all duly identified Mississippi Choctaws to remove to and make settlement within the Choctaw-Chickasaw country within six months from the date of their identification by the Commission to the Five Civilized Tribes, and neither your step-son or brother made such removal within the specified time, you cannot at this time be permitted to make selection of allotments in their names.

Respectfully,

Commissioner in Charge.

No. 1612

For Identification as a Mississippi Choctaw.

Date APR -3 1901

^{DEADLY}
Name Albert James.

Age 29 Blood full.

Post Office, Struiger, Miss.

Father: Doctor James - dead

Mother: Sophie James - dead.

Claims through both parents

Children:

Claims for himself alone.

See Mississippi Choctaw card
#406.

testimony of Feb. 17, 1899.

Stenographer

Francis A. Brown.

Department of the Interior.

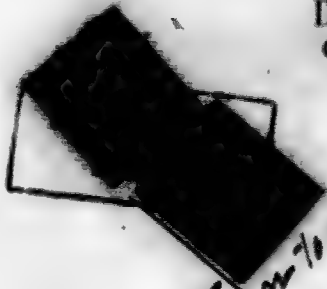
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use



Reg No $\frac{53}{64}$



Write to write

~~Albert C. Jones,~~

~~Sandersville, Georgia.~~

~~2665~~
4227

*W. J. Bennett
S. J. Bennett
S. J. Bennett*

Real

1612

14

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 28 1903

[Handwritten signature]

App 3-18-1903

FEB 14 1903

RECEIVED
FORWARDED
BY LAW AND

FEB 21 1903

BY DECISION FORWARD
APPLICANT

MAR 11 1903

Choc. MCR 1613

Jim Haney

(or Tik-e-bon-tubbee)

MCR 1613

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of the application
of Jim Nancy (or Tik-e-bon-tubee), et al.,
for identification as Mississippi
Choctaws, M.C.R. 1613.

Department of the Interior.
Commission to the Five Civilized Tribes.
Meridian, Mississippi, April 3rd, 1901.

In the matter of the application of Jim Hancy, et al., for identification as Mississippi Choctaws; said Jim Hancy, being first duly sworn upon his oath, states as follows:

Examination by the Commission.

- Q Please state your name? A Jim Hancy.
Q Have you any other Indian name? A Tik-e-bon-tubbee.
Q What is your age? A I was raised a missionary.
Q How old are you? A Forty nine.
Q What is your post office address? A Paulding.
Q What county is Paulding in? A Jasper County.
Q Are you a full blood Choctaw? A Yes.
Q Have you always lived in the State of Mississippi? A Yes.
Q Never lived anywhere else? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Agnes.
Q Do you want to make application for Agnes too? A Yes sir.
Q Is she a full blood? A Yes sir.
Q Does she speak English? A Yes.
Q How old is Agnes? A Forty eight.
Q Have you any children? A Yes.
Q What are their names? A Mandy.
Q How old is Mandy? A Eighteen.
Q The next one? A The next one sixteen.
Q What is the next one's name? A Alive.
Q The next one? A Tom Ross/
Q How old is Tom? A Nine years old this month.
Q The next one? A Horace.
Q How old is Horace? A Five.
Q The next one? A Three years old, is Oscar.
Q Is that all? A That's all.
Q These are all the Children of yourself and Agnes Hancy, are they?
A Yes sir.
Q When and where were you married to Agnes? A Paulding, Mississippi
Q When were you married to her? A Right there.
Q How long ago? A Twenty two years.
Q You are sure she is forty eight years old, are you? A Yes sir.
Q Did you ever have any other wife? A No.
Q ~~is your father living?~~
Q Is your father living? A Yes sir.
Q What is his name? A Jim.
Q Just Jim? A Yes.
Q Has he any other name? A No, Tik-e-bon-tubbee.
Q Is he a full blood? A Yes sir.
Q Does he speak English? A Yes.
Q Is your mother living? A She is dead.
Q When did she die? A Five years ago.
Q What was her name? A Betsey Tik-e-bon-tubbee.
Q Was she a full blood? A Yes.
Q How is Agnes' father living? A He is dead.
Q What was his name? A Jim.
Q Jim what? A Jim H'lis.
Q He was a full blood? A Yes.
Q Is her mother living? A Dead.
Q What was her name? A Janie Ellis.
Q She was a full blood? A Yes.
Q Have you ever been before this Commission before? A No.
Q Didn't you appear at Doan's? A Yes sir.

Jim Hancy, et al., #2.

Q This is the same Commission. Well, then, you appeared at Decatur? A Yes.

Q Do you know when that was? A Two years ago.

Q

The records of the Commission show that on February 7, 1899, Jim Hancy, claiming to be a full blood Choctaw, appeared before the Commission at Decatur, Mississippi, and made application for the identification of himself, his wife, and the following minor children, as Mississippi Choctaws, claiming rights in the Choctaw lands under the fourteenth article of the treaty of 1830, between the United States and the Choctaws:- Mandy, Alice, Tom, Horace and Oscar. The record made at that time shows that his wife, Agnes, was only twenty five years of age, but in as much as the applicant testifies at this time that he has been married to her for twenty two years, we presume this was a clerical error as to her age in 1899.

The names of these parties all appear on Mississippi Choctaw card, field number 407; the names of these persons also appear on page 90 of the schedule of Mississippi Choctaws residing in Mississippi, and claiming interests in the Choctaw property under article fourteen of the treaty of Dancing Rabbit Creek, concluded September 27, 1830, which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Honorable Secretary of the Interior, as to the identify of Choctaw Indians residing in Mississippi, and claiming rights in the Choctaw lands under the fourteenth article of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, as directed in Section 21, of the Act of Congress approved June 28, 1898, being numbers 1458, 1459, 1460, 1461, 1462, 1463 and 1464, respectively.

Q Jim, these children you have named are all living with you are they? A All living.

Q With you? A Yes.

Q Have there been any children born in your family since Oscar? A No.

Q Have you made any attempt to be admitted to citizenship, either for yourself, or wife or children, in the Choctaw Nation, Indian Territory? A No.

Q Never applied for citizenship at all? A No sir.

Q Did either you, or any one for you, or for your wife and children, apply for citizenship in the Choctaw Nation, five years ago; did you apply then? A No.

Q Then you have never been admitted to Citizenship in the Choctaw Nation, Indian Territory, either by the Choctaw tribal authorities, by this Commission or by the United States Courts, have you? A No.

Q Did you ever draw any money as a Choctaw out there? A No.

Q Never drew any money here as a Choctaw citizen? A No.

Q Never received any benefits whatever? A No.

Q You never received any land down here did you Jim? A No.

Q How old a man is your father, Jim? A My father just eighty nine mighty old.

Q Did you ever hear him say anything about being here when the Indians moved west? A Yes sir, he was here, he didn't go.

Q He didn't go along? A No.

Q He preferred to stay here in Mississippi? A Yes, that's the way I was raised a Missionary.

Jim Hancy, et al., #3.

- Q You are a missionary are you? A Yes sir.
- Q Well, now do you know, Jim, whether your father ever received any land here in Mississippi, a farm; did he get a farm here in Mississippi? A Yes.
- Q Where is it? A Paulding, Mississippi.
- Q He got some land then? A No, somebody else's land.
- Q He is working somebody else's land? A Yes.
- Q Did the Government of the United States, a few years ago, after the Indians went west, give him a farm? A Yes, I think.
- Q Does he own it now? A Yes, I want it now.
- Q I am talking about your father, Jim; I want to know whether he got any land here in Mississippi, along when he was a boy, and before you were born? A No.
- Q He wanted it but didn't get it? A Yes.
- Q Did you ever hear him say he was trying to get it? A No.
- Q Do you know whether your mother ever got any land down here? A No she didn't get any.
- Q Jim, what is your grand father's name? A Your father's father? A Ma-o-nubbee.
- Q Was he living here in 1830, when the Indians went to the Choctaw Nation in the Indian Territory; your grand father? A Yes.
- Q Where did he live? A Jasper County.
- Q Did you ever hear of him receiving any land here shortly after the Indians went west? A No.
- Q Did he ever try to get any that you know of? A No.
- Q He was a full blood Indian? A Yes.
- Q Did you ever see him? Did he ever tell you that he claimed any land here; didn't he tell you that he wanted land? A Yes, he said nothing.
- Q He didn't have any land? A No.
- Q Did he draw any money when the Indians went west? A No.
- Q Did your father draw any money when the Choctaws went west? A No.
- Q Do you know your wife's father and mother? A They are both dead.
- Q You didn't know them at all? A No.
- Q Do you know either of their names? A No.
- Q Do you know whether either of them ever got any land back here in Mississippi when the Choctaws went west? A I don't know.
- Q Never heard anything about it? A No.
- Q What makes you think you are entitled to land Jim? A I don't know.
- Q You don't know why? A No.
- Q You claim under the fourteenth article of the treaty of Dancing Rabbit Creek, do you? A Yes.
- Q Do you know what that is? A No.
- Q Your idea is just because you are a full blood Choctaw, and your ancestors remained here when the Choctaws went west, is that it? A Yes.
- Q And you want to get some land out in the Choctaw Nation in the Indian Territory? A Yes.
- Q Now, in case the Commission should identify you and find that you are entitled to land out there, would be willing to move out and establish your home there with these Indians? A Yes sir.
- Q You never got any money from the Government at all? A No none.
- Q You appear here then for the purpose of trying to secure some land which you think is due you in the Choctaw Nation, Indian Territory, do you? A Yes.
- Q You understand, of course, that you are to get no money out there; you would simply get land, in case you are found to be entitled to it? Yes sir.

~~Henry T. ...~~

Jim Hancy, et al., #4.

- Q Is there any other statement you want to make in regard to your case; do you want to say anything new; do you want to say anything about your case that I have not asked you about? A No.
- Q Hav. you any affidavits, statements or papers, you want to offer in support of your claim? A No, I aint got.
- Q Jim, did you ever hear your father, or your grand father say why they didn't go west when the Choctaws moved out there? A No sir.
- Q You didn't hear the m say why they didn't go? A No.
- Q Why haven't you moved out there before this; why didn't you go out there and join the Choctaws along time ago? A Didn't want to go a long time ago.
- Q Didn't you know that you could go out there and be admitted to citizenship in their nation and get the right to use the land out there; did you know that? A Yes.
- Q You haven't known very long then that you could go out there and be admitted to citizenship; you haven't known that very long? A No.
- Q But you are willing to go now, if you are found to be entitled to rights in the lands out there are you? A Yes sir.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time in your own behalf, and on behalf of your five minor children for identification as Mississippi Choctaws, claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, mailed to you at your present post office address, Paulding Mississippi.

(This applicant has every appearance of being a full blood Choctaw; he speaks broken English and claims to speak Choctaw fluently. As his evidence discloses, neither he nor his ancestors ever received any benefits whatever as Choctaw citizens; neither he nor any of his ancestors have ever claimed to received any land in the State of Mississippi under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.)

R.S. Streit, being first duly sworn, upon his oath states, that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the foregoing is a full, true and correct translation of his stenographic notes therein.

Subscribed and sworn to before me this 12 day of April, A.D. 1901, at Meridian, Mississippi.

J. ...
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Jim Haney,
et al., for identification as Mississippi Choctaws, M.C.R. 1613

-----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 April 3, 1901, by Jim Haney (Indian name Tik-e-bon-tubbee) for himself, his wife Agnes, and his five minor children, Mandy, Alice, Tom Ross, Horace and Oscar Haney, 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.

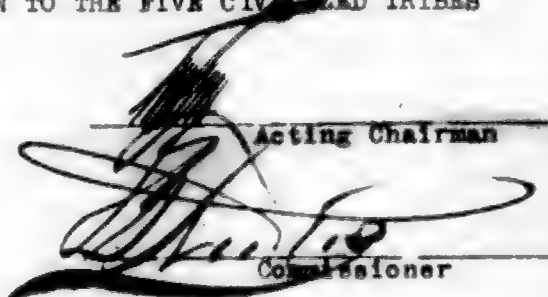
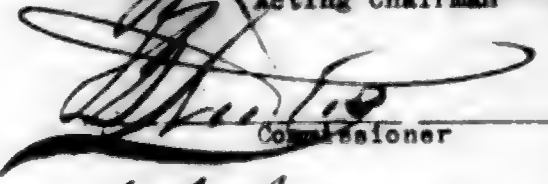
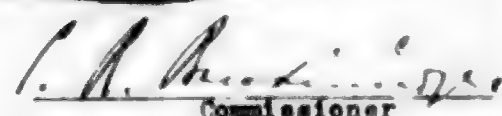
Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw

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 Jim Haney, (or Tik-a-hon-tubbee), Agnes Haney, Mandy Haney, Alice Haney, Tom Ross Haney, Horace Haney and Oscar Haney should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman

Commissioner

Commissioner

Muskogee, Indian Territory.

FEB 14 1903

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Jim Haney,
et al., for identification as Mississippi Choctaws,
M.C.R. 1613

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Decision of the Commission identifying Jim Haney, et al., as Mississippi Choctaws	4

COPY

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurtry & Gornish,

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Jim Haney, his wife, Agnes Haney, and minor children Mandy Haney, Alice Haney, Tom R. Haney, Horace Haney and Oscar Haney as Mississippi Choctaw Indians 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 Jim Haney, his wife 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,

COPY.

Muskogee, Indian Territory, March 11, 1903.

Jim Haney, (Tik-e-ben-tubee),
Faulding, Mississippi.

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 yourself, your wife, Agnes Haney, and minor children, Kandy Haney, Alice Haney, Tom Ross Haney, Horace Haney and Oscar Haney, as Mississippi Choctaw Indians, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 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,

Jame Dixby.

Chairman.

Registered.

Enc.: 1613/

Handwritten text
IDENTIFIED

RECORDED

FEB 14 1903

**DECISION FORWARDED
FOR CHOCTAW AND
NATIONS.**

FEB 21 1903

**COPY OF DECISION FORWARDED
APPLICANT**

MAR 11 1903

For Identification as a Mississippi Choctaw.

Date APR 3 1901

Name Jim Haney

Age 49 Blood full

Post Office. Paulding, Miss.

Father: Jim Tike-bon-tubbe ✓

Mother: Betsy " (dead)

Claims through both parents

Wife Agnes Haney (full) 48 yrs

Father Jim Ellis (full) (dead)

Mother Janie " " "

Children:

Mandy Haney 18

Alice " 16

Tom R. " 9

Horace " 5

Oscar " 3

Claims for self, wife and 3 minor children.

See Miss. Choc. card No. 407

Appeared 2/7/99.

Stenographer

R. S. Streit

Choc. MCR 1614

Will Williamson

MCR 1614

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of the application
of Will Williamson, et al., for identification as Miss-
issippi Choctaws-----M.C.R. 1614

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 2, 1901.

In the Matter of the Application of Will Williamson for Identification as Mississippi Choctaws of himself, his wife and four children.

Will Williamson being first duly sworn testified as follows:
Examination by the Commission.

- Q What is your name? A Will Williamson
Q Did you ever go by the name of Williams? A No sir.
Q How old are you? A Thirty years.
Q What is your postoffice address? A Conshatta, Miss.
Q How long have you lived in Mississippi? A Since I have been born
Q You have never lived anywhere else? A No sir.
Q What is your father's name? A John Williamson.
Q Is he living? A No sir.
Q What is your mother's name? A Lucy Williamson.
Q Is she living? A Yes sir.
Q Are your mother and father both full blood choctaws? A Yes.
Q Have your mother and father always lived in Mississippi?
A Yes sir. Q And their parents before them always lived here?
A I can't say as to that.
Q How old is your mother? A She is towards eighty I reckon.
Q What is your wife's name? A Mollie Williamson.
Q How old is Mollie? A She is three months older than I am.
Q What is her father's name? A Lewis Williamson.
Q What relation was Mollie to you before she was married? A Not
any My father and her father used to be in partnership together.
Q Is your wife's father living? A No sir.
Q What is your wife's mother's name? A Becky Williamson.
Q Is she living? A No sir.
Q How many children have you? A Four.
Q What are their names and ages? A Nancy, 11 years, Lingum 9
years, Adeline 6 years and Sistine 3 years.
Q Are these four children all the children you have? A That is all
Q Are you the father of all four of these children? A Yes sir.
Q And Mollie is the mother of all four of them? A Yes sir.
Q Have you and Mollie been married? A Yes sir.
Q Have you and your wife or your children ever been enrolled
as members of the Choctaw tribe of Indians in Indian Territory
by the tribal authorities there? A No sir.
Q Did you ever make application for yourself, your wife or your
children to be enrolled by the Choctaw tribal authorities as
members of the Choctaw tribe? A No sir.
Q In 1896 the Commission was given authority to hear original appli-
cations for citizenship in the Choctaw nation by act of Congress
of June 10, 1896, did you make application for yourself, your
wife and children at that time--that would be pretty near 5 years
ago? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw nation
by the Choctaw tribal authorities or the Commission to the Five
Civilized Tribes, or the United States court in Indian Territory?
A No sir.
Q Have you ever made an application before this? A No sir.
Q You made application at Decatur, didn't you? A Yes--this is the
same thing.
Q Yes. You have been before the Commission before this? A Yes,
at Decatur.

2-Will Williamsen.

This applicant is the identical person who appeared as Will Williams, and who made application for the identification of himself, his wife and four minor children as Mississippi Choctaws at Decatur, Miss., on February 7, 1899. Their names appear upon Mississippi Choctaw card No. 442, and upon the schedule annexed to the Commission's report of March 10, 1899 as to the identification of Mississippi Choctaws, page 95, roll numbers as follows: 1594 Will Williams, 1595 Mollie Williams, 1596 Nancy Williams, 1597 Lingum Williams, 1598 Adeline Williams and 1599, Siatina Williams.

- Q You are making application for the identification of yourself, your wife and children as Mississippi Choctaws, claiming under the 14th article of the treaty of 1830, are you? A Yes sir.
- Q Do you know what the treaty of 1830 was? A No sir.
- Q The treaty of 1830 was made between the United States and the Choctaw Indians, and provided for the removal of the Choctaw Indians from the lands they lived on here in Mississippi and Alabama to the Indian Territory, west of the Mississippi river, which is known as the Choctaw and Chickasaw nations in the Indian Territory, and the 14th article of that treaty provided that those Choctaw Indians who did not want to go to the Indian Territory could remain here and after six months from the date of the ratification of the treaty signify to the Indian agent their intention to remain here and become citizens of the United States, and those Indians who did that were not to lose the right of Choctaw Indians except that they forfeited all right to the division of any money that might be paid to the Choctaws; that is what you are claiming now, that you and your people are those people who remained here in Mississippi and did not remove from Mississippi to Indian Territory? A Yes sir.
- Q Did any of your ancestors ever claim or receive any land here in Mississippi from the United States government as beneficiaries under the 14th article of the treaty of 1830? A No sir.
- Q Do you know any of your ancestor's names? A No sir.
- Q How old would your father be if he was alive? A About 40 odd.
- Q Your mother is here? A Yes sir.

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Lucy Williamson being first duly sworn, testified as follows: Through official interpreter Johnson.

- Q What is your name? A Lucy Williamson.
- Q How old are you? A About 80 years.
- Q You are a full blood Choctaw Indian? A Yes sir.
- Q Always lived in Mississippi? A Yes sir.
- Q Do you know this boy (Will Williamson)? A Yes sir.
- Q What relation is he to you? A He is my son.
- Q Do you remember when the Choctaw Indians moved from Mississippi west of the Mississippi river? A I was a little girl.
- Q But do you remember when the Indian went away from here? A Don't remember anything about it.
- Q You was big enough to know when they went away from here--when most of the Choctaws went west? A No.
- Q Did any of your people ever move out west--your mother or your father? A No sir.
- Q Do you know whether they ever received any land from the United States along about the time you were born, or within 5 or 10 years afterwards? A I heard about it.
- Q Did the Government give your mother or father anything? Give them any land? A No sir.
- Q Did they own a place--any farm here in Mississippi at the time the Indians moved out west? A Yes.

3-Will Williamson.

- Q Did the government give them some money? A No sir.
Q What county in Mississippi did they live in? A Newton county.
Q How long have you been living in Newton county? A I don't know.
Q What is your father's name? A Cha hubbee.
Q What is your Indian name Lucy? A Kla pe wah le nah.

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Will Williamson being recalled testified as follows:

- Q Do you know anything about your wife's mother and father or grandparents? A No sir.
Q Did you ever hear whether they ever received any land in Mississippi from the U. S. government? A No.
Q Do you know what your wife's grandparents names were? A No sir.
Q They always lived here in Mississippi did they? A Yes sir.
Q Did you ever hear of any of them going to Indian Territory?
A No sir.
Q If the Commission should be able to identify you and your wife and children as Mississippi Choctaws or Choctaws entitled to allotment under the provisions of article 14 of the treaty of 1830, is it your intention to remove with your family to the Choctaw Nation, Indian Territory, and establish your permanent residence there? A I don't understand.
Q Do you and your family want to remove to the Indian Territory?
A No, -is it the only way we can get land?
Q Yes. A The only way to get the pension?
Q There is no money paid; if you are identified as a Mississippi Choctaw the only law in effect provides for your removal to the Indian Territory, and after you have removed there and become bona fide residents--that is, permanently made your home there you will be entitled to allotment there on the same basis as the other Choctaws.
Q I need not go before the Commission then?
Q You have to come before the Commission and be identified and enrolled. Is it your intention to remove with your family out there?
A No sir.
Q You don't want to move out there? A Not if I can help it.
Q You don't have to go; have you any property here in Mississippi?
A Mighty little.
Q Do you understand what the benefits of a Choctaw Indian are in Indian Territory? A No sir.
Q You don't understand then that if you are identified by the Commission and enrolled as a Choctaw that you and your wife and family would be on an equal basis with the other Choctaw Indians out there when they are allotted the lands? A No.
Q If identified by the Commission and enrolled as a Choctaw Indian you would be on the same basis--footing, as all the other Choctaws when it comes to the allotment of lands, but you would have to live out there on the land for a certain length of time.
The decision of the Commission as to your application and the application you make on behalf of your wife and minor children as Mississippi Choctaws will be mailed to you at your present postoffice address.

-----o-----

The applicant in this case has every appearance of a full blood Choctaw Indian and speaks but little English. It appears from his testimony that he and his wife and children are all full blood Choctaw Indians and have always resided in the state of Mississippi. From the testimony of applicant's mother, Lucy Williamson, a Choctaw Indian whose appearance would denote her age as somewhere in the neighborhood of eighty years, it does not appear that any of these applicants nor their ancestors, have ever received

4-Will Williamson.

any benefits from the Choctaw tribe of Indians in Indian Territory, and have always been residents of the state of Mississippi.

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Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 3rd day of April, 1901, and that the above and foregoing is a full, true and correct transcript of her shorthand notes of said proceedings on said day.

Frances R. Brown

Subscribed and sworn to before me at Meridian, Mississippi, this 4th day of April, 1901.

[Signature]
Notary Public.

**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.**

IN RE
Identification
Application for Enrollment of

INFANT CHILD

Eliza Williamson
as a ~~child~~

MISSISSIPPI CHOCTAW,

Nation.

Approved
**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW**

Commissioner

See Misc the Card R 1614.

The within application is accepted as proof of the birth of the within named child, and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.


Acting Chairman.

MISSISSIPPI CHOCTAW *R 1614*

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

FILED
NOV 2 1901


ACTING CHAIRMAN.

NE
English
in Ball

Miss Choctaw full blood
1614

BIRTH AFFIDAVIT.

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

Identification as a Mississippi Choctaw:

Application for Enrollment, as a citizen of the Nation,
of Eliya Williamson, born on the 8 day of September, 1901
Name of Father: Will Williamson, a full blood Choctaw citizen of the Nation.
Name of Mother: Mollie, a full blood Choctaw citizen of the Nation.
Post-office, Conehatta, Miss

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
State of Mississippi,
County of Norton.

I, Mollie Williamson, on oath state that I am 30
years of age and a citizen, by full blood Choctaw Indian Nation;
that I am the lawful wife of Will Williamson, who is a citizen, by
full blood of the Choctaw Nation, that a female child was
born to me on the 8 day of September 1901; that said child has been
named Eliya Williamson, and is now living.

WITNESSES TO MARK
(Must be Two Witnesses) } Mollie Williamson
Guy L. B. Emerson mark

Subscribed and sworn to before me this 2 day of November 1901.

L. B. Mosley, Clerk
U.S. Circuit Court, District of Mississippi
By W. H. D. C.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
State of Mississippi,
County of Norton.

I, Will Williamson, on oath state that I
attended on Mrs. Mollie Williamson my wife
on the 8 day of September, 1901; that there was born to her on
said date a female child; that said child is now living and has been
named Eliya Williamson.

WITNESSES TO MARK
(Must be Two Witnesses) } Will Williamson
Guy L. B. Emerson mark

Subscribed and sworn to before me this 2 day of November 1901.

L. B. Mosley, Clerk
U.S. Circuit Court, District of Mississippi
By W. H. D. C.

Copy of the testimony of Will Williams given
at the time of his application to the Commission to the Five
Civilized Tribes for identification of himself and family
as Mississippi Choctaws, at Decatur, Mississippi, February 7,
1899.

WILL WILLIAMS, the applicant states: I am 27 years old,
and a full blood Choctaw. My wife is a full blood named
Mollie, about 27 years old. We have the following children:
Nancy, 9; Lingum, 5; Adeline, 3; Sistine seven months.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cohasset, Mississippi, November 4, 1901.

In the matter of the application of Mack Williamson for the identification of himself, wife and one minor child as Mississippi Choctaws.

Mack Williamson, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

Q What is your name? A Mack Williamson.

Q How much Choctaw blood do you claim to have? A Full blood.

Q How old are you? A About twenty five somewhere.

Q What is your post office address? A Piketon, Mississippi, Scott County.

Q How long have you lived in Scott County, Mississippi? A About four years.

Q Where did you live before that? A Here in Newton County.

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

Q Born and raised here? A Yes.

Q Were you ever in Indian Territory? A No sir.

Q Is your father living? A He died.

Q What was his name? A Lewis Williamson.

Q How long has he been dead? A About six years, - five or six years.

Q About how old was he when he died? A About forty five somewhere.

Q Did he have a Choctaw name? A I don't know.

Q Is your mother living? A No sir.

Q What was her name? A Becky.

Q Did she have a Choctaw name? A No.

Q Was she a full blood Choctaw? A Yes sir.

Q Your father was a full blood Choctaw? A Yes, sir.

Q Did your father and mother always live here in Mississippi? A Yes, sir.

Q Never were in Indian Territory? A No sir.

Q Do you know the names of any of your grand parents? A Know one.

Q What is that one's name? A Hillitubbee.

Q Was Hillitubbee your father's father, or your mother's father?

A My father's father.

Q Did you ever see him? A No sir.

Q Did he have an English name? A No, not that I know of.

Q Where did he live? A I don't know where he lived.

Q So far as you know, did any of your ancestors ever live in Indian Territory? A Not that I know of.

Q Is your wife living? A Yes.

Q What is her name? A Ida.

Mark Williamson, et al., 2.

- Q Is her father living? A Yes sir.
Q What is his name? A Sam Cain.
Q How old is Sam Cain? A About seventy.
Q Has he always lived in Mississippi? A Yes sir.
Q Is he a full blood Choctaw? A Yes sir.
Q Where does he live now? A Scott County.
Q He has been before the Commission since we have been here at Conhatta this time? A Yes sir.
Q Do you know the names of either of his parents? A I don't know.
Q Is your wife's mother living? A No sir.
Q What was her name? A I don't know.
Q Was she a full blood Choctaw? A Yes.
Q Did she always live in Mississippi? A Yes.
Q Do you know the name of your wife's mother's father? A I don't know.
Q Do you know the name of your wife's mother's mother? A No.
Q So far as you know, have any of your wife's ancestors ever lived in Indian Territory? A I don't know.
Q Have you any children? A Yes.
Q How many? A One.
Q What is it's name? A Ruby.
Q A girl? A Yes, sir.
Q How old? A About one year and a half.
Q Is this child living with you now? A Yes sir.
Q Is it the child of yourself and Ida Williamson? A Yes sir.
Q Were you married to Ida under a license or according to the Choctaw custom? A Choctaw custom.
Q This application, then, is for yourself, wife and one minor child, is that correct? A Yes sir.
Q Is your name, or the name of your wife, to be found upon any of the Choctaw tribal rolls in Indian Territory? A No.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself and wife to be admitted or enrolled as members of that tribe, or did anyone else ever make such an application in behalf of either of you? A No.
Q Did you, or your wife, or anyone for you, or either of you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A No.
Q Have you ever made any application of any description prior to this time for yourself or your wife to be admitted or enrolled as citizens of the Choctaw Nation, or has anyone else ever made such an application for you? A No.
This is the first application of any kind that has ever been made for any of you? A Yes.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek?
A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time the Choctaws lived here in Mississippi and along the western edge of Alabama, the object of the treaty was to get them to remove from the country occupied by them here in Mississippi and Alabama to a new

Mack Williamson, et al., 3.

country west of the Mississippi River, a portion of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time the treaty was made some of the Choctaws were unwilling to move from this country to the new country west of the Mississippi River, but insisted that provision be made in the treaty whereby they might remain here, and for the benefit of this class of Indians, the 14th article was put in the treaty.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No.

The fourteenth article of the treaty of Dancing Rabbit Creek 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 after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors, or any of your wife's ancestors, ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

Q Were any of your ancestors, or any of your wife's ancestors, living here at the time this treaty was made? A I don't know.

Q Did any of them own an improvement here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw tribe here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, signify to the United States Agent for the Choctaws here in Mississippi their intention to remain here in Mississippi and become citizens of the States? A I don't know.

Q Did any of them, ever claim or receive any land here in Mississippi from the United States Government under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A If they did, I don't know.

Jack Williamson, et al., 4.

Q Did any of them ever claim or receive any land here in Mississippi from the United States Government under the provisions of any other article of the treaty of Dancing Rabbit Creek, or under the supplement to that treaty? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States under the 14th article of the treaty. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain and become citizens of the States, and on this account, the Government at its public land sales in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the Government, and the commissioners came down here and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and another Act of Congress which was approved on the 21st day of February 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Choctaws might be given a hearing, so another Act of Congress was passed, which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work. This commission was duly appointed by the President of the United States, and the commissioners came down here and heard a great many more of these cases.

Q Did any of your ancestors ever appear before either of these commissions and attempt to establish their rights under the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or in Louisiana, Alabama, or Arkansas, from vacant Govern-

Neck Williamson, et al., 5.

ment land, and should be given 2 certificates to that effect. These certificates were called scrip.

- Q Did any of your ancestors, or any of your wife's ancestors, ever receive any of this scrip from the United States Government under this Act of Congress? A I don't know.
- Q Do you know of any one living who would likely be informed as to whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No.
- Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A I don't know.
- Q Have you any written evidence to offer at this time? A No.
- Q Have you any witnesses here? A None.

You will be allowed a reasonable time in which to submit proper written evidence in this case. If you should discover any witnesses whose testimony you desire to have taken before the Commission, they may appear before us at any one of the appointments of the Commission here this fall and their testimony will be taken.

- Q Are there any further statements you want to make? A No.
- Q Did your father's father have any brothers? A I don't know.
- Q Do you know the name of Hillitubbee's father or mother? A No.
- Q Have you any brothers living? A No.
- Q Did you ever have any brothers? A None.
- Q Have you any sisters living? A Yes.
- Q How many? A One.
- Q What is her name? A Mollie Williamson.
- Q How old is she? A Twenty seven.
- Q Is she married? A Yes.
- Q What is her husband's name? A Billy Williamson.
- Q Where do they live? A Here.
- Q Have you any other sisters living? A No.
- Q Did you ever have any other sisters? A No.
- Q Are any of your father's brothers living? A None.
- Q Any of the children of any of your father's brothers living? A No.
- Q Any of your father's sisters living? A No.
- Q Any of the children of any of your father's sisters living? A No.
- Q Any of your mother's brothers living? A No.
- Q Any of the children of any of your mother's brothers living? A No.
- Q Any of your mother's sisters living? A Yes, one living.
- Q What is her name? A Nancy Pillihimah.
- Q Is she the only one of your mother's sisters that is living? A Yes.
- Q Did your mother ever have any other sisters? A Yes, some more, but all died except her.
- Q Are any of the children of any of these other sisters living? A No.
- Q Nancy appeared before the Commission here this morning, did she not? A Yes.

Jack Williamson, et al.; 6.

- Q Are any of her children living? A No.
Q Are any of your wife's brothers living? A Yes.
Q How many? A Two.
Q What are their names? A Jackson, and Wesley Cain.
Q Are they married? A Yes.
Q Have they been before the Commission this year? A I don't know.
Q What is the name of Jackson's wife? A I don't know.
Q Where do they live? A Hays, Scott County.
Q What is the name of Wesley's wife? A Polly.
Q Where do they live? A Hays.
Q Did your wife ever have any other brothers? A No.
Q Are any of your wife's sisters living? A Yes.
Q How many? A Three.
Q What are their names? A Biddie Solomon.
Q What is her husband's name? A Wilkie Solomon.
Q The next one? A Ami Gibson.
Q What is her husband's name? A Johnson Gibson.
Q Have they been before the Commission this year? A I don't know.
Q What is the name of the other one of your wife's sisters? A Mary Thomas.
Q What is her husband's name? A Edmond Thomas. Her husband is dead and she is here now for the purpose of making application.
Q Are any of your wife's sisters dead? A No, if they are, I don't know it.
Q Are any of your wife's father's brothers living? A I don't know.
Q Any of your wife's father's sisters living? A No.
Q Are any of the children of your wife's father's sisters living? A I don't know.
Q Are any of your wife's mother's brothers living? A I don't know.
Q Are any of the children of your wife's mother's brothers living? A I don't know.
Q Are any of your wife's mother's sisters living? A I don't know.
Q Any of the children of your wife's mother's sisters living? A I don't know.

(This applicant is to all appearances a full blood Indian. He speaks and understands the Choctaw language, but very little English, the examination having been conducted almost entirely through a sworn Choctaw Interpreter.)

H.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 4th day of November, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause, upon said date.

Subscribed and sworn to before me at Coahoma, Mississippi,
this 11th day of November, 1901.

L. D. Mundy
Clerk U.S. Circuit Court,
Southern District of Mississippi.

Deputy.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Will Williamson,
et al., for identification as Mississippi Choctaws,
M.C.R. 1614

-----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 April 3, 1901, by Will Williamson for himself, his wife, Nellie Williamson, and his four minor children, Nancy, Lingua, Adeline and Estine Williamson, under the following provision of the Act of Congress approved June 28, 1898, (30 Stat. 498):

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

It further appears from the record herein that since the date of the above application there was born to the principal

applicant and his wife a child named Eliza Williamson.

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

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 Will Williamson, Mollie Williamson, Nancy Williamson, Lingum Williamson, Adeline Williamson, Sistine Williamson and Eliza Williamson should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman


Commissioner


Commissioner

Muskogee, Indian Territory.

FEB 14 1903 A. P. 27 1903

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Will Williamson,
et al., for identification as Mississippi Choctaws,
M.C.R. 1614

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Copy: H O R 1214

Muskogee, Indian Territory, April 27, 1903.

Hansfield, Hattaway & Cornish,

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Will Williamson, his wife Mollie Williamson and five minor children Nancy Williamson, Lingus Williamson, Adeline Williamson, Sistine Williamson and Eliza Williamson 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 Will Williamson, his wife and five minor 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,

JAMES BIRBY,
Chairman.

Registered,
May 1914

COPY

Muskogee, Indian Territory, May 5, 1903.

Will Williamson,

Osagehatche, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself, your wife, Mollie Williamson, and five minor children, Nancy Williamson, Lingum Williamson, Adeline Williamson, Sistine Williamson and Kliza Williamson as Mississippi Choctaw Indians 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 October 27, 1903, you will have six months from that date, or until April 27, 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)

Tame Dixby.

Chairman.

Registered.

Enc. 1614.

For Identification as a Mississippi Choctaw.

Date APR -3 1901

Name Will Williamson.

Age 30 Blood full

Post Office. Conehatta, Miss.;

Father: John Williamson - dead.

Mother: Lucy Williamson - ✓

Claims through both parents.

WIFE: Mollie Williamson 30.

FATHER: Lewis Williamson dead

MOTHER: Becky Williamson dead.

Children:

Nancy Williamson 11

Lis Gum " 9

Adeline " 6

Listeria " 3.

(Apples for himself, his wife and 4 children)

Stenographer

Francis A. Brown.



Choc. MCR 1615

Alex Davis

MCR 1615

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of the
application of Alex Davis for identification as a
Mississippi Choctaw-----M.C.R. 1615 .

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 3, 1901.

In the Matter of the Application of Alex Davis for Identification as a Mississippi Choctaw.

Alex Davis, being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Alex Davis.
Q How old are you? A 22 years.
Q What is your postoffice address? A Heidelberg, Miss.
Q How long have you lived in Mississippi? A I have lived here 22 years.
Q You was born here? A Yes, in Jasper County.
Q And have always lived in the state of Mississippi? A Yes sir.
Q What is your father's name? A William Davis.
Q Is he living? A No, he is dead.
Q What is your mother's name? A Elliam Davis.
Q Is your mother living? A Yes sir.
Q You do not live with her? A No sir.
Q Are your parents both full blood Indians? A Yes sir.
Q Are you married? A No sir.
Q You are just making application for yourself? A Yes sir.
Q Have you ever been enrolled by the Choctaw tribal authorities in Indian Territory as a member of the tribe out there? A No sir.
Q Did you ever make application to the Choctaw tribal authorities to be enrolled in the Choctaw nation, Indian Territory (No ans.)
Q You would know whether you made application or not, wouldn't you?
A Yes sir.
Q Did you ever apply to the Choctaws out there to be enrolled? A No
Q About five years ago, do you know whether any application was made for you for citizenship in the Choctaw nation under the act of June 10, 1896? A Yes.
Q There was one made then? A Yes sir.
Q That has been about five years ago; you would have been only a boy about 16 or 17 years old? A Yes.
Q Was your father living then? A I don't know; he has been dead about 5 or 6 years.
Q Did you ever hear anything from the application that was made? Did you ever hear what was done with it? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw nation by the tribal authorities of the Choctaw Nation, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
Q Have you ever made application prior to this time before this Commission? Have you ever come before this Commission before this time? A I can hardly tell you now.
The Applicant Alex Davis is the identical person for whom application was made at Decatur, February 7, 1899, by John Chubbee, his uncle, with whom this applicant lives; his name appears upon Mississippi Choctaw Card No. 396, and upon the schedule annexed to the Commission's report of March 10, 1899 as to identification of Mississippi Choctaws, on page 89, roll No. 1418, as Alex Davis.
Q You are 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 Yes
Q Have all your people and your father and mother's people always resided in Mississippi? A Yes sir.
Q Did any of them ever move to the Indian Territory? A No sir.
Q Did you or any of your mother or father's people--that is, your

R-Alex Davis.

grandfather or grandmother ever receive any money from the Choctaw nation in Indian Territory? A No sir.

Q Do you know whether any of your ancestors after the ratification of the treaty of 1830 signified to the United States Indian Agent their intention to remain in Mississippi and become citizens of the United States? That would be 71 or 72 years ago when the Choctaws removed from Mississippi to Indian Territory. Did you ever hear whether any of them received land here in Mississippi from the United States government? A Yes, some of them have.

Q Do you know who it was? A No, I don't.

Q Do you know your grandmother and grandfather's names? A Yes, I know but I can't tell you all about it.

Q You don't know any of your grandparents names? A No, I don't.

Q Should the Commission be able to identify you as a Mississippi Choctaw, or as a Choctaw entitled to participate in the allotment of lands of the Choctaw nation in Indian Territory, is it your intention to remove to the Indian Territory in the Choctaw nation and establish your permanent residence there? A Yes sir.

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

-----o-----
This applicant is to every appearance a full blood Choctaw Indian; he speaks but little English and from his testimony it appears that both he and his ancestors have always resided in the state of Mississippi and have never received any benefits from the Choctaws in the Indian Territory, and has never participated in any of their annuities.

-----o-----
Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 3rd day of April, 1901, and that the foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 4th day of April, 1901.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Alex Davis,
for identification as a Mississippi Choctaw, M.C.R. 1615

-----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 April 3, 1901, by Alex Davis for himself, 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."

From the evidence submitted in support of said application it appears that the 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 Alex Davis should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman

Commissioner


Commissioner

Muskogee, Indian Territory.

FEB 14 1903

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE-CIVILIZED TRIBES

In the matter of the application of Alex Davis
for identification as a Mississippi Choctaw, M.C.R. 1615

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Atoka, I. T. February 17, 1903.

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

You will please deliver to J. G. Ralls, of Atoka, Indian Territory, my copies of the records in my case that under the rule of law, the Commission may give out to Attorneys, as I have employed him to assist in my case.

WITNESSES: TO MARK:

Alfred Davis

Alfred Davis also attested for
his wife Caroline and their two
children, Fannie and Nabel.

COPY.

H.C.R. 1619

Muskogee, Indian Territory, February 21, 1905.

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

Gentlemen:

Enclosed herewith you will find a copy of the decision
 of the Commission rendered February 14, 1905, identifying Alex
 Davis 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 Com-
 mission in identifying the said Alex Davis as a Mississippi Choctaw,
 and make satisfactory proof of service of said protest upon the
 applicant(s) herein.

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

Respectfully,

Tams Blaby
 Acting Chairman

Registered.

No. 17. 6

N.O.R. 1618.

COPY.

Muskogee, Indian Territory, March 11, 1903.

Alex Davis,

Remitted Anderson. J. J. April 7 1903
Haidelberg, Mississippi.

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 Stat., 841).

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 Fehowingo, Chickasaw Nation.

Respectfully,

James D. ...
Chairman.

Registered.

Enc. 1618.

Muskogee, Indian Territory, April 3, 1903.

J. G. Halls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st ultimo, enclosing the affidavit of the mother, Caroline Davis, and that of the midwife, Mollie Williams, relative to the birth of Mary Belle Davis, infant child of Alex and Caroline Davis, September 27, 1902, and the same are herewith returned for the reason that the Commission is unable to identify the mother of this child as being an applicant to this Commission for identification as a Mississippi Choctaw.

You are requested to state the maiden name of Caroline Davis; the time and place application was made for her identification, the names of other members of her family for whom application was made at the same time, and such other information as will enable us to identify her upon our records as an applicant for identification as a Mississippi Choctaw.

Respectfully,



For Identification as a Mississippi Choctaw.

Date APR -3 1901

Name Alex. Davis.

Age 22. Blood full.

Post Office Heidelberg, Miss.

Father: William Davis - dead.

Mother: Ellen Thomas - ✓

Claims through both parents

~~Children:~~

Davis for himself alone

See Mississippi Choctaw
card # 396.

testimony Feb. 7, 1899.

Stenographer

Francis R. Brown.

RECEIVED FEB 14 1903

DECISION FORWARDED
FOR OHIO TAW AND
REGISTRATION FEB 21 1903

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

Feb 14, 1903. W.C. Andrews, Jr.

Choc. MCR 1616

Cully Chubbee

MCR 1616

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

The within is the record in the application for
the identification of Cully Chubbee, et al., as
Mississippi Choctaws-----M.C.R. 1616

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 3, 1901.

In the matter of the application for identification as Mississippi Choctaws of Cully and Sallie Chubbee, orphan children living with and in the custody of John Chubbee.

John Chubbee being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A John Chubbee.
Q How old are you? A 54 years.
Q What is your post-office address? A Heidelberg, Miss.
Q You have living with you two orphan children named Cully and Sallie Chubbee, have you? A Yes sir.
Q How old is Cully? A 14 years.
Q How old is Sallie? A 13 years.
Q Are these children full brother and sister? A Yes sir.
Q Their father and mother are both dead, are they? A Yes sir.
Q How long have they lived with you? A Ever since they were little they have been living with me. About 12 years.
Q Have their parents been dead that long? A Yes sir.
Q Both the parents died when Sallie was a small baby? A Yes sir.
Q What was the name of the father of these children? A Oliver Chubbee.
Q What was the name of the mother of these children? A Caroline Chubbee.
Q These children have always lived in Mississippi, have they?
A Yes sir.
Q Was Oliver Chubbee your own brother? A Yes sir.
Q Your full brother? A Yes sir.
Q Did you know Caroline Chubbee, the mother of these children?
A Yes sir.
Q Was she a full blood Choctaw Indian? A Yes sir.
Q Did you ever hear of her people moving to the Indian Territory?
A No sir.
Q Oliver's people are the same as yours? Always lived here in Mississippi? A Yes sir.
Q Did any of Caroline's people ever receive any money or benefits in the Choctaw Nation, Indian Territory? A No sir.
Q These children have never been enrolled by the tribal authorities of the Choctaw Nation, Indian Territory, have they? A No sir.
Q Has any application ever been made for their enrollment in Indian Territory? A No sir.
Q Have they ever been admitted to citizenship by the tribal authorities of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No sir.
Q Should the Commission be able to identify these children as Mississippi Choctaws, or Choctaws entitled to participate in the allotment of lands in the Choctaw nation in Indian Territory, is it your intention to remove with them, or have them remove to the Indian Territory? A I don't know--I reckon so.

The children Cully and Sallie Chubbee for whom this application is made are the identical persons in whose behalf John Chubbee appeared before the Commission at Decatur, Mississippi, February 7, 1899, and their names appear upon Mississippi Choctaw card No. 397, and upon the schedule XXX annexed to the Commission's report of March 10, 1899 as to the identification of Mississippi Choctaws at page 69, roll

2-Cully and Sallie Chubbee.

numbers as follows: 1419 Cully Chubbee, 1420 Sallie Chubbee.

The decision of the Commission as to the application made by you on behalf of these two orphan children for identification as Mississippi Choctaws, will be mailed to you at your postoffice address sometime in the future.

Note. The children for whom this application is made did not appear personally before the Commission, but from the statements and testimony of John Chubbee, their guardian and with whom they live and have lived for the past twelve years, they are full blood Choctaw Indians who have always resided in the state of Mississippi as have the ancestors of both their father and mother. It does not appear from the testimony herein that they have ever received any benefits as Choctaw Indians, or participated in any of the annuities of the Choctaw tribe of Indians in Indian Territory.

Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 3rd day of April, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me at Meridian, Mississippi, this 4th day of April, 1901.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MERIDIAN, Mississippi, April 3, 1901.

In the matter of the Application of John Chubbee for the identification of himself, his wife and eight minor children as Mississippi Choctaw Indians.

John Chubbee being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A John Chubbee.
Q How old are you? A 54 years.
Q What is your postoffice address? A Heidelberg, Mississippi.
Q How long have you lived in Mississippi? A Born and raised here
Q You have never lived anywhere else? A No sir.
Q Is your father living? A No, he is dead.
Q What is your mother's name? A Sallie Chubbee.
Q Is your mother dead? A Yes sir.
Q Were your mother and father both full blood Indians? A Yes sir
Q What is your wife's name? A Susie.
Q How old is she? A 49 years.
Q What is her father's name? A Jim--he goes by Dr. Jim.
Q Is he living? A No sir.
Q What is your wife's mother's name? A Sophie Jim.
Q Is she living? A No sir.
Q Were her parents both full blood Choctaws? A Yes sir.
Q Has she always lived in Mississippi? A Yes sir.
Q How many children have you? A We have got nine living.
Q Give me their names and ages? A Rosanna, about 24 years.
Q Is she married? A No sir.
Q She has always lived with you has she? A Yes sir.
Q What is the name of the next one? A Julia.
Q How old is Julia? A 22 years.
Q What are the names and ages of the next? A Lucy 19 years, Agnes
17 years, Anna 8 years, Janie 7 years, Willie 6 years and Pink
(girl) 2 years.
Q Id your name or the name of your wife, or the names of your chil-
dren on any of the rolls of the Choctaw nation in Indian Terri-
tory? The Choctaw Indians in the Indian Territory, have they
ever enrolled you out there as a member of their tribe? A No.
Q Did you ever make application for yourself or your wife or your
children to be enrolled among the Choctaws out there?
A No sir.
Q In 1896, about 5 years ago, did ou make application to the Com-
mission to the Five Civilized Tribes (this Commission) for citi-
zenship for yourself, your wife and children in the Choctaw na-
tion? A I don't understand that.
Q You know Jack Ames? A I have heard of him.
Q Do you remember about 5 years ago when Jack Ames and a whole lot
of these Choctaws sent a lot of papers to the Indian Territory?
A No, I never did it.
Q You have never been admitted to citizenship out there by the tri-
bal authorities, the Commission to the Five Civilized Tribes,
or the United States Court in Indian Territory? A No sir.
Q You application that you now make is for the identification as a
Mississippi Choctaw, is it? A Yes sir.
Q Have you ever made application before this? A No.
Q Didn't you make application at Decatur? A Yes, I made one there

This applicant is the identical John Chubbee who ap-
peared before the Commission at Decatur, Mississippi,
February 7, 1899 and made application for identifi-
cation of himself, his wife and seven minor children;
their names are found on Choctaw Card No. 208, and

B-John Chubbee.

also on the schedule attached to the Commission's report of March 10, 1899 as to the identification of Mississippi Choctaws, page 88, roll numbers as follows: John Chubbee, 1409, Sallie Chubbee 1410, Rosanna 1411, Julia 1412, Lucy 1413, Agnes 1414, Anna 1415, Janie 1416 and Willie 1417.

- Q Have you or your children ever received any benefits from the Choctaw Nation, in Indian Territory? A No sir.
- Q You never have received any land or any money from the Choctaws in Indian Territory? A No sir.
- Q Did your father and mother, or your wife's father and mother ever move to the Indian Territory, to the Choctaw nation? A No sir.
- Q They always resided here in Mississippi A Yes sir.
- Q At the time of the making of the treaty in 1830 between the United States and the Choctaws---have you ever heard of that treaty?
- A No sir.
- Q The old treaty called the treaty of Dancing Rabbit Creek--have you heard of that? A I don't know as I have.
- Q That was 71 years ago; have any of your people--your father or mother or grandparents ever removed to the Indian Territory?
- A No sir.
- Q As far back as you know, your people and your wife's people have always remained here in Mississippi? A Yes sir.
- Q Did you ever hear of any of them receiving any benefits--money from the Choctaws in Indian Territory? A No sir.
- Q What is the name of your grandfather or grandmother, or your wife's grandfather or grandmother who were living here in Mississippi in 1830 when the treaty was made? A I don't know; I can't tell you.
- Q Do you know what your grandfather's name was? A Yes, Mul-la-chubbee.
- Q He has been dead a good while, hasn't he? A Yes sir.
- Q Do you know if any of your ancestors after the making of the treaty of 1830, within six months after its ratification--that would be 1831, signified to the United States Indian Agent of the Choctaws here in Mississippi, their intention to remain here and become citizens of the United States? Have you ever heard any talk of that kind in your family, or in your wife's family?
- A No sir.
- Q Did any of your people, grandfather or grandmother, or any of your wife's people, ever receive or claim any land here in Mississippi from the United States government as beneficiaries under the 14th article of the treaty of 1830? A No, I don't think so.
- Q What was your father's name? A Sam Chubbee.
- Q Did your father ever have an Indian name besides Sam Chubbee?
- A No sir.
- Q About how old would your father be if he was now living? A About sixty-five years.
- Q Do you know your mother's father's name? A No sir.
- Q Do you know what your wife's grandparents name was? A No sir.
- Q In the event the Commission is able to identify you and your wife and children as Choctaw Indians entitled to allotment, is it your intention to move to the Indian Territory and make your permanent residence there? A I don't know about that.
- Q You understand that the benefits that you will derive from being identified as a Mississippi Choctaw will only be available when you move to the Indian Territory, do you? A Yes sir.
- Q That the law provides that the Mississippi Choctaws who have been identified by this Commission shall move to the Indian Territory and establish a residence there so as to become members of the Choctaw tribe of Indians in Indian Territory and share in the distribution of lands in that country? A Yes sir.
- Q Is there any statement you want to make? Anything more you want to say? A I don't know as there is.

The decision of the Commission as to your application and

3-John Chubbce.

the application you make on behalf of your wife and children for identification as Mississippi Choctaws will be mailed to you at your present postoffice address sometime in the future.

-----o-----
Note: This applicant is to all appearance, a full blood Choctaw Indian; he speaks but little English, and from his testimony it appears that his wife and children are also full blood Choctaws. It further appears that both the applicant and his wife and their ancestors have always been residents of the state of Mississippi, and that they have never received any benefits, nor participated in the annuities of the Choctaw tribe of Indians in Indian Territory. The applicant has no knowledge of his wife's ancestors farther back than her father and mother, nor of his own ancestors excepting his grandfather, and the Commission is unable to find the names of any of his ancestors among the persons who claim under the 14th article of the treaty of 1830 were adjudicated by a Commission appointed by acts of Congress of March 3, 1837, February 27, 1838 and August 23, 1842

-----o-----
Frances R. Brown, having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 3rd day of April, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me at Meridian, Mississippi, April 4th, 1901.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the identification of Cully Chubbee and Sallie Chubbee, as Mississippi Choctaws-----M.C.R. 1616

-----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 April 3, 1901, by John Chubbee for his minor nephew and niece, Cully and Sallie Chubbee, 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."

From the evidence submitted in support of said application it appears that both 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 Cully Chubbee and Sallie Chubbee should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Acting Chairman

Commissioner

Commissioner

Muskogee, Indian Territory.

SEP 14 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the identification of Cully and Sallie Chubbee, as Mississippi Choctaws-----M.C.R. 1616

I N D E X

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Original application of John Chubbee to the Dawes Commission for the identification of Cully and Sallie Chubbee as Mississippi Choctaws -----	1
Copy of the testimony of John Chubbee given in his own application for the identification of himself and family as Mississippi Choctaws , showing that he is a full blood Choctaw -----	3
Decision of the Commission identifying Cully Chubbee and Sallie Chubbee, as Mississippi Choctaws-----	6

COPY:

2.03.1903

Muskogee, Indian Territory, February 21, 1903.

Hansfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Gully Chubbee and his sister, Sallie Chubbee, 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 Gully Chubbee and his sister 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,

James Birby,
Selling Chairman

Registered
Muskogee
Feb 21

H.C.B. 1616

COPY.

Muskogee, Indian Territory, March 11, 1903.

Gully Gubbee,
Heidelberg, Mississippi.

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 yourself and your minor sister, Sallie Gubbee, as Mississippi Choctaw Indians 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,

Tamm Birby.

Chairman.

Registered,

Dec. 1616.

H.C.R. 1616

Muskogee, Indian Territory, March 11, 1903.

Gully Clubbe, Remailed April 6-03 to Ravin. I.T.
Heidelberg, Mississippi.

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 yourself and your minor sister, Sallie Clubbe, as Mississippi Choctaw Indians 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 Ada, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

John Doby.
Chairman.

Registered.

No. 1616.

W C R 1616
W C R 3087

Wadogee, Indian Territory, March 24, 1903.

G. S. McFarland,

Navia, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, in which you ask "Is Gullie Chubbee and Sallie Chubbee on the enrollment? John Chubbee is their guardian. They are full blood Mississippi Choctaw Indians." You also ask "Please see if Kit Reed and family, full blood Mississippi Choctaws, are on the roll.

In reply to your letter you are informed that it appears from our records that on April 3, 1901, John Chubbee, residence Heidelberg, Mississippi, appeared before this Commission and made application for the identification as Mississippi Choctaws of two minor orphan children of his brother, Gully and Sallie Chubbee.

The Commission, on February 14, 1903, rendered its decision identifying Gully and Sallie Chubbee as full blood Mississippi Choctaws, and on ^{March} ~~February~~ 11, 1903, they were notified of such action at Heidelberg, Mississippi.

It further appears from the records of the Commission that Kit Reed, twenty-seven years of age, residence Brown, Mississippi, on May 8, 1901, made application to this Commission for the

C. S. MAY 2

identification of herself and minor children as Mississippi Choctaws. The Commission has not up to the present time reached any opinion or decision relative to the right of these applicants to be identified as Mississippi Choctaws. As soon as a decision is rendered they will be duly notified of the action of the Commission.

Respectfully

Chairman.

No. 1616

For Identification as a Mississippi Choctaw.

Date APR -3 1901

Name John Chubbee

Age 54 Blood

Post Office, Heidelberg, Miss.

Father:

Mother:

Claims through identification made on basis of minor his father, who has his first wife since the first 12 years.

Children:

Chubbee, Pully 15
" " Sallie 19.

FATHER: Oliver Chubbee - dead

MOTHER: Caroline Chubbee - dead

See Mississippi Choctaw card # 997: testimony of Feb. 7, 1899.

Stenographer

Francis R. Brown.

C

IDENTIFIED

161

COPIES REQUESTED

FEB 14 1903

COPIES OF DECISION FORWARDED

FEB 21 1903

**COPY OF DECISION FORWARDED
APPLICANT**

MAR 11 1903

M. K.
161

Choc. MCR 1617

John Chubbee

MCR 1617

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MERIDIAN, Mississippi, April 3, 1901.

In the matter of the Application of John Chubbee for the identification of himself, his wife and eight minor children as Mississippi Choctaw Indians.

John Chubbee being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A John Chubbee.
Q How old are you? A 54 years.
Q What is your postoffice address? A Heidelberg, Mississippi.
Q How long have you lived in Mississippi? A Born and raised here
Q You have never lived anywhere else? A No sir.
Q Is your father living? A No, he is dead.
Q What is your mother's name? A Sallie Chubbee.
Q Is your mother dead? A Yes sir.
Q Were your mother and father both full blood Indians? A Yes sir
Q What is your wife's name? A Susie.
Q How old is she? A 49 years.
Q What is her father's name? A Jim--he goes by Dr. Jim.
Q Is he living? A No sir.
Q What is your wife's mother's name? A Sophie Jim.
Q Is she living? A No sir.
Q Were her parents both full blood Choctaws? A Yes sir.
Q Has she always lived in Mississippi? A Yes sir.
Q How many children have you? A We have got nine living.
Q Give me their names and ages? A Rosanna, about 24 years.
Q Is she married? A No sir.
Q She has always lived with you has she? A Yes sir.
Q What is the name of the next one? A Julia.
Q How old is Julia? A 22 years.
Q What are the names and ages of the next? A Lucy 19 years, Agnes 17 years, Anna 8 years, Janie 7 years, Willie 6 years and Pink (girl) 2 years.
Q Is your name or the name of your wife, or the names of your children on any of the rolls of the Choctaw nation in Indian Territory? The Choctaw Indians in the Indian Territory, have they ever enrolled you out there as a member of their tribe? A No.
Q Did you ever make application for yourself or your wife or your children to be enrolled among the Choctaws out there?
A No sir.
Q In 1896, about 5 years ago, did you make application to the Commission to the Five Civilized Tribes (this Commission) for citizenship for yourself, your wife and children in the Choctaw nation? A I don't understand that.
Q You know Jack Amos? A I have heard of him.
Q Do you remember about 5 years ago when Jack Amos and a whole lot of these Choctaws sent a lot of papers to the Indian Territory?
A No, I never did it.
Q You have never been admitted to citizenship out there by the tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
Q Your application that you now make is for the identification as a Mississippi Choctaw, is it? A Yes sir.
Q Have you ever made application before this? A No.
Q Didn't you make application at Decatur? A Yes, I made one there. This applicant is the identical John Chubbee who appeared before the Commission at Decatur, Mississippi, February 7, 1899 and made application for identification of himself, his wife and seven minor children; their names are found on Choctaw Card No. 395, and

2-John Chubbee.

also on the schedule attached to the Commission's report of March 10, 1899 as to the identification of Mississippi Choctaws, page 88, roll numbers as follows: John Chubbee, 1409, Sallie Chubbee 1410, Rosanna 1411, Julia 1412, Lucy 1413, Agnes 1414, Anna 1415, Janie 1416 and Willie 1417.

- Q Have you or your children ever received any benefits from the Choctaw Nation, in Indian Territory? A No sir.
- Q You never have received any land or any money from the Choctaws in Indian Territory? A No sir.
- Q Did your father and mother, or your wife's father and mother ever move to the Indian Territory, to the Choctaw nation? A No sir.
- Q They always resided here in Mississippi A Yes sir.
- Q At the time of the making of the treaty in 1830 between the United States and the Choctaws---have you ever heard of that treaty?
- A No sir.
- Q The old treaty called the treaty of Dancing Rabbit Creek--have you heard of that? A I don't know as I have.
- Q That was 71 years ago; have any of your people--your father or mother or grandparents ever removed to the Indian Territory?
- A No sir.
- Q As far back as you know, your people and your wife's people have always remained here in Mississippi? A Yes sir.
- Q Did you ever hear of any of them receiving any benefits--money from the Choctaws in Indian Territory? A No sir.
- Q What is the name of your grandfather or grandmother, or your wife's grandfather or grandmother who were living here in Mississippi in 1830 when the treaty was made? A I don't know; I can't tell you.
- Q Do you know what your grandfather's name was? A Yes, Mul-lachubbee.
- Q He has been dead a good while, hasn't he? A Yes sir.
- Q Do you know if any of your ancestors after the making of the treaty of 1830, within six months after its ratification--that would be 1831, signified to the United States Indian Agent of the Choctaws here in Mississippi, their intention to remain here and become citizens of the United States? Have you ever heard any talk of that kind in your family, or in your wife's family?
- A No sir.
- Q Did any of your people, grandfather or grandmother, or any of your wife's people, ever receive or claim any land here in Mississippi from the United States government as beneficiaries under the 14th article of the treaty of 1830? A No, I don't think so.
- Q What was your father's name? A Sam Chubbee.
- Q Did your father ever have an Indian name besides Sam Chubbee?
- A No sir.
- Q About how old would your father be if he was now living? A About sixty-five years.
- Q Do you know your mother's father's name? A No sir.
- Q Do you know what your wife's grandparents name was? A No sir.
- Q In the event the Commission is able to identify you and your wife and children as Choctaw Indians entitled to allotment, is it your intention to move to the Indian Territory and make your permanent residence there? A I don't know about that.
- Q You understand that the benefits that you will derive from being identified as a Mississippi Choctaw will only be available when you move to the Indian Territory, do you? A Yes sir.
- Q That the law provides that the Mississippi Choctaws who have been identified by this Commission shall move to the Indian Territory and establish a residence there so as to become members of the Choctaw tribe of Indians in Indian Territory and share in the distribution of lands in that country? A Yes sir.
- Q Is there any statement you want to make? Anything more you want to say? A I don't know as there is.

The decision of the Commission as to your application and

3-John Chubbee.

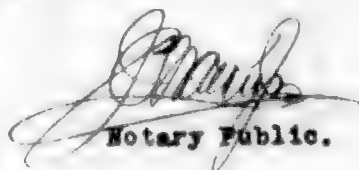
the application you make on behalf of your wife and children for identification as Mississippi Choctaws will be mailed to you at your present postoffice address sometime in the future.

-----o-----
Note: This applicant is to all appearance, a full blood Choctaw Indian; he speaks but little English, and from his testimony it appears that his wife and children are also full blood Choctaws. It further appears that both the applicant and his wife and their ancestors have always been residents of the state of Mississippi, and that they have never received any benefits, nor participated in the annuities of the Choctaw tribe of Indians in Indian Territory. The applicant has no knowledge of his wife's ancestors farther back than her father and mother, nor of his own ancestors excepting his grandfather, and the Commission is unable to find the names of any of his ancestors among the persons who claim under the 14th article of the treaty of 1830 were adjudicated by a Commission appointed by acts of Congress of March 3, 1837, February 27, 1838 and August 23, 1842

-----o-----
Frances R. Brown, having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 3rd day of April, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me at Meridian, Mississippi, April 4th, 1901.


Notary Public.

**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.**

IN RE

Application for Enrollment of

INFANT CHILD

Pink Chubbee,

as a citizen of

MISSISSIPPI CHOCTAW.

Nation

Approved,

190

**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.**

Commissioner.

This application for the enrollment of this child is accepted by the Commission as evidence of its birth to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws and not in any manner to be considered as an application for the enrollment of this child as a citizen of the Choctaw Nation.



Acting Chairman.

6617

MISSISSIPPI CHOCTAW.

#995.

Recd April 5, 190

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

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

Application for Enrollment, as a citizen of the Choctaw Nation,
 of Pink Chubbee, born on the 9th day of August, 1899
 (Here insert name of child)
 Name of Father: John Chubbee, a citizen of the Choctaw Nation.
 Name of Mother: Bessie Chubbee, a citizen of the Choctaw Nation.
 Post-office, Heidelberg, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, | The State of Mississippi
 INDIAN TERRITORY. | Jasper County
 District. |
 I, Bessie Chubbee, on oath state that I am 44
 years of age and a citizen, by blood, of the Choctaw Nation;
 that I am the lawful wife of John Chubbee, who is a citizen, by
blood, of the Choctaw Nation, that a Female child was
 (male or female)
 born to me on the 9th day of August, 1899; that said child has been
 named Pink Chubbee, and is now living.

WITNESSES TO MARK
 (Must be Two Witnesses) F. L. Heidelberg
A. H. [unclear]
Bessie Chubbee
[unclear]

Subscribed and sworn to before me this 4th day of April, 1901.
[Signature]
 Mayor of the [unclear]

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, | The State of Mississippi
 INDIAN TERRITORY. | Jasper County
 District. |
 I, J. J. Houston, a Physician, on oath state that I
 attended on Mrs. Bessie Chubbee, wife of John Chubbee,
 on the 9th day of August, 1899, that there was born to her on
 said date a Female child; that said child is now living and is said to have been
 (male or female)
 named Pink Chubbee.

WITNESSES TO MARK
 (Must be Two Witnesses) J. J. Houston M.D.

Subscribed and sworn to before me this 4th day of April, 1901.
[Signature]
 Mayor of the [unclear]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of John Chubbee,
et al., for identification as Mississippi Choctaws,
M.C.R. 1617

-----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 April 3, 1901, by John Chubbee for himself, his wife, Susie, and his eight children, Rosanna, Julia, Lucy, Agnes, Anna, Janie, Willie and Pink Chubbee, 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 John Chubbee, Susie Chubbee, Rosanna Chubbee, Julia Chubbee, Lucy Chubbee, Agnes Chubbee, Anna Chubbee, Janie Chubbee, Willie Chubbee, and Pink Chubbee should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman


Commissioner


Commissioner

Muskegee, Indian Territory

FEB 14 1903

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of John Chubbee,
et al., for identification as Mississippi Choctaws,
M.C.R. 1617

I N D E X

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Decision of the Commission identifying John Chubbee, et al., as Mississippi Choctaws-----	4

COPY

1000

Muskogee, Indian Territory, February 22, 1903

Manfield, McHurray & Corvish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying John Chubbee, his wife Susie Chubbee, and his children, Rosanna Chubbee, Julia Chubbee, Lucy Chubbee, Agnes Chubbee, Anna Chubbee, Jennie Chubbee, Willie Chubbee and Pink Chubbee as Mississippi Choctaw Indians under the provisions of the fifty-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 Chubbee, his wife 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 fully identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,
T. H. D. D.

COPY.

W. C. R. 1617

Muskogee, Indian Territory, March 11, 1903.

John Chubbee,

Ravia, 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 yourself, your wife Susie Chubbee, and children, Rosanna, Julia, Lucy, Agnes, Anna, Jamie, Willie, and Pink Chubbee, as Mississippi Choctaw Indians 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,

James Bixby.

Chairman.

Registered.

RECEIVED

Enclosure 1617.

PERMITTANCES PAYABLE TO
D. BUDGUS, CASHIER
MUSKOGEE, OKLA.

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.
No. 4631

DEPARTMENT OF THE INTERIOR
OFFICE OF THE
Miss-Chooctaw, roll #534.
WILLIE CHUBBEE, now Henry, OFFICE OF THE
Miss-Chooctaw, roll #534.
FIVE CIVILIZED TRIBES

April 6, 1931.

The Honorable
Commissioner of Indian Affairs.



Dear Sir:-

Your attention is respectfully called to the enrollment of Willie Chubbee, full-blood Mississippi-Chooctaw, roll No. 534, who has made application for the removal of RESTRICTIONS from a portion of her allotment.

It appears that an error was made on the approved roll, which shows Willie Chubbee to be a male. She is now married to George Henry, a Mississippi-Chooctaw, and is the mother of three children. Her parents are deceased, but we have secured sworn affidavits from two of her sisters stating that her enrollment as a male was a mistake; that she is in reality a female and that the said Willie Chubbee whose name appears on the rolls of Mississippi-Chooctaws opposite No. 534 is one and the same person as the said Willie Chubbee, now Henry, who has filed an application for removal of restrictions.

While the office records show her to be a male, no mention of a male is made in the testimony taken at the time of the enrollment/Willie Chubbee, her deceased mother, and nine children. Willie is named as one of the four minor heirs, and it is believed that the fact that Willie ordinarily is a masculine name is responsible for the erroneous enrollment.

It is recommended that the copies of the approved rolls of citizens by blood of the (Mississippi) Chooctaw Nation in possession of the Department and the office of the Commissioner of Indian Affairs be corrected as to the designation of the sex of the said Willie Chubbee, (Mississippi) Chooctaw by blood, roll No. 534, by changing in the sex column opposite her name the letter "M" to the letter "F", and that this office be authorized to make like correction upon the copy of the rolls in its possession.

I am respectfully recommending approval. Respectfully,

Amundson
Superintendent.

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.
Approved: *[Signature]*
First Assistant Secretary.



No. 1617

For Identification as a Mississippi Choctaw.

Date APR -3 1901

Name - John Chubbee.

Age 54. Blood full.

Post Office Heidelberg, Miss.

Father: Sam Chubbee - dead.

Mother: Sullie Chubbee - dead

Claims through both parents

WIFE: Lucie Chubbee 49.

FATHER: Doctor Jim - dead.

MOTHER: Sophie Jim. - dead.

Children:

Rosanna Chubbee 24.

- Julia " " 22.

Lucy " " 19.

Agnes " " 17.

Anna " " 8

James " " 7

Willie " " 6

Pinky " " 2

Mississippi Choctaw card #395, test-
Stenographer Mary of July 7, 1899.

Francis A. Brown.
OVER

IDENTIFIED

DECISION RENDERED FEB 14 1903

DECISION FORWARDED
COMMISSION FOR PROTECTING AND
IMPROVING NATURAL RESOURCES FEB 21 1903

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

[Faint handwritten notes and signatures, including a signature that appears to be "A. H. ..."]

Choc. MCR 1618

Mary Foot

See MCR 1183

MCR 1618

Mary Foot et al.

REFUSED.

DECISION RENDERED. APR 17 1902

NOTICE OF APPEAL TO THE COURT.
APR 25 1902

FOR THE APPELLATE COURT.

RECEIVED DEPARTMENT.
APR 25 1902

ACTION APPROVED BY THE DEPARTMENT.
MAY 1 1902

NOTICE OF APPELLATE ACTION.
JUN 1 1902

NO APPELLATE ACTION.
FOR ATTORNEYS FEE AND COSTS.
AND FOR AWARD OF COSTS.

REFER TO M. C. R. 1, 83

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 8, 1901.

In the matter of the application of Mary Foot, et al., for identification as Mississippi Choctaw; she being first duly sworn upon her oath, testified as follows:

Examination by the Commission.

- Q Please state your name? A Mary Foot.
Q What is your age? A Twenty two.
Q What is your post office address? A Johns, Rankin County, Mississippi.
Q You claim to be possessed of Indian blood? A Yes sir.
Q Choctaw Indian? A yes sir.
Q What proportion of Choctaw blood do you claim to have? A One quarter.
Q Do you apply for anyone besides yourself? A Two children.
Q What are their names and ages? A Nora Lee.
Q How old is Nora Lee? A Three years old.
Q The next one? A A.C.
Q What does A.C. stand for? A Anthony C.
Q How old is he? A One year old.
Q What is the name of the father of these children? A Robert Foot.
Q When and where were you married to Robert Foot? A I was married at Decatur, Mississippi.
Q Has Robert any Indian blood? A No sir.
Q You make no claim for him? A No sir.
Q Your children then get their Indian blood solely through you? A Yes sir.
Q Their claim has the same foundation as your own? A Yes sir.
Q Are these children living with you at the present time? A Yes sir.
Q You are living with your husband? A Yes sir.
Q Is your father living? A yes sir.
Q What is his name? A Caesar Mangrum.
Q Does Caesar claim to have any Indian blood? A Yes sir.
Q What proportion of Choctaw blood does he claim to have? A One half.
Q Any other kind of Indian blood? A No sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Beadie Mangrum.
Q She is a colored woman, is she? A Yes sir.
Q Your father is one half Choctaw? A Yes sir.
Q And one half colored? A yes sir.
Q You get your Indian blood through your father? A Yes sir.
Q Did you ever appear before the tribal authorities of the Choctaw Nation in the Indian Territory, and make application for citizenship? A No sir.
Q Any one for you ever make application to them? A No sir.
Q Did you, or anyone for you, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation? A No sir.
Q Then you have never been admitted to citizenship in the Choctaw Nation, either by this Commission in the year 1896, acting under the Act of Congress of June 10, 1896, by the tribal authorities of the Choctaw Nation, or by the United States Court for the Indian Territory, have you? A No sir.
Q Have you ever been recognized in any manner as a citizen of the Choctaw Nation? A No sir.
Q Never received any benefits? A No sir.
Q Did any of your ancestors ever receive any benefits as Choctaws?
A No
A Not that I know of.

Dary Test, et al., 62.

- Q For what purpose do you appear here at this time? What are you here for in other words? A Proving my Choctaw blood.
- Q To prove your Choctaw blood? A Yes sir.
- Q Do you appear as an applicant for identification as a Mississippi Choctaw under the fourteenth article of the treaty of 1830 between the United States and the Choctaws? A Yes sir.
- Q Did you ever read that article? A No sir.
- Q Do you know anything it contains? A No sir.
- Q You think you ought to base your claim on that article, do you? A Yes sir.
- Q Do you know whether any of your ancestors ever complied with the terms of that article? A No sir.
- Q Any of them ever claim or receive any land in the State of Mississippi under that article of the treaty of Dancing Rabbit Creek? A No sir.
- Q Do you know whether any of your ancestors did, or not? A No sir.
- Q You never heard of them receiving any? A No sir.
- Q Do you know whether any one of your ancestors, within six months from the date of the ratification of that treaty, made known to the United States Indian Agent of the Choctaws in Mississippi, his or her intention to remain in Mississippi and become citizens of the United States? A No sir.
- Q What one of your ancestors was living in Mississippi at that time, in 1830? A My grand father.
- Q What was his name? A Billy Indian, is the only name I have ever heard.
- Q Was he your father's father? A Yes sir.
- Q What proportion of Choctaw blood did he claim to have? A My father?
- Q Your father's father? A Full blood.
- Q Do you know whether he was recognized by the Choctaws here in 1830, as a member of that tribe? A No sir.
- Q Do you know whether he drew any money at that time? A No sir.
- Q You never heard of his receiving any land down here? A No sir.
- Q Is there any additional statement in regard to your case you desire to make at this time? A No sir.
- Q Have you any affidavits, statements or other papers which you desire to offer in evidence at this time? A

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

The Commission: Permission is here granted attorney for applicant to file proper documentary evidence in support of this application within thirty days from this date.

Q In case the Commission should be able to identify you as a Mississippi Choctaw, entitled to rights in the Choctaw lands in Indian Territory, under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, would you remove to the Choctaw Nation, Indian Territory, and there establish your permanent residence? A Yes sir.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time on behalf of yourself and your two minor children for identification as Mississippi Choctaws, mailed to you at your present post office address.

(This applicant has every appearance of being a colored woman, though her hair is somewhat inclined to be straight.)

Mary Teet, et al., #3.

R.S. Streit, being first duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the foregoing is a full, true and correct translation of his stenographic notes therein.

R.S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 22 day of April, A.D. 1901.

[Signature]
Notary Public.

COPY.

M C R 1518

Waukegon, Indian Territory, April 25, 1902.

Mary Foot,

Johns, Mississippi.

Dear Madam:

You are hereby advised that on the 16th day of April, 1902, 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,	M C R 1183
Lee Mangrum et al.,	" 3454
Henry Mangrum,	" 3462
Cassius Mangrum et al.,	" 1598
Mary Foot et al.,	" 1518.

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.'

N F--2

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ephraim Manguin, Lee Mangrum, Elisa J. Mangrum, Mary C. Mangrum, Henry Mangrum, Caesar Mangrum, Mattie Mangrum, Walter Mangrum, Magalia Mangrum, Minerva Mangrum, Susie Mangrum, Mary Foot, Vera 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."

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.

COPY.

3
M. C. R. 1618

Kuskogee, Indian Territory, June 9, 1902.

Mary Foot,

Johns, Mississippi.

Dear Madam:

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 Mangum, et al., of which decision you were advised by registered mail of April 25, 1902.

Yours truly,

JAMES DIBBY

Acting Chairman.

847 1015
For Identification as a Mississippi Choctaw.

Date APR 3 1901

Name *Mary Foot*

Age 22 Blood $\frac{1}{4}$

Post Office. *Johns, Miss.*

Father: *Caesar Mangum $\frac{1}{2}$* ✓

Mother: *Bladie* (colored) ✓

Claims through

husband Robert Foot
No claim for husband

Children:

Nora Lee Foot 3 yrs

Anthony C " 1 yr.

(Claims for herself and two
minor children.)

Stenographer

Choc. MCR 1619

Jubal A. Hancock

See MCR 1620

MCR 1619

FOR IDENTIFICATION
A MISSISSIPPI CHOICE, R. 1619

Jubal A. Hancock

GRANTED

DECISION RENDERED, MAY 7 1902

SEEN MAILED APRIL 25

MAY 8 1902

SEEN MAILED

MAY 10 1902

RECORDED & INDEXED

MAY 21 1902

RECORDED & INDEXED

MAY 31 1902

DEPARTMENTAL ACT BY
ATTORNEYS FOR
REGISTRARS

MAY 31 1902

REFERENT

1620

Department of the Interior
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 3, 1901.

In the matter of the application of Jubal A. Hanceek
for identification as a Mississippi Chectaw. Jubal A. Hanceek
being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Jubal A. Hanceek.
Q How old are you? A 25 years old.
Q What is your post-office address? A Gulfport, box 83.
Q Louisiana? A Mississippi.
Q How long have you resided in Mississippi? A All my life,
25 years.
Q Always lived here? A Yes sir.
Q Have you ever maintained a residence in the Indian
Territory? A No sir.
Q What is your father's name? A William Mitchell Hanceek.
Q Is your father living? A No sir.
Q What is your mother's name? A Mary Jane Hanceek.
Q Is your mother living? A Yes sir.
Q Through which one of your parents do you derive your Chectaw
blood? A My father.
Q How much Chectaw blood do you claim? A I claim one eighth.
Q Is your name on any of the tribal rolls of the Chectaw
Nation in the Indian Territory? A No sir.
Q Have you ever made application to the Chectaw tribal
authorities in the Indian Territory for citizenship in the Chectaw
Nation? A No sir.
Q In 1896, under the act of Congress of June 10th, 1896 did
you make application to the Commission to the Five Civilized Tribes
for citizenship in the Chectaw Nation? A No sir.
Q Have you ever been admitted to citizenship in the Chectaw
Nation by the Chectaw tribal authorities, the Commission to the
Five Civilized Tribes or the United States Court in the Indian
Territory? A No sir.
Q Have you ever prior to this time made application to either
the Chectaw authorities or the legally constituted authorities of
the United States for either citizenship or enrollment as a Chectaw
Indian? A No sir.
Q This is the first application you have ever made of any
description, is it? A Yes sir.
Q You are now making application for identification as a
Mississippi Chectaw? A Yes sir.
Q Are you basing your claim as a beneficiary under the 14th
article of the treaty of 1830? A Yes sir.
Q What was the name or names of your ancestors who were
residents of the state of Mississippi and in the old Chectaw Nation
here at the time the treaty of September 27th, 1830 was entered
into between the United States and the Chectaw Tribe of Indians?
A My father and grand mother.
Q Was your father living here at that time? A Yes sir.
Q Was he recognized and enrolled member of the Chectaw tribe
of Indians here at that time? A Yes sir.
Q How old was your father? A When he died he was 73.
Q How long has he been dead? A He died in March, 1894.
Q What was his mother's name? A Sophia Mitchell.
Q She was a Chectaw Indian was she? A Yes sir.
Q Have you any evidence showing that she was ever recognized
by the Chectaw Indians here or by the United States Indian Agent of

Jabal A. Hanceck 2--

the Choctaw Indians in Mississippi? A No sir, I can secure affidavits to that effect.

Q Did any of your ancestors ever remove from the state of Mississippi to the Indian Territory after the conclusion of the treaty of 1830 when the Choctaw Indians were removed to the western territory? A My grand mother went afterwards.

Q She went to the Choctaw Nation in the Indian Territory?

A Yes sir.

Q Was she there recognized as a member of the Choctaw tribe and enrolled as such? A I think so.

Q Did you ever hear that she drew any annuity out there? A No sir.

Q Did you ever hear that she ever participated in any of their money? A No sir.

Q When did she die? A In the year '69 or '70.

Q Where did she live in the Choctaw Nation? A I don't know what place.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under this fourteenth article of the treaty of 1830? A No sir.

Q You are making your claim solely as a beneficiary under that article of that treaty are you? A Yes sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Gertie Ella Hanceck.

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

Q She is a white woman? A Yes sir.

Q Has no admixture of Indian blood? A No sir.

Q Have you any children? A No sir.

Q Just making this application for yourself alone? A Yes sir.

Q Is there any additional statement you desire to make in support of your application? A No, I don't know that there is.

Permission is granted the applicant to file documentary 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 the future to your present post-office address.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 3rd day of April, 1901, 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 at Meridian, Mississippi, this 4th day of April, 1901.

[Signature]
Notary Public.

N. C. Identified 3.

N.C.R.1619.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 23, 1902.

In the matter of the application of Jubal A. Hancock to be enrolled as a Choctaw entitled to allotment under the provisions of the Act of Congress of May 31, 1900, having been identified as a Mississippi Choctaw by the Commission to the Five Civilized Tribes, May 7, 1902, which identification was approved by the Secretary of the Interior, May 21, 1902.

Jubal A. Hancock being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Jubal A. Hancock.
Q How old are you? A Twenty-seven years old.
Q You are the identical Jubal A. Hancock who is an applicant to this Commission for identification as a Mississippi Choctaw? A Yes sir.

Jubal A. Hancock is the identical person identified by the Commission to the Five Civilized Tribes as entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830 by the decision of the Commission to the Five Civilized Tribes in the case of Josephine Hussey et al., which identification was approved by the Secretary of the Interior, May 21, 1902.

Q Your purpose in appearing before the Commission at this time is to conform to a provision of the Act of Congress of May 31, 1900 relative to removal to and settlement in good faith in the Choctaw-Chickasaw Country, is it? A Yes sir.
Q Have you since your identification as a Mississippi Choctaw by this Commission, May 21, 1902, removed to the Choctaw Chickasaw Country for the purpose of making a bona fide residence there? A Yes sir.
Q How much of a residence have you made? A Well I haven't located at all yet.
Q Is it your intention to now locate in the Choctaw-Chickasaw country? A Yes sir.
Q At what place have you located or is it your intention to locate? A Around McGee there.
Q What will be your post office address? A McGee.
Q That's in the Chickasaw Nation is it? A Chickasaw Nation, yes sir.
Q Have you moved any of your belongings into the Indian Territory? A No sir; I've sold everything I had in Mississippi, and on account of the illness of my wife, have been unable to move her out to the Territory, but I do propose to settle in the vicinity of McGee, Chickasaw Nation, Indian Territory.
Q Have you any children born to you since you made application? A No sir.
Q You are the only person then interested in this application?
A

Jubal A. Hancock 2

A Yes sir.

Q Have you purchased or located on any improvements in the
Choctaw Chickasaw country? A No sir.

Q You are before the Commission now, then, to give testimony
as to your intention to locate within the next few days?

A Yes sir as soon as I can.

Q Is it your purpose now to remain in the Choctaw-Chickasaw
Country to make it your permanent home? A Yes sir.

---0---

Clara Mitchell Wood being first duly sworn upon her oath
states that as stenographer for the Commission to the Five
Civilized Tribes she reported in full all proceedings had
in the above entitled cause on the 23rd day of September, 1902
and that the above and foregoing is a full, true and correct
transcript of her stenographic notes of said proceedings on
said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 24th day of September
1902.

B. C. Jones
Notary Public.

COPY.

M. C. R. 1619

Muskogee, Indian Territory, May 8, 1902.

Jubal A. Hancock,

Gulfport, Mississippi. Postoffice Box 83,

Dear Sir:

You are hereby advised that on May 7, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Josephine Hussey, et al., embracing the following applications for identification as Mississippi Choctaws:

Josephine Hussey, et al.,
J. Folsom Roe, et al.,
Jubal A. Hancock,
Charles Rushing Hancock,

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 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 sufficient to determine the identity of Josephine Hussey, William Hancock Hussey, Alvin McDowell Hussey, J. Folsom Roe, Jeannette C. Roe, Jubal A. Hancock and Charles Rushing Hancock, 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 granted, and it is so ordered."

J A H E

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,

I. B. Needles.
Commissioner in Charge.

Register.

RECEIVED
MAY 12 1903
U. S. DEPT. OF THE INTERIOR
REGISTER

C O P Y .

30382

D. C. No. 8589.

Refer in reply to
the following
Land-86269-1908

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington, May 15, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

The office transmits herewith the papers in the consolidated case of Josephine Husey et al., applicants for identification as Mississippi Choctaws and recommends that the decision of the Commission, holding that the applications should be granted, be affirmed.

The record evidence shows conclusively that the applicants are descendants of Mississippi Choctaw ancestors, who were recognized as such, enrolled and granted land under the fourteenth article of the treaty between the United States and the Choctaw Nation concluded on the 27th day of September, 1830, by Act of Congress entitled "An Act for the relief of Jubal B. Hancock, passed August 11th, 1842, all of which is verified by the records in this office.

It is further shown by the record that in 1896, William Hancock Husey, a minor, by his mother as next friend, J. Volson Roe, Jubal A. Hancock and Charles Rushing Hancock made application for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896, and that their said applications were denied by the Commission and no

appeal taken from the adverse decision.

This is no bar to filing an application for identification as a Mississippi Choctaw under the Act of Congress of June 28th, 1898 (30 Stat., 498) and having their rights under that Act adjudicated by the proper tribunal.

Section 21 of that Act expressly provides that "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September Twenty-seventh, eighteen hundred and thirty, and to that end they may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is under this provision the applications herein are made, and no previous adjudication of their status can be construed as an estoppel that will exclude claimants from the benefits conferred by the Act when the facts support their claim to the rights intended to be established thereby.

Very respectfully,

Your obedient servant,

Acting Commissioner.

W.C.B.(Cg.)

COPY.

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J.P.

I.T.D. 2142-1902.
L.R.S.

DEPARTMENT OF THE INTERIOR,

Washington, May 21, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the Mississippi Choctaw case 1410, embracing the applications of Josephine Hussey, William Hancock Hussey, Alvin McDowell Hussey, J. Folsom Ree, Jeanette C. Ree, Jubal A. Hancock and Charles Rushing Hancock, transmitted with your letter of May 9, 1902.

You found that the evidence was sufficient to establish the descent of the claimants from Jubal B. Hancock who took advantage of the 14th article of the treaty of 1830, and to determine the identity of the applicants as Choctaw Indians entitled to rights in the Choctaw Nation, in which opinion the Acting Commissioner of Indian Affairs in letter of May 15, 1902, concurs.

He states that it is shown that the applicants are descendants of Mississippi Choctaw ancestors who were recognized as such, enrolled and granted lands under the 14th article of the treaty of 1830, by an Act of Congress entitled "An Act for the relief of Jubal B. Hancock," passed August 21, 1862; that, while it is shown that in 1896 William Hancock Hussey, J. Folsom Ree, Jubal A. Hancock and Charles Rushing Hancock made application for citizenship in the Choctaw Nation under the Act of June 10, 1896, and that their applications were denied by your Commission and no appeal taken, that is no bar to the consideration of an

application for identification as a Mississippi Choctaw under the 21st section of the Act of June 20, 1876 (30 Stats. 495).

The Department has carefully considered the matter and finds no reason to disturb your decision, and it is accordingly affirmed. A copy of the Acting Commissioner's letter is enclosed.

You will advise the claimants, residents of Mississippi, heretofore, and that to be entitled to enrollment in the Choctaw Nation, and to an allotment, it will be necessary for them to remove in good faith to the Choctaw-Chickasaw country, Indian Territory; also to that portion of the Choctaw-Chickasaw agreement pending in Congress, in regard to Mississippi Choctaws.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 enclosure.

H.M.D.

Miss. Choctaw 1613

Muskogee, Indian Territory, May 31, 1902.

Jubel A. Hancock,

Box 83, Gulfport, Mississippi,

Dear Sir:

You are hereby advised that on the twenty first day of May, 1902, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes granting the application made by you for identification as a Mississippi Choctaw entitled to rights in the Choctaw lands in Indian Territory as a beneficiary under the provisions of article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

You are now advised that, in order for you to be enrolled as a citizen of the Choctaw Nation entitled to allotment, it is necessary that you remove to and make settlement within the Choctaw-Chickasaw country, as provided by the act of Congress of May 31, 1900, (31 Stats., 221):

"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: Provided further, That all contracts

J.A.H. 2

or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws shall be null and void."

Your attention is further invited to the following sections of an agreement entered into at Washington, D.C., March 21, 1902, between Commissioners on the part of the United States and the Choctaw and Chickasaw Nations, and now pending before the Congress of the United States for ratification:

"41. 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., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of the final ratification of this agreement, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of the final ratification of this agreement may 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. The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after the date of the final ratification of this agreement

42. When any such Mississippi Choctaw shall have 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 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 Agoka agreement, and he shall hold the lands allotted to him as provided in this agreement for citizens of the Choctaw and Chickasaw nations.

43. Applications for enrollment as Mississippi Choctaws, and applications to have land set apart to them as such, must be made personally before the Commission to the Five Civilized Tribes. Fathers may apply for their minor children; and if the father be dead, the mother may apply; husbands may apply for wives. Applications for orphans, insane persons, and persons of unsound mind may be made by duly appointed guardian or curator, and for aged and infirm persons and prisoners by agents duly authorized thereunto by power of attorney, in the discretion of said Commission.

J.A.H. 3

44. If within four years after such enrollment any such Mississippi Choctaw, or his heirs or representatives if he be dead, fails to make proof of such continuous bona fide residence for the period so prescribed, or up to the time of the death of such Mississippi Choctaw, in case of his death after enrollment, he, and his heirs and representatives if he be dead, shall be deemed to have acquired no interest in the lands set apart to him, and the same shall be sold at public auction for cash, under rules and regulations prescribed by the Secretary of the Interior, and the proceeds paid into the Treasury of the United States to the credit of the Choctaw and Chickasaw tribes, and distributed per capita with other funds of the tribes. Such lands shall not be sold for less than their appraised value. Upon payment of the full purchase price patent shall issue to the purchaser.

Yours truly,

Acting Chairman.

Hiss, Choc. 3

Muskogee, Indian Territory, July 15, 1902.

Jabal A. Hancock,
Gulfport, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 22, 1902, referring to our communication of May 31, advising you of the affirmation by the Secretary of the Interior of the decision of the Commission granting your application for identification as a Mississippi Choctaw.

You now desire to be informed if you can at this time remove to the Indian Territory and select a tract of land and homestead the same or if it will be necessary for you to wait until an allotment is made of the lands of the Choctaw and Chickasaw Nations.

You also desire to be advised if you can engage in any kind of business in the Indian Territory and further, what steps if any it will be necessary for you to take in order to establish your settlement in the Indian Territory and the amount of land you will receive in allotment.

Replying to your letter you are advised that the only legislation now operative regarding the settlement of duly identified Mississippi Choctaw Indians in the Choctaw-Chickasaw

J A E S

country is contained in a provision of the act of Congress of May 31, 1900. This legislation defines the limit of time within which duly identified Mississippi Choctaws may remove to the Choctaw-Chickasaw country and make settlement at any time prior to the approval of the final rolls of citizenship of the Choctaw and Chickasaw Nations by the Secretary of the Interior. This limit is more clearly defined in an agreement entered into by the United States and the Choctaw and Chickasaw Nations and which was ratified by the Congress of the United States, July 1, 1902, 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 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement ~~through~~ Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided as to Mississippi Choctaws, subject to the special provisions herein provided as to Mississippi Choctaws."

This agreement has not at this time been ratified by the tribes and before becoming effective must be so confirmed and for this purpose will be submitted to a vote of the citizens of the Choctaw and Chickasaw Nations at a special election to be called by the chief executives of these two tribes within one

J A H 3

hundred and twenty days after July 1, 1902.

In the event of the adoption of this agreement by the Choctaw and Chickasaw Tribes, you would have six months from May 7, 1902, the date on which you were identified by this Commission as a Mississippi Choctaw, to remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory.

You are further advised that no allotment has up to this time been made of the lands of these two tribes and the only legislation or agreement now existing governing such allotment is the one made between the Choctaw and Chickasaw Nations and the United States, April 23, 1897 and which provides as follows:

"That all the lands within the Indian Territory belonging to the Choctaw and Chickasaw Indians shall be allotted to the members of said tribes so as to give to each member of these tribes so far as possible a fair and equal share thereof, considering the character and fertility of the soil and the location and value of the lands."

The recent agreement as confirmed by the act of Congress approved July 1, 1902, provides relative to the allotment of the lands of these two tribes, as follows:

"There shall be allotted to each member of the Choctaw and Chickasaw tribes, as soon as practicable after the approval by the Secretary of the Interior of his enrollment as herein provided, land equal in value to three hundred and twenty acres of the average allotable land of the Choctaw and Chickasaw nations."

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As there have been no allotments made of the lands of these two tribes and at this time no allotment office has been established for the purpose of receiving the selections of allotments of members of the Choctaw and Chickasaw Nations, we have no means at this time of recording the selections of the allotments of the members of these two tribes.

Your identification by the Commission to the Five Civilized Tribes and the Secretary of the Interior grants to you the right to now remove to the Choctaw-Chickasaw country and make settlement and under the act of Congress of May 31, 1900, upon proof of settlement, to be enrolled by this Commission as a Choctaw entitled to allotment.

We are unable to advise you of the probable action that will be taken by the Choctaw and Chickasaw Nations on the agreement confirmed by the act of Congress of July 1, 1902, but if it is your intention to avail yourself of the privileges accorded by your identification as Mississippi Choctaw, it will be advisable that you remove and make settlement within the Choctaw-Chickasaw country at as early a date as practicable.

We cannot advise you as to the prospects of engaging in business in this country more than to state that the Indian

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Territory is now being rapidly developed and it is probable that you would experience little trouble in obtaining occupation of some character.

Yours truly,

Acting Chairman.

FOR INFORMATION OF THE INSURANCE COMPANY

Date APR -3 1901

Name Jubal A. Hancock.

Age 25 Blood 1/8

Post Office, Gulf-port, Miss. Box 23

Father: William M. Hancock - dead

Mother: Mary J. Hancock - ✓

Claims through Father

Children:

Claims for himself alone.

Stenographer

Myra Young.

Choc. MCR 1620

Josephine Hussey

See MCR 1114, 1619, 1712

MCR 1620

Josephine Hussey

GRANTED

DECISION RENDERED. MAY 7 - 1902

RECEIVED... MAY 8 1902

RECEIVED... MAY 10 1902

RECEIVED... MAY 11 1902

RECEIVED... MAY 12 1902

NOTICE OF DEATH... MAY 13 1902

NOTICE OF ENVIRONMENTAL ACTION... MAY 14 1902

1114-1619-712

Department of the Interior
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 3, 1901.

In the matter of the application of Josephine Hussey for the identification of herself and her two minor children as Mississippi Cheetaws: Josephine Hussey being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Josephine Hussey.
- Q What is your age? A 37.
- Q What is your post-office address? A 607 Carondelet Street, New Orleans, Louisiana.
- Q You live in Louisiana? A Yes sir since I have been married.
- Q Where did you live before that? A In Mississippi, in Meridian.
- Q How long did you live in Meridian? A All my life. I was born in Quitman, Clark County, Mississippi.
- Q And lived in Mississippi up until the time of your removal to New Orleans? A Yes sir, until my marriage in 1892.
- Q What is your father's name? A William Mitchell Hancock.
- Q Is your father living? A No, my father's dead.
- Q What is your mother's name? A Josephine Lilly.
- Q Is your mother living? A My mother is dead.
- Q Were your parents both possessed of Cheetaw blood. No. My great grand mother was a full blooded squaw and my grand mother was half.
- Q You claim your Cheetaw blood through which one of your parents? A My father.
- Q How much Cheetaw blood do you claim? A I claim one eighth. My father was one quarter and my grand mother was one half.
- Q Is your name on any of the tribal rolls of the Cheetaw Nation in the Indian Territory? A Not that I know of.
- Q Have you ever made application to the Cheetaw tribal authorities in the Indian Territory for citizenship in that tribe? A No sir.
- Q In 1896 the Commission to the Five Civilized Tribes was empowered to determine original applications for citizenship in the Cheetaw Nation under the act of June 10th, 1896. Did you make an application at that time? A No sir.
- Q Have you ever been admitted to citizenship in the Cheetaw Nation by the Cheetaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No, I have never.
- Q Have you ever prior to this time made any application to either the tribal authorities of the Cheetaw Nation or to the duly constituted authorities of the United States for either citizenship or enrollment as a Cheetaw Indian? 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 Cheetaw? A Yes sir.
- Q You claim as a descendant of a Mississippi Cheetaw who was a resident of this state in 1830 and as a beneficiary under the 14th article of the treaty of 1830? A Yes sir.
- Q Do you know the name of your ancestor or ancestors who were residents of the state of Mississippi in 1830 at the time the

Josephine Hussey 2--

treaty was entered into between the United States and the Choctaw Indians? A I suppose my grand mother was living here then, Sophia Mitchell.

Q Did you ever see her or do you remember her? A I never saw her nor my great grand mother.

Q If your grand mother was living do you know about how old she would be at this time? A No sir.

Q Do you know what your great grand mother's name was? A Mollie. She married a full blooded white man by the name of Samuel Mitchell.

Q Did you ever know her Indian name? A No sir, I only knew her name as Mollie. Her daughter Sophia Mitchell was my grand mother.

Q Did any of your ancestors ever claim or receive any land in Mississippi from the United States government as beneficiaries under this 14th article of the treaty of 1830? A No sir.

Q Were your ancestors recognized members of the Choctaw Tribe of Indians in Mississippi in 1830? A Yes sir.

Q Have you any evidence of the fact of such recognition? A No, I haven't. The records of my grand father's marriage - he was married in White County, Tennessee, the court house was burned and of course I can't get a record. But I can get affidavits. He was married in 1817 and my father was born in 1818 in Sparta Tennessee.

Q Did your father live in Tennessee? A He moved to Mississippi. He was judge for about twenty years for Lauderdale county. I suppose lots of these Indians knew him. He spoke the Choctaw language.

Q Do you speak the Choctaw language? A No sir.

Q Did you ever hear whether any of your ancestors ever removed from Mississippi to the Indian territory at the time of the removal?

A No, my grand mother Sophia remained here in Mississippi but after that she went to the Territory and she died there.

Q Was she recognized as a member of the Choctaw tribe of Indians in the Indian Territory? A Yes sir.

Q And participated in all the rights of citizenship? A Yes sir.

Q When did she die? A I really don't know. She died when I was a child. I have heard my father say but I don't remember. I have cousins in the Indian Territory. The Spains of Whitehead. I correspond with my cousin Dave Spain. He is my father's sister's child. My first cousin.

Q He derives his Choctaw blood from the same ancestors you do? A Yes sir. They are brothers and sisters children.

Q Has he always lived in the Indian Territory. A He has lived there because my father's sister, Mary went to the Indian Territory and she married a Mr. Spain there. She is dead now but her children live there.

Q You are making your claim at this time solely as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.

Q Are you married? A Yes sir, here is my certificate. I was married November 15th, 1892.

Q What is your husband's name? A Samuel McGren Hussey.

Q He is a white man is he? A Yes sir, a full blooded white man.

Q You don't make any claim for him? A No sir, just for myself and my two children.

Q What are your children's names? A William Hancock Hussey aged seven.

Q The other one? A Alvin McDowell Hussey aged two years.

Q You are the mother of both of these children? A I am the mother of them.

Q Samuel McGren Hussey, is the father of both of them? A Yes sir.

Josephine Hussey 3

Q These children live with you at your home? A Yes sir. They are here with me now with my mother.

Q Their claim is identical with yours? A Yes sir.

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

Q Have you any documentary evidence, any affidavits you wish to file? A No, only my mother's marriage certificate, I will have that probably tomorrow and I have my own and I will get an affidavit if that is needed from White County, Tennessee stating the marriage of my grand father and grand mother.

Q Have you any evidence of any description showing that your ancestors at the time of this treaty of 1830 were recognized Choctaws by the members of the tribe here or by the United States Indian Agent. A No sir, only I knew that they lived here and were recognized citizens of the Mississippi Choctaw tribe.

Q And never removed from here to the Indian Territory? A No they staid here a number of years and my grand mother went back to the Indian Territory and she died there.

Permission is granted the applicant to file documentary evidence in support of this claim provided the same is offered for filing with the Commission within thirty days from the date hereof.

Q In the event that the Commission should be enabled to identify you and your two children as Mississippi Choctaws entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830, is it your intention to remove with your children to the Indian Territory to establish your permanent home? A Yes sir. That is my intention. My cousins have been wanting me and my husband to come out there but my husband could not arrange to leave his business, he is with the Times-Democrat, and I am going out in June myself on a visit to them. They wanted me to come last year.

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

Myra Young having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 3rd day of April, 1901, 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 at Meridian, Mississippi, this the 4th day of April, 1901.

Myra Young

J. P. [Signature]

Notary Public.

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C. & W.
W. O. B.

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

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

Josephine Hussey, et al.,	M.C.R. 1630
J. Polson Roe, et al.,	M.C.R. 1114
Jubal A. Hancock,	M.C.R. 1619
Charles Rushing Hancock,	M.C.R. 1712

-- :: DECISION. :: --

The record in the above consolidated case shows that there were, originally, four applications, made separately by the parties named, at the times and places herein set forth, to-wit:

In the matter of the application of Josephine Hussey for the identification of herself and her two minor children, William Hancock Hussey and Alvin McDowell Hussey, as Mississippi Choctaws, taken at Meridian, Mississippi, April 3, 1901.

In the matter of the application of J. Polson Roe for the identification of himself and his minor child, Jeannette C. Roe, taken at Hattiesburg, Mississippi, December 17, 1900.

In the matter of the application of Jubal A. Hancock for identification as a Mississippi Choctaw, taken at Meridian, Mississippi, April 3, 1901.

In the matter of the application of Charles Rushing Hancock for identification as a Mississippi Choctaw, taken at Meridian, Mississippi, April 8, 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 Josephine Hussey, et al., that on April 3, 1901, the said Josephine Hussey appeared before the Commission at Meridian, Mississippi, and there made personal application for the identification of herself and her two minor children, William Hancock Hussey and Alvin McDowell Hussey, 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 between the United States and the Choctaw Nation concluded September 27, 1830, and known as the treaty of Dancing Rabbit Creek. The principal applicant claims descent from Sophia Mitchell, an alleged one half blood Choctaw woman, who married Jubal B. Hancock, a white man; said Jubal B. Hancock and Sophia Hancock, nee Mitchell, were the parents of William Mitchell Hancock, who married a white woman named Josephine Lilly, and said William Mitchell Hancock and Josephine Hancock nee Lilly, are the parents of this applicant.

The record in this case further shows that the principal applicant, Josephine Hussey, 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., 521).

It appears from an examination of the records in the possession of the Commission that in 1896 an application for citizenship in the Choctaw Nation was made to this Commission, under the act of Congress of June 10, 1896, on behalf of William Hancock Hussey, a minor, by his mother, Josephine Willie Blanche Hussey, the principal applicant herein, as next friend; that the Commission denied the application for citizenship in the Choctaw Nation on behalf of the said William Hancock Hussey, in Choctaw citizenship case Number 1243, and no appeal was taken from the decision of the Commission denying said application, to the United States Court in Indian Territory, within the time prescribed by the Act of Congress of June 10, 1896, above referred to.

It does not appear from an examination of the records in the possession of the Commission that Josephine Hussey made application to this Commission in her own behalf, for citizenship in the Choctaw Nation, in 1896, under the act of Congress of June 10, 1896, (29 Stats., 521).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the

ex parte affidavit of J. F. Smith, a certified copy of the marriage license and certificate between Mr. Samuel McGraw Hussey and Miss W. B. F. Hancock; certified copy of the marriage certificate between Hon. W. M. Hancock and Miss Josephine Lilly, and copy of a certified copy of the marriage license and certificate between Jubie B. Hancock and Miss Sophia W. Mitchell, to which is attached the affidavit of the principal applicant that the same is a true and correct copy of a certified copy of said marriage license and certificate, and that the original license and certificate have been lost or destroyed.

By the oral statement of the principal applicant, it is attempted to be shown that she was born in the state of Mississippi about the year 1864, and lived there up to the time of her marriage to Samuel McGraw Hussey, in 1893; that since that time she has been and is now a resident of the state of Louisiana and claims to be an one eighth blood Choctaw. She traces her Choctaw blood from her great grandmother, Nellie, a full blood Choctaw woman who married Samuel Mitchell, a white man, and from their daughter, Sophia Mitchell, an one half blood Choctaw woman who was the mother of her father, William Mitchell Hancock; and she alleges that her said grandmother, Sophia Mitchell, was a recognized member of the Choctaw tribe of Indians in Mississippi, and some time after the removal of the Choctaws from Mississippi, the exact period not given, she removed to the Indian Territory, where she continued to reside until her death; the principal applicant alleges that her genuine, the Spains, are citizens of the Choctaw Nation, and enrolled as such.

By the ex parte affidavit of J. F. Smith, it is attempted to be shown that Josephine Hussey, the principal applicant herein, is the daughter of William W. Hancock, and the grand daughter of Jubal B. Hancock, both of whom resided in the State of Mississippi for many years prior to their death, and with both of whom the affiant was well acquainted for many years. By the certified copy of the marriage certificate between Wm. W. Hancock and Josephine Lilly, it is evidenced that the said William W. Hancock, the father of the principal applicant herein, was legally married to Josephine Lilly, the mother of the said applicant, and that the applicant, Josephine Hussey is the legitimate issue of said marriage. By the certified copy of the marriage license and certificate of Jubal B. Hancock and Sophia W. Mitchell to which is attached the affidavit of Mrs. S. M. Hussey to the correctness of the copy, is attempted to be shown the marriage of Jubal B. Hancock and Sophia W. Mitchell, the father and mother of William W. Hancock, and that said William W. Hancock is the legitimate issue of said marriage.

There is filed herewith a written statement of the applicant, but the same is not made under oath, and cannot be considered in evidence. It is a repetition of the statements made by the applicant in her oral testimony. The certified copy of the marriage license and certificate between Samuel Mackay Hussey and Miss W. E. J. Hancock is evidence of the marriage of the principal applicant and of the legitimacy of the issue of said marriage, the children for whom application is made herein.

The next in order of the above applications is that of

J. Folsom Roe, et al., and the record therein shows that on December 17, 1906 the said J. Folsom Roe appeared before the Commission at Hattiesburg, Mississippi, and there made personal application for the identification of himself and his minor child, Jeannette G. Roe, 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 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 Nellie Mitchell, an alleged full blood Choctaw woman, who, he states, is his grand mother.

The record in this case further shows that the principal applicant, J. Folsom Roe, 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, nor by the Commission to the Five Civilized Tribes, nor 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).

It appears from an examination of the records in the possession of the Commission that John Folsom Roe, the principal applicant herein made application to this Commission in 1906

for citizenship in the Choctaw Nation, under the act of Congress of June 10, 1898, above referred to, and that the Commission to the Five Civilized Tribes denied his application for citizenship in the Choctaw Nation in Choctaw citizenship case Number 450, and no appeal was taken from said decision of the Commission, to the United States Court in Indian Territory within the time prescribed by the act of Congress of June 10, 1898 above referred to.

It does not appear that an application for citizenship in the Choctaw Nation was made to this Commission in 1898 for Jeannette C. Roe, under the act of Congress of June 10, 1898, (30 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant is a certified copy of the marriage license and certificate of John F. Roe and Onie Gressett. By the oral statement of the principal applicant, it is attempted to be shown that he was born in Indian Territory and lived there until he was five years old; that he then removed to Mississippi, and has since been a resident of that state, and claims to be an one quarter blood Choctaw. He attempts to trace his Choctaw descent from Nellie Mitchell an alleged full blood Choctaw Indian who he claims was his grandmother, but it is apparent from the evidence of other members of the family that the Nellie Mitchell through whom the principal applicant claims his Choctaw blood was the mother of Sophia W. Mitchell who married Jubal B. Hancock, and the said Jubal B. Hancock and Sophia W. Hancock, nee Mitchell, were the grand parents of this applicant. It

is alleged in the oral testimony of the principal applicant that Jubal B. Hancock was the father of Callie B. Hancock who was married to John F. Roe and that said John F. Roe and Callie D. Roe, nee Hancock, are the father and mother of the principal applicant.

It is alleged in the oral testimony of the principal applicant that his mother, Callie D. Roe, removed from Mississippi to the Choctaw Nation, Indian Territory, in 1888 and was recognized as a Choctaw Indian; that she remained in said Choctaw Nation, Indian Territory, until the principal applicant herein was about five years old and that, her husband having died, she then returned to Mississippi; that a sister of his mother remained in the Choctaw Nation, Indian Territory and married a man named Thomas Spain, and that her descendants, the cousins of the principal applicant, are recognized and enrolled as citizens of the Choctaw Nation.

The certified copy of the marriage license and certificate filed herewith is simply evidence of the marriage between the principal applicant and his wife Onia E. Roe and of the legitimacy of the issue of said marriage.

The next in order of the above applications is that of Jubal A. Hancock and the record herein shows that on April 3, 1901, the said Jubal A. Hancock appeared before the Commission at Meridian, Mississippi and 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 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 Sophia Mitchell an alleged one half blood Choctaw woman, who was the mother of William M. Hancock who married Mary Jane West, and said William M. Hancock and Mary Jane Hancock, nee West, are the parents of this applicant.

The record in this case further shows that the principal applicant, Jubal A. Hancock 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. 381).

It appears from an examination of the records in the possession of the Commission that in 1896 Jubal Avera Hancock, the applicant herein, made application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896, above referred to; that the Commission denied the application for citizenship in the Choctaw Nation of the said Jubal Avera Hancock in Choctaw citizenship case Number 1367, and no appeal was taken from the decision of the Commission denying said application, to the United States Court in Indian Territory, within the time prescribed by the act of Congress of June 10, 1896, above referred to.

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavit of J. P. Smith, a certified copy of the

marriage license and certificate between Wm. M. Hancock and Mary Jane West, and copy of a certified copy of the marriage license and certificate between Jubal B. Hancock and Sophia W. Mitchell, to which is attached the affidavit of Mrs. S. K. Hussey that it is a true copy of a certified copy of said marriage license and certificate and that the original certificate has been lost or destroyed.

By the oral statement of the applicant, it is attempted to be shown that he was born and raised in Mississippi and is now a resident of that state and claims to be an one eighth blood Choctaw. He traces his Choctaw descent from Sophia Mitchell, an alleged one half blood Choctaw woman who had a son, William Mitchell Hancock, an alleged one quarter blood Choctaw who is the father of this applicant. He alleges that his father, William Mitchell Hancock and his grandmother Sophia Mitchell were living in Mississippi in 1830, and recognized members of the Choctaw tribe of Indians; that some time after the conclusion of the treaty of 1830, the exact period not given, Sophia Mitchell, the grandmother of the applicant removed to the Choctaw Nation, Indian Territory where she was a recognized and enrolled member of the Choctaw tribe of Indians and where she remained until her death.

By the ex parte affidavit of J. F. Smith, it is attempted to be shown that Jubal A. Hancock, the applicant herein, is the son of W. M. Hancock, and the grandson of Jubal B. Hancock, both of whom resided in the state of Mississippi for many years prior to their death, and with both of whom the affiant was well acquainted for many years. The certified copy of the marriage license and certificate between Wm. M. Hancock and Mary Jane West, is evidence that William M.

Hancock was legally married to Mary Jane West, and that the applicant, Jubal A. Hancock, is the legitimate issue of said marriage.

By the copy of the certified copy of the marriage license and certificate of Jubal B. Hancock and Sophia W. Mitchell to which is attached the affidavit of Mrs. S. M. Russey to the correctness of the copy, is attempted to be shown the marriage of Jubal B. Hancock and Sophia W. Mitchell, the father and mother of William M. Hancock, and that said William M. Hancock is the legitimate issue of said marriage.

There is filed herewith a written statement of the applicant but the same is not made under oath, and cannot be considered in evidence. It is a repetition of the statements made by the applicant in his oral testimony.

The last in order of the above applications is that of Charles Rushing Hancock, and the record therein shows that on April 8, 1901, the said Charles Rushing Hancock appeared before the Commission at Meridian, Mississippi 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 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 Sophia Mitchell, an alleged one half blood Choctaw, who was the mother of William M. Hancock, who married Mary Jane West, and said William M.

Hancock and Mary Jane Hancock, nee West, are the parents of this applicant.

The record in this case shows that the applicant, Charles Rushing Hancock 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, 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).

It appears from an examination of the records in the possession of the Commission that in 1896 Charles Rushing Hancock, the applicant herein, applied to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896, above referred to, and that the Commission denied his application for citizenship in the Choctaw Nation, in Choctaw citizenship case Number 1374 and no appeal was taken from the decision of the Commission denying said application, to the United States Court in Indian Territory within the time prescribed by the act of Congress of June 10, 1896, above referred to. The evidence offered in support of this application aside from the oral statement of the applicant, embraces the ex parte affidavit of J. F. Smith, a certified copy of the marriage license and certificate between Wm. M. Hancock and Mary Jane West, and a copy of a certified copy of the marriage license and certificate between Juble M. Hancock and Sophia

W. Mitchell, to which is attached the affidavit of Mrs. S. M. Hancey that it is a true copy of a certified copy of said marriage license and certificate and that the original certificate has been lost or destroyed.

By the oral statement of the applicant, it is attempted to be shown that the applicant was born in the state of Mississippi and has been a resident of that state all his life, and claims to be an one eighth blood Choctaw. He traces his Choctaw descent from Sophia Mitchell and her son William M. Hancock, who is an one quarter blood Choctaw, and is the father of this applicant.

The applicant alleges that his father William M. Hancock was recognized as a member of the Choctaw tribe of Indians in Mississippi by the Choctaw tribe, but he knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830. By the ex parte affidavit of J. P. Smith, it is attempted to be shown that Charles Rushing Hancock, the applicant herein, is the son of W. M. Hancock and the grandson of Jubal B. Hancock, both of whom resided in the state of Mississippi and with both of whom the affiant was well acquainted for many years. The certified copy of the marriage license and certificate between Wm. M. Hancock and Mary Jane West is evidence that the said Wm. M. Hancock was legally married to Mary Jane West, and that Charles Rushing Hancock, the applicant herein, is the legitimate issue of said marriage. By the copy of the certified copy of the marriage license and certificate of Jubal B. Hancock and Sophia W. Mitchell, to which is attached the affidavit of Mrs. S. M.

Massy to the correctness of the copy, is attempted to be shown the marriage of Jubal B. Hancock and Sophia W. Mitchell, the father and mother of William M. Hancock, and that said William M. Hancock is the legitimate issue of said marriage.

There is filed herewith a written statement of the applicant but the same is not made under oath and cannot be considered in evidence. It is a repetition of the statements made by him in his oral testimony.

In accordance with the instructions of the Commissioner of Indian Affairs of July 25, 1901, the above named cases have been consolidated, the applicants all claiming descent from Sophia Mitchell, an alleged one half blood Choctaw woman who married a white man named Jubal B. Hancock. The record in this consolidated case shows that Jubal B. Hancock and Sophia Hancock, nee Mitchell, had three children, William M. Hancock, who resided in the state of Mississippi until his death, and who is the father of all the principal applicants except J. Polson Roe, M. C. R. 1114; Callie D. Hancock, who is the mother of J. Polson Roe; and another daughter, whose name is not given, who removed to the Indian Territory some time after the removal of the Choctaws from Mississippi to the present Choctaw Nation, and who married a man named Thomas Spain, whose descendants are the cousins of the applicants herein.

It appears from an examination of the records of the Choctaw Nation, in the possession of the Commission, that Pidy Leewright, nee Spain, Thomas G. Spain, David M. Spain and S. Beauregard Spain, children of Thomas Spain and Mary Spain, are recognized citizens of the Choctaw Nation, their names appearing upon the 1896 census roll of the Choctaw Nation as Choctaws.

residing in the Chickasaw Nation. They have also been listed for enrollment as citizens of the Choctaw Nation by the Commission to the Five Civilized Tribes, having been identified from the tribal rolls of the Choctaw Nation in the possession of the Commission.

On page 567, Volume VIII, American State Papers, Public Lands, Class VIII, appears a report "On a Claim to a Choctaw Reservation Under the Fourteenth Article of the Treaty of Dancing Rabbit Creek", which was communicated to the House of Representatives, March 21, 1836, by Mr. Everett from the Committee on Indian Affairs, to whom was committed the petition of Jubal B. Hancock, as follows:

"The petitioner claims two and a quarter sections of land, under the 14th section of the treaty of Dancing Rabbit Creek, made with the Choctaw nation on the 27th September, 1830, and ratified 24th February, 1831.

That article is as follows: 'Article xiv. Each Choctaw head of a family, being desirous to remain and become a citizen of the State, 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 640 acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half the 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 State, 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 petitioner claims, as a 'Choctaw head of a family,' one section for himself, two half-sections for his two unmarried children over ten years of age, then living with him, and a quarter-section for a child under ten years of age.

The rights of the children depend on that of the father, and his right depends on the questions, 1, whether he was, at the date of the treaty, a Choctaw head of a family; and 2, whether, within six months from the date

of the treaty, he gave notice to the agent of his intention to remain and become a citizen of the State. In relation to these questions the petitioner and the United States are the only parties whose rights can be taken into consideration; other questions may arise in the case in which the rights of the petitioner may conflict with those of third persons.

In relation to the first question, it appears from the testimony that the petitioner is a white native-born citizen of the United States, and before becoming a member of the Choctaw nation, was a resident of the State of Tennessee, when he married a woman of Choctaw descent, by whom he had children; that long before the treaty of 1830, he removed to and became a member of the Choctaw nation, and at the date of the treaty was the head of a Choctaw family.

The question is, then, reduced to this: whether the head of a Choctaw family, on the facts stated, is a Choctaw head of a family, within the fair construction of the treaty. It would be unworthy of the justice of the United States to avail itself of the technical sense of the word, or of its position in the construction of a sentence, contrary to the manifest intention of the other party to a treaty, and especially in a treaty with a nation with whom it treats on unequal terms. With the Indian nations, treaties are made in our language. They are, however, assented to through the medium of interpreters, of our own interpreters; and without imputing any intention of error, it would have been difficult to have explained to their understanding the difference, if any can be supposed to exist, between a Choctaw head of a family, and a head of a Choctaw family. They had no reason to make a distinction between members of their nation, whether members by blood or by adoption, nor between members by adoption, whether previously citizens of the United States, aliens, or members of other tribes. Nor is there, in the opinion of the committee, any reason why the United States should make any such distinction.

The treaty was made with the Choctaw nation, and as a consequence, with every member of that nation. It was competent for that nation to determine who should be entitled to the privileges, who should be members of the nation; and every person who, at the date of the treaty, was, in good faith, a member of the Choctaw nation, was a Choctaw within the meaning of the 14th article, and if the head of a family, was a Choctaw head of a family. Nor is it material whether the head, or the family, or both, were Choctaws by blood or by adoption. In either case, as members of the nation, they were entitled to remove west or remain, and such as chose to remove were entitled to a share of the annuities, and such as remained, being heads of families, to reservations.

The absurdity of a distinction will be obvious from its consequences. It is well known that there were, among the Choctaws, as in other tribes, many intermarriages between white persons and native Indians, and the consequent half-breeds; if none are Choctaws but those who are

so by blood, then it would follow that the wife and children must remove because they were Choctaw, and the husband remain. The wife would not be entitled to a reservation because she is not the head of a family, nor the husband because he is not a Choctaw by blood.

The abstract question of natural allegiance and its consequences cannot be supposed to have been either thought of or understood by the Indians when they concluded the treaty. They well knew who in fact were members of their nation; and that all, without distinction, were subject to their laws, and entitled to equal protection and to equal privileges; and that all, whether adopted native-born citizens of the United States, foreigners, or Indians of other tribes, were equally, with the native Choctaws, subject or not, to the laws of the State in which the nation was located.

While members of the Indian nation, they were not regarded as citizens of the State. To entitle them to reservations, each head of a family was to signify his intention "to remain" (the words which follow are but the consequence,) "and become a citizen of the State".

Were there, however, doubts as to the construction of this article, the committee might refer to the provision in the eighteenth article, viz.: "and further, it is agreed that in the construction of this treaty, wherever well founded doubts shall arise, it shall be construed most favorably toward the Choctaws."

The committee are then of the opinion that the petitioner was entitled, under the treaty, to claim a section of land in his own right, as a Choctaw head of a family.

In relation to the petitioner in right to his children the words of the treaty are "in like manner" (such head of a family) "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". It appears from the testimony that at the date of the treaty the petitioner had two children over ten years of age, and one under that age; that the eldest resided in his house, and the two younger elsewhere, but that they were under his care and control. He had at that time separated from his wife, who had returned to Tennessee. It does not appear that the younger children resided with her, or where they resided, or under what circumstances they were under the care and control of the petitioner.

All the relations between a parent and child are presumed to continue until the contrary is shown, and the children, wherever actually residing, will be considered as a part of the family of the parent so long as they are under his care and control; and in this sense the term "residing with him" is used in the treaty. His reservations are given to him as a head of a family, and also in right of the members of his family, who, it was to be expected, would remain if he remained. The committee are therefore of opinion that the petitioner was entitled to claim two and a quarter sections in right of his children.

The committee do not consider the right affected by

the fact proved, that the petitioner did not live with his wife at the date of the treaty, or that he has since married another woman. It was not necessary to constitute him the head of a family that he should have had a wife then living, or that his children should even have been legitimate; much less would his subsequent misconduct have impaired any right vested in him by the treaty.

In relation to the second question, whether the petitioner, within six months after the ratification of the treaty, (24th February, 1831,) signified to the agent his intention to remain and become a citizen of the States. All that was necessary to entitle him to the reservation was, that he should signify such intention to the agent: that being done, the right vested in him could not be divested by any neglect of the agent. The treaty having provided that the notice should be given to the agent, the government looked to the agent for the evidence of the fact, and by a regulation directed him to return a register of all such notices.

It appears by the testimony, that the petitioner did, within six months, (viz., on the 12th August, 1831,) signify to the agent his intention to remain and become a citizen of the States, and claimed, and has ever since claimed, his right under the treaty; and that his name was entered by the agent, on the register, but, by accident or mistake, was not returned to the War Department. He had thus perfected his right to the two and a quarter sections of land.

It further appears, that on the 1st of January, 1832, the petitioner applied to the Secretary of War for a location of his reservations under the treaty; to which an answer was given, that 'the name of J. B. Hancock is not upon the list of Choctaws entitled to reservations returned by the agent'. The petitioner then furnished evidence to the department of his having clearly given the notice required by the treaty, and of his being a Choctaw head of a family &c.; and in consequence of this, on the 3d February, 1834, the following instructions were given to the locating agent, and of which notice on the same day was given to the petitioner.

DEPARTMENT OF WAR, Office of Indian Affairs, February 3, 1834.

Sir: Juba B. Hancock has transmitted to this office papers to establish his claim to reservations for himself and two children, under the 14th article of the treaty of September 27, 1830. He states, that he is a white man, married to a Choctaw woman, the mother of these children; that his son, William Mitchell, was twelve years old on the 1st day of September, 1830, and his daughter, Mary Melinda, was ten years old on the 14th of February, 1830; that his name and theirs were registered by Col. Ward in August, 1831, but the leaf on which they were registered was lost. This statement is supported by the affidavit

of Giles Thompson; and David Pulson and P. P. Fitchlynn certify that the claimant was for many years prior to the treaty, a citizen, and entitled to all the privileges of a citizen.

You are requested to inquire of Col. Ward whether these circumstances are truly stated; and if they are, you will locate a section for the father, and a half section for each of the children, and apprise the department of the result.

Very respectfully, &c.

KILBERT WOFFORD.

Col. George W. Martin, Columbus, Mississippi.

P. S.-- There is a third child, Caroline Delia, who is now about ten years of age, and, of course, entitled to a quarter-section.

On the 29th September, 1834, the petitioner applied to the locating agent to locate his reservations on No. 13, 12, and remainder in No. 11, who answered that he had 'not seen Colonel Ward, nor received any satisfactory evidence of the fact of Hancock's registration from him, and that he did not feel himself authorized by his instructions to receive proof of the fact from any source except from Colonel Ward, the witness to whom he was referred in his instructions, and declined to make or authorize the location applied for without further instructions.'

On the 16th October, 1834, Colonel Ward gave a deposition giving the facts required by the instructions of the 2d February, which was forwarded immediately to the War Department.

The department having thus recognized the right of the petitioner as a head of a Choctaw family, in his own right and in right of his children, and being furnished with the proof it required of his having duly signified his intention to remain under the fourteenth section, there appears then no reason why the location should not have been made by order of the department, and according to the provisions of the treaty; on what lands other than on such as should include his improvement or a portion of it, was subject to the discretion of the Department, with the restriction of boundaries by sectional lines of survey.

During the time thus spent in procuring testimony, other Indian reservations were located which conflicted with the claim of the petitioner. His improvement was on the southeast quarter-section of No. 13, township 19, range 3 west. Jerry Pulson, an Indian reservee, whose improvement was on the southwest quarter-section of said No. 13, located his reservation on said southeast quarter-section of No. 13, covering the whole of the petitioner's improvement, and on the west half of the northeast quarter-section of said No. 13, and on the west half of the southeast quarter-section of said No. 13, and the residue on No. 11 and 14, Israel Pulson, whose improvement was on No. 14, township 19, range 2 west, and adjoining the

improvement of the petitioner, located his improvement on No. 10 and 7, and on southeast half and the southeast quarter-section one, on the south quarter of the northeast quarter section of said No. 12, and another Indian (whether a reservee or not does not appear) had an improvement on the west half of the northeast quarter of section No. 12, so that by these two locations all lands adjoining the improvement of the petitioner and his improvement itself were covered; and on portions of Nos. 12 and 36, in township 19, floats and pre-emption rights were claimed. In some cases the land was entered by the pre-emption claimants, the purchase money paid, and pre-emption certificates issued by the register of the land office.

Thus circumstanced, the petitioner, on the 21st October, 1834, procured the locating agent to locate and mark on the map his reservations on No. 1, and on the east half of the southeast quarter of the southwest quarter of section No. 2, and on the west half and northeast quarter of the northeast quarter of section No. 12, township 19, range 3 west; and on the south half of section No. 36, in township 20, range 3 west; and in consequence of this location the lands have been secured from sale. It appears by a certificate of the register, that the locating agent had, before that time, made a location, in some parts differing from the one above mentioned, not, however, including any part of his improvement, but when, or by whose directions it was made, does not appear.

None of the Indian locations of reservations, or pre-emption or float claims, have been confirmed, and until confirmed, the executive is at liberty to direct a relocation of the reservations of the Fulsons and of the petitioner, to be made in such manner as will give each his right according to the provisions of the treaty, and their locations might be so made as to give to each a portion of his improvement, and might be laid to each in an entire tract, unless the pre-emption claimants have, in the meantime, acquired-rights superior to those of the reservees.

The rights of the reservees originated from the treaty and accrued to them when they gave notice to remain and become citizens. His right to have his reservation located conformably to the treaty, became perfect, and Congress could pass no law that could impair this right, nor have they passed a law of that character.

The act of the 19th June, 1834, revives the act of 1830, and extends its benefits to settlers of 1833, &c. The act of 1830 contains a proviso, that no entry or sale of ~~lands~~ lands shall be made under the provisions of that act, which shall have been reserved for the use of the United States. By the treaty of 1830, the lands necessary to satisfy the reservation were reserved to the United States, to be by them appropriated for that purpose. They remained in the United States subject to this use; when the Choctaw head of a family gave notice of his intention to remain, the use becomes instantly vested to, at least so much of his improvements as would be contained in the

least tract that could be bounded by sectional lines, and to the right to have the remainder located; when his location was made and approved, he was entitled to occupy it as long as he should choose; and when he should have resided on it five years, he was entitled to a grant in fee simple.

The right of the reservees is, therefore, prior and paramount to any claim or right that could be acquired under the act of 1834, and no right is vested in the pro-emption claimants that entitles them to interpose between the United States and the petitioner, on the question of location.

The petitioner asks a confirmation of his last location, on the ground that he supposes it to be wholly invalid, because it did not include his improvement, and that location cannot now be made that will include his improvement.

The committee are not satisfied of the correctness of either of the positions taken. The locations after made by the locating agent are subject to the determination of the executive, when affirmed, and then only are they irrevocably made. Until confirmed, they may be altered, in whole or in part, and it is yet competent for the President to direct a new location, so as to include the improvement of the petitioner, and to confirm so much of his several locations, as shall make up the whole quantity to which he is entitled.

The treaty guarantees a section of land, to include his improvements; by the term section is not meant an entire section, but a quantity equal to that contained in a section, or 640 acres, which is to be bounded by sectional lines, and sectional lines are not descriptive only of those lines which bound entire sections, but also of those which divide sections, and those divisions are into halves, quarters, eighths, and sixteenths. It follows, then, that it is not necessary that the location should be in one entire tract; wherever practicable, it would be laid in one entire tract. But this may be impossible. Such may be the situation of adjoining improvements, that the reservation of every reservee could not be located in one tract, without taking the whole of the improvements of others; so if prior locations should surround a quarter-section on which was the improvement of a reservee, he could take only that quarter-section, unless permitted to locate the residue elsewhere.

In the case of the petitioner, his improvement was on the southeast quarter of section 15. To this he is entitled of right. The question as to where the residue shall be located, is open between him and the Executive, and without disturbing the locations of either of the Fulsons or other reservees, further than depriving Israel Fulson of the southeast quarter-section of 15, and for which he would be entitled to an equal quantity elsewhere,

the Executive may locate the residue of the petitioner's reservation on any other sections not before located, in an entire or separate tract, as convenience may require. This construction is necessary to the execution of the treaty, and it is not perceived that any injustice can flow from it.

As between the United States and the reservee, the whole question of location is open. The provision that the reservation shall include the improvement is, in this treaty, solely for the benefit of the reservee. No provision is made that the United States should pay for improvements abandoned. It is competent, then, for the reservee, with the consent of the United States, to relinquish this privilege, and to take other lands in exchange and it may be competent for Congress to give such assent. The committee, however, do not recommend a confirmation of his location, but that a relocation should be made, on the ground that it should be so made as to interfere with the claims of others as little as possible.

The five years having expired, the petitioner, if now entitled to a relocation, is also entitled to a grant in fee. To this an objection is made, on the ground that he did not reside on the reservation during the whole of the five years.

It appears, by the testimony, that his improvement was claimed by an Indian reservee under a location; that in January, 1835, he attempted to erect a house on a part of his localities, but was driven off by force by some of the pre-emption claimants and others; that in February or March, 1835, having resided on his improvement until that time, he left it, and has since resided at Livingston, about five miles distant, without any intention to abandon his claim or citizenship.

The issue of abandonment is between the petitioner and the United States. The petitioner gave notice to the agent according to the treaty; he has done everything on his part to prove a location of his reservation; and that it was not done in due time and manner is wholly the fault of the agents of the United States. The embarrassments into which the petitioner has been thrown are consequences of that default, and of which the United States cannot, in justice, take any advantage. His leaving his improvement, in 1835, was the effect of a supposed necessity; his improvement being taken by a prior location, and when he attempted to settle on his location he was driven off by force.

On a view, then, of the whole case, the committee are of the opinion that the petitioner is entitled to his reservation, notwithstanding the agent neglected to

return his name to the War Department; and now to a grant in fee, notwithstanding that, under the circumstances stated, he removed from his improvement before the expiration of the five years, and report a bill accordingly for his relief. With a view to avoid, if possible, a conflict with existing claims, they have provided that on his relinquishment of his right to a location, according to the treaty, he may locate on any lands required by the treaty, not subject to prior locations or pre-emption claims."

On August 11, 1842, Congress passed an act entitled "An Act for the Relief of Jubal B. Hancock," which is as follows:

"Be It Enacted, Ac., That Jubal B. Hancock be, and he is hereby authorized, on or before the first day of January, one thousand eight hundred and forty-four, to enter at the proper land office in legal subdivisions, fourteen hundred and forty acres of any of the public lands of the United States, within the State of Mississippi, in lieu of a like quantity of land to which he and his three children, William M. Hancock, Mary M. Hancock, and Caroline B. Hancock, became entitled under the fourteenth article of the treaty of Dancing Rabbit creek, concluded with the Choctaw Nation of Indians, on the twenty-seventh day of September, one thousand eight hundred and thirty, which was improperly located for them by George W. Martin, the locating agent of the United States, and of which they have been deprived, by the decision of the Secretary of War.

Sec. 2. And be it further enacted, That it shall be the duty of the Commissioner of the General Land Office, on receiving certificates of said entry, to cause patents to be issued to Jubal B. Hancock, for six hundred and forty acres; to William M. Hancock, for three hundred and twenty acres; to Mary M. Hancock, for three hundred and twenty acres; and to Caroline B. Hancock, for one hundred and sixty acres; in conformity with the provisions of said treaty.-----Approved August 11, 1842." (6 Stat. 686).

On March 3, 1847 Congress passed an act entitled "An Act for the Relief of the Heirs of Hyacin'h Lasselle," Section 2 of which is as follows:

"And be it further enacted, That the act entitled

"An Act for the Relief of Jubal B. Hancock" be so amended that the time allowed for the location of the land therein specified be extended to thirtieth day of December, eighteen hundred and forty-seven.

APPROVED, March 3, 1847. (9 Stats. 706).

It is the opinion of the Commission that the applicants in this consolidated case have clearly established their descent from Jubal B. Hancock named in the above Report of the Committee on Indian Affairs, and in the acts of Congress of August 11, 1842, (6 Stats., 356), and March 3, 1847, (9 Stats., 706), and that the William W. Hancock named therein is the father of the applicants, Josephine Russey, Jubal A. Hancock, and Charles Rushing Hancock; and that the Caroline D. Hancock named therein, is the Gallie D. Roe, nee Hancock, who is the mother of the applicant, J. Volson Roe.

The Commission is of the opinion that its denial of the applications for citizenship in the Choctaw Nation of William Hancock Russey, J. Volson Roe, Jubal A. Hancock and Charles Rushing Hancock under the act of Congress of June 10, 1896, (29 Stats., 321), is not prejudicial to the rights which the applicants acquire under the twenty first section of the act of Congress of June 28, 1898, (30 Stats., 495), authorizing the Commission to determine the identity of persons claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty between the United States and the Choctaw Nation concluded September 27, 1830.

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 sufficient to determine the identity of Josephine Hussey, William Hancock Hussey, Alvin McDowell Hussey, J. Folsom Ree, Jeannette C. Ree, Jubal A. Hancock and Charles Rushing Hancock, 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 granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Dated at
Muskogee, Indian Territory,
this 11th day -7 1892

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

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

Josephine Hussey, et al.,	M.C.R. 1620
J. Polson Roe, et al.,	M.C.R. 1124
Jubal A. Hancock,	M.C.R. 1619
Charles Rushing Hancock,	M.C.R. 1712

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

Original application of Josephine Hussey, et al. for identification as Mississippi Choctaws,	1
Affidavit of J. F. Smith,	4
Certified copy of marriage certificate of Hon. Wm. M. Hancock and Miss Josephine Lilly,	5
Statement of Mrs. Josephine Hussey,	6
Certified copy of marriage license and certificate between Samuel McCarn Hussey and Miss W. B. J. Hancock,	7
Copy of a certified copy of marriage license and certificate between Jubal B. Hancock and Sophia W. Mitchell,	8
Affidavit of Mrs. S. W. Hussey as to its correctness, and the destruction of original,	10

Original application of J. Felson Roe, et al. for identification as Mississippi Choctaws,	11
Certified copy of marriage license and certificate between John F. Roe and Onie Gressett,	14
Original application of Jubal A. Hancock for identification as a Mississippi Choctaw,	15
Certified copy of marriage bond, license and certificate of Wm. M. Hancock and Mary Jane West,	17
Affidavit of J. F. Smith,	20
Statement of Jubal A. Hancock,	21
Copy of certified copy of marriage license and certificate between Juble B. Hancock and Sophia W. Mitchell,	22
Affidavit of Mrs. S. M. Hussey as correctness of the copy and the destruction of the original,	24
Original application of Charles Rushing Hancock for identification as a Mississippi Choctaw,	25
Affidavit of J. F. Smith,	27
Certified copy of marriage bond, license and certificate between Wm. M. Hancock and Mary Jane West,	28
Statement of C. Rushing Hancock,	30
Copy of certified copy of marriage license and certificate between Juble B. Hancock and Sophia W. Mitchell,	31
Affidavit of Mrs. S. M. Hussey as to the correctness of the copy, and the destruction of the original,	32
Decision of the Commission in the consolidated case of Josephine Hussey, et al., applicants for identification as Mississippi Choctaws,	34

STATE OF LOUISIANA

PARISH OF ORLEANS

City of New Orleans

BEFORE ME, a Notary Public, in and for said Parish and State, personally appeared H. L. SEXTON, M. D., a practicing physician in the City of New Orleans, La., and to me well known, and who, being by me duly sworn, doth say:

THAT he is and has been the regular family physician of Samuel Mc C. Hussey (who ^{was} ~~is~~ the husband of Mrs. Josephine (Hancock) Hussey) for the past eight years; and that he was the attending physician during the late illness of the said Mrs. Josephine (Hancock) Hussey, the wife of the said Samuel Mc C. Hussey, and that she died on the First day of September, 1908, of phthisis pulmonalis; and that about six weeks before her said death she gave birth to a male child, which said child is still living; and, further, that he verily believes, from having seen documents and other evidences long before and since her death, that the said Mrs. Josephine (Hancock) Hussey is the same identical person who was recognized by the Dawes Commission as a legal Choctaw claimant to allotment in the Indian Territory, and whose recognition as such was lately approved by the Honorable Secretary of the Interior.

H. L. Sexton

M. D.

SWORN TO AND SUBSCRIBED BEFORE ME this *12th* day

X

day of September A. D. 1902, in the City of New Orleans, La.

And I further certify that I am acquainted with Samuel Mc C. Hussey and his late wife, Mrs. Josephine (Hancock) Hussey, and I know that his said wife is the same person whose affidavits I have heretofore taken relative to the Cheetaw claim as mentioned in above affidavit.



Clair G. Giffen
Notary Public for the Parish of Orleans.
State of Louisiana

State of Louisiana
Parish of Orleans
City of New Orleans

I personally came and appeared before me the undersigned authority S. Mc C. Hussey who after having been duly sworn according to law did depose and say that the infant child mentioned in the above declaration died on the evening of Sept 12th 1902

I went to and Examined
before me this 15th day
of Sept 1902
Clair G. Giffen
Not Pub

S. Mc C. Hussey

1843
1844
1845
1846
1847
1848
1849
1850
1851
1852
1853
1854
1855
1856
1857
1858
1859
1860

- William Mitchell Hancock
1st wife Josephine Hancock (white)
 nee Lilly (dead)
2d wife Mary J. Hancock (white)
 nee Hoast (dead)

Jubal P Hancock (white)
 married (dead)
Daphia Mitchell 1/2 Choc
 (lead)

- Mary Melinda Hancock
 married (dead)
 1/2 and Spain (dead)

(Callie D)
- Caroline Delia Hancock
 married
 John F. Ros (white)

1820
Josephine Hancock 37
 married
 Samuel McCrom Hussey
 white
William Mitchell Hancock 32
 married (dead)
Jubal L Hancock 25
 married
William H. Hussey 7
 married
Alvin M D Hussey 2
 married (dead)
Charles Rushing Hancock 20
 married
- Sophia Mabry Hancock 23
 (lead)

Thomas G Spain 46
 married
Elizabeth Cartrell 41
 (white)
- David M Spain 40
 married
 Georgia & Bonnie (dead)
 Chickasaw
- A Beauregard Spain 36
 married
 Emma E. Jones
 white
- W. H. H. Spain ? (dead)
 married
 Lou Spain
 (white)
 Lee Wright

1860
- Folsom Ros 44
 married
 Annie Brewster (white)
 Mannette (Ros) 17

William Mitchell Hancock
married (dead)
Josephine Hancock (dead)
the Lilly (white)
William Mitchell Hancock (dead)
the West (white)

Josephine Hancock 37
married
Samuel McCorn Hussey (white)
William Mitchell Hancock 32
(dead)

William H. Hussey 7
George M. Clair Hussey (dead)
Melvin M. Hussey 2

Abel C. Hancock 25
Sophia Mary Hancock 23
(dead)
Charles Fushing Hancock

Edy Spain 48
married
minor as might white

Wendell Hancock
married (dead)
as above

Edward M. Spain 46
married
Elizabeth Antroff 41
white
Edward M. Spain 41
married
Elizabeth Antroff (dead)
white

William M. Spain 36
married
Emma G. Jones (white) 32
H. H. Spain 30
married
Lou Spain (white)

Allie 29
or
Annelia Hancock (dead)
married
the 7 (Por white)

Polson (Por) 44
married
Annie E. Prescott (white)

Jeanette (Por)

Jabal P. Hancock (dead)
married
Sophia Hancock (dead)

Muskogee, Indian Territory, September 13, 1901.

Mrs. Josephene Hanscock Russey,
#1607 Carondelet Street,
New Orleans, Louisiana.

Dear Madam:-

Receipt is hereby acknowledged of your letter of August 24th, in which you state that you appeared before the Commission in April, at Meridian, Mississippi, and applied for identification as a Mississippi Choctaw, and that up to this time you have received no information in regard to this case.

In reply to your letter you are advised that it appears from our records that on April 3rd, 1901, Josephene Russey appeared before the Commission at Meridian, Mississippi, and applied for the identification of herself and her minor children as Mississippi Choctaws. No action has yet been taken by the Commission in regard to this application, or any opinion rendered. When a decision is rendered, 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.

Yours truly,

H.C. 1620.

Muskogee, Indian Territory, December 6, 1901.

Josephine Hancock Hussey,
1607 Carondelet Street,
New Orleans, Louisiana,

Dear Madam:

Receipt is hereby acknowledged of your letter of December 2, in which you ask if it will be necessary for either you or your children to appear before the Commission again in January 1902, for the purpose of applying for identification as a Mississippi Choctaw.

In reply to your letter you are advised that it appears from our records that you appeared before the Commission at Meridian, Mississippi, April 3, 1901, and applied for identification for yourself and two minor children as Mississippi Choctaws. No decision has yet been reached or opinion rendered in regard to this application. When a decision is reached, you will be notified of the action taken by the Commission. If you wish to offer any further evidence in support of your application the Commission will hear the testimony of such witnesses as may present themselves at its office at Meridian, Mississippi, between January 15 and February 15, 1902. This appointment, however, is merely a continuation of the appointments made by the Commission in Mississippi in 1901, for the hearing of

J.H.H. 2

applications for identification as Mississippi Choctaws.

Yours truly,

Commissioner in Charge.

MC 1680.

Muskogee, Indian Territory, February 6, 1902.

Mrs. Josephine Hancock Hussey,
607 Carondelet Street,
New Orleans, Louisiana.

Dear madam:

Please advise the Commission whether your brother,
William Mitchell Hancock, and your sister, Sophia Mary Hancock,
are now living.

There is inclosed you herewith an envelope for reply
which requires no postage.

Your early attention to this matter is requested.

Yours truly,

Commissioner in Charge.

(Copy)

New Orleans La. February 11, 1902.

To the Commissioners of the five civilized tribes,
Muskogee, Ind. Ter.

My dear sir,

Your letter of inquiry dated February 6 received this morning, in reply will say that my brother William Mitchell Hancock died at his home in Meridian, Miss. of Consumption, December 15, 1896 and my sister, Sophia Mary Hancock died November 11, 1896 of Pneumonia. Mr. D. M. Spain and Mrs. F. O. L. Leewright of White Head, Ind. Ter. are my first cousins.

Very Respect,

Mrs. Josephine Hancock Hussey

1607 Carondelet St.

N. O. La.

Muskogee, Indian Territory, March 11, 1902.

Mrs. Josephine Husey,
1607 Carondelet Street,
New Orleans, La.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you state that you in April last appeared before the Commission to the Five Civilized Tribes at Meridian, Mississippi, as an applicant for identification as a Mississippi Choctaw and were then and there advised that you would in a short time be advised as to the decision of the Commission upon your claim.

You now desire to be informed what rights if any, you would have by removing to the Indian Territory and also as to when your application will be taken up for final action.

You are advised that the Commission now has under consideration the rights of the descendants of Jubal B. Hancock to be identified as Mississippi Choctaws under the provisions of the fourteenth article of the treaty of 1830 and it is probable that some decision will be rendered in the very near future, of which action you will be duly advised.

Relative to your right to now remove to and make settlement in the Choctaw Nation, your attention is invited to the follow-

Mrs. J. E. S

ing 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 Choctaw and Chickasaw 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 Choctaw entitled to allotment: Provided, further, that all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaw, shall be null and void."

It is not believed that this legislation gives any person, an applicant for identification as a Mississippi Choctaw, any right to make settlement upon the public domain of the Choctaw or Chickasaw Nations in the Indian Territory until their rights as such Mississippi Choctaw have finally been adjudicated by this Commission.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, March 24, 1902.

The Commission to the
Five Civilized Tribes.

Gentlemen:-

There is submitted herewith for your consideration, original and three carbon copies of a decision identifying Josephine Hussey, William Hancock Hussey, Alvin McDowell Hussey, J. Folsom Ree, Jeanette C. Ree, Jubal A. Hancock and Charles Rushing Hancock as Mississippi Choctaws under the provisions of the twenty-first section of the Act of Congress of June 26, 1896, (30 Stats., 493), as the descendants of a "Choctaw head of a family" whose right to receive benefits under the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation was adjudicated favorably to the claimant. The persons named herein are the direct lineal descendants of Jubal B. Hancock, a white man, and Sophia Mitchell Hancock, an one half blood Choctaw woman. The direct lineal descent of these applicants from Jubal B. Hancock and Sophia Mitchell Hancock is conclusively established by reliable testimony and evidence of marriage of the antecedents of the applicants.

While neither the name of Jubal B. Hancock or Sophia Mitchell Hancock is found upon the "Register" made by General M.

Comm-----2

ward of those Choctaws who within six months after the ratification of the treaty of 1830 signified their intention to remain and become citizens of the states under the provisions of the fourteenth article of the treaty of 1830, yet the records of the Government in the Possession of the Commission show that the claim of Jubal B. Hancock, a "Choctaw head of a family", to one section for himself, two half-sections for two children over ten years of age, and one quarter section for a child under ten years of age, was established by an Act of Congress of August 11, 1842, entitled "An Act for the relief of Jubal B. Hancock", and that act of Congress is based upon the favorable report of the House of Representatives Committee on Indian Affairs, of March 21, 1836, the copy of said report and of the act of August 11, 1842, being included in and made a part of the decision.

Four of the applicants who are by this decision identified as Mississippi Choctaws, viz: William Hancock Hanson, J. Polson Roe, Jubal A. Hancock and Charles Rushing Hancock, submitted original applications for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896, (29 Stat., 321), all of which applications were denied and there was no appeal prosecuted or perfected from such decision within the time prescribed by said Act. After a thorough investigation and a careful consideration of this matter, I am firmly of the opinion that the denial of "citizenship" in the Choctaw Nation to these persons under the Act of Congress of June 10,

-----3

1896 (29 Stats., 321), is not prejudicial to any rights that they might have as "Mississippi Choctaws" acquired under the provisions of the twenty-first section of the Act of Congress of June 26, 1896, (30 Stats., 495).

The authority vested in the Commission and the tribal authorities of the Choctaw Nation by the provisions of the Act of June 10, 1896 (29 Stats., 321), merely gave to such tribunals authority to determine whether or not an applicant under that Act was entitled to "citizenship" in the Choctaw Nation, and the jurisdiction conferred was to admit or reject, without limitations or conditions, and to determine conclusively the right of any applicant to citizenship in the Choctaw Nation in Indian Territory. The Act of June 10, 1896, was with a view of determining the right to citizenship of persons in the five tribes in Indian Territory, and provided that in so doing

"Said Commission shall respect all laws of the several nations or tribes not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages and customs of each of said Nations or tribes."

The rights of these applicants were denied by the Commission under the authority vested by the Act of June 10, 1896, and as far as the acquisition of citizenship under the provisions of that act, their rights were finally determined. After the expiration of the time within which petitions filed under the act of June 10, 1896, could be received and determined, the act of June 26, 1896, empowered

Comm-----

The Commission to determine the identity of Choctaw Indians claiming rights under the provisions of the fourteenth article of the treaty of 1830. This legislation is without limitation, and as those applicants have conclusively established the fact that they are descendants of a "Choctaw head of a family" who was a beneficiary under the provisions of the fourteenth article of the treaty of 1830, it is apparently obligatory upon the Commission, under the authority vested by the act of June 28, 1898, to identify, and, upon proof of bona fide settlement, enroll them as "Mississippi Choctaws; notwithstanding the denial of their right to "Choctaw citizenship" under the authority vested by the act of June 10, 1896.

I am of the opinion, after a thorough investigation of the rights of all the parties applicant herein, that they are entitled to and should be identified by the Commission as Mississippi Choctaws under the provisions of the Act of Congress of June 28, 1898.

Very respectfully,

Clerk in Charge
Choctaw-Choctaw Enrollment
Division.

M O R 1520

COPY.

Muskogee, Indian Territory, May 8, 1902.

Josephine Hussey,

1607 Carondelet Street,

New Orleans, Louisiana.

Dear Madam:

You are hereby advised that on May 7, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Josephine Hussey, et al., embracing the following applications for identification as Mississippi Choctaws.

Josephine Hussey, et al.,
J. Polson Roe, et al.,
Jubal A. Hancock,
Charles Rushing Hancock.

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, 1893 (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 sufficient to determine the identity of Josephine Hussey, William Hancock Hussey, Alvin McDowell Hussey, J. Polson Roe, Jeannette C. Roe, Jubal A. Hancock and Charles Rushing Hancock, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application

J H 2

for their identification as such should be granted, and it is so ordered."

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

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Register.

COPY.

Muskogee, Indian Territory, May 8, 1902.

Messrs Mansfield, McMurtry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on May 7, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Josephine Hussey, et al., embracing the following applications for identification as Mississippi Choctaws:

Josephine Hussey, et al.,
J. Tolson Roe, et al.,
Jubal A. Hancock,
Charles Rushing Hancock.

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 sufficient to determine the identity of Josephine Hussey, William Hancock Hussey, Alvin McDowell Hussey, J. Tolson Roe, Jeannette C. Roe, Jubal A. Hancock and Charles Rushing

MEMORANDUM

Hancock, 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 granted, and it is so ordered."

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

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Register.

COPY.

Muskogee, Indian Territory, May 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Josephine Hussey, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 7, 1902.

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

Josephine Hussey, et al.,	M.C.R.1620
J. Folsom Roe, et al.,	M.C.R.1114
Jubal A. Hancock,	M.C.R.1619
Charles Rushing Hancock,	M.C.R.1712

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

Respectfully,

Through the Commissioner
of Indian Affairs.

COMMISSIONER

T. B. Needles.

I inclosure.

Commissioner in Charge.

C O P Y .

39382

D. C. No. 4389.

Refer in reply to
the following
Land-28267-1503

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington, May 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

The office transmits herewith the papers in the consolidated case of Josephine Huesey et al., applicants for identification as Mississippi Choctaws and recommends that the decision of the Commission, holding that the applications should be granted, be affirmed.

The record evidence shows conclusively that the applicants are descendants of Mississippi Choctaw ancestors, who were recognized as such, enrolled and granted land under the fourteenth article of the treaty between the United States and the Choctaw Nation concluded on the 27th day of September, 1830, by Act of Congress entitled "An Act for the relief of Jubal B. Hanesek, passed August 11th, 1842, all of which is verified by the records in this office.

It is further shown by the record that in 1896, William Hanesek Huesey, a minor, by his mother as next friend, J. Folsom Roe, Jubal A. Hanesek and Charles Aushing Hanesek made application for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1894, and that their said applications were denied by the Commission and no

appeal taken from the adverse decision.

This is no bar to filing an application for identification as a Mississippi Choctaw under the Act of Congress of June 28th, 1836 (30 Stat., 498) and having their rights under that Act adjudicated by the proper tribunal.

Section 21 of that Act expressly provides that "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end they may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is under this provision the applications heretofore made, and no previous adjudication of their status can be construed as an estoppel that will exclude claimants from the benefits conferred by the Act when the facts support their claim to the rights intended to be established thereby.

Very respectfully,

Your obedient servant,

Acting Commissioner.

V.C.B.(Cg.)

U S P T ,

10388.

L.T.D. 3148-1908.
L.R.S.

DEPARTMENT OF THE INTERIOR.

Washington, May 21, 1908.

Commissioner to the Five Civilized Tribes,

Washkoga, I. T.

Gentlemen:

The Department has considered the Mississippi Chestaw case 1830, embracing the applications of Josephine Hussey, William Hanscock Hussey, Alvin McDowell Hussey, J. Volson Res, Jeannette C. Res, Jubal A. Hanscock and Charles Hushing Hanscock, transmitted with your letter of May 8, 1902.

You found that the evidence was sufficient to establish the descent of the claimants from Jubal S. Hanscock who took advantage of the 14th article of the treaty of 1830, and to determine the identity of the applicants as Chestaw Indians entitled to rights in the Chestaw Nation, in which opinion the Acting Commissioner of Indian Affairs in letter of May 15, 1902, concurs.

He states that it is shown that the applicants are descendants of Mississippi Chestaw ancestors who were recognized as such, enrolled and granted lands under the 14th article of the treaty of 1830, by an Act of Congress entitled "An Act for the relief of Jubal S. Hanscock," passed August 11, 1898; that, while it is shown that in 1896 William Hanscock Hussey, J. Volson Res, Jubal A. Hanscock and Charles Hushing Hanscock made application for citizenship in the Chestaw Nation under the Act of June 10, 1896, and that their applications were denied by your Commission and no appeal taken, that is no bar to the consideration of an

application for identification as a Mississippi Choctaw under the first section of the Act of June 28, 1898 (30 Stat. 495).

The Department has carefully considered the matter and finds no reason to disturb your decision, and it is accordingly affirmed. A copy of the Acting Commissioner's letter is enclosed.

You will advise the claimants, residents of Mississippi, heretofore and that to be entitled to enrollment in the Choctaw Nation, and to an allotment, it will be necessary for them to remove in good faith to the Choctaw-Chickasaw country, Indian Territory; also to that portion of the Choctaw-Chickasaw agreement pending in Congress, in regard to Mississippi Choctaws.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 enclosure.

E.M.B.

Miss. Choctaw 163D.

McAlester, Indian Territory, May 31, 1902.

Maverfield, McMurtry & Tarnish,

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

Gentlemen:

You are hereby notified that on May 21, 1902, the Secretary of the Interior affirmed the decision of the Commission in the consolidated case of Josephine Hunsley, et al., applicants for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

Miss. Choctaw 1630

McIntosh, Indian Territory, May 31, 1902.

Josephine Hussey,

1607 Grandislet Street,

New Orleans, Louisiana,

Dear Madam:

You are hereby advised that on the twenty first day of May, 1902, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes granting the application made by you for the identification of yourself and your two minor children, William H. and Alvin McDowell Hussey, as Mississippi Choctaws, entitled to rights in the Choctaw lands in Indian Territory as beneficiaries under the provisions of article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September 27, 1830.

You are now advised, that, in order for you and your minor children to be enrolled as citizens of the Choctaw Nation entitled to allotment, it is necessary that you remove to and make settlement within the Choctaw-Chickasaw country, as provided by the act of Congress of May 21, 1900, (31 Stat., 221):

J.R. 2

"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 Choctaw and Chickasaw 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: Provided further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws shall be null and void."

Your attention is further invited to the following sections of an agreement entered into at Washington, D.C. March 21, 1902, between Commissioners on the part of the United States and the Choctaw and Chickasaw Nations, and now pending before the Congress of the United States for ratification:

41. All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 26, 1898 (30 Stat., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of the final ratification of this agreement, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of the final ratification of this agreement may be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribe, 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. The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after the date of the final ratification of this agreement.

42. When any such Mississippi Choctaw shall have 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 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.

J.N. 3

43. Applications for enrollment as Mississippi Choctaw, and applications to have land set apart to them as such, must be made personally before the Commission to the Five Civilized Tribes. Fathers may apply for their minor children; and if the father be dead, the mother may apply; husbands may apply for wives. Applications for orphans, insane persons, and persons of unsound mind may be made by duly appointed guardian or curator, and for aged and infirm persons and prisoners by agents duly authorized thereunto by power of attorney, in the discretion of said Commission.

44. If within four years after such enrollment any such Mississippi Choctaw, or his heirs or representatives if he be dead, fails to make proof of such continuous bona fide residence for the period so prescribed, or up to the time of the death of such Mississippi Choctaw, in case of his death after enrollment, he, and his heirs and representatives if he be dead, shall be deemed to have acquired no interest in the lands set apart to him, and the same shall be sold at public auction for cash, under rules and regulations prescribed by the Secretary of the Interior, and the proceeds paid into the Treasury of the United States to the credit of the Choctaw and Chickasaw tribes, and distributed per capita with other funds of the tribes. Such lands shall not be sold for less than their appraised value. Upon payment of the full purchase price patent shall issue to the purchaser.

Yours truly,

Acting Chairman.

Miss. Choc. 1

McKee, Indian Territory, July 12, 1902.

Samuel McC. Hussey,

1607 Carondelet Street,

New Orleans, Louisiana.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 17, 1902, written in behalf of your wife, Josephine Hussey and in which you desire to be informed as to the latest date on which it is necessary for your wife and her minor children to remove to the Indian Territory to be enrolled as Mississippi Choctaws.

It is presumed your letter is written in reply to our communication of May 31, 1902, addressed to your wife, wherein she was advised that on the 21st day of May, 1902, the Secretary of the Interior affirmed the decision of the Commission of May 7, 1902, identifying your wife and her two minor children, William H. and Alvin McD. Hussey as Choctaw Indians entitled to allotment under the provisions of the act of Congress of June 28, 1898.

Relative to the removal of your wife to the Choctaw-Chickasaw country and the making of a bona fide residence, you are advised that the only provision of law now effective regarding the bona fide settlement of Mississippi Choctaws in the Choctaw-Chickasaw country, is contained in the following...

§ 5000 §

"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: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

This legislation would grant to your wife and her two minor children the right to at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to remove to the Choctaw-Chickasaw country, Indian Territory and make settlement.

This legislation is, however, slightly amended by an agreement recently entered into between representatives of the Choctaw and Chickasaw Nations and the Commission to the Five Civilized Tribes and ratified by an act of Congress approved July 1, 1908, and which provides 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 25, 1898 (30 Stats., 493), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as

Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws:"

This agreement is not effective at this time but is subject to ratification by a majority vote of the legal voters of the Choctaw and Chickasaw Tribes and is to be submitted to the Tribes for ratification at a special election to be called by the chief executives of these two Tribes within one hundred and twenty days after July 1, 1902.

It is suggested that if your wife and her two minor children anticipate taking advantage of the privileges accorded them by their identification by this Commission and the Secretary of the Interior, that they as early as practicable remove to and make settlement within the Choctaw-Chickasaw country and when such settlement is made that your wife personally appear before this Commission at its office at Muskogee, Indian Territory for the purpose of making her proof of such bona fide settlement.

Yours truly,

Acting Chairman.

Miss. Choctaw I 1.

Muskogee, Indian Territory, October 3, 1902.

S. McC. Hussey,

Care W. Loewright,

McGee, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 27, 1902, asking relative to obtaining land for allotments for your two children who have been identified as Mississippi Choctaws, and stating that all the good land is under fence and thousands of acres are held by a few persons who claim to be citizens.

In reply to your letter your attention is invited to the following provision of the agreement recently entered into between the United States and the Choctaw and Chickasaw Nations, which was ratified September 25, 1902:

"It shall be unlawful after ninety days after the date of the final ratification of this agreement for any member of the Choctaw or Chickasaw tribes to enclose or hold possession of in any manner, by himself or through another, directly or indirectly, more lands in value than that of three hundred and twenty acres of average allottable lands of the Choctaw and Chickasaw nations, as provided by the terms of this agreement, either for himself or for his wife, or for each of his minor children if members of said tribes; and any member of said tribes found in such possession of lands, or having the same in any manner enclosed after the expiration of ninety days after the date of the final ratification of this agreement, shall be deemed guilty of a misdemeanor."

Respectfully,

Acting Chairman.

C O P Y

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DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,

Washington, March 23, 1903.

The Honorable,

The Secretary of the Interior

Sir:

Referring to Department letter of May 21, 1902, (ITD 3142) there is enclosed herewith report from the Commission to the Five Civilized Tribes, dated March 10, 1903, forwarding partial roll of Mississippi Choctaw applicants found entitled to identification. The names of all of the persons who appear on said roll, except No. 1013, Nettie Frances Carter, were identified by the Commission in its decision of May 7, 1902, which was duly approved by the Department in letter above referred to.

Nettie Frances Carter was identified by the Commission December 4, 1902, which decision was affirmed by the Department February 24, 1903 (ITD 1176). May 21, 1902 , it was found by the Department that Josephine Hussey, William Hancock Hussey, Alvin McDowell Hussey, J. Folsom Roe, Jeanette C. Roe, Jubal A. Hancock , and Charles Rushing Hancock were entitled to identification as Mississippi Choctaws. All of said persons' names appear on the partial roll now transmitted, except that of Josephine Hussey. The Commission states in its report that the persons whose names now

appear on the partial roll were living on September 25, 1902.

The approval of the roll is recommended, and it is suggested that the Commission be instructed to advise the Department why the name of Josephine Hussey was not included in said partial roll.

Very respectfully,

(Signed) A. C. Tonner

Acting Commissioner

CIW -0

Muskogee, Indian Territory, July 6, 1903.

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

Gentlemen:

Receipt is hereby acknowledged of your letter of June 18, 1903, in which you ask for a copy of the record in the Mississippi Choctaw case of Josephine Hussey, et al.

In compliance with your request there is herewith enclosed you copy of testimony of Josephine Hussey, Samuel Mo. Hussey, Samuel McCron Hussey, and a copy of the decision of the Commission in the consolidated Mississippi Choctaw case of Josephine Hussey, et al.

Respectfully,

Commissioner in Charge.

For Identification as a Mississippi Orphan.

Date APR 3 1901

Name Josephine Hussey.

Age 97 Blood 1/8

Post Office, 1607 Carondelet street,
New Orleans, La.

Father: William M. Hancock - dead.

Mother: Josephine Lilly - dead.

Claims through father.

HUSBAND:

Saml. McCron Hussey.
(no claim for husband).

Children:

William N. Hussey. 7.

Alvin Mc. H. " 2.

Claims for herself and
two children.

Stenographer

Myra Young.

Choc. MCR 1621

Emma Poe

MCR 1621

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, April 4, 1901.

In the matter of the application of Emma Poe, et al., for identification as Mississippi Choctaws.

Emma Poe, being first duly sworn, upon her oath states as follows:

Examination by the Commission.

- Q Please state your name? A Emma Poe.
Q What is your post office address? A Bond, Mississippi.
Q What is your age? A Fifty years old.
Q What County? A Harrison.
Q You claim to have Choctaw blood? A Yes sir.
Q What proportion of Choctaw blood do you claim to have? A I have—
my father was a whole Choctaw.
Q What does that make you? A Makes me half.
Q What was your mother, negro? A Yes sir.
Q Is your father living? A No sir; my mother and father both dead.
Q What was your father's name? A His name; they called him John Indian. He was an Indian too.
Q He was a full blood? A Yes sir.
Q Where did he live? A He lived in Shubuta.
Q What county is that in? A Clark County.
Q When did he die? A Well, I can't tell you; guess my father been dead so long, I can't tell you.
Q About how long? A Well, I expect he been dead about fifteen years.
Q How old was he when he died? A Well, I never asked him how old he was; he was very old, getting gray.
Q Do you think he was as much as seventy years old? A I think he was about that old.
Q Is your mother living? A No sir. She died when I was young.
Q What was her name? A Ann.
Q Was she a negro? A Yes sir.
Q She didn't claim any Choctaw blood at all? A No sir.
Q You are half negro and half Choctaw? A Yes sir.
Q How long have you lived in Mississippi? A All my life. Born and raised in Mississippi.
Q Never lived anywhere else? A No sir.
Q Did your father ever live anywhere else? A Not that I know; when I was big enough to remember, he was there; he stayed there all the time.
Q Did he live with your mother at the time of his death? A No sir; I reckon not; I don't now. I am the only child he has got. No brothers and sisters at all.
Q Do you know whether they lived together as man and wife? A No sir; I don't think they did.
Q You don't think they were ever married? A No sir; for when I was big enough to remember she had married some other man.
Q He didn't recognize your mother as his wife? A No sir; I reckon he would have married her if he could have got her.
Q You lived in Shubuta, Mississippi all your life? A Yes sir.
Q And your father lived here all his life? A Yes sir; when I get big enough to remember he was right there.
Q Have you ever received any benefits as a Choctaw? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Ira Poe.

- Q He is a colored man? A Half Indian. Well he aint half; he is quarter.
- Q You don't want to make any claim for him? He sir, he will claim for himself. He just come yesterday; I telegraphed him.
- Q Have you any children? A Yes sir, I have got four.
- Q What are their names and ages? A My oldest one is named Oliver and he is ten years old.
- Q The next one? A Named Mason; he is seven.
- Q The next one? A I have got another one named Ira; he is six.
- Q The next one? A A girl named Mary; she is five.
- Q Is that all? A Yes sir.
- Q These children are all living with you? A Yes sir.
- Q All the children of yourself and Ira Poe? A Yes sir.
- Q Now, if Ira makes application for himself; he will not make application for these children again? A All right.
- Q You want to base their claim on your Indian blood? A Yes sir.
- Q Have either you or any of these children been recognized in any manner as Choctaw citizens? A No sir.
- Q Never drew any money from the Choctaw Nation, in the Indian Territory? A No sir.
- Q From the United States Government? A No sir.
- Q Never got any land from the Government? A No sir.
- Q Did you make application to the Choctaw tribal authorities in the Indian Territory for citizenship in the Choctaw Nation? A No sir.
- Q Did you apply to this Commission in 1896 for citizenship in the Choctaw Nation? A No sir.
- Q You never have been admitted to citizenship in the Choctaw Nation, either by the tribal authorities, by this Commission or by the United States Court? A No sir.
- Q Have you ever been before this Commission before? A No sir.
- Q Upon what do you base your claim at this time? A I base my claim on a half.
- Q What makes you think - in other words, what are you here for? A I forget now; I did know my answer, but I have forgotten it.
- Q You knew what your answer ought to be, but you have forgotten it? A Yes sir.
- Q You have been coached what to say, and have forgotten it? A Yes sir.
- Q Do you base your claim on any treaty between the United States and the Choctaws? A Yes sir.
- Q What treaty? A Half.
- Q You don't understand me; I say what treaty between the United States and the Choctaw Indians do you claim under; under the treaty of 1830? A Yes sir.
- Q The fourteenth article? A Yes sir.
- Q You base your claim solely on the fourteenth article of the treaty of 1830? A Yes sir.
- Q Do you know when that treaty was made? A No sir.
- Q Have you any idea what year it was made in? A No sir.
- Q Do you know where it was made? A No sir.
- Q Did you ever read any part of that treaty? A No sir.
- Q Ever hear it read? A No sir.
- Q Do you know anything it contains? A No sir.
- Q What makes you think you claim under it then? A I don't know.
- Q Do you know whether any of your ancestors ever complied with the provisions of the fourteenth article of that treaty? A I don't know.
- Q What one of your ancestors was living in the State of Mississippi when the Choctaw Indians moved west, seventy years ago? A I don't

know sir.

Q Do you know what the word ancestors means? That is your parents or grand parents. Do you know whether any of them were living here then or not? A My grand mother and grand father was living.

Q Were? A In the State of Mississippi.

Q Your Choctaw grand father and grand mother? A No sir; I have never seen my grand father and grand mother on my father's side.

Q Was your father living here? A Yes sir, I reckon.

Q You don't know for certain? A No sir; I don't know for certain.

Q You couldn't swear positively that any of your ancestors were here in 1830? A No sir.

Q Do you know whether any of your ancestors went west in 1830 with the Choctaws? A No sir.

Q Do you know whether any of your ancestors were ever recognized by the Choctaws here as members of their tribe? A No sir.

Q Do you know whether any of your ancestors ever claimed or received any land here in Mississippi under the fourteenth article of the treaty of 1830? A No sir.

Q Never got any money either? A No sir.

Q Never got any money from the Choctaws in the Indian Territory, did they? A No sir.

Q Do you know whether any of your fore-fathers who may have been living here at the time the treaty was made, appeared before the United States Indian Agent within six months from the date of the ratification of that treaty, and signified their intention to remain in Mississippi and become citizens of the United States? A No sir.

Q Have you any evidence whatever tending to show that they did so appear before the United States Indian Agent and signify their intention to remain here and become citizens of the United States? A No sir.

Q And no evidence whatever that they ever received any land? A No sir.

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

Q Have you any written evidence statements or other proper papers which you desire to offer at this time? A No sir.

L.P. Hudson, attorney for applicant, here asks leave to file written evidence in support of this application within thirty days from this date.

The Commission: Permission is granted to the attorney for the applicant to file proper documentary evidence in support of this application within thirty days from this date.

Q In case you and your children should be identified by this Commission as Mississippi Choctaws, entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaw Indians, would you be willing to move to the Choctaw Nation, Indian Territory, and here make your permanent residence? A Yes sir, I will go out; my husband wants to go, and I do too; we aint got nothing out here; we working all the time, and aint got nothing.

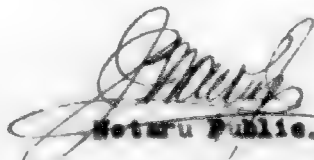
Emma Poe, et al., #4.

The decision of the Commission with reference to the application made by you at this time for yourself and on behalf of your children, for identification as Mississippi Chestaws, will be mailed to your present post office address.

(This applicant has no appearance whatever of being a Chestaw Indian, except that her hair is somewhat inclined to be straight straight.)

E. S. Streit, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the foregoing is a full, true and correct translation of his stenographic notes therein.

Subscribed and sworn to before me at Meridian, Mississippi
this 4th day of April, A.D. 1901.


Notary Public.

XXX
W. B.
C. W.
W. B.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emma Poe, et al.,
for identification as Mississippi Choctaws. N O R 1621.

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

The record in the above case of Emma Poe, et al., shows that on April 4, 1901, the said Emma Poe appeared before the Commission at Meridian, Mississippi, and there made personal application for the identification of herself and her four minor children, Oliver, Mason, Ira and Mary Poe 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 "Running Rabbit Creek." The principal applicant claims descent from John Indian, an alleged full blood Choctaw and Ann _____, last name not given, a negro woman, and who are the parents of this applicant.

The record in this case further shows that the applicant, Emma Poe and her four minor children for whom application is made have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stat., 321).

The only evidence offered in support of this application, aside from the oral statement of the principal applicant, is the joint ex parte affidavit of William Forbes and Nettie Castleberg. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Mississippi in about the year 1851 and has always since resided there and claims to be an one-half blood Choctaw. She only attempts to trace her alleged Choctaw descent to her father, who she says died in about the year 1880 at the age of seventy years, and who she further states she thinks, lived in Mississippi all his life, so that it would appear that he was living in the state of Mississippi in 1880. There is nothing in her testimony which would tend to show that her said father, or any other of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in the state of Mississippi as members of the Choctaw tribe of Indians in that state, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830. By the joint

ex parte affidavit of William Forbes and Nettie Castleberry, it is attempted to be shown that they have known Emma Powe, presumably the principal applicant herein and knew her father, John Indian, who was a full blood Choctaw and who was born and died in the state of Mississippi. There is nothing in the affidavit which would tend to show that any of the alleged Choctaw ancestors of the principal applicant herein, were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in that state, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

NOTE:- There is a discrepancy between the oral statement of the principal applicant and the ex parte affidavit filed herewith, as to the last name of the principal applicant, inasmuch as in the former it is given as Poe, and in the latter as Powe, but no doubt is entertained that the former spelling as given by the principal applicant herein is the correct one.

The Commission, in view of the fact that these applicants have had sufficient time allowed them in which to present their testimony, considers this case as closed, and the only evidence offered in support hereof is the oral statement of the principal applicant and the ex parte affidavit filed by her, and by said evidence it is attempted to be shown that the applicants herein derive their alleged Choctaw blood from John Indian, the father of the principal applicant who is claimed to have been a full blood Choctaw. In order that these applicants may be identified as Mississippi Choctaws it is incumbent on them to show that they are descendants of a Choctaw Indian who lived in Mississippi in 1830, and complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek," as the head of a fam-

ily, or who was a child of a recognized Choctaw head of a family who complied for said child, or who was complied for as an orphan child of a recognized Choctaw Indian. The evidence herein discloses that John Indian, the said alleged Choctaw father of the principal applicant was living in Mississippi in 1830, but it in no way relates to or shows on the part of the said John Indian, any compliance or attempted compliance with the provisions of article fourteen of the treaty of 1830. It does not appear from the records 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 John Indian, ever signified his intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of the fourteenth article of the treaty, 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; neither does it appear from the records of the Commission to the Five Civilized Tribes that there are affiliated with this case, any other persons claiming descent or any rights as Choctaw Indians through John Indian, the alleged Choctaw ancestor of the applicants herein.

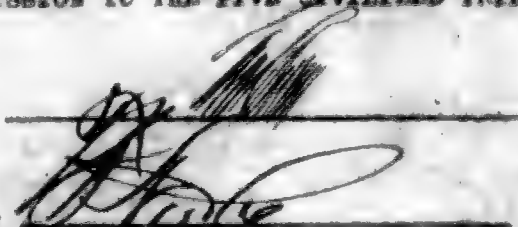
The authority vested in the Commission by the act of Congress of June 25, 1898, (30 Stat., 493), is as follows:

"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, eighteenth hundred and thirty, and 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 Wm. Poe, Oliver Poe, Mason Poe, Ira Poe and Mary Poe as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



A handwritten signature in dark ink, appearing to be "J. R. McQuinn", written over a horizontal line.



A handwritten signature in dark ink, appearing to be "I. R. McQuinn", written over a horizontal line.

Commissioners.

Muskogee, Indian Territory,

MAY 13 1902

H. O. R. 1902.

COPY

Wankogee, Indian Territory, May 26, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Ezra Lee, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 15th, 1902.

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

Respectfully,

Wm. T. Darby

Acting Chairman.

Through the Commissioner of
Indian Affairs.

1 enclosure.

W O R 1221.

COPY

Wagon, Indian Territory, May 26, 1902.

Messrs Mansfield, Mc Murray & Garnish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Emma Poe, et al., applicants for identification as Mississippi Choctaws.

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by 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 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 Emma Poe, Oliver Poe, Mason Poe, Ira Poe and Mary Poe 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."

COPY

RECEIVED

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 Kirby

Acting Chairman.

1001
COPY.

Waukegan, Indian Territory, May 26, 1908.

L. P. Hudson, Attorney at Law,
Waukegan, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of May, 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of Ezra Poe, et al., applicants for identification as Mississippi Choctaws.

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the act of Congress of June 26, 1906, (34 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 Ezra Poe, Oliver Poe, Mason Poe, Ira Poe and Henry Poe 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

COPY

I have forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tamie Kirby

Acting Chairman.

Registered

U S F 1221.

COPY.

Wahkapa, Indian Territory, May 26, 1902.

Emma Poe,

Head, Mississippi.

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 case of Emma Poe, et al., applicants for identification as Mississippi Choctaws.

Said decision after a review of the evidence submitted concludes as follows:

The authority vested in the Commission by the act of Congress of June 20, 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 Emma Poe, Oliver Poe, Mason Poe, Ira Poe and Mary Poe 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.'

COPY

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,

(SIGNED)

James Dixby.

Acting Chairman.

Registered.

Land,
51,838-1902.

COPY.
DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, Nov. 3, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration, the Mississippi Choctaw case of Emma Poe and others, who were applicants before the Commission to the Five Civilized Tribes for identification as Mississippi Choctaws, wherein judgment adverse to the applicants was rendered May 15, 1902, by the commission.

The evidence in this case shows that the applicants rely on their descent from one "John" a Choctaw Indian who, they allege, was a resident of Mississippi and a member of the Choctaw tribe in 1830. The commission rejected the application on the ground that "it does not appear from the records of the commission, of those persons who did comply or attempted to comply with the provisions of article 14 of the treaty of 1830, that any person by the name of John Indian, ever signified his intention to Col. W. L. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of the 14th article of the treaty, or presented his claim as a beneficiary under said article to either of

"the commissions duly authorized by Acts of Congress for the adjudication of such claims; neither does it appear from the records of the Commission to the Five Civilized Tribes that there are affiliated with this case any other persons claiming descent or any rights as Choctaw Indians through John Indian, the alleged Choctaw ancestor of the applicants herein."

The records of this office show that of the Choctaw Indians who were beneficiaries under the 14th article of the treaty of 1830 John, a son of Nek-o-an-tubbee, under ten years of age, received land through his father; Johnny under ten years of age a son of Ok-li-ah; Johnny, under ten years of age, a son of Kun-ne-ah-houah; John, over ten years of age, a son of Bah-pis-sah, and John, over ten years of age, a son of Pah-hah-oh, received scrip under the 14th article of the treaty of 1830. There were afterwards born Johny, son of Jim Tom and John, a son of Pah-fah-me-ah, the fathers having been beneficiaries under the 14th article.

This being the case it is evident that the investigation made by the Commission in this case is not sufficient to convince this office that the applicants are not descendants of beneficiaries under the 14th article of the treaty of 1830.

I therefore recommend that this case be returned to the

Commission for further proceedings in the light of the facts herein set out.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

(E. B. H.)

P.

D. C. No. 21632. 1902.

C O P Y.

DEPARTMENT OF THE INTERIOR,

J. P.

I. T. D. 2207-1902.

Washington,

WHR.

L R 5

November 7, 1902.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 3, 1902, the Commissioner of Indian Affairs transmitted the Mississippi Choctaw case of Hama Poe, for herself and her children Oliver, Mason, Ira and Mary Poe, submitted with your letter of May 26, 1902.

The Commissioner states that it appears that the applicants rely on their descent from one "John", a Choctaw Indian who they allege was a resident of Mississippi and a member of the Choctaw tribe in 1830.

You rejected the application holding that the testimony was not sufficient to show that the alleged ancestor ever complied or attempted to comply with the 14th article of the Treaty of 1830; that it does not appear from the records of your Commission of the persons who did comply or attempted to comply with said article, that any person by the name of John Indian

ever signified his intention to the Indian Agent to comply with the provisions of the 14th Article of said Treaty of 1830; or presented his claim as a beneficiary under said article to either of the Commissioners duly authorized by the Acts of Congress of March 3, 1837 and August 23, 1842, for the adjudication of such claims.

The Commissioner states that the records of his office show that the Choctaw Indians who were beneficiaries under said 14th Article, John, a son of Nok-o-an-tubbee, under ten years of age, received land through his father; Johnny, under ten years of age, a son of Ok-li-ah; Johnny, under ten years of age, a son of Kim-ne-ah-honah; John, over ten years of age, a son of Bah-pis-sah, and John over ten years of age, a son of Fah-hah-oho, received scrip under the 14th Article of the Treaty of 1830; that there were afterwards born Johnny, son of Jim Tom and John, a son of Pah-fah-mo-ah, the fathers having been beneficiaries under the 14th Article, and that it is therefore evident that the investigation made by your Commission is not sufficient to convince him that the applicants are not descendants of beneficiaries under the 14th Article of the Treaty of 1830. He recommends that the case be remanded for further proceedings.

The principal applicant attempts to trace her descent

through her father known as "John Indian," an alleged full-blood Choctaw. Her mother was a negro slave.

In the case of Alverta King, et al., where the applicants claimed through John, an Indian, the Acting Commissioner of Indian Affairs, August 2, 1902, stated that six different persons named John appear as claimants under said 14th Article; that it is possible that the Indian Office might trace the relationship of the applicants to one of these persons, but for the fact that the applicants know nothing concerning their family history it seems that it would be useless to remand the case for further examination, and he recommended that your decision in that case be affirmed, and it was affirmed on August 14, 1902.

In all material particulars this case is analogous to that of Alverta King, et al.,. The principal claimant appears ignorant of her family history and unable to produce any evidence to prove the rights of the applicants as Mississippi Choctaws. She could not, therefore, be benefitted by any further hearing in the case.

The Department affirms your decision. You will, however, furnish the principal applicant a copy of this communication and of that of the Commissioner of Indian Affairs, in order that if she sees proper she may request a rehearing.

A copy of the Commissioner's letter is inclosed.

Respectfully,

(signed) F. L. Campbell,

Acting Secretary.

1 Inclosure.

END

COPY
N. O. B. 1621

Muskogee, Indian Territory, November 22, 1902.

Emma Poe,

 Bend, Mississippi.

Dear Madam:

 You are hereby notified that on the 7th day of November, 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 Emma Poe, et al., of which decision you were advised by registered mail on the 26th day of May, 1902.

 The Commission is directed to furnish you a copy of the letter of the Secretary of the Interior affirming the decision of the Commission in this case, together with a copy of the letter of the Commissioner of Indian Affairs reporting thereon, and the same are herewith inclosed.

Respectfully,

John D. Doby

Acting Chairman.

Inclosures.

NOV 22

COPY.

M. C. R. 1621.

Muskogee, Indian Territory, November 22, 1902.

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

Gentlemen:

You are hereby advised that on the 7th day of November, 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 Emma Poe, et al., of which decision you were advised by mail on the 26th day of May, 1902.

By direction of the Secretary of the Interior, the principal applicant has this day been furnished a copy of his letter affirming the decision of the Commission in this case, together with a copy of the letter of the Commissioner of Indian Affairs reporting thereon.

Respectfully,

SIGNED

James D. Kirby

Acting Chairman.

No. 1521

For Identification as a Mississippi Choctaw.

Date APR 4 1901

Name Emma Poe

Age 50 Blood 1/2

Post Office. Bond, Miss.

Father: John Indian ^{Full} (dead)

Mother: Ann " (negro) "

Claims through father

husband Ira (Poc. 1/4
no claim for husband.)

Children:

Oliver Poe 10 yr

Mason " 7 "

Ira " 6 "

Mary " 5 "

(Claims for herself and 4
minor children)

Stenographer

R. J. Street

NOTICE OF DECISION FORWARDED
MAY 26 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS
MAY 26 1902

NOTICE OF DECISION FORWARDED ATTORNEYS
FOR CHOCTAW AND CHRICASSAN NATIONS
MAY 26 1902

RECORD FORWARDED DEPARTMENT
MAY 26 1902

ACTION APPROVED BY SECRETARY OF INTERIOR
NOV 7 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT
NOV 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHRICASSAN NATIONS
NOV 9 1902

Choc. MCR 1622

Henry G. Fancher

MCR 1622

Department of the Interior
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 4, 1901.

In the matter of the application for identification as Mississippi Choctaws of Henry G. Fancher, his wife and three minor children. Henry G. Fancher being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Henry G. Fancher.
- Q What is your age? A 35.
- Q What is your post-office address? A McCoel, Attala County
- Q That is in Mississippi is it? A Yes sir.
- Q How long have you lived in Mississippi? A All my life.
- Q What is your father's name? A Jasper Fancher.
- Q Is your father living? A No sir.
- Q What is your mother's name? A Rebecca.
- Q Is your mother 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 I claim a sixteenth.
- Q What is your wife's name? A Martha Ann.
- Q How old is she. A 35.
- Q Has she always lived in Mississippi? A Yes sir.
- Q What is your wife's father's name? A William H. Smith.
- Q Is he living? A Yes sir.
- Q What is your wife's mother's name? A Emily Smith.
- Q Is she living? A Yes sir.
- Q Through which one of your wife's parents does she derive her Choctaw blood? A Her mother.
- Q How much Choctaw blood has your wife's mother? A One sixteenth.
- Q How much Choctaw blood do you claim for your wife? A One thirty second.
- Q Is your name or the name of your wife upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you or your wife ever made application to the tribal authorities of the Choctaw Nation in the Indian Territory for citizenship? A No sir.
- Q In 1896 under the act of Congress of June 10th, 1896, was any application made either by or for you and your wife for citizenship in the Choctaw Nation? A No sir.
- Q Have you or your wife ever been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Have you or your wife or any one for you ever prior to this time made application to either the tribal authorities of the Choctaw Nation or to the authorities of the United States for either enrollment or citizenship as a Choctaw? A No sir.
- Q This is the first application of any description that has ever been made for either of you? A Yes sir.
- Q For either citizenship or enrollment as a Choctaw? A Yes sir.
- Q You are now claiming for yourself, your wife and your children, the right to identification as Mississippi Choctaws? A Yes sir.

Henry G. Fancher 2

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

Q Are you and your wife in any way related to each other? A Yes sir.

Q Do you claim through the same common ancestor? A Yes sir.

Q Who is that? A This old lady here is my wife's mother.

Q What relation is she to you? A I couldn't tell you.

Q Now in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians what was the name of your ancestor and your wife's ancestor who was a recognized member of the Choctaw Tribe and a resident of the state of Mississippi? A His name was Henry Fancher.

Q What relation was Henry Fancher to you? A My grand father.

Q What relation was he to your wife? A I don't know. It was through her grand mother I suppose.

Q Henry Fancher was your grand father and your wife's grand father? A Yes sir.

Q Was Henry Fancher a recognized member of the Choctaw Tribe Of Indians in Mississippi in 1830? A I don't know anything about it only what I have always been taught. I have some evidence to that effect I reckon.

Q Did he or did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A No sir.

Q Did you ever hear whether any of your ancestors or your wife's ancestors ever received any benefits as Choctaw Indians? A If they did I never heard anything about it.

Q Did any of your or your wife's ancestors ever remove from the state of Mississippi to the Choctaw Nation in the Indian Territory? A No sir.

Q Do you know whether Henry Fancher ever signified to the United States Indian Agent of the Choctaws in Mississippi within six months after the ratification of the treaty of 1830 his intention to remain here and become a citizen of the United States? A No sir, I do not.

Q When were you and Martha Ann Fancher married? A Been married fourteen years.

Q Married here in Mississippi? A Yes sir.

Q You have how many children? A Three.

Q Do you want to make application for your children? A Yes sir.

Q What are their names and ages? A Prusa Lillian Fancher.

Q How old is she? A 13.

Q And the next one? A Estrella.

Q How old is Estrella? A 11.

Q The next one? A Smith.

Q How old is Smith? A He is three.

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

Q You are the father of all three of them? A Yes sir.

Q Martha Ann Fancher is the mother of all three of them? A Yes sir.

Q The claim that is made on behalf of these children is identical with the claim made by you and your wife? 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 documentary evidence you desire to offer 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 the date hereof.

Permission is granted the attorney for the applicants to file written evidence in support of this applica-

Henry G. Fancher 3

tion 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 made on behalf of your wife and your three minor children for identification as Mississippi Choctaws will be mailed to you to your proper post-office address.

This applicant is apparently white.

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 4th day of April, 1901, 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 the 8th day of April, 1901, at Meridian, Mississippi.

[Signature]
Notary Public.

COPY.

Muskogee, Indian Territory, January 30, 1903.

Henry G. Fancher,
 McCool, 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. 938
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."

H. G. P. # 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, 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 Goddley 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,

Wm. D. King,

Acting Chairman.

Registered.

M C R 1680
M C R 1682

Mustoge, Indian Territory, February 18, 1903.

Emily A. Smith,

McCool, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of a joint letter of yourself and Henry G. Fausner in which you ask that the record in the consolidated Mississippi Choctaw case of Henry M. Smith, et al., be transmitted to the Secretary of the Interior, and that your letter be considered as an appeal from the decision of the Commission. You state you have no further evidence to submit in the case.

In reply to your communication you are advised that the fifteen days from January 30, 1903, heretofore granted the applicants in this case within which to submit arguments in support of their claims to be forwarded to the Secretary of the Interior, expired February 15, 1903. On February 16, 1903, the record in this case, together with the decision of the Commission refusing the applications of the several persons included therein, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

Acting Chairman.

COPY:

Langagee, Indian Territory, August 8, 1903.

Henry G. Pancher,
McCook, 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. Hodges.
Commissioner in Charge.

No. 1022
For Identification as a Mississippi Cheater.

Date APR - 4 1901

Name Henry G. Faucher.

Age 35 Blood 1/16

Post Office. Mc. Cool, Miss.

Father: Jasper Faucher - dead.

Mother: Rebecca Faucher - ✓

Claims through father

WIFE: Martha Ann Faucher 35

FATHER: W^m. H. Smith - ✓

MOTHER: Emily Smith ✓

Children:

Thyra Lillia Faucher 13.

Estrella " " 11

Smith " " 3

Claims for self, wife ^{and} three children; claims for wife 1/32 through mother.

Stenographer

Myra Young.

REFUSED

DECISION RENDERED JAN 30 1903

BOARDS OF DECISION BEING APPLICANT

JAN 30 1903

BOARDS OF DECISION BEING APPLICANT
FOR CROOK AND CHUKAWA NATIONS

JAN 30 1903

BOARDS OF DECISION BEING APPLICANT

FEB 10 1903

ACTION APPROVED FOR THE INTERIOR

JUL 14 1903

NOTICE OF BOARD OF DECISION
FORWARDING AND CANC

AUG 25 1903

NOTICE OF BOARD OF DECISION
FORWARDING AND CANC
AND CHUKAWA NATIONS

AUG 25 1903

W. T. O. D. A. 778

Choe. MCR 1623

Mahala Harris

MCR 1623

16
Mahala Harris et al

REFUSED.

DECISION RENDERED. APR 15 1902

NOTICE OF DECISION MAILED AT LAW.

APR 26 1902

NOTICE OF DECISION MAILED AT LAW FOR CHOCTAW AND CHICKASAW NATIONS.

APR 26 1902

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAY 10 1902

NOTICE OF DEPARTMENTAL ACTION MAILED APR 24 1902

JUN 9 1902

NOTICE OF DEPARTMENTAL ACTION FOR CHOCTAW AND CHICKASAW NATIONS.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, April 4, 1901.

In the matter of the application of Mahala Harris, et al., for identification as Mississippi Choctaws.

Mahala Harris, being first duly sworn upon her oath states as follows:

Examination by the Commission.

- Q Please state your name? A Mahala Harris.
Q What is your age? A Thirty five.
Q What is your post office address? A Bond, Mississippi.
Q What County? A Harrison.
Q You claim to have Choctaw Indian blood? A Yes sir.
Q What proportion of Choctaw blood do you claim to have? A One eighth.
Q Are you married? A Yes sir.
Q What is the name of your husband? A John Harris.
Q Is John Harris living? A Yes sir.
Q Does John Harris claim to have any Indian blood? A Yes sir.
Q What proportion of Choctaw blood does he claim to have? A I don't know exactly; his mother had some Choctaw blood.
Q You don't want to make any claim for your husband? A No sir.
Q Is he a colored man? A Yes sir.
Q You are one-eighth Choctaw; the other seven-eighths is negro? A Yes sir. I guess so.
Q What are the names and ages of your children for whom you want to make application? A Johnnie Harris.
Q How old is Johnnie? A Twenty years old.
Q The next one? A Henry?
Q How old is Henry? A He is eighteen.
Q The next one? A Margaret? A
Q How old is she? A Nine.
Q The next one? A Cera.
Q How old is Cera? A Seven.
Q The next one? A That is all.
Q These children are living with you, are they? A Yes sir.
Q They are all the children of yourself and John Harris? A Yes sir.
Q These children get their Indian blood solely through you? A Yes sir. And their father, but I can't tell how much.
Q But you want to claim for them - base it on your Indian blood?
A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A Henry Stringer.
Q Has he any Choctaw Indian blood? A I don't know sir; I haven't seen him for years.
Q Where does he live? A He lives down between Stonewall and Enterprise Mississippi, they say; I haven't seen him for about twelve years.
Q He was a colored man, was he? A Yes sir.
Q Is your mother living? A No sir.
Q What was her name? A Elizabeth Stringer.
Q Was she part Indian? A Yes sir.
Q What was her mother, a Colored woman? A Yes sir.
Q You have no Indian blood except the Choctaw blood? A No sir.
Q When did your mother die? A She has been dead about twenty two years.
Q How old was she when she died? A I don't know sir.
Q Was she getting to be an old woman? A She seemed to be settled as well as I can remember.

Mahala Harris, et al., #2.

- Q You claim through your mother? A Yes sir.
- Q Have either you or any of your ancestors, or your minor children, ever been recognized as Choctaw citizens? A No sir.
- Q Never received any benefits at all as Choctaws? A No sir.
- Q Any land or money? A No sir.
- Q How long have you lived in Mississippi? A Been in Mississippi all my life.
- Q Your mother lived here all her life? A Yes sir.
- Q You never lived in the Indian Territory? A No sir.
- Q You nor your mother did either? A No sir.
- Q Was your mother living here when the Choctaws moved west? A I don't know nothing about that.
- Q Did you ever make application to the Choctaw tribal authorities out in the Indian Territory for citizenship in the Choctaw Nation? A No sir.
- Q Did you make application to this Commission in 1896? A No sir; this is the first.
- Q Never have appeared before this Commission before? A No sir.
- Q You never, then, have been admitted to citizenship, either by the tribal authorities in the Indian Territory, by this Commission or by decree of the United States Courts for the Indian Territory? A I don't know sir.
- Q Are your names on the tribal rolls out there in the Indian Territory, do you know? A I don't know sir.
- Q You never tried to get them put there? A No sir.
- Q Upon what do you base your claim? A On the 1830.
- Q What do you mean by that? A 1830.
- Q What is that? A I don't remember.
- Q Treaty, do you think? A Yes sir; that's it.
- Q You don't know exactly? A No sir.
- Q Who made that treaty, do you know? A The Governor of the United States.
- Q Who else? A The Choctaw Indians.
- Q Well, do you know when that treaty was made? A No sir.
- Q Do you claim under any particular article of that treaty? A The fourteenth.
- Q The fourteenth article of the treaty of 1830? A Yes sir.
- Q Did you ever read that article? A No sir; not more than I heard it read down here in town the other day.
- Q Where? A Down there in the office.
- Q In W. Hudson's office? A Yes sir.
- Q Did any of your ancestors ever comply with the provisions of that article? A Not that I know of.
- Q What one of your ancestors was living here in Mississippi at the time that treaty was made in 1830? A I guess my grand-father, and my mother too.
- Q Did your mother get her Indian blood through her mother or father? A Her father.
- Q What proportion of Choctaw blood did he claim to have? A One half.
- Q You think he was living here? A I know he was.
- Q What was his name? A Abraham Hardy.
- Q Was he recognized by the Indians then as a member of the tribe at that time? A Not that I know of.
- Q Did he go west with the Indians when they moved west? A I think he died right here in Newton County.
- Q Before they went west? A It was in slavery time.
- Q Was he a slave? A I think so.
- Q Was your mother a slave? A Yes sir.

Mahala Harris, et al., #3.

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

Q Any money? A No sir.

Q Did any of your ancestors get any money from the tribal authorities of the Choctaw Nation in the Indian Territory? A No sir.

Q Never derived any benefits whatever as Choctaw citizens? A No sir.

Q Did any of your ancestors who may have been living here in 1830 when that treaty was made, or when the Indian moved west, within six months from the date of the ratification of that treaty, go before the United States Indian Agent here in Mississippi, and dignify their intention to remain here and become citizens of the United States? A I don't know nothing about that part of it.

Q Have you any additional statement in regard to your case that you want to make at this time? A No sir.

Q Have you any evidence whatever that any of your ancestors ever complied with the provisions of the fourteenth article of the treaty of 1830? A I don't understand that.

Q Have you any evidence that any of your ancestors ever complied with the provisions of that article? A No sir.

Q Have you any evidence you desire to offer in support of your claim at this time? A

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

The Commission: Permission is granted to the attorney for applicant to file proper documentary evidence in support of this claim within thirty days from this date.

Q In case you and your children should be identified by the Commission as Mississippi Choctaws, entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaw Indians, would you remove to the Choctaw Nation, Indian Territory, and there make your permanent residence? A Yes sir.

The decision of the Commission with reference to the application made by you at this time for yourself and on behalf of your minor children for identification as Mississippi Choctaws, will be mailed to you in the future at your present post office address, at Bond, Mississippi.

(This applicant has every appearance of being a negro, though her hair is inclined to be straight.)

R.S. Strait, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the foregoing is a full, true and correct translation of his stenographic notes therein.

Mahala Harris, et al., #4.

Subscribed and sworn to before me at Meridian, Mississippi
this 4th day of April, A.D. 1901.

R. J. Starch
[Signature]
Notary Public.

C. W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Mahala Harris
for the identification of herself and her four
minor children, Johnnie, Henry, Margaret and
Cora Harris, as Mississippi Choctaws, W.C.R. 1623

((((DECISION))))

The record in this case shows that on April 4, 1901, Mahala Harris appeared before the Commission at Meridian, Mississippi and there made personal application for the identification of herself and her four minor children, Johnnie, Henry, Margaret and Cora Harris, 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 17, 1830, and known as the treaty of "Hunting Rabbit Creek." The principal applicant claims descent from Elisabeth Stringer, an alleged Choctaw Indian (degree of blood not given) who married Henry Stringer, a negro, and who are the parents of this applicant.

The record in this case further shows that the principal

applicant, Mahala Harris and her four minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896 (29 Stats. 521.)

The only evidence offered in this case is the unsupported oral statement of the principal applicant, wherein she claims to have been born in about the year 1866, but does not state where she was born and it does not appear from her testimony that she was ever a resident of the Indian Territory, and it appears that at the time of the making of her application she was a resident of Mississippi. She attempts to trace her alleged Choctaw descent through her mother to her grandfather, Abraham Hardy, who she alleges was an one half blood Choctaw and one half blood negro, and who was a slave, but there is nothing in her testimony to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The Commission, in view of the fact that these applicants have had sufficient time allowed them in which to present their testimony, considers this case as closed, and the only evidence offered in support thereof is the oral statement of the principal

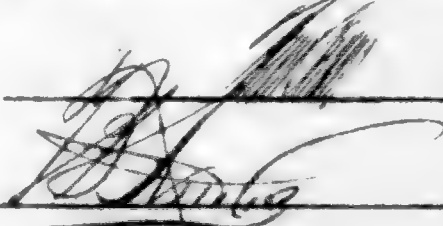
applicant, wherein she attempts to show that they derive their alleged Choctaw blood from her mother and grandfather, but it cannot be determined which of the alleged Choctaw ancestors of these applicants was married and the head of a family in 1830 and complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and the only names that can be searched for among 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 1830, are the names of the alleged mother and grandfather of the principal applicant herein and it does not appear from an examination of said records that any persons bearing those names ever signified their intention to Colonel Wm Vard, 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. Neither does it appear from the records of the Commission to the Five Civilized Tribes, that there are affiliated with this case any other persons claiming descent or any rights as Choctaw Indians through the alleged ancestors of the principal applicant herein.


The authority vested in the Commission by the twenty-first section of the act of Congress of June 25, 1896 (30 Stats. 498) is as follows:

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

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mahala Harris, Johnnie Harris, Henry Harris, Margaret Harris and Cora 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.

COMMISSION TO THE FIVE CIVILIZED TRIBES





Commissioners

Muskogee, Indian Territory.

APR 21 1906

Muskogee, Indian Territory, April 26, 1902.

Mahala Harris,

Bond, Mississippi.

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 application of Mahala Harris, et al., for identification as Mississippi Choctaws.

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 Mahala Harris, Johnnie Harris, Henry Harris, Margaret Harris and Cora 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."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of

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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 26, 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 April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the application of Mahala Harris, et al., for identification as Mississippi Choctaws.

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 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 Mahala Harris, Johnnie Harris, Henry Harris, Margaret Harris and Cora 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."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of

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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 25, 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 application of Mahala Harris, et al., for identification as Mississippi Choctaws.

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, 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 Mahala Harris, Johnnie Harris, Henry Harris, Margaret Harris and Cora 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."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of

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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 O R 1623

Muskogee, Indian Territory, April 26, 1902.

The Honorable

The Secretary of the Interior.

Sir-

There is transmitted herewith the record in the application of Mahala Harris, et al., for identification as Mississippi Choctaws, including the decision of the Commission of April 15, 1902.

The Commission has the honor to report that the principal applicant, her 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,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

.1 enclosure.

COPY

Refer in reply to
the following:
Land
25933-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 7, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made April 26, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Mahala Harris, et al., for identification as Mississippi Choctaws claiming rights under the fourteenth article of the treaty of September 27, 1830.

The principal applicant attempts to trace descent from her grandfather, Abraham Hardy, an alleged Choctaw.

Neither the record in this case nor an examination of the records of this office shows that the alleged ancestor complied with the provisions or received the benefits of the fourteenth article of the treaty of September 27, 1830, or that he complied with the provisions of the Acts of March 3, 1837 or August 23, 1842.

The Commission decided adversely to the applicants, and the office respectfully recommends that its decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

CAW
D

3 inclosures.

COPY

D. C. No. 9147-1902.

31886

DEPARTMENT OF THE INTERIOR.

L.R.S.

WASHINGTON.

I.T.D.3007-1902.

May 29, 1902.

CMR^H

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

Gentlemen:

April 26, 1902, you transmitted the record in the application of Mahala Harris for identification of herself and her four minor children, Johnnie, Henry, Margaret, and Cora Harris, as Mississippi Choctaws (MCR-1623).

The principal applicant claims descent through her mother, Elizabeth Stringer, an alleged Choctaw (degree of blood not given), to her grandfather, Abraham Hardy, an alleged half blood Choctaw, the said Elizabeth Stringer being the wife of Henry Stringer, a negro.

From your decision of April 15, 1902, refusing the application, and from the letter of the Acting Commissioner of Indian Affairs, a copy of which is enclosed, recommending that your action be approved, it appears that the record in the case, the records in your possession, and those at the Indian Office, all fail to show that any 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, on a careful review of the whole case, approved your action. Your decision is therefore affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

KMD

1 enclosure.

H O B 1623

Waskogee, Indian Territory, June 9, 1902.

Mahala Harris,

Band, Mississippi.

Dear Madam:

You are hereby advised that on May 29, 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 Mahala Harris, et al., of which decision you were duly advised by registered mail on April 26, 1902.

Yours truly,

Acting Chairman.

M C R 1623

Muskogee, Indian Territory, June 9, 1902.

Mansfield, 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 application for identification as Mississippi Choctaws of the several persons included in the application of Mahala Harris, et al., on which decision you were duly advised on April 26, 1902.

Yours truly,

Acting Chairman.

#57
No. 11112
For Identification as a Mississippi Choctaw.

Date APR 4 1901

Name *Mahala Harris*

Age *5* Blood

Post Office *Bond, Miss.*

Father *Henry Stringer (colored)*

Mother *Liza " (1/4) dead*

Claims through *mother*

husband *John " (colored)*

children *Johnnie Harris 20*
Henry " 18
Margaret " 9
Cora " 7

(Claims *in self as four*
months resident)

Stenographer

W. S. Street

Choc. MCR 1624

Nettie Castleberry

MCR 1624

Nettie Castleberry

REFUSED.

DECISION RENDERED. APR 1 1912

NOTICE TO APPLICANT APR 1 1912

APR 1 1912

NOTICE TO APPLICANT APR 1 1912

APR 1 1912

ACTION APPROVED BY THE BOARD OF CHIEFS APR 1 1912

NO ADMINISTRATIVE ACTION APR 1 1912

NOTICE TO APPLICANT APR 1 1912

NOTICE TO APPLICANT APR 1 1912

Department of the Interior
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 4, 1901.

In the matter of the application of Nettie Castleberry
for identification as a Mississippi Choctaw. Nettie Castleberry
being duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Nettie Castleberry.
Q How old are you? A 23.
Q What is your post-office address? A Bond, Mississippi.
Q Do you live in Mississippi? A Yes sir.
Q How long have you lived here? A All my life.
Q Never been out of the state? A Not as I know of to live.
Q What is your father's name? A Johnnie Hall but they
call him Johnnie Injun.
Q Is your father living? A No sir, he's been dead ever
since I was about 7 years old.
Q What is your mother's name? A Lucinda Watson.
Q Your father and mother married? A Yes sir.
Q How did your mother's name get to be Watson. A She married
since my father died.
Q Her name now is Watson? A It was when she died.
Q Is your mother dead? A Yes sir.
Q Through which one of your parents do you claim your Choctaw
blood? A My father.
Q How much Choctaw was your father? A Full blood Choctaw.
Q Did he speak the Choctaw language? A Yes sir. My mother
had one fourth Indian.
Q Your mother was one fourth and your father a full blood?
A Yes sir.
Q Did he have any Indian name, any Choctaw name? A Johnnie
Indian. They never did call him by his name. My mother told me his
name was Johnnie Hall.
Q How much Choctaw blood do you claim? A By that I reckon
I am one half.
Q You claim to be a half blood? A Yes sir.
Q Do you think you have that much Choctaw blood? A Well, my
grand mother was one half Choctaw Indian.
Q You said your father was a full blood? A Yes sir.
Q Do you mean your father's mother? A No sir, my mother's
mother. My mother's mother was half Indian.
Q You claim to be one half yourself do you? A Yes sir.
Q Have you got any negro blood? A Yes sir by my mother's
side.
Q Was your mother ever a slave? A Yes sir.
Q Was your father? A I don't know, sir.
Q How old was ~~xxxx~~ you when your father died? A I was about
7 years old.
Q How old were you when your mother died? A I was about
21 or 22.
Q Is your name on any of the tribal rolls of the Choctaw
Nation in the Indian Territory? A Not as I know of.
Q Did you ever make application to the Choctaw tribal authori-
ties in the Indian Territory for citizenship in the Choctaw Nation?
A No sir.
Q About four or five years ago, in 1896, did you make applica-
tion to the Commission to the Five Civilized Tribes for citizenship
in the Choctaw Nation under the act of Congress of June 10th, 1896?

Hettie Castleberry 2

A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of the Choctaw Nation, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? 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 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 as a beneficiary under the 14th article of the treaty of 1830? A Yes sir.

Q Do you claim under any other treaty? A No sir.

Q Just under the 14th article of the treaty of 1830? A Yes sir.

Q What was the name of your ancestor or ancestors, do you understand what that means? A My father?

Q Yes, or your grand father, the people you are descended from. What was the name of your ancestors who lived here in Mississippi in 1830 at the time of the making of the treaty between the Choctaws and the United States and who was at that time a recognized member of the Choctaw tribe? A I don't know. I don't know none of their names except my father and my mother and my grand mother.

Q You claim your right through your father's side? A Yes sir.

Q Do you know anything about your father's people? A No sir.

Q How old was your father when he died? A About five and forty I reckon.

Q Hasn't been dead quite 20 years. You said you were about 7 years old when he died didn't you? A Yes sir as far as I can recollect.

Q Do you know what his parents' names were, your father's father and mother? A They never did tell me. They claimed to be dead. I never did or my mother's.

Q Have you any evidence showing that your father's people or your father was ever recognized by the Choctaw tribe as a member of that tribe? A No sir.

Q And never received any benefits as Choctaws? A Do you mean any Indians?

Q Any witnesses or any testimony or any exhibits, any writing, anything to show that they were recognized Choctaw Indians? How do you know they were Choctaw Indians? A I only know sir what he said.

Q Did the Choctaws consider them as Indians? A Yes sir.

Q How do you know they did? A They went with them. They went with the regular Indians.

Q Did your people ever receive or claim any land in Mississippi as beneficiaries under this 14th article of the treaty of 1830? A No sir. Not as I know of.

Q Did you ever hear that they did? A I know they didn't since I have been born. that

Q Have you ever heard ~~through~~ any of your people ever received any benefits as Choctaw Indians? A No sir.

Q Were they ever recognized from 1830 to 1840 by the Choctaw Indians as Choctaws? A I don't know, sir.

Q You are making this claim simply as a beneficiary under the 14th article of the treaty of 1830? A Yes sir.

Q Are you married? A Yes sir.

Q Is your husband an Indian? A No sir.

Q What is he? A He is white and nigger.

His father was a white man and his mother colored.

Q You are making no claim for your husband? A No sir.

Q Have you any children? A No sir.

Q Just making this claim 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.

Wettie Castleberry 3---

Q Have you any documentary evidence that you desire to submit to the Commission for consideration in support of this application?

Here L. P. Hudson, attorney for the applicant 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 offered for filing with this Commission within thirty days from the date hereof.

Q Can you speak the Choctaw language? A No sir. I can count like them. I used to know a right smart. I staid along with them all my life until I was grown.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you to your proper postoffice address.

This applicant has some appearance of a Choctaw Indian but there is evidence of an admixture of negro blood. From her testimony she states that her mother was held in slavery and seems to know nothing relative to her father or her ancestors. Is unable to speak the Choctaw language.

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 4th day of April, 1901, 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 6th day of April, 1901, at Meridian, Mississippi.

J. M. [Signature]

Notary Public.

C. v. W.
U. C. B.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Nettie
Castleberry for the identification of herself
as a Mississippi Choctaw,-----N.C.R. 1884

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

The record in this case shows that on April 4, 1901, Nettie Castleberry appeared before the Commission at Meridian, Mississippi and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 26, 1830, and known as the treaty of "Dancing Rabbit Creek." She claims descent from Johnnie Hall, or Johnnie Injun, an alleged full blood Choctaw, who married Lucinda Hall, an alleged one quarter blood Choctaw woman, and who are the parents of this applicant.

Note-- The applicant gives the name of her mother as Lucinda Watson stating that since the death of the applicant's father, her mother had re-married.)

The record in this case further shows that the applicant, Nettie Castleberry, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is her name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has she ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896 (29 Stats. 321.)

The evidence offered in support of this application, aside from the oral statement of the applicant, is the joint ex parte affidavit of Emma Poe and Dan Teale. By the oral statement of the applicant it is attempted to be shown that she was born in the state of Mississippi in about the year 1876 and that she has resided there all her life and claims to be possessed of one half Choctaw and one half negro blood. She attempts to trace her alleged Choctaw descent through both her father and mother and claims that her father was a full blood Choctaw, that his Choctaw name was Johnnie Injun, and that he spoke the Choctaw language. She states that she does not know anything of her father's parents. In regard to her claim to Choctaw blood on her mother's side she states that her said mother was possessed of one quarter Choctaw and three quarters negro blood and that her mother was one half blood Choctaw. She also states that both her mother and her maternal grandmother were slaves. There is nothing in her testimony that would tend to show which of her alleged Choctaw ancestors were heads of families and lived in the state of Mississippi as recog-

mixed Choctaw Indians in 1830, neither does it appear from the applicant's testimony that any of her alleged Choctaw ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. The joint ex parte affidavit of Anna Pee and Dan Toole is simply to the effect that affiants are acquainted with the applicant herein, ~~whom~~ they claim to have known all their lives, and allege that she is the daughter of one Johnnie Indian, who they claim, was a full blood Choctaw and was born in the state of Mississippi. Affiants further aver that the applicant's mother was an one quarter blood Choctaw. There is nothing in this affidavit which would tend to show that any of the alleged Choctaw ancestors of the applicant were ever recognized by the Choctaw tribal authorities in Mississippi as members of the Choctaw tribe of Indians, or that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The Commission, in view of the fact that this applicant has had sufficient time in which to present her testimony, considers this case as closed, and the only evidence offered in support thereof is the oral statement of the applicant herself and the documentary evidence filed by her. From the evidence so submitted it is attempted to be shown that the applicant is possessed of one quarter Choctaw blood, which she claims to have derived from her parents. She also mentions the fact that her maternal grandmother was possessed of Choctaw blood, but she does not state the names of any of her alleged ancestors, except her parents, and she does not show whether her parents were married and the heads of a family in 1830 or not. It is therefore impossible for the Commission to ascertain

from the records in its possession of those persons who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, if any of the ancestors of this applicant other than her parents ever signified their intention to Colonel William 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. Neither does it appear from the records of the Commission to the Five Civilized Tribes that there are affiliated with this case any other persons claiming descent or any rights as Choctaw Indians through the alleged ancestors of the applicant herein.

The authority vested in the Commission by the twentyfirst 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 Nettie Castleberry 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.

COMMISSION TO THE FIVE CIVILIZED TRIBES



Commissioner

Muskogee, Indian Territory,

APR 15 1902

Waukegan, Indian Territory, April 18, 1902.

Nettie Castleberry,
Bond, Mississippi.

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 application of Nettie Castleberry for identification as a Mississippi Choctaw.

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."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Nettie Castleberry 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."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of

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the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

Muskogee, Indian Territory, April 18, 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 application of Nettie Castleberry for identification as a Mississippi Choctaw.

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.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Nettie Castleberry 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."

You are further advised that the Commission has on

L P H 2

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

Yours truly,

Acting Chairman.

Registered.

Muskogee, Indian Territory, April 18, 1902.

Mansfield, McDurray & 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 application of Nettie Castleberry for identification as a Mississippi Choctaw.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1896, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and 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 Nettie Castleberry as a Choctaw Indians 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."

You are further advised that the Commission has an

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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 N 1624

Shawnee, Indian Territory, April 18, 1902.

The Honorable

The Secretary of the Interior.

Sir-

There is transmitted herewith the record in the application of Nettie Castleberry for identification as a Mississippi Choctaw, including the decision of the Commission of April 15, 1902.

The Commission has the honor to report that the applicant, her 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,

SIGNED.

Tams Dixby.

Acting Chairman.

Through the Commissioner of
Indian Affairs.

1 enclosure.

C-70
Refer in reply to the following
Land
1847--1862

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 28, 1902.

The Honorable

The Secretary of the Interior.

SIR:

I enclose herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated April 18, 1902, forwarding for the Department's consideration the record relative to the case of Nettie Castleberry, who applies for identification as a Mississippi Choctaw, entitled to rights in the Choctaw lands under the provisions of the treaty of September 27, 1830.

The party to this case attempts to trace her descent from John or Johnnie Hall, also known as John or Johnnie Injun.

April 15, 1902 the Commission found that the party above named was not entitled to identification as a Mississippi Choctaw.

The office has examined the record in the case and does not believe that it is sufficient in itself to warrant the identification of said applicant as a Mississippi Choctaw.

It has also made a careful examination of its records pertaining to Choctaws who acquired rights under the provisions of the 14th article of the treaty of 1830, and no record has been

found which shows that John (or Johnnie) Hall or John
(or Johnnie) Injun complied with the provisions of said
article of said treaty 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 if any he had. It
is therefore respectfully recommended that the decision of
the Commission be approved.

Very respectfully,
Your obedient servant,

A. C. Tonner,

Acting Commissioner

G.A.W (3)

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DEPARTMENT OF THE INTERIOR,
I.T.S. 2220-1902 WASHINGTON, May 3, 1902. R
File 222-1898

L.R.S

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

Gentlemen:

On April 19, 1902, you transmitted the record in the application of Hattie Castleberry for identification as a Mississippi Choctaw.

It appears from the record that this applicant attempts to trace her alleged Choctaw descent through both her father and her mother; that her father's name was Johnnie Hall, or Johnnie Injun, an alleged full blood Choctaw Indian, and that her mother's name was Lucinda Hall, an alleged one-quarter blood Choctaw Indian. She does not give the names of any more remote ancestors, nor does she show that either one of her alleged parents was married and the head of a family in 1830, or that they were ever recognized as members of the Choctaw tribe by the tribal authorities of said Indians in Mississippi.

It is further shown that the applicant has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor has her name found upon any of the tribal rolls of said nation in the possession of your Commission, nor has she ever been admitted to Choctaw citizenship by a duly constituted court or committee of said nation or by your Commission, or by a decree of the United

States Court in Indian Territory, under the provisions of act of Congress of June 10, 1896 (29 Stat., 321).

In your decision of April 16, 1902, rejecting said application, you state that there is nothing in the evidence offered or in the records in the possession of your Commission tending to show that any of the alleged ancestors of the applicant ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or presented their claims as beneficiaries under said article to either of the Commissions authorized by acts of Congress approved March 3, 1837 (5 Stat., 150), and August 23, 1842 (8 Stat., 513), for the adjudication of such claims, see Opinion of the Assistant Attorney General of December 3, 1901, approved by the Department.

The Acting Commissioner of Indian Affairs forwarded the papers in this case on April 26, 1902, stating that an examination of the records in the Indian office fails to disclose the names of any of the alleged Cheotaw ancestors of the applicant among those who complied with the said fourteenth article or presented their claims to either of the Commissions referred to and he recommends that your decision be affirmed.

The Department has examined the record in this case and, no objection appearing thereto, your decision in rejecting said application is affirmed.

A copy of the letter of the Acting Commissioner is
herewith inclosed.

Respectfully,

TOS RYAN

Acting Secretary.

RMD

1 inclosure.

M.C.R. 1824

Muskogee, Indian Territory, May 13, 1902.

Nettie Castleberry,

Bond, Mississippi.

Dear Madam:-

You are hereby advised that on the 3rd day of May, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Nettie Castleberry, of which decision you were duly advised by registered mail on the 18th day of April, 1902.

Yours truly,

Acting Chairman

M.C.R. 1634

Muskogee, Indian Territory, May 13, 1902.

L. P. Hudson,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 3rd day of May, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Nettie Castleberry, of which decision you were duly advised by registered mail on the 18th day of April, 1902.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, May 13, 1902.

Messrs. Mansfield, McFurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South Mc Alester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 3rd day of May, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Nettie Castleberry, of which decision you were duly advised by registered mail on the 18th day of April, 1902.

Yours truly,

Acting Chairman.

873

No. 1024

For Identification as a Mississippi Choctaw.

Date APR - 4 1901

Name *Nettie Castleberry*

Age *25* Blood *1/2.*

Post Office. *Bond, Miss.*

Father: *Johnny Hall - dead.*

Mother: *Lucinda Watson - dead.*

Claims through *father.*

~~Children~~

Claims for self alone

Stenographer

Mrs. H.

Choc. MCR 1625

MCR 1625

Andrew Powell

REFUSED

DECISION RENDERED. **A1** 1902

NOT RECORDED BY MAILED APPLICATION

MAY 11 1902

MAY 20

MAY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, April 30, 1901.

In the matter of the application of Anthony P. Powell, for himself and his thirteen minor children, for identification as Mississippi Choctaws.

Anthony P. Powell, being first duly sworn upon his oath states as follows:

Examination by the Commission.

- Q Please state your name? A Anthony P. Powell.
Q Where do you live? A Hattiesburg, Mississippi.
Q What is your age? A Forty one.
Q Is your father living? A No sir, he is dead.
Q What was his name? A Alex Wilmer; he is a full blood Indian.
Q You claim your father is a full blood Choctaw? A Yes sir.
Q When did he die? A He died in Choctaw County in 1879; he was murdered there.
Q In whose custody? A Yes sir, in 1879; I suppose he was murdered; the man that shot him was sent to the penitentiary for life.
Q How old was he when he was killed? A No, I really don't know; I heard he was about fifty years old then; I don't know.
Q Is your mother living? A She died in 1885.
Q What was her name? A Sarah E. Powell.
Q How does it come that you say her father's name was Wilmer? A You see my mother was a slave, she was in the same house because she was a slave.
Q Your mother was a colored woman? A Yes sir.
Q Claim any Indian blood? A No sir, just my father.
Q Your mother was a slave, yes? A Yes sir.
Q What proportion of Choctaw blood do you claim to have? A One half.
Q You get your Indian blood through your father? A Yes sir.
Q Do you speak the Choctaw language? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Nellie E. Powell.
Q Is she an Indian? A She is a mixed breed.
Q Has Choctaw blood? A Yes sir, she is straight half.
Q Do you want to claim for her? A No sir.
Q She is a colored woman, is she? A Yes sir.
Q Please state whether you have any children? A I have.
Q Give the names and ages of those under twenty one years of age, married and living with you? A I have copied them off, there are so many of them, I wanted to tell the truth, and I just copied them off; there are so many of them, I couldn't remember them.
Q What is the first one? A Charley, twenty years old; Kveline, nineteen; Joe, eighteen; Eddie seventeen; Willie, fourteen; Eugene twelve; Clarence, eleven; Lesley, nine; Henry, eight; Ernest, six; Courtney, four; Marshall, three; Maude, one.
Q These children are all living with you? A Yes sir.
Q They get their Indian blood through you? A Yes sir.
Q They are all the children of yourself and Nellie E. Powell? A Yes sir.
Q When and where were you married to Nellie E. Powell? A On October 3, 1879, in Granada County, Mississippi.
Q Have you your marriage licence and certificate with you at this time? A No sir; I didn't think they were necessary; I will forward them to Mr. Hudson as soon as I get home.

Anthony P. Powell, et al., #2.

Q It will be necessary that you furnish the Commission with evidence of your marriage to Mollie E. Powell, in connection with the application made by you at this time on behalf of your thirteen minor children. This may be forwarded to the Commission within a period of thirty days from this date, and it will be filed and considered in connection with this case.

Q The claim for your children has the same foundation as yours, of course? A Yes sir.

Q How long have you lived in Mississippi? A All my life.

Q Born and raised here? A Yes sir, in Old Choctaw County in this state, and have never been out of the State to live.

Q Your parents - did they always live here too in Mississippi? A Well, now, I have heard my mother say that her parents never did live here; she come from old Virginia.

Q Her father lived in Mississippi? A I have never known him to live anywhere else.

Q Did either you, your father, or any of your children, ever receive any benefits whatever as Choctaw citizens; ever get any money or land? A No sir; they never got any money.

Q Are your names to be found on the Choctaw tribal rolls in the Indian Territory? A Not that I know of.

Q Did you ever make application for your self, or on behalf of the minor children to the Choctaw tribal authorities out in the Indian Territory for citizenship in the Choctaw Nation? A No sir.

Q Did you make application to this Commission in 1896, for citizenship in the Choctaw Nation? A No sir.

Q Did you ever appear before this Commission prior to this time? A No sir.

Q You never have then ever been admitted to citizenship in the Choctaw Nation either by the tribal authorities of the Choctaw Nation, by this Commission in the year 1896, acting under the Act of Congress approved June 10, 1896, or by the United States Courts for the Indian Territory on appeal? A No sir.

Q Never was recognized in any manner as a citizen of the Choctaw Nation? A No sir.

Q What do you appear here for at this time? A To be identified as a Choctaw citizen.

Q Do you claim under any particular treaty between the United States and the Choctaw Indians? A The treaty of 1830.

Q Where was that treaty made, do you know? A Who made it? Where was it made? A The treaty was made between the United States and the Mississippi Choctaw Indians; the reason I say that, I asked how I could prove up my father's, get his portion, that was in there, and they said that was the only way.

Q Under the treaty of 1830? A Yes sir.

Q Who told you that? A My lawyer, told me so, and that I had better get up my proof.

Q Do you claim under any particular article of that treaty? A Article fourteen.

Q Did you ever read that article? A No sir.

Q Do you know anything that is contained in it? A Not more than I claim under the treaty of 1830, article fourteen; that is what my lawyer told me. I am just telling you the truth.

Q Do you know whether any of your ancestors ever complied with the provisions of that article of the treaty of 1830? A No sir, I don't, I can't read and don't know anything about it. If they did, I knew nothing about it.

Q What one of your ancestors was living here in Mississippi in 1830 when that treaty was made? Your ancestors, I mean? A I suppose my father.

Q Do you think he was living here then? A I know I found him here.

Q Do you know whether he was ever recognized here at that time as a

Anthony P. Powell, et al., vs.

member of that tribe - Choctaw tribe? A Yes sir, I suppose he was.

Q You don't know? A No sir, I just suppose he was; he never was a slave.

Q You remember your father, do you? A Yes sir; he was living with ~~me~~ up until his death.

Q How old were you when he died? A Wasn't quite grown; I am forty one now; you can judge yourself.

Q Did he look like a full blood Choctaw Indian? A Yes sir.

Q Did he speak the Choctaw language? A Yes sir.

Q Did he move out west with the Indians when they first went out there in the early thirties? A Not that I know of.

Q Did you ever hear him tell about the Choctaws moving out to this western country, where they live now? A I never did hear him say anything about it at all.

Q You don't know whether he ever claimed or received any land here in Mississippi, as a beneficiary under the fourteenth article of the treaty of 1830? A No sir; I know he never did, for I would have gotten hold of some of it; I went to school, and if he had had money, I would have got it.

Q You think he never got any land at all? A No sir.

Q Never got any money from the Government? A No sir, got not money from the Government, for he would have spent it.

Q Is there any additional statement in regard to your case you want to make at this time? A No sir.

Q Have you any affidavits, statements or other proper papers you desire to present in support of your claim? A

L.P. Hudson, attorney for applicant, here asks permission to file written evidence in support of this application within thirty days from this date.

Permission is granted to attorneys for applicant to file proper documentary evidence in support of this application within thirty days from this date.

Q In case the Commission should find that you are entitled to identification as a Mississippi Choctaw, entitled to rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaws, would you remove to the Indian Territory, and then establish your permanent residence? A If they give it to me, I am going, and if they don't, I am going.

The decision of the Commission with reference to the application made by you at this time for yourself and on behalf of your thirteen minor children, their identification as Mississippi Choctaws, will be mailed to you at your proper post office address, Hirsterton, Mississippi.

(This said applicant claims to be a half blood Choctaw; he has the appearance of having a small amount of Choctaw blood; his hair being comparatively straight, and his skin somewhat resembles that of an Indian.)

R.S. Streit, being first duly sworn, upon his oath, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the foregoing is a full, true and correct translation of his stenographic notes therein.

Anthony P. Powell, et al., #4.

P. J. Street
Subscribed and sworn to before me at Meridian, Mississippi,
this 9 day of April, A.D. 1901.

[Signature]
Notary Public.

44
C. & W.
40-103

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Anthony P. Powell
for the identification of himself and his thirteen
minor children, Charley H., Eveline, Joe, Eddie, Willie
Eugene, Clarence, Lesley, Henry, Ernest, Courtney,
Marshall, and Maude Powell, as Mississippi Choctaws,

M.C.R. 1625

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

The record in this case shows that on April 4, 1901,
Anthony P. Powell appeared before the Commission at Meridian,
Mississippi, and there made personal application for the identifi-
cation of himself and his thirteen minor children, Charley H.,
Eveline, Joe, Eddie, Willie, Eugene, Clarence, Lesley, Henry,
Ernest, Courtney, Marshall and Maude Powell 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 Alex Wilmer, an alleged full

blood Choctaw who married Fannie Powell, a negro woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant and his thirteen minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, or are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896 (29 Stats. 321.)

The evidence offered in support of this application aside from the oral statement of the principal applicant, embraces the joint ex parte affidavit of Henry Tindall and James Dilling and the ex parte affidavits of Richard Webb, Ed Williamson and D. H. Tindall. By the oral statement of the principal applicant it is attempted to be shown that he was born in the state of Mississippi in about the year 1860 and has resided there all his life and is an one half blood Choctaw. He does not attempt to trace his alleged Choctaw blood any farther back than to his father, who he alleges was a full blood Choctaw and a resident of Mississippi in 1830. He claims that his mother was a slave at the time his father married her and for that reason she did not take the name of her husband, and that he himself was always known by the name of his mother. There is nothing in his testimony which tends 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 in Mississippi, or that they complied or attempted to comply

-3-

with the provisions of article fourteen of the treaty of 1830. By the joint ex parte affidavit of Henry Tinsall and James Billing, it is attempted to be shown that affiants are acquainted with the principal applicant and his wife and know that they were legally married in the year 1879, and at the date of the making of this application they had had born to them and living the thirteen children herein applied for. By the ex parte affidavits of Richard Webb and Ed Williamson it is attempted to be shown that affiants are acquainted with the principal applicant herein, and allege that he is an one half blood Choctaw and recognized in the community in which he resides as such, and that affiants were well acquainted with his father and claim that he was a full blood Choctaw Indian. By the ex parte affidavit of D. H. Tindall it is attempted to be shown that he is acquainted with the principal applicant herein and knows him to be the son of Alex Wilmer, an alleged full blood Choctaw Indian and further states that at the time of the marriage of said Alex Wilmer to the mother of the principal applicant, licenses were not procured by Indians and slaves, but they were married under the customs existing at that time and by permission of the master and mistress of the slave and that the children of such marriages were usually known by the name of the mother. There is nothing in any of these affidavits which tends to show that the alleged Choctaw ancestors of the principal applicant, were ever recognized members of the Choctaw tribe of Indians in Mississippi or that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The Commission in view of the fact that these applicants have had sufficient time allowed them in which to present their

testimony considers this case as closed, and the only evidence offered in support thereof is the oral statement of the principal applicant and the documentary evidence filed by him, and by said evidence it is attempted to be shown that the applicants herein derive their alleged Choctaw blood from Alex Wilmer, father of the principal applicant, who it is claimed was a full blood Choctaw. In order for these applicants to be identified as Mississippi Choctaws, it is incumbent upon them to show that they are descendants of a Choctaw Indian who lived in Mississippi in 1830, and complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek" as the head of a family, or who was the child of a recognized Choctaw head of a family who complied for said child, or who was complied for as an orphan child of a recognized Choctaw Indian. It is impossible to determine from the evidence submitted whether Alex Wilmer, the father of the principal applicant herein, and the remotest known alleged Choctaw ancestor of these applicants, was living in Mississippi in 1830 as a recognized Choctaw Indian, and complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and the only search that can be made among the records of the Commission of those persons who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, is for the name of the principal applicant's alleged father, and it does not appear from said records that any person bearing said name ever signified his intention to Colonel Wm. Wadd, 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. Neither does it appear from the records of the Commission to the Five Civilized

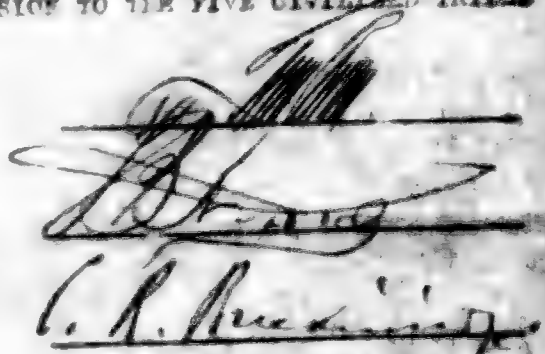
tribes that there are affiliated with this case any other persons claiming descent or any rights as Choctaw Indians through Alex Wilmer, the alleged ancestor of the principal applicant herein.

The authority vested in the Commission by the twenty-first section of the act of Congress of June 20, 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 Anthony P. Powell, Charley E. Powell, Eveline Powell, Joe Powell, Edie Powell, Willie Powell, Eugene Powell, Clarence Powell, Lesley Powell, Henry Powell, Ernest Powell, Courtney Powell, Marshall Powell and Maude Powell 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.

COMMISSION TO THE FIVE CIVILIZED TRIBES


C. R. Anderson
Commissioners

Muskogee, Indian Territory.

APR 15 1902

REFER TO COPY TO THE FOLLOWING:

.....

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.....

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T. Feb. 8, 1907.

Copy of decision and testimony in this case furnished this date to
David Yancey, attorney for applicant.

BEFORE THE DEPARTMENT OF THE INTERIOR.

(Through the Commissioner to the Five Civilized Tribes)

In the Matter of the Application of A. P. Powell and 15 children for Identification as Mississippi Choctaws.

WCR-1625.

PETITION FOR REHEARING.

COPY

Comes now the above named applicant, and for himself and on behalf of his fifteen children, respectfully prays that this case be reopened and the Commissioner to the Five Civilized Tribes be authorized to take the additional testimony which has been discovered since the last hearing herein, and petitioner respectfully shows that if a rehearing is allowed he can prove that he is the son of Alexander Wilmer and Fannie Potubbee; that said Alexander Wilmer was the son of Tukulubbee and Susan Wilmer; that the said Fannie Potubbee was the daughter of Potubbee and Susan Buckner; that the said Potubbee was the son of one Oklahomah or Galatenot; that the said Oklahomah, Tukulubbee, Susan Wilmer, Alexander Wilmer, and Potubbee were all full blood Choctaw Indians; that the said Susan Buckner was a Portuguese woman, and not of Indian blood; that the said Fannie Potubbee was one-half blood Choctaw; that the said Tukulubbee, Oklahomah, and Potubbee were beneficiaries under the Treaty of 1830.

Petitioner further respectfully shows that at the time he testified before the Commission to the Five Civilized Tribes on

(2)

the previous hearing of this case he was misinformed as to who his ancestors were, and that hence said record is in error in some respects; that since said hearing he has made further investigation with the result that he will now be able to prove that he and his fifteen children are entitled to be identified as Mississippi Choctaws.

Petitioner files herewith the affidavits of himself and of Joe Jamison and Martha Jamison, and respectfully prays that his said case be reopened and that he be allowed to introduce the additional evidence which he has discovered since the former hearing hereof, and he will ever pray.

Muskogee, Indian Territory, February 14, 1907.

COPY
A. P. Powell
FOR HIMSELF AND FIFTEEN CHILDREN.

R. M. Yancey
Muskogee, Indian Territory,
Counsel for Applicants.

Indian Territory,
Western District. ss.

A. P. Powell, being first duly sworn, upon his oath deposes and says:

That he has read the foregoing petition for a reissuing; that he is the petitioner and applicant named therein, and that the matters and things in said petition stated and alleged are true as he is reliably informed and verily believes.

A. P. Powell

Subscribed and sworn to before me on this the 13th day of February, 1907.

Recd

J. J. Madulay

Notary Public, Western District, Ind. Ter.

Adams, Indian Territory.

Southern District.

I, A. P. Powell, being first duly sworn, state on oath that since testifying before the Dawes Commission at Meridian, Mississippi, I have ascertained beyond question that I am a direct lineal descendant from one Tukulubbee on my father's side and from one Potubbee on my mother's side, both of whom were Mississippi Choctaw Indians and both complied with or attempted to comply with the Treaty of 1830.

My grandfather, Tukulubbee, when I was a small boy and living with my parents in old Choctaw County, Mississippi, gave me a small pony named "Spatt". I remember this incident well. My father, Alexander Wilmer, had left home a short time prior to this incident and stated that he was going west to see his father, Tukulubbee. On their return to old Choctaw County, Mississippi, my grandfather made me a present of this pony. I have never seen the old man, my grandfather, Tukulubbee, since this incident. He stated that he was going back west to his home to live. I have also ascertained that old man Tukulubbee, my grandfather, was buried at Old Boggy, in the Choctaw Nation, Indian Territory.

Potubbee was my mother's father. My mother was named Fannie Potubbee. Susan Wilmer was Tukulubbee's wife, and my grandmother. I remember to have heard Susan Wilmer say that she went to Commissioner Ward for the purpose of registering and that Ward cursed her and that she and her family, the Wilmers, had a fuss with Commissioner Ward and that Commissioner Ward would never enroll these Indians after this incident.

I advised Mr. Hudson, at Meridian, Miss., who was then my attorney, in 1901, and he advised me not to trace my ancestry no further than my father. For this reason the full statement of facts does not appear in my testimony taken by the Commission at Meridian, Mississippi, on April 4, 1901.

(Signed) A. P. POWELL.

Subscribed and sworn to before me on this 12th day of February, 1907.

(Signed) OLA HOLLOWAY

Notary Public.

(Notarial Seal)

(COPY)

Ardmore, Indian Territory.

Southern District.

I, Joe Jamison, being first duly sworn, state on oath that I am about 89 or 90 years of age; that I knew A. P. Powell and have known him a great many years. I knew him in Mississippi and also knew his family, including his old grand father, Tukulubbee, who was the father of Alexander Wilker. I also knew Potubbee, who was A. P. Powell's grandfather, on his mother's side. I also knew Fannie Potubbee, the mother of A. P. Powell, and Susan Buckner, A. P. Powell's mother's mother. Susan Buckner was said to have been a Portugese woman. His other ancestry on both sides were Mississippi Choctaw Indians, and it is well known over the country generally that they had complied with the Treaty of 1830, on which they got land.

I am no kin to A. P. Powell and have no interest in this matter.

(Signed) JOE JAMISON

His
I
MARK.

Witnesses to Mark:

(Signed) OLA HALLOWAY.

(Signed) ROBERT B. LEE.

Subscribed and sworn to before me on this 18th day of
February, 1907.

(Signed) OLA HALLOWAY

Notary Public.

(Notarial Seal)

Admore, Indian Territory.

Southern District.

I, Martha Jamison, being first duly sworn, state on oath that I am about 65 years old; that I knew A. P. Powell, and knew his mother, Fannie Potubbee; also knew his mother's father, who was called Potubbee. Potubbee was said to have been a son of Oklahoma or Osletenot. I also knew A. P. Powell's father's father, who was known as Tukelubbee. A. P. Powell's father was named Alexander Wilmer. They all lived in old Choctaw County, Mississippi. They were always recognized as Indians and members of the Choctaw Tribe, spoke the Indian language and it was always said they had received land in Mississippi under the Treaty of 1830, which Treaty I believe was called the Treaty of Dancing Rabbit Creek. I am no kin to A. P. Powell and have no interest in this cause whatever.

(Signed) MARTHA ^{her} X JAMISON.
mark.

Witnesses to mark:

(Signed) OLA HOLLOWAY.

(Signed) ROBERT R. LEE.

Subscribed and sworn to before me on this 12th day of
February, 1907.

(Signed) OLA HOLLOWAY

Notary Public.

(Notarial Seal)

-----X
Indian Territory,
Western District.
-----X

ss.

D. W. Yancey, being first duly sworn, upon his oath deposes and says:

That he is attorney for the applicants in the within mentioned proceeding; that he has this day deposited in the post office at Muskogee, Indian Territory, an envelope containing an exact copy of the foregoing motion and affidavits, which envelope was plainly addressed to Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations, at the post office of South McAlester, Indian Territory, and that said letter was duly stamped and registered, as appears by the registry receipt therefor which is filed herewith.

D. W. Yancey

Subscribed and sworn to before me on this the¹⁶ day of February, 1907.

W. L. Swanson

Notary Public, Western District, Ind. Ter.

Real

Muskogee, Indian Territory, January 14, 1902.

A. P. Powell,

Winterton, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the ninth instant, in which you ask to be advised as to the status of your application for identification as a Mississippi Choctaw and as to whether you can hold land in Indian Territory.

In reply to your letter you are advised that no decision has yet been reached or opinion rendered relative to your rights as a Mississippi Choctaw. When a decision is reached you will be notified of the action taken by the Commission.

As to whether you can hold lands in the Indian Territory, your attention is called to the following provision of the act of Congress of May 31, 1900:

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

Yours truly,

Muskogee, Indian Territory, January 30, 1902.

A. P. Powell,

Winston, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty fifth instant, in which you state that you see that by the act of May 31, 1900, you are entitled to hold land in the Choctaw Nation and you desire to be informed if the rolls of the Choctaw and Chickasaw Nations will be closed before this fall, as you want to make settlement in the Indian Territory before they are closed.

In reply to your letter you are advised that no date has been fixed at this time for the closing of the rolls of the Choctaw and Chickasaw Nations.

You are also advised that 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."

The status of yourself and family at this time is that of applicants for identification as Mississippi Choctaws whose claims

A.P.P. 2

have in no manner been passed upon by the Commission. As soon as a decision is reached you will be notified of the action of the Commission. Until yourself and your family have been identified as Choctaw Indians entitled to land in the Choctaw nation under the provisions of the fourteenth article of the treaty of 1830, it is not believed that the benefits of the legislation above referred to would accrue to you or your family.

Yours truly,

Acting Chairman.

MC 1628

COPY.

M C R 1885

Muskogee, Indian Territory, April 21, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the application of Anthony F. Powell et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 15, 1902.

The Commission has the honor to report that the principal applicant in this application, his 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.

Acting Chairman.

1 inclosure.

Muskogee, Indian Territory, April 21, 1902.

Anthony P. Powell,
Wisteron, Mississippi.

Dear Sir:

You are hereby advised that on the 16th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the application of Anthony P. Powell et al., for identification as Mississippi Choctaws, M C R 1625.

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 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 Anthony P. Powell, Charley H. Powell, Eveline Powell, Joe Powell, Eddie Powell, Willie Powell, Eugene Powell, Clarence Powell, Legley Powell, Henry Powell, Ernest Powell, Courtney Powell, Marshall Powell and Maude Powell as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the appli-

A P 7-2

action 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.

COPY

Waukegon, Indian Territory, April 21, 1902.

L. P. Hudson,
 Attorney at Law,
 Waukegon, 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 application of Anthony P. Powell et al., for identification as Mississippi Choctaws, W C R 1225.

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, 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 fourteenth of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Anthony P. Powell, Charley H. Powell, Dublin Powell, Joe Powell, Eddie Powell, Willie Powell, Eugene Powell, Clarence Powell, Lealey Powell, Henry Powell, Ernest Powell, Courtney Powell, Marshall Powell and Maude Powell as Choctaw Indians entitled to rights in the Choctaw

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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.

Waukege, Indian Territory, April 21, 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 April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the application of Anthony P. Powell et al., for identification as Mississippi Choctaws, W C R 1625.

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 Anthony P. Powell, Charley H. Powell, Evaline Powell, Joe Powell, Eddie Powell, Willie Powell, Eugene Powell, Clarence Powell, Lesley Powell, Henry Powell, Ernest Powell, Courtney Powell, Marshall Powell and Maude Powell as Choctaw Indians entitled to rights in the Choctaw

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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.

Copy
Refer in reply to the following
Land.

23, 221-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitt, herewith, a report dated April 21,
1902 from F. T. 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 case of
Anthony P. Powell, et al.

The parties to said case apply for identification as Mis-
sissippi Choctaws claiming rights in the Choctaw lands under
the provisions of the 14th article of the treaty of 1830.

The record in this case shows that the applicants attempt to
trace their descent from Alex Wilmer.

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 that it is sufficient to warrant the identification of
said parties as Mississippi Choctaws. and a careful search of the
records of the office has been made, but no record has been
found showing that Alex Wilmer, the alleged original ancestor,
complied with the provisions of the 14th article of the treaty of
1830 or with the requirements of the Act of March 3, 1857 and

August 23, 1942.

It is therefore respectfully recommended that the decision of the commission be approved.

Very respectfully,

Your obedient servant,

A. D. Tenner,

Acting Commissioner.

(G.A.V.)

P.

(D.C.No. 8587)

M C R 1625

McKee, Indian Territory, May 21, 1902.

A. P. Powell,

Kisterton, Mississippi.

Dear Sir:

Your letter of May 3, 1902, addressed to the Secretary of the Interior, has been by him referred to this Commission for consideration and appropriate action.

Therein you desire that a further opportunity be granted you for the purpose of the submission of additional evidence in support of your application for the identification of yourself and your minor children as Mississippi Choctaws.

You are advised that on April 15, 1902, the Commission after a careful examination of the evidence submitted in support of your application for identification as a Mississippi Choctaw, refused the same for the reason that there was no evidence of any compliance having been made on the part of your ancestors with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.

On April 21, 1902, the record in this case was forwarded to the Secretary of the Interior for his review but the Commission has not up to this time been advised of the action taken by the Secretary of the Interior in this case.

A P P S

There is nothing in the evidence submitted that in any way sets forth that any of your ancestors were at any time recognized or enrolled by the Choctaw Tribe as citizens of that Nation nor does it appear that any attempt has been made to show any compliance on the part of your ancestors with the provisions of the fourteenth article of the treaty of 1830.

The legislation vesting this Commission with authority to determine the applications of persons claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830, 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."

Under this legislation the Commission requires of such applicants that they reasonably demonstrate that they are descendants of Choctaw Indians who resided in Mississippi in 1830 and whose rights as beneficiaries under the fourteenth article of the Choctaw treaty of 1830 were favorably adjudicated.

The record in this case is now before the Secretary of the Interior for his consideration and in the event he affirms the decision of the Commission refusing the application for the identification of yourself and your minor children as Mississippi Choctaws, you will be duly advised thereof.

Yours truly,
Commissioner in Charge.

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DEPARTMENT OF THE INTERIOR
WASHINGTON.

May 21, 1908.

I.T.N. 2962 -1908.

L.R.S.

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

Gentlemen:

The Department has considered the record in the matter of the application of Anthony P. Powell for identification of himself and his minor children, Charley R. Pvaline, Joe, Mads, Willie, Eugene, Clarence, Wesley, Henry, Ernest, Courtney, Marshall and Maude Powell, as Mississippi Choctaws - case K.O.N.1685.

The record discloses that Anthony P. Powell claims descent from Alex Wilmer, his father, who is alleged to have been a full-blood Choctaw and to have married Fannie Powell, a Negro woman, the mother of Anthony P. Powell. You state that none of the applicants has ever been enrolled or admitted to citizenship in the Choctaw nation; that there is nothing in the testimony tending to show that any of Powell's ancestors was ever recognized as a member of the Choctaw tribe of Indians in Mississippi; that it does not appear from your records that any person bearing the name of Alex Wilmer ever signified his intention to comply with article 14 of the treaty of 1830, or presented his claim as beneficiary under said

article to either of the commissions authorized by the acts of Congress of March 3, 1837 (5 Stat., 180) and August 23, 1842 (7 Stat., 313) for the adjudication of such claim.

You refused the application.

In his letter of May 3, 1902, the Acting Commissioner of Indian Affairs states that no record in the Indian Office has been found to show that Alex Wimer complied with the provisions of article 14 of the treaty of 1830, or the requirements of said acts of March 3, 1837, and August 23, 1842. He recommends that your decision be approved.

The department finds no reason to disturb your decision, and it is accordingly affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan

Acting Secretary

MD

1 inclosure.

(D. C. No. 2587)

H. C. R. 1000

COPY.

Muskogee, Indian Territory, May 29, 1902.

Anthony P. Powell,
Misterton, Mississippi.

Dear Sir:

You are hereby advised that on the 21st day of May, 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 Anthony P. Powell, et al., of which decision you were duly advised by registered mail on the 21st day of April, 1902.

Yours truly,

SIGNED:

T. B. Needles

Commissioner in Charge.

M C R 1025.

COPY.

Muskogee, Indian Territory, May 29, 1902.

Messrs Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 21st day of May, 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 Anthony P. Powell, et al., of which decision you were duly advised by mail on the 21st day of April, 1902.

Yours truly,

SIGNED

T. B. Hodges.

Commissioner in Charge.

Miss. Choctaw 21525

Muskogee, Indian Territory, June 13, 1902.

A. P. Powell,

Winterton, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 9, in which you state that some of your affidavits, proving your descent from a Choctaw ancestor in 1830, were lost by your attorney, and did not receive the consideration of the Commission in the determination of your application for identification as a Mississippi Choctaw. You now ask to be allowed to appear before the Commission again and introduce this evidence which you allege was lost.

In reply to your letter you are advised that the Commission in its decision of April 15, 1902, after a review of the evidence in your case, says:

"The Commission in view of the fact that these applicants have had sufficient time allowed them in which to present their testimony considers this case as closed, and the only evidence offered in support thereof is the oral statement of the principal applicant and the documentary evidence filed by him, and by said evidence it is attempted to be shown that the applicants herein derive their alleged Choctaw blood from Alex Wilmer, father of the principal applicant, who it is claimed was a full blood Choctaw. In order for these applicants to be identified as Mississippi Choctaws, it is incumbent upon them to show that they are descendants of a Choctaw Indian who lived in Mississippi in 1830, and complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek" as the head of a family, or the

A.P.P. 2

was the child of a recognized Choctaw head of a family who complied for said child, or who was complied for as an orphan child of a recognized Choctaw Indian. It is impossible to determine from the evidence submitted whether Alex Wilmer, the father of the principal applicant herein, and the remotest known alleged Choctaw ancestor of these applicants, was living in Mississippi in 1830 as a recognized Choctaw Indian, and complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and the only search that can be made among the records of the Commission of those persons who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, is for the name of the principal applicant's alleged father, and it does not appear from said records that any person bearing said name ever signified his intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented his claim as a beneficiary under 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. Neither does it appear from the records of the Commission to the Five Civilized Tribes that there are affiliated with this case any other persons claiming descent or any rights as Choctaw Indians through Alex Wilmer, the alleged ancestor of the principal applicant herein."

The authority of the Commission to determine the identity of so-called Mississippi Choctaws, is found in section twenty-one of the act of Congress of June 28, 1898, which provides:

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

Neither your name nor the name of your father, Alex Wilmer, appearing among the records of the Commission as a beneficiary under the fourteenth article of the treaty of 1830, the Commission was without authority to identify you as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article of said treaty, and the Secretary of the Interior affirmed the decision

A.P.D. 3

of the Commission refusing your application for the identification of yourself and your minor children as Mississippi Choctaws.

Unless you could trace your Choctaw ancestors beyond your father, Alex Wilner, which you could not do at the time of your application, and demonstrate that said Choctaw ancestor lived in Mississippi in 1830 and that his claims under the fourteenth article of the treaty of 1830 were favorably adjudicated, it is not believed that any evidence you could offer would materially affect your claim to identification as a Mississippi Choctaw.

Yours truly,

Commissioner in Charge.

Miss. Chester 2162

Muskogee, Indian Territory, June 23, 1902.

A. P. Powell,

Winterson, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 18, in which you state that you can now trace your ancestors back to 1830 and that you have some new witnesses whose testimony you desire to introduce in your claim, for the identification of yourself and your minor children as Mississippi Choctaws.

In reply to your letter you are advised that it does not appear from your statements that any of your alleged Choctaw ancestors, whom you say you have now discovered, complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830. Neither do you give the names of the witnesses who, you say, can testify to your ancestry back to 1830. On April 16, 1902 the Commission rendered its decision refusing your application for the identification of yourself and your minor children as Mississippi Choctaws,; on April 21, 1902, the record was forwarded to the Secretary of the Interior for review, and on May 21, 1902, the Secretary of the Interior affirmed the decision of the Commission, refusing

A.P.P. 2

your application, and the commission now considers this case closed.

Yours truly,

Commissioner in Charge.

E C R 1625

Muskogee, Indian Territory, May 26, 1903.

A. P. Powell,
Tatums, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you state that the Secretary of the Interior promised to reopen your case, and ask if the Commission will notify you when the same is reopened.

In reply you are informed that it appears from our records that on May 21, 1902, the Secretary of the Interior approved the decision of the Commission refusing your application for identification as a Mississippi Choctaw. Should the Secretary reopen the name, you will be duly notified thereof.

Respectfully,

Commissioner in Charge.

Maskogee, Indian Territory, June 3, 1903.

Anthony Powell,
Tatums, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of a joint letter of yourself and W. F. Devereux, dated May 29, 1903, in which you ask that you be allowed to introduce further evidence in support of your application for identification as a Mississippi Choctaw.

In reply you are informed that on May 21, 1902, the Secretary of the Interior approved the decision of the Commission refusing your application for identification as a Mississippi Choctaw. The Commission now considers this case closed and cannot receive or consider further evidence in support thereof.

Respectfully,

Commissioner in Charge.

(COPY).

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, Nov. 7, 1903.

Land.
70252-1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of the 27th ultimo, (I.T.D. 9271-1903), enclosing letter from Mr. A. P. Powell, Tattums, Indian Territory, relative to his application for identification as a Mississippi Choctaw, which was denied by the Department on May 21, 1902. With his letter Mr. Powell submitted affidavit of himself and joint affidavit of Mink Love and Viney Love in support of his request for a rehearing in this case.

It appears from the papers that the ancestor from whom Mr. Powell claims descent was a Choctaw Indian named Tuk-s-lubbee, and referring to a list of names of Choctaws to whom scrip was issued under the Fourteenth Article of the Treaty of Dancing Rabbit Creek, prepared by this office, the Department invites attention to the fact that this list shows there was a person named Tuk-a-lubbee to whom scrip was issued under the Provisions

of Article 14 of the Choctaw Treaty of 1830. The office is requested to consider these papers in connection with the record in the case, and furnish the Department with the material part of the testimony taken in connection with the original case of Tuk-a-lubbee together with a recommendation as to a rehearing.

Mink Love and Viney Love swear in their affidavit that from their childhood to the time they left Mississippi with the Choctaws they knew a full blood Choctaw Indian named Tuk-e-lubbee, who at the date of the treaty had several children, among whom was a son named Alexander Wilmer. A. P. Powell claims to obtain his Choctaw blood from Tuk-e-lubbee through his father, Alexander Wilmer.

The Tuk-a-lubbee whose name appears in the list of Choctaw Indians to whom script was issued under the Fourteenth Article of the Choctaw Treaty of 1830, was a son of Shik-a-pan-o-wa. The testimony in connection with his case was taken on the 3rd day of April, 1834, by Commissioners Vroom and Barton. The testimony of the head of the family is to the effect that in 1830 he lived on Heth-tok-fo-li-a, (Beaver Pond), and had a wife and seven children living with him, all the children being unmarried. The sixth child was named Tuk-a-lubbee, a male, eleven years of age at the time the testimony was taken, making him three years of age in 1830. Tuk-a-lubbee had a twin brother named Pis-a-tubbee.

From the statements made by the witnesses, which are proposed to be used in Mr. Powell's behalf, it is evident the Tuk-e-lubbee they refer to is not the Tuk-a-lubbee in behalf of whom script was issued, under the Fourteenth Article of the Choctaw Treaty. The Indian they refer to was an adult and the head of a family at that time, and the actual beneficiary under the Fourteenth Article was a child of three years.

An examination of the records of this office has been made with reference to other persons of the same or similar name, and it is discovered that no person of a simialar name was either an applicant for benefits under the Fourteenth Article or a beneficiary thereunder.

I am therefore of opinion that the reopening of the case as prayed by Mr. Powell should not be granted, since it would only be an expenditure of money by him without profit.

Copy of the deposition in the case referred to is inclosed.

Very respectfully,

W. A. Jones.

Commissioner.

E.B.H.-L.C.

(COPY)

J.W.H.
P.H.H.

DEPARTMENT OF THE INTERIOR.

WASHINGTON. November 16, 1903.

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1871-1903.
271-
L.R.S.

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

Gentlemen:

The Department is in receipt of a letter dated October 21, 1903, from A. T. Powell, with which he transmitted a petition requesting a rehearing in the matter of his application for identification as a Mississippi Choctaw.

It seems that Mr. Powell claims descent through his father, Alexander Wilmer, from a full blood Choctaw named Tuk-e-lubbee. It is claimed that said ancestor Tuk-e-lubbee is identical in person with a Choctaw of that name who was a beneficiary under article 14 of the treaty of 1830. In support of said petition for rehearing, Mr. Powell furnishes the joint affidavit of Mink Love and Viney Love, who claim that they were acquainted with Tuk-e-lubbee, the ancestor of Mr. Powell, and that said ancestor was the head of a Choctaw family and the father of several children in 1830.

-2-

The letter, petition and affidavit mentioned above were referred to the Commissioner of Indian Affairs for consideration and report. Reporting thereon November 7, 1903, he furnished certain information showing that there was a child named Tuck-e-lubbee who was three years of age in 1830, and who was a beneficiary under the provisions of article 14 of the treaty of that year between the Choctaw Nation and the United States.

Inasmuch as the grandfather of Mr. Powell was the head of a family, the Commissioner considers that he could not have been identical with the child referred to above who was a beneficiary under the treaty. He therefore recommends that the petition for rehearing be denied.

In this recommendation the Department concurs, and the rehearing requested is hereby denied. A copy of the Commissioner's letter is inclosed herewith.

It is desired that you advise Mr. Powell of the Department's action in this matter, informing him at the same time of the Department's reason for refusing to grant his petition.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

K C R 1635

Marquette, Indian Territory, November 26, 1903.

A. P. Powell,

Tatum, Indian Territory.

Dear Sir:

You are hereby notified that the motion heretofore made before the Secretary of the Interior to re-open the application made by you for the identification of yourself and minor children as Mississippi Choctaws, was denied by the Department on November 16, 1903, a copy of the letter of the Secretary of the Interior being enclosed herewith.

Respectfully,

Chairman.

Wichita, Indian Territory, December 2, 1904.

The Honorable

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental communication of October 22, 1904, (I. T. D. 3523-1904) transmitting, for report and recommendation, letter of Messrs. Copp & Luskett of October 19, 1904, with which was inclosed reply brief in the Choctaw enrollment case of A. P. Powell, et al. Therein Messrs. Copp & Luskett refer to certain citizenship rolls of the Choctaw Nation on which it is alleged the name of the father of said A. P. Powell appears, and the Department directs that if these rolls are not in the possession of the Commission, thorough search be made therefor as early as practicable.

Reporting in this matter I have the honor to advise that in neither the letter of Copp & Luskett nor in the letter of Powell, to which reference is made in said brief and in which a copy appears, is any definite statement made as to what rolls of the Choctaw Nation are referred to by applicant.

I have further to report that there are in the possession of the Commission the 1858 census roll of the Choctaw Nation, the 1893 leased district payment roll and the 1896 census roll of said

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nation, and that thorough search has been made, on various occasions, and the officials and ex-officials of the Choctaw Nation have all been visited in the attempt to discover the existence of any other rolls which may have been made by the Choctaw tribal authorities, but all such efforts have been fruitless, and I know of no other rolls of the Choctaw Nation in the possession of the tribal authorities or the attorneys for the Choctaw and Chickasaw Nations.

The communication of Messrs. Copp & Locket, together with the inclosure, is herewith returned.

Respectfully,

Chairman.

AE 14-2

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, January 7, 1903.

Muldrow & Godwin,

Tishomingo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you state that A. P. Powell, a rejected Mississippi Choctaw applicant, informs you that he has appealed to the Secretary of the Interior for enrollment as a citizen by blood of the Choctaw Nation, and desires to have certain reserved for him pending final disposition of his case.

In reply you are informed that on May 21, 1902, the Secretary of the Interior approved the decision of the Commission refusing the Mississippi Choctaw application of Anthony P. Powell, et al., of which departmental action the principal applicant was duly notified on May 29, 1902.

The Commission now has no authority to receive or consider an application from Mr. Powell for enrollment as a citizen by blood of the Choctaw Nation or to reserve any of the lands in the Choctaw and Chickasaw Nations from allotment for him.

Respectfully,

Chairman.

D. C. #5658.

C O P Y.

W.C.P.

DEPARTMENT OF THE INTERIOR, YHS.

Washington.

I.T.D. 7716-8296-9487-1904.
10483-12530- "

January 30, 1908.

L. R. S.

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

Gentlemen:

The Department has considered a motion submitted by the attorneys for the applicants in the Mississippi Choctaw case of Anthony P. Powell, et al, to have the application made by the applicants for identification as Mississippi Choctaws considered as an application for enrollment as Choctaws by blood.

You rejected the applicants April 18, 1902, and on May 21, 1902, your decision was affirmed by the Department.

November 16, 1903, the Department denied a motion for a rehearing of the case.

It appears that the principal applicant claims descent through his father, Alexander Wilmer, from a full blood Choctaw named Tukelubbee, who, it is claimed, was the head of a Choctaw family and the father of several children in 1830, and a beneficiary under article 14 of the Choctaw treaty of 1830.

It appears from the report of the Commissioner of

(2)

Indian Affairs of November 7, 1903, that one Tukulubbee, who was a beneficiary under article 14 of the Choctaw treaty of 1830, was a child three years of age at the date of the treaty.

The principal applicant sets out in his affidavit that at the time of his original application for identification as a Mississippi Choctaw his attorney failed to inform him correctly as to the proper basis for such an application.

There are submitted in support of the motion affidavits of W. M. Smith, B. Pettis, and W. C. Franklin, to the effect that Tukulubbee, the grandfather of Anthony P. Powell, was a part Choctaw Indian, living in Mississippi at the time of the adoption of the treaty of 1830; that in the year 1848 or 1849, said Tukulubbee went to the Indian Territory, where he settled and remained up to the time of his death about 20 years later.

The attorneys for the Nation submitted certain affidavits in support of their contention that the motion should not be granted, among them being the affidavits of Robert Pettis, and J. L. Smith, said to be known as "Bill Smith."

On October 22, 1904, the Department referred to you a communication from Gepp & Lockett, of this city, dated October 19, 1904, transmitting a reply brief in this case, and referring to certain citizenship rolls of the Choctaw Nation on which it is alleged that the name of the father of Anthony P. Powell

(5)

appears, which rolls, it appears, the applicants were unable to find. You were directed to make a thorough search of the rolls referred to. On December 2, 1904, you reported in the matter, stating that neither the letter of Messrs. Copp & Luckett, or that of Mr. Powell, which was incorporated in the brief referred to you, contain a definite statement as to what rolls of the Choctaw Nation are referred to by the applicants; that the Commission have in their possession the 1885 census roll of the Choctaw Nation, the 1893 Leased District Payment Roll, and the 1896 census roll of the Nation, and that a thorough search has been made at diverse times; that officials and ex-officials of the Choctaw Nation have been visited with a view to discovering the existence of any other rolls which may have been made by the tribal authorities; that such efforts have not met with success, and that the Commission knows of no other rolls of the Choctaw Nation in the possession of the tribal authorities or the attorneys for the Choctaw and Chickasaw Nations.

The Department considers it unnecessary to pass upon the question discussed by the attorneys for both sides as to the credit to be given the statements contained in certain of the affidavits submitted. Section 21 of the act of June 28, 1898 (30 Stat., 498), provides:

"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The Act of Congress approved May 31, 1900 (31 Stat., 221), provides that the Commission-

"shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

The Act of Congress approved July 1, 1902 (32 Stat., 641), incorporated the provisions of the acts above quoted, section 27 thereof providing that-

"The rolls of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen shall be made by the Commission to the Five Civilized Tribes, in strict compliance with the act of Congress approved June 28, 1898 (30 Stats., 495), and the act of Congress approved May 31, 1900 (31 Stats., 221), except as herein otherwise provided."

Inasmuch as it is not shown by the affidavits submitted that the applicants have been recognized citizens of the Choctaw Nation, or that they have been duly and lawfully enrolled or admitted as such, or that they are the descendants of persons whose names appear on the rolls of the Choctaw Nation, the Department does not feel warranted, in view of the provisions of the acts above quoted, in granting the motion of

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the applicants; the same is therefore hereby denied, and you will so notify the parties concerned.

Respectfully,

THOS RYAN

Acting Secretary.

K C N 1625

Muskogee, Indian Territory, February 9, 1908.

Malrew & Godwin,
Attorneys at Law,
Tishomingo, Indian Territory.

Gentlemen:

You are hereby notified that the motion heretofore made before the Secretary of the Interior in the Mississippi Choctaw case of Anthony P. Powell, et al., to have the application made by the applicants for identification as Mississippi Choctaws considered as an application for enrollment as Choctaws by blood was denied by the Department on January 30, 1908.

A copy of the Secretary's letter of January 30th is enclosed herewith for your information.

Respectfully,

Chairman.

M C R 1625

Muskogee, Indian Territory, February 9, 1905.

Copp & Lockett,
Attorneys at Law,
Washington, D. C.

Gentlemen:

You are hereby notified that the motion heretofore made before the Secretary of the Interior in the Mississippi Choctaw case of Anthony P. Powell, et al., to have the application made by the applicants for identification as Mississippi Choctaws considered as an application for enrollment as Choctaws by blood was denied by the Department on January 30, 1905.

A copy of the Secretary's letter of January 30th is enclosed herewith for your information.

Respectfully,

Chairman.

McM 201

M C R 1428

Muskogee, Indian Territory, February 9, 1905.

Anthony P. Powell,

Tatum, Indian Territory.

Dear Sir:

You are hereby notified that the motion heretofore made before the Secretary of the Interior in the matter of your application for the identification of yourself and children as Mississippi Choctaws, to have said application considered as an application for enrollment as Choctaws by blood was denied by the Department on January 30, 1905.

For your information a copy of the Secretary's letter of January 30th is herewith enclosed.

Respectfully,

Chairman.

McM 202

N C R 1628

Muskogee, Indian Territory, February 9, 1906.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby notified that the motion heretofore made before the Secretary of the Interior in the Mississippi Choctaw case of Anthony P. Powell, et al., to have the application made by the applicants for identification as Mississippi Choctaws considered as an application for enrollment as Choctaws by blood was denied by the Department on January 30, 1906.

Respectfully,

Chairman.

Muskogee, Indian Territory, February 20, 1905.

Anthony P. Powell,

Elk, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your sworn petition of February 16, 1905, praying that you be allowed to file contest against certain parties who have filed on land upon which you have improvements.

In reply you are informed it appears from our records that the Commission's decision refusing your application for identification as a Mississippi Choctaw has heretofore been approved and your case is considered closed.

On February 9, 1905, this office advised you at Tatum, Indian Territory, your last known post office address, that the motion heretofore made before the Secretary of the Interior in the matter of your application for the identification of yourself and children as Mississippi Choctaws, to have said application considered as an application for enrollment as Choctaws by blood was denied by the Department on January 30, 1905.

It is not believed that you and your children are in any manner entitled to possessory rights of the tribal property of the

A P P 2

Chectaw and Chickasaw Nations and the petition submitted by you
to file contest is herewith returned.

Respectfully,

Chairman.

MoM 93

Muskogee, Indian Territory, March 15, 1905.

R. D. Freeman,
Milo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, asking to be advised whether or not any action has been taken on A. P. Powell's application for enrollment as a citizen by blood of the Choctaw Nation. You state Mr. Powell's post office address is Homer, Indian Territory.

In reply you are informed that the motion heretofore made before the Secretary of the Interior in the Mississippi Choctaw case of Anthony P. Powell, et al. to have the application made by the applicants for identification as Mississippi Choctaws considered as an application for enrollment as Choctaws by blood was denied by the Department on January 30, 1905, of which departmental action Mr. Powell was notified on February 9, 1905, at Tatum, Indian Territory, his last known post office address.

Respectfully,

Chairman.

M O R 1625

Muskogee, Indian Territory, March 24, 1903.

R. D. Freeman,

Milo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, asking any the Commission has taken any action on the Mississippi Choctaw case of Anthony P. Powell, et al.

In reply you are informed that the Secretary of the Interior on May 21, 1902, approved the Commission's decision of April 15, 1902, refusing the application of Anthony P. Powell for the identification of himself and minor children as Mississippi Choctaws, of which departmental action the applicants were duly notified on May 29, 1902.

Respectfully,

Chairman.

McM 1628

Muskogee, Indian Territory, September 18, 1906.

A. F. Powell,
Ardmore, Indian Territory.

Dear Sir:

In compliance with your request of the 14th instant, there is herewith enclosed one copy of your testimony given before the Commission to the Five Civilized Tribes at Meridian, Mississippi, April 3, 1901, in the matter of the application made by you for the identification of yourself and thirteen minor children as Mississippi Choctaws.

Respectfully,

McM 16/1

Acting Commissioner.

Muskogee, Indian Territory, May 26, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the application of Anthony P. Powell for the identification of himself and thirteen children as Mississippi Choctaws, the record therein, together with the decision of the Commission to the Five Civilized Tribes rendered April 15, 1902, adverse to the applicants, was, on April 21, 1902, forwarded to the Department.

May 21, 1902 (I T D 2962-1902), the Secretary of the Interior affirmed the decision of said Commission of April 15, 1902, refusing to identify as Mississippi Choctaws the several applicants in the case.

November 16, 1903 (I T D 8056, 9271-1903), a motion for a rehearing of the case was denied by the Department.

January 30, 1906 (I T D 7716, 8295, 9487, 10483, 12530-1904), the Department denied a motion submitted by the attorneys for the applicants in the Mississippi Choctaw case of Anthony P. Powell, et al., to have the application made by the applicants for identification as Mississippi Choctaws considered as an appli-

(2)

ation for enrollment as Choctaws by blood.

Under date of May 23, 1906, Robt. B. Lee, attorney at law, Ardmore, Indian Territory, transmitted to this office a petition, signed A. P. Powell, praying for a reopening of this case. Said petition is herewith enclosed for the consideration of the Department.

Respectfully,

Acting Commissioner.

Through the Commissioner
of Indian Affairs.

MMK 26/3

N C R 1685
N C R 2360
N C R 2519

Muskogee, Indian Territory, May 28, 1904.

Robt. E. Lee,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, enclosing petitions for rehearing in the Mississippi Choctaw cases of A. P. Powell, et al., John McCarty, et al., and Maxiel Barnes, et al. Said petitions have this date been transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Acting Commissioner.

M.C.R. 1688.

Muskogee, Indian Territory, September 26, 1906.

Robt. E. Lee,

Attorney at Law,

Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, requesting that the applicants in the Mississippi Choctaw case of A. P. Powell, et al., be permitted to designate their prospective allotments.

You are advised that the Chief Clerk of the Chickasaw Land Office has this day been directed to permit these persons to designate the lands upon which they are the actual owners of improvements, and which they anticipate selecting as their allotments in the event they are finally identified as Mississippi Choctaws.

Respectfully,

Commissioner.

Madison, Ind. Ter., February 3, 1907.

Commissioner of Indian Affairs,

Washington, D. C.

As attorney for Alexander Philip Powell and fifteen children, applicants identification Mississippi Choctaws, in view early expiration Department's jurisdiction, earnestly urge immediate consideration application to reopen filed a year ago. These people are undoubtedly entitled to enrollment and want opportunity to offer evidence, and are now here ready to go before Commissioner Bixby. Applicants family is numerous and hence property rights involved are of great value. Respectfully request that action be granted and Commissioner Bixby be notified by wire at once so that evidence may be taken and transmitted for decision within time limit. Copy hereof is being filed with Commissioner Bixby.

Kindly wire answer.

David W. Yancy.

COPY

(Copy of Pilgrimage.)

(COPY)

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

Land,
30374-1908.
8417-1908.
48920-1906.
81461- "

January 8, 1907.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor again to call your attention to the application of Anthony P. Powell, et al. for identification as Mississippi Choctaws wherein the Department on May 21, 1902 (I. T. D. 2962) rejected the applicants. On January 30, 1906, the Department denied a motion made by the applicants herein to have their application considered as an application for enrollment as Choctaws by blood.

On May 26, 1906, the Commissioner to the Five Civilized Tribes forwarded for departmental consideration a petition for the reopening of this case, and on September 19, 1906, William W. Wright, an attorney of this city, entered his appearance as attorney for the applicant, and filed certain affidavits in connection therewith.

In the motion for reopening reference is made to the fact that the application was originally rejected because the parties thereto claimed descent from one Tub-e-lubbee, who was also

-3-

leged to have been a recipient of benefits under the 14th article of the Choctaw treaty of 1830, and that the department failed to find that their identification was justified under the proof submitted. It is alleged that the stenographer representing the Commission to the Five Civilized Tribes at the taking of the testimony of the applicants in April 1901 at Meridian, Mississippi, made many mistakes in transcribing the testimony, which mistakes are pointed out by affidavits accompanying the petition. The error in transcribing the testimony is alleged to be that the transcript shows that Anthony P. Powell testified that his mother had no Indian blood, whereas the fact is that he gave no such testimony. It is now contended that Powell and those claiming through him are not only descended on the paternal side from Tub-elubbee, a full-blood Choctaw, but are also descended on the maternal side from Ok-la-ho-mah, or Os-let-e-net, through the son Po-tubbee, both of these ancestors having received benefits under the 14th article of the Choctaw treaty of 1830.

In his affidavit in support of the motion, A. P. Powell alleges that

. . . since said rejection by the Secretary of the Interior, the petitioner has, also, ascertained from old Indians that through his mother's family your petitioner is a descendant of one Os-let-e-net, or more correctly spelled Ok-la-ho-mah, who received benefits under the treaty of 1830, A. P. Powell being the son of Fannie Potubbee, daughter of Susan Buckner (Susan Powell), his maternal grandfather, in the Indian language being called Potubbee, he being the son of Ok-la-ho-mah, or Os-let-e-net, the latter of whom received benefits under the treaty of 1830.

Affidavits of Isaac Johnson, J. P. Young, Stanford Austin, Joe Jamison, Tom Davis, Isham Johnston, Joe Kelley, L. P. Hudson, Jack Williams and Hickman Williams, were submitted in support of the motion. They relate to the claimed errors on the part of the stenographer and to Anthony P. Powell's Indian ancestry. In an affidavit of Isaac Johnson, the following appears:

Deponent further states that he was much acquainted with the old families of Mississippi Choctaws and that among others he knew a full-blood named Potubbee, who was a man when deponent was a boy; that Potubbee lived and held land from the Government in Kemper county, Mississippi; that he himself had seen Potubbee's patent, a sheep-skin writing, and Potubbee was a full-blood Indian over ten years of age in 1830 and the son of Os-let-e-not. Deponent further says that Potubbee had two children named Fannie and Velexie.....and that Fannie was the mother of A. P. Powell.

Stanford Austin deposed that

He knew a woman called Fannie Powell who appeared to be a half or three-quarter blood Indian; that during conversation with her she frequently referred to her father as a full-blood Choctaw named Potubbee.

Joe Williams in his affidavit averred that

I knew Fannie and Bolexie Potubbee. Fannie Potubbee was the mother of A. P. Powell. The grandmother of A. P. Powell on his mother's side was Potubbee in the Indian language. His father's name was Os-let-e-not.... Potubbee, the grandfather of A. P. Powell, was a full-blood Choctaw Indian, as I have always been informed by the old Indians.....

In an affidavit of Tom Davis, the following appears:

The old people who are the ancestors of Fannie Potubbee were named Os-let-e-not. It has been a long time ago and I was rather small at the time, not more than 14 years of age (his present age 87) and I am not certain which one of the Potubbees to which these people trace their origin but the best I can recollect from hearing

the old people talk it was Os-let-e-net. My best recollection is that Potubbee, who was a grandfather of A. P. Powell, was the son of Os-let-e-net..... The old people, the Potubbees and their ancestors, Os-let-e-net, lived in Leflore County, Mississippi.

On October 21, 1903, A. P. Powell, addressed a letter to the Secretary of the Interior (I.T.D.9271-1903), wherein he said:

In the event that the records in the United States Land Office show that my grandfather, Tuk-s-lubbee, complied with the terms of the treaty of 1830, will you reopen my case? My ancestors are all dead. My mother and father both are dead and gone. All I know that I am one-half Choctaw Indian. I am told by the Choctaws that my grandfather had two wives. My father taken the name of Wilmer from his mother. If ~~am~~ I am given a new hearing, I will make proof of the same before the Commission to the Five Civilized Tribes.

With the letter above mentioned he submitted two affidavits, one executed by Mink Love and one by himself. In his own affidavit, Mr. Powell alleged,

I have lately discovered two very old persons, to-wit, Mink Love and Viney Love of Burneyville, Indian Territory, who knew my ancestors and know that I am the son of Aleck Wilmer, who was the son of Tuk-s-lubbee, a full-blood Choctaw Indian, who lived in Mississippi in 1830 and complied with the provisions of the 14th article of the treaty of 1830 and remained in that State and died there.

In the original record in the case it is shown that the testimony of Anthony P. Powell was taken at Meridian, Mississippi, on April 4, 1901. The following testimony, which is germane to the consideration of this application, is contained in the record as having been given by Anthony P. Powell:

- Q. Is your mother living ? A. She died in 1890.
Q. What was her name ? A. Fannie Powell.
Q. How does it come that your father's name was Wilmer ?
A. You see my mother was a slave and he had to take her name because she was a slave.
Q. Your mother was a colored woman ? A. Yes sir.
Q. Claim any Indian blood ? A No sir, just my father.
Q. Your mother was a slave you say ? A Yes sir.
Q. What proportion of Choctaw blood do you claim to have?
A. One-half.
Q. You got your Indian blood through your father ? A Yes sir.

- Q. Your parents, did they always live here and in Mississippi ?
A. Well now, I have heard my mother say that her parents never did live here. She come from old Virginia.
Q. Her father lived in Mississippi ?
A. I have never known him to live anywhere else.
Q. Do you claim under any particular treaty between the United States and the Choctaw Indians ?
A. The treaty of 1830.
Q. When was that treaty made, do you know ? Who made it ? Where was it made ?
A. The treaty was made between the United States and Mississippi Choctaw Indians. The reason I say that I asked how I could prove up my father's, get his portion that was in there and they said that was the only way.

There was filed with the Commission to the Five Civilized Tribes on June 24, 1901, and considered with the original record in the case an affidavit of D. H. Tindall, 41 years of age, a resident of Granada County, Mississippi, wherein the following appears:

A number of years ago I was well and personally acquainted with Alix Wilmer, a full-blood Choctaw Indian, in the State of Mississippi, that I am acquainted with A. P. Powell, his son. I knew that Alix Wilmer lived with the mother of A. P. Powell as her husband up to the time of his death; that at that time licenses were not procured by Indians and slaves but they were married under the customs existing and by permission of the master or mistress of the slave, and that the children were usually known by the name of the mother and in this way the said A. P. Powell named herein has always been known

The rather extensive quotations from the affidavits and testimony in this case have been deemed essential because of the allegations that serious errors were made by the stenographer who took the testimony of Powell in 1901. It will be seen, however, that the declaration of Powell concerning the blood and status of his mother was supported by the affidavit of Mr. Tindall. It is also significant that in the letter and affidavit of Powell, filed in the Department October 26, 1903, no reference is made to a claim of Choctaw ancestry through his mother, the contention still being, after a year had elapsed from the date of his original rejection, that his Choctaw blood was derived through his male ancestor.

There are too many answers by Powell, as shown by the transcript of his testimony given in 1901, concerning her blood and social status, to justify a conclusion that all were the result of errors made by the stenographer. A person having the slightest knowledge of the work of stenographers and the class of errors that are most common among them, would know that the contents of the transcript concerning the mother of A. P. Powell were either substantially correct or entirely fabricated and not the result of stenographic mistakes, but it is not necessary to rely wholly on the stenographic report since Mr. Powell filed, as supporting his own contention, the affidavit of Mr. Tindall, and the declarations of Tindall are entirely in harmony with the declarations of Powell as shown by

the transcript of the stenographer.

It is sought to be shown under a motion for reopening that Powell's mother possessed Choctaw blood and was a descendant of Ok-lah-o-mah through Potubbee, the son, it being contended that scrip certificate No. 272-B was issued in behalf of Ok-lah-o-mah, in pursuance of the provisions of the 14th article of the Choctaw treaty and the subsequent legislation thereunder.

The records of this Office show that Ok-lah-o-mah was a woman and that in 1833 she resided in Section 7, T. 10 N., R. 13 E., Neshoba County, Mississippi. At the date of the treaty she was living with her two children, Potubbee, then over ten years of age, and Pock-~~am~~-e-ohubbee, under ten years of age. The latter died while still a child, leaving no issue. Ok-lah-o-mah had a married daughter named Elah-po-nah-hoka, who was not a member of her immediate family at the time of the treaty. Scrip certificate No. 272-A was issued on behalf of Ok-lah-o-mah, 272-B for Potubbee and 272-C for Pock-~~am~~-e-ohubbee.

A master roll of Indians who arrived in the Choctaw country west of the State of Arkansas on the 18th day of May, 1831, contains the name of Potubbee as the head of a family, consisting of one man and two women. One-half the scrip that these Indians were entitled to was issued and delivered or transferred by the Indians to third parties in the presence of representatives of the Government. Scrip certificates 272-A, B, and C, were transferred by Potubbee in the presence of

John Drennan, Superintendent of Indian Affairs, at the Choctaw Agency west of Arkansas on May 26, 1851. The schedule also shows that Potubbee arrived in the Choctaw Nation west on May 16, 1851, thus identifying the Potubbee appearing on the schedule as the Potubbee who claimed and received scrip certificates No. 272.

It is worthy of note that the petitioners do not attempt to show where Potubbee lived after 1830, or where he died, but confine their tender of proof to Fannie Potubbee whom they allege to have been his daughter. The records of the Office show that Potubbee removed with his family to the Choctaw Nation west in 1851 and the presumption is justified that the entire family remained there, since very few of the Choctaws who emigrated at that late day returned to the old home east of the Mississippi.

The name of Potubbee was a given and not a surname, and there were others of that name besides the one sought to be identified as the ancestor in this case who were beneficiaries under the 14th article of the treaty as well as others who were transported west in 1832 and 1833. The Potubbee who is alleged to have been the ancestor of these applicants did not secure land by the use of the scrip issued by the family, because the records of the Office show that he transferred all the scrip issued to third parties, and the records of the General Land Office show that the scrip issued in behalf of Potubbee was used by William O. Wilson, assignee, for taking land at Clarksville, Arkansas, July 19, 1851, and that the scrip issued

in behalf of Peck-~~en~~-e-chubbee was used for taking land by James L. Hiss, assignee, at Jackson, Mississippi, May 13, 1854. The records of the General Land Office do not show that the scrip issued in behalf of Ok-lah-e-mah was ever used for taking land.

It is the opinion of the Office that the representations made by and in behalf of Anthony P. Powell and those claiming with him in connection with the motion for a rehearing are not of such a character as to justify the Department in ordering a rehearing in this case. His latter declarations are so diametrically opposite to his declarations in 1901 as to force the conclusion that having failed on one line of ancestry the applicants are now attempting to connect with another line for which there is no basis in fact. Powell's testimony throughout is to the effect that he is a half-blood Indian, but if his latter claims be true, his contention being that his father was a full-blood and his mother more than a half-blood, his percentage of Indian blood would be very much more than half. The attempt to impeach the work of the stenographer who took the testimony in 1901, and the fact that all the proof in the original case and the proofs submitted in 1903 related solely to the descent from Tuk-e-lubbee, wherein no mention was made of any other Indian ancestry, taken with the fact that the applicants now submit affidavits attempting to prove an absolutely independent and different line of Indian ancestry, arouse such a suspicion against the good faith of the latter showing as in my judgment

justifies a denial of the application without further investigation, and I so recommend.

All the papers in the case are enclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KCH-Y.

J. V. S.

J. C. K.

(COPY)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D. 448-1907.
D. C. 7793.

February 8, 1907.

L. R. S.

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

Sir:-

May 26, 1906, you transmitted a petition for rehearing in the matter of the application of Anthony P. Powell, et al. for identification as Mississippi Choctaws. On May 21, 1902, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated April 16, 1902, adverse to all the claimants. November 16, 1903 (I. T. D. 9271-1903), a motion for rehearing of the case was denied by the Department and on January 30, 1906 (I. T. D. 7716, 12530-1904), a further motion to have the application considered as one for enrollment by blood was also denied.

Reporting January 8, 1907, the Indian Office (Land 81661-1906), recommended that the present motion be denied. Copy of its letter is inclosed.

The principal applicant originally claimed descent from Tub-e-lubbee, a full blood, through applicant's father, Alexander Wilmer. Applicant swore on his examination before the Commission in Mississippi in April, 1901, that his mother

-2-

was a colored woman, a slave, and that he took his name, Powell, from her rather than the name of his father, Wilmer, as it was customary for children who were born in slavery to take the name of the mother. He now claims that the stenographer who reported his testimony before the Commission in 1901 made numerous errors and that he did not say that his mother had no Indian blood, but claimed that she was part Cheetaw, and he now further claims that she was the daughter of one Po-tubbee, who was the son of Os-lot-e-not or Ok-lot-e-mah.

The testimony with reference to the blood of the applicant's mother, as originally reported, bears no evidence of being an error as it rests not on a single question and answer but on a series of questions and answers which entirely harmonize, and was further corroborated by the affidavit of D. H. Tindall, filed on June 24, 1901, in support of the original record.

Isaac Johnson, in his affidavit filed in support of the present motion, states "that he himself had seen Po-tubbee's patent, a sheepskin writing," whereas the records of the Land Office show that the Po-tubbee, who was the son of Ok-lot-e-mah, received scrip which was transferred and used by William C. Wilson, assignee, for taking land at Clarksville, Arkansas, July 19, 1851, and the records of the Indian Office further show that the identical Po-tubbee referred to arrived in the Cheetaw Nation west with his family, consisting of one man and two women, on May 16, 1851. It is but fair to presume, in the

absence of evidence to the contrary, that they did not subsequently return to Mississippi, where the applicant's mother lived and died, as is conclusively shown by the testimony. If a return be admitted, it would still be unlikely that Po-tubbee's daughter would have been subjected to slavery thereafter.

The evidence is also conflicting as to the names and places of residence of the alleged ancestors. In the motion it is claimed that Os-let-o-not and Ok-leh-o-mah are the same person. The Indian Office records show that Ok-leh-o-mah was a woman, and affiant, Joe Jamison, states that Os-let-o-not was the father of Po-tubbee. Affiant, Isaac Johnson, states that he lived in Jasper County, Mississippi, and knew a full-blood named Po-tubbee, who lived and held land from the Government in Kemper County, Mississippi. Affiant, Joe Jamison, further states that he lived in Newton County, Mississippi, where he knew the ancestor of A. P. Powell and that Po-tubbee's family lived in the portion of Mississippi when affiant first knew them where Kemper County now is. The Indian Office records show that the ancestor, Ok-leh-o-mah, lived in Washoba County, Mississippi. It further appears that the principal applicant's maternal grandmother was Susan Buckner or Susan Powell, but there is no evidence of any kind to show that she was ever the wife of Po-tubbee or even so much as acquainted with him.

In view of the conflicting evidence in the case and the change in the line of ancestry through whom the applicants now claim, the Department does not consider that a sufficient show-

ing has been made to warrant a rehearing and the motion is accordingly denied.

The record in the case has been sent to the Indian Office for its files.

Respectfully,

Thos Ryan,

First Assistant Secretary.

1 ind. & 20 to Ind. Of.

through the Commissioner
of Indian Affairs.

MCR-1625.

Muskogee, Indian Territory, February 11, 1907.

D. W. Yansey,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 3rd instant enclosing copy of telegram transmitted by you to the Commissioner of Indian Affairs, Washington, D. C., February 3, 1907, requesting early action by the Department upon a pending motion for review in the Mississippi Choctaw case of Anthony P. Powell, MCR-1625.

The copy submitted by you has been filed with the record in this case.

Respectfully,

Commissioner.

MUR-1625.

Muskogee, Indian Territory, February 14, 1907.

Anthony P. Powell,
C/o Robt. E. Lee,
Ardmore, Indian Territory.

Dear Sir:-

You are hereby notified that on February 6, 1907, the Secretary of the Interior denied a motion, filed May 23, 1906, by Robt. E. Lee, attorney at law, Ardmore, Indian Territory, for a rehearing in the Mississippi Choctaw case of Anthony P. Powell et al.

Respectfully,

Commissioner.

MUR-1625.

Muskogee, Indian Territory, February 14, 1907.

D. W. Yancey,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of February 6, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of January 8, 1907, denying the motion filed May 23, 1906, by Robt. E. Lee, attorney at law, Ardmore, Indian Territory, for a rehearing in the Mississippi Choctaw case of Anthony P. Powell et al.

Respectfully,

VLM.
Encl. 14/2

Commissioner.

MUR-1625

Muskogee, Indian Territory, February 14, 1907.

Robt. E. Lee,
 Attorney at Law,
 Ardmore, Indian Territory.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of February 6, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of January 8, 1907, denying the motion filed by you May 23, 1906, for a rehearing in the Mississippi Choctaw case of Anthony P. Powell et al.

Respectfully,

WLM.
 Encl. 14/1

Commissioner.

MIR-1625.

Muskogee, Indian Territory, February 14, 1907.

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

Gentlemen:-

There is enclosed herewith copy of Departmental letter of February 6, 1907 (I T D 448-1907), accompanied by the report of the Acting Commissioner of Indian Affairs of January 8, 1907 (Land 30374-1902, 8817-1903, 45920-1906, 81661-1906), denying a motion filed May 23, 1906, by Robt. B. Lee, attorney at law, Ardmore, Indian Territory, for a rehearing in the Mississippi Choctaw case of Anthony P. Powell et al.

Respectfully,

WLM.
Encl. 14/3

Commissioner.

M C R 1625.

COPY

Muskogee, Indian Territory, February 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to transmit herewith, for the consideration of the Department, a petition for rehearing filed in this office February 16, 1907, by D. W. Yancey, attorney at law, Muskogee, Indian Territory, in the Mississippi Choctaw case of Anthony P. Powell et al, MCR-1625.

The application made to the Commission to the Five Civilized Tribes April 4, 1901, by Anthony P. Powell for the identification of himself and thirteen minor children was denied by a decision of said Commission rendered April 15, 1902. This decision was affirmed by the Secretary of the Interior May 21, 1902 (I T D 2962-1902).

A motion for rehearing of this case was denied by the Department November 18, 1903 (I T D 8056, 9271-1903).

The Department, on January 30, 1905 (I T D 7718, 8296, 9487, 10483, 12530-1904), denied a motion submitted by the attorneys for Anthony P. Powell et al. to have the application for identification as Mississippi Choctaws considered as an application for enrollment as citizens by blood of the Choctaw

motion.

May 23, 1906, another motion for rehearing was filed in the case in question by Rebt. E. Lee, attorney at law, Ardmore, Indian Territory, and the same was denied by the Department February 6, 1907 (I T D 446-1907), the latter motion being filed under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

In forwarding the motion now filed by D. W. Yancey on behalf of Anthony P. Powell et al, the attention of the Department is respectfully invited to its letter of January 26, 1907 (I T D 1106-1907), denying a second motion for review in the consolidated Mississippi Choctaw case of Alexander V. Doak et al., filed under the Act of April 26, 1906, in which it stated as follows:

"In similar cases the Department expects you to receive any motion filed and submit it for the action of the Department, but not to permit applicants to designate land as their prospective allotments."

Respectfully,

James Bixby

Through the Commissioner
of Indian Affairs.

Commissioner.

WLM.
Encl. 16/1

M C R 1625.

COPI

Muskogee, Indian Territory, February 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to transmit herewith, for the consideration of the Department, a petition for rehearing filed in this office February 16, 1907, by D. W. Yancey, attorney at law, Muskogee, Indian Territory, in the Mississippi Choctaw case of Anthony P. Powell et al, MCR-1625.

The application made to the Commission to the Five Civilized Tribes April 4, 1901, by Anthony P. Powell for the identification of himself and thirteen minor children was denied by a decision of said Commission rendered April 15, 1902. This decision was affirmed by the Secretary of the Interior May 21, 1902 (I T D 2962-1902).

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Motion.

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"In similar cases the Department expects you to receive any motion filed and submit it for the action of the Department, but not to permit applicants to designate land as their prospective allotments."

Respectfully,

SIGNED *Tams Dixby.*

Through the Commissioner
of Indian Affairs.

Commissioner.

WIM.
Encl. 16/1

MOR-1625

Muskogee, Indian Territory, February 23, 1907.

Robt. E. Lee,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:-

Replying to your letter of February 20, 1907, you are advised that on February 16, 1907, there was filed with this office by D. W. Yancey, attorney at law, Muskogee, Indian Territory, a petition for rehearing in the Mississippi Choctaw case of Anthony P. Powell et al., and on the same date said petition was forwarded to the Secretary of the Interior.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 27, 1907.

Land.
12470-1907
17979- "

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of February 6, 1907 (I.T.D. 448-1907), denying motion for a re-hearing in the case of Anthony P. Powell, et al., for identification as Mississippi Choctaws, I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 16, 1907, enclosing a petition for re-hearing filed in his office on February 16, 1907, by D. W. Yancey, Muskogee, I.T., in the above case.

The record is transmitted herewith.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

EVE--SD

Land.
12470-1907
17977- "

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

February 27, 1907.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of February 6, 1907 (I.T.D. 448-1907), denying motion for a re-hearing in the case of Anthony P. Powell, et al., for identification as Mississippi Choctaws, I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 16, 1907, enclosing a petition for re-hearing filed in his office on February 16, 1907, by D. W. Yancey, Muskogee, I.T., in the above case.

The record is transmitted herewith.

Very respectfully,

EVE--GD

C. F. Larrabee

Acting Commissioner.

G.R.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

FEB.

I.T.D. 2962-1906.
5736-1907.

March 4, 1907.

LES

DIRECT.

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

Sir:

In view of the limited time allowed by the act of April 26, 1906 (34 Stat., 137), for completing the citizenship rolls of the Five Civilized Tribes, the motion for rehearing, filed in your office February 16, 1907, by D. W. Yancey on behalf of the applicants in the Mississippi Choctaw case of Anthony P. Powell, et al., wherein the Department, on May 21, 1902 (I.T.D. 2962), refused to identify the applicants named therein as Mississippi Choctaws, is hereby denied. Said motion was transmitted with your letter of February 16, 1907, and Indian Office letter of February 27, 1907 (Land 12470-07), copy inclosed. You will advise the applicants and their attorney.

The papers in the case have been returned to the Indian Office, with a copy hereof.

Respectfully,

Jesse H. Wilson
Acting Secretary.

1 inc. and
22 for Ind. Of. with
copy hereof.
McM 3-4-07

MOB-1625.

Muskogee, Indian Territory, March 14, 1907.

Anthony P. Powell,
C/o Robt. E. Lee,
Ardmore, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, denied the motion, filed February 16, 1907, by David W. Yancey, attorney at law, Muskogee, Indian Territory, for a rehearing in the Mississippi Choctaw case of Anthony P. Powell et al.

Respectfully,

Commissioner.

MIR-1885

Muskogee, Indian Territory, March 14, 1907.

David W. Yancey,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of March 4, 1907, denying the motion filed by you February 16, 1907, for a rehearing in the Mississippi Choctaw case of Anthony P. Powell et al.

Respectfully,

WLM.
Encl. 14/2

Commissioner.

MCR-1228

Muskogee, Indian Territory, March 14, 1907.

Robt. E. Lee,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, denied the motion, filed in this office February 16, 1907, by David W. Yancey, attorney at law, Muskogee, Indian Territory, for a rehearing in the Mississippi Choctaw case of Anthony P. Powell et al.

Respectfully,

Commissioner.

MCR-1625

Muskogee, Indian Territory, March 14, 1907.

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

Gentlemen:-

There is enclosed herewith copy of Departmental letter of March 4, 1907 (I T D 2962-1902,5736-1907), denying a motion filed February 16, 1907, by D. W. Yancey, attorney at law, Muskogee, Indian Territory, for a rehearing in the Mississippi Choctaw case of Anthony P. Powell et al.

Respectfully,

WLM.
Encl. 14/3

Commissioner.

No. 1625
For Identification as a Mississippi Choctaw.

Date APR 4 1901

Name Anthony P. Powell

Age 41 Blood 1/2

Post Office. Misterton, Miss.

Father: Alex. Wilmer, ^{filed} dead

Mother: Fanny Powell "

Claims through father

wife Mollie E. Powell, ^{second}
no claim for wife

Children	Charley H. Powell	20
2	Evilnes "	19
3	Joe "	18
4	Ed die "	17
5	Willie "	14
6	Eugene "	12
7	Clarence "	11
8	Lesley "	9
9	Henry "	8
10	Ernest "	6
11	Courtney "	4
12	Marshall "	3
13	Maud "	1

(Claims for himself and 13 minor children)

Stenographer

R. J. Street

Choc. MCR 1626

Lou Pickett

MCR 1626

Lou Pickett

REFUSED.

DECISION RENDERED APR 15 1902

MAIL ROOM

APR 16 1902

DEPARTMENT

MAIL ROOM

DEPARTMENT

MAIL ROOM

MAIL ROOM

MAIL ROOM

Department of the Interior
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 4, 1901.

In the matter of the application for identification as Mississippi Choctaws of Lou Pickett and her three minor children. Lou Pickett being first duly sworn upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Lou Pickett.
Q What is your age? A I am 34.
Q What is your post office address? A Meridian, Mississippi.
Q How long have you lived in Mississippi? A All my life.
Q Have you ever been out of the state? A No sir.
Q Have you always lived in this part of the state? A I was raised in Enterprise.
Q What is your father's name? A Mason Harris.
Q Is your father living? A I don't know sir. He went off several years ago.
Q What is your mother's name? A Laura Harris.
Q Is your mother living? A No sir.
Q Through which one of your parents do you derive your Choctaw blood? A My father and mother both.
Q Both of them were Choctaws? A Not whole.
Q How much Choctaw were they? A My father's mother was Choctaw.
Q How much Choctaw was your father? A About three quarters.
Q How much was your mother? A She has half.
Q How much Choctaw blood do you claim? A I claim a quarter.
Q Your father was three quarters and your mother one half, that makes you one quarter does it? A That's what I claim I couldn't exactly tell.
Q Your father have any negro blood in him? A He's a brown skin man.
Q Was he ever a slave? A Yes sir.
Q Held in slavery here? A Yes sir.
Q Where was he owned? A I don't know. Beauregard Station I think. That's where I was born.
Q In Mississippi? A Yes sir.
Q You were born after Emancipation? A Yes sir.
Q Was your mother a slave? A Yes sir.
Q Who were they the slaves of? A I don't know, sir. I disremember. I know people that does know and I can't remember the names.
Q They were white people were they? A Yes sir.
Q They weren't Choctaw Indians? A I reckon they was white people. I don't know. I wasn't born and can't remember that.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, not as I know of.
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for citizenship in that Nation? A No sir.
Q In 1896 did you make an application to the 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 the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.

Leo Pickett 2

Q This is the first application you have ever made to any body? A Yes sir.

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

Q Making your claim as a beneficiary under the 14th article of the treaty of 1830? A Yes sir.

Q What was the name of your ancestor or ancestors, do you know what that means? A No sir.

Q Your parents, or your grand parents, people from whom you are descendant, who lived here in Mississippi in 1830 at the time the treaty was entered into between these Choctaw Indians and the United States government. What was the name of the people you are descended from who were Choctaw Indians at that time? A I don't know. How long has that been?

A 71 years ago? A I don't remember that at all.

Q Did you ever hear your father and mother say anything about that? A Yes sir I have heard them say I came from Indians.

Q Heard them say what? A I can't remember. They have been dead a long time.

Q Do you know your grand parents names? A My grand mother?

Q Your father's mother? A My mother's mother name was Phoebe Nicholson.

Q Was she a Choctaw Indian? A Not full blood.

Q How much? A I couldn't tell.

Q Was she ever a slave? A Yes sir.

Q Do you know anything more about your grand parents? A No sir. That is the only one I remember. My grand mother on my mother's side.

Q Did any of your ancestors ever claim or receive and land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A Not as I know of.

Q Have you any documentary evidence or papers of any description that would show that your ancestors were ever recognized as members of the Choctaw Tribe of Indians? A No sir.

Q Are you making a claim under any other provision of any other treaty? A No sir.

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

Q Are you married? A Yes sir.

Q What is your husband's name? A Mars Pickett.

Q Making any claim for him? A No sir.

Q What is he, what nationality? A You mean what color he is?

Q Yes. A He's a black man.

Q A negro? A Yes sir.

Q How long have you been married to him? A About 19 years.

Q Have you any children? A 3.

Q What are the names and ages of your children? A The oldest girl is named Selena.

Q Selena Pickett? A Yes sir.

Q How old is she? A 18 years old.

Q The next one? A Mars Pickett. My son is named after his father.

Q How old is he? A 15.

Q The next one? A Leo Pickett.

Q How old is he? A Ten years.

Q Is that all? A Yes sir.

Q You are the mother of these three children? A Yes sir.

Q And Mars Pickett is the father? A Yes sir.

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

Q Have they always lived in Mississippi? A Yes sir.

Q You and your husband live together? 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 these children? A Not as I know of.

Q Have you any documentary evidence that you desire to submit to the Commission for consideration in support of this application.

Low Pickett 3

Here L. P. Hudson, attorney for applicant asks leave to file written evidence in support of this claim within in 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 offered for filing with the Commission within thirty days from the date hereof.

Q Can you speak the Choctaw language? A No sir.

Examination by L. P. Hudson.

Q You said that your father was about three quarters Indian?

A Yes sir.

Q And your mother about one half? A Yes sir.

Q Then how do you make it you are one quarter. Do you know how to figure? A No sir.

Q If that is true that your father was three quarters and your mother half that would make you five eighths wouldn't it? A Yes sir.

Q Is that what you want to claim it? A Yes sir, I want it to be just like it is.

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 to your proper post-office address.

This applicant while having some slight characteristics of an Indian, high cheek bones, shows an admixture of negro blood. From her testimony it appears that both her parents were held as slaves and she is unable to speak the Choctaw language.

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 4th day of April, 1901, 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 at Meridian, Mississippi, this the 8th day of April, 1901.

[Signature]
Notary Public.

MAN
J.R.
C.V.W.
41st C.A.

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

-----00-----

In the matter of the application of Lou Pickett et al.,
for identification as Mississippi Choctaws, N.C.R. 1628.

D E C I S I O N .

The record in the above case of Lou Pickett et al., shows that on April 4, 1901, the said Lou Pickett appeared before the Commission at Meridian, Mississippi, and there made personal application for the identification of herself and her three minor children, Selena, Mars and Lee Pickett, 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 Mason Harris, an alleged three-fourths blood Choctaw, and Laura Harris, an alleged one-half blood Choctaw, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Lou Pickett, and her three minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in

-2-

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., 331).

The only evidence offered in support of this application, aside from the oral statement of the principal applicant, is the joint ex parte affidavit of Dan Toole and Lem Brown. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Mississippi in about the year 1867, and has always since resided there, and claims to be an five-eighths blood Choctaw. She attempts to trace her alleged Choctaw descent to both of her parents, who, she states, were slaves, and through her mother to her grandmother, Phoebe Nicholson, who she states was possessed of some Choctaw blood but she does not know how much, and who was also a slave, but she says that she does not know the names of her Choctaw ancestors who were living in 1830. There is nothing in her testimony which would tend to show that any of her alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the joint ex parte affidavit of Dan Toole and Lem Brown it is attempted to be shown that they have known Lem Pickett, presumably the principal applicant herein, all her life, and knew her father and mother to be three-fourths and one-half Choctaw, respectively, and that the parents of the principal applicant were known and recognized as

Chectaw Indians by all their acquaintances in the state of Mississippi where they were born and died, but it is not stated how they were so known and recognized, and there is nothing in said affidavits which would tend to show that any of the alleged Chectaw ancestors of the principal applicant ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The Commission, in view of the fact that these applicants have had sufficient time allowed them in which to present their testimony, considers this case as closed, and the only evidence offered in support thereof is the oral statement of the principal applicant and the ex parte affidavit filed by her. By the evidence so submitted it is attempted to be shown that the applicants herein derive their alleged Chectaw blood from Mason Harris and Laura Harris, the parents of the principal applicant, and Phoebe Nicholson, her grandmother. In order that these applicants may be identified as Mississippi Chectaws it is incumbent upon them to show that they are descendants of a Chectaw Indian who lived in Mississippi in 1830, and complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek as the head of a family, or who was the child of a recognized Chectaw head of a family who complied for said child, or who was complied for as an orphan child of a recognized Chectaw Indian. It is impossible to determine from the evidence submitted whether Mason Harris or Laura Harris, the parents of the principal applicant herein, or Phoebe Nicholson, her grandmother, the remotest known alleged Chectaw ancestor, was living in Mississippi in 1830 as a recognized Chectaw Indian, or which of them, if any, complied

or attempted to comply with the provisions of article fourteen of the treaty of 1830, and the only search that can be made among the records of the Commission of those persons who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, is for the names of the principal applicant's alleged parents and grandmother, and it does not appear from said records that any persons bearing said names 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; neither does it appear from the records of the Commission to the Five Civilized Tribes that there are affiliated with this case any other persons claiming descent or any rights as Choctaw Indians through Mosen Harris or Laura Harris or Phoebe Nielsen, the alleged ancestors of the principal applicant herein.

The authority vested in the Commission by the 21st section of the Act of Congress of June 25, 1836, (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 Lou Pickett, Salena Pickett, Mars Pickett and Lee Pickett 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.



C. H. Riedinger
Commissioner.

Muskegee, Indian Territory.

APR 15 1902

Muskogee, Indian Territory, April 26, 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 case of Lou Pickett et al, applicants for identification as Mississippi Choctaws.

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 Lou Pickett, Selma Pickett, Mary Pickett and Lee Pickett 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

S-M. V. & C.

review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

N. C. R. 1426.

Muskogee, Indian Territory, April 26, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record in the application of
Leu Pickett et al, applicants to the Commission for identification
as Mississippi Choctaws, including the decision of the Commission of
April 15, 1902.

The Commission has the honor to report that the principal ap-
plicant in this application, her attorney of record, and the attorneys
for the Choctaw and Chickasaw Nations, have been duly advised by regis-
tered matter 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.

H.C.R. 1636

Waskogen, Indian Territory, April 26, 1908.

Lou Pickett,

Meridian, Mississippi.

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 case of Lou Pickett et al, applicants for identification as Mississippi Choctaws.

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 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 Lou Pickett, Helena Picket, Mary Picket and Leo Picket 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

2-Lou Picjett.

review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

COPY

Refer in reply to
the following:
Land
25931-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, May 6, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made April 26, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Lou Pickett, et al., for identification as Mississippi Choctaws claiming rights under the fourteenth article of the treaty of September 27, 1830,

The principal applicant attempts to trace descent through her parents, Mason and Laura Harris, to her grandmother, Phoebe Nicholson.

Neither the record in this case nor an examination of the records of this office shows that the alleged ancestor complied with the provisions or received the benefits of the fourteenth article of the treaty of September 27, 1830, or that she complied with the provisions of the Acts of March 3, 1837 and August 23, 1842.

The Commission decided adversely to the applicants, and the office respectfully recommends that its decision in this

case be affirmed.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner

CAV
D

3 inclosures.

COPY

D. C. No. 9182-1902.

51884

DEPARTMENT OF THE INTERIOR.

L. R. S.

WASHINGTON.

H.
CMK

I. T. D. 2943-1902.

May 29, 1902.

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

Gentlemen:

April 26, 1902, you transmitted the record in the application of Lou Pickett for identification of herself and her three minor children, Selena, Mars, and Leo Pickett, as Mississippi Choctaws (MOR-1626).

The principal applicant claims descent through her father, Mason Harris, an alleged three-fourths blood Choctaw, and her mother, Laura Harris, an alleged half blood Choctaw.

From your decision of April 15, 1902, refusing the application, and from the letter of the Acting Commissioner of Indian Affairs, a copy of which is inclosed, recommending that your action be approved, it appears that the record in the case, the records in your possession, and those at the Indian Office, all fail to show that any of the applicants was ever duly admitted to citizenship in the Choctaw Nation, or that the alleged ancestors, Mason and Laura Harris, of the principal applicant 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 Stats, 180) and August 23, 1842 (5 Stat., 513).

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

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

E MD

1 enclosure.

W O R 1625

COPY

Muskogee, Indian Territory, June 9, 1902.

Lou Pickett,

Meridian, Mississippi.

Dear Madam:

You are hereby advised that on May 29, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of Lou Pickett, Selena Pickett, Mars Pickett and Leo Pickett, of which decision you were duly advised by registered mail on April 26, 1902.

Yours truly,

Wm. D. Kirby

Acting Chairman.

COPY.

W O R 1626

Waskogee, Indian Territory, June 9, 1902.

Mansfield, 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 application for identification as Mississippi Choctaws of Lou Pickett, Selena Pickett, Mera Pickett and Leo Pickett, of which decision you were duly advised on April 26, 1902.

Yours truly,

(SIGNED)

Samuel D. Doby

Acting Chairman.

455

No. 1626

For Identification as a Mississippi Choctaw.

Date APR - 4 1901

Name Lou Pickett.

Age 34. Blood 1/4.

Post Office, Meridian, Miss.

Father: Mason Harris. - ✓

Mother: Laura Harris - dead.

Claims through both parents

HUSBAND: Mars Pickett - ✓
(no claim for husband).

Children:

Selena Pickett	18.
Mars " "	15.
Leo " "	10.

Claims for herself and her 3 children.

Stenographer

Myra Young.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Unclaimed.

Lou Pickett,

Meridian,



1626



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 19 1902

[Signature]
ACTING CHAIRMAN



Choc. MCR 1627

Mary Susan Power

MCR 1627

Department of the Interior
Commission to the Five Civilized Tribes
Meridian, Mississippi, April 4, 1901.

In the matter of the application of Mary Susan Powell for the identification of herself and her four minor children as Mississippi Choctaws. Mary Susan Powell being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Mary Susan Powell.
- Q What is your age? A I will be 56 in June.
- Q What is your post-office address? A Ackerman, Choctaw County, Mississippi.
- Q How long have you lived in Mississippi? A Ever since I can recollect.
- Q Were you born here? A I don't know for certain. I don't recollect anything about it but I think I was born in Mississippi, in Tallor County.
- Q You have always lived in Mississippi? A Yes sir.
- Q What was your father's name? A Fancher, Henry Fancher.
- Q Is your father living? A No sir.
- Q What is your mother's name? A Permelia Fancher.
- Q Is your mother living? A Yes sir.
- Q Through which one of your parents do you derive your Choctaw blood? A My father.
- Q Was your father a Choctaw Indian? A No sir, He's not a Choctaw Indian but he is part Indian.
- Q How much Indian? A I claim about one eighth I do.
- Q Was your father ever recognized as a member of the Choctaw tribe either in the Indian Territory or where the Choctaws lived here in Mississippi as a member of the tribe? A No sir, if he was I don't know anything about it.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application to the Choctaw Tribal authorities in the Indian Territory for citizenship in that Nation? A No sir.
- Q Did you or any one in your behalf in 1896 under the act of Congress of June 10th, 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir not that I know of.
- Q You made none yourself? A No sir.
- Q You have no reason to believe any one made one for you have you? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Have you ever prior to this time made application to either the tribal authorities of the Choctaw Nation or to the authorities of the United States for either citizenship or enrollment as a Choctaw Indian? A No sir.
- Q This is the first application of any description 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 as a beneficiary under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Mary Susan Powell 2

Q Did any of your ancestors ever so ply with the provisions of that article of that treaty? A Not that I know of.

Q What was the name of your ancestor or ancestors who were residents of the state of Mississippi and recognized members of the Choctaw tribe of Indians in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians? A My grand father was a citizen of Mississippi in 1830 at the time of the treaty. That is all I can tell you about that.

Q A citizen of the state of Mississippi? A Yes sir.

Q You mean by that that he was a resident or a citizen of the United States? A Well, he was living in Mississippi in 1830.

Q Was he living here as a Choctaw Indian in 1830? A I cant tell you.

Q How old was he in 1830, have you any idea? A Well, no I don't know how old he was in 1830 but then I don't suppose he was very old.

Q Now in 1830, that is 70 years ago, you said your father was living then? A My grand father. I don't know whether my father was born or not.

Q How old was your grand father in 1830, do you know? A I could not tell you.

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

Q Have you any evidence showing that your ancestors were ever recognized or received any benefits as members of the Choctaw tribe of Indians? A No sir.

Q At the time of the making of the treaty of 1830 if your ancestors were recognized members of the Choctaw Tribe of Indians why did they not remove with the other members of the tribe to the present Indian Territory? A I could not tell you that. I don't know.

Q Have you any evidence at all as to the action of your ancestors relative to their Choctaw citizenship in 1830- to 1840? A No sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A Powell, J. L. Powell.

Q What is the J for? What is his full name? A James Lewis Powell.

Q Is he a white man? A Yes sir.

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

Q Have you any children under 21 years of age and unmarried for whom you desire to make application? A I have four.

Q What are the names and ages of your children? A I will have to look and see. I have got so many of them I cant keep up with them. Ruby Powell, a girl, 19 years old.

Q All right. A Lucy, 17.

Q All right. A Fannie, 13. Permelia 11.

Q Are you the mother of these four children? A Yes sir.

Q James M. Powell is the father? A Yes sir.

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

Q Their claim is identical with yours? A Yes sir.

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

Q Is there any documentary evidence that you desire to offer the Commission for consideration in support of this application?

A We have some written evidence.

Here L. P. Hudson, attorney for the applicant, 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 applica-

Mary Emma Powell 3

tion provided the same is offered for filing with the Commission within thirty days from the date hereof.

Q You have always resided in Mississippi have you? A Yes sir.

Q Do you speak the Choctaw language? A No sir. One language is all I can speak.

Q Did your father speak Choctaw? A Speaks it like I do. We all speak the same language.

The applicant is apparently a white person and unable to speak the Choctaw language.

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 some time in the future to your proper postoffice 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 4th day of April, 1901, 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 5th day of April, 1901, at Meridian, Mississippi.

J. M. [Signature]

Notary Public.

Muskogee, Indian Territory, May 13, 1901.

Mary Susan Powell,

Aokerman, Mississippi,

Dear Madam:

The records of the Commission show that on April 4, 1901, you appeared before the Commission at Meridian, Mississippi, and applied for identification for yourself and four minor children as Mississippi Choctaws. Will you kindly advise the Commission, by return mail, as to the proper spelling of your name? Is it Mary Susan Powell or Mary Susan Power? This information is necessary to make the record complete, and your early attention to this matter is urgently requested.

Yours truly,

Acting Chairman.

MC 1627

M.C.R. 1887.

COPY.

Muskogee, Indian Territory, January 30, 1903.

Mary Susan Power,
Ackerman, Mississippi.

Dear Madam:

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."

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 Yorchand Smith, Emily Smith, Marcellus E. Smith, Marcellus H. Smith, William C. Smith, Baron A. Smith, St. Clair Smith, Willie A. Smith, Albert Sydney Wade, Henry G. Fancher, Martha Ann Fancher, Fruzza 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,

(SIGNED)

James Dixby.

Acting Chairman.

Registered.

N O R 1627

COFY.

Waskogee, Indian Territory, August 8, 1903.

Mary Susan Power,
Ackerman, Mississippi.

Dear Madam:

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,

Commissioner in Charge.

DECESSION RENDERED JAN 30 1903

JAN 30 1903

FEB 16 1903

JAN 24 1903

AUG 1 1903

AUG 26 1903

1178

For Identification as a Mississippi Choctaw.

Date APR - 4 1901

Name Mary Susan Power.

Age 56. Blood 1/8.

Post Office, Ackerman, Miss.

Father: Henry Francker - dead.

Mother: Bernelia Francker - ✓

Claims through father.

HUSBAND:

James L. Power
(no claim for husband).

Children:

Ruby Power	19.
Lucy " "	17.
Fannie " "	13.
Bernelia " "	11.

Claims for self ^{and} 4 children.

Stenographer

Myra Young.

Choc. MCR 1628

Emily A. Smith

MCR 1628

Department of the Interior
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 4, 1901.

In the matter of the application of Emily A. Smith for the identification of herself and minor child as Mississippi Choctaws. Emily A. Smith being duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Emily A. Smith.
Q How old are you? A I am going on 65.
Q What is your post-office address? A McCoel, Mississippi.
Q What County is it in? A Attala County.
Q How long have you lived in Mississippi? A Lived in the state all my life.
Q Always lived here? A Yes sir.
Q Never made your residence any where else? A I lived four years out of the state.
Q Where? A In the state of Louisiana.
Q What four years was that? A From '58 to '62.
Q What is your father's name? A Middleton Pool.
Q Is he living? A No sir, he's dead.
Q What was your mother's name? A Mary Ann Pool.
Q Is your mother living? A No sir, she's dead.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A I claim one sixteenth.
Q Your father was a white man? A Yes sir and a gentleman in the bargain.
Q Your mother is one eighth Choctaw Indian is she? A Yes sir
Q Have you any evidence of your mother ever having been recognized as a member of the Choctaw tribe of Indians? A I have good evidence here to show that. It ought to be better than I can make because they are so much older. They was always recognized as part Indian from my earliest recollection.
Q Is your name upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of, no sir.
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No sir.
Q Did you or did any one in your family 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? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Have you ever prior to this time made application to either the Choctaw authorities or to the duly constituted authorities of the United States for either citizenship or enrollment as a Choctaw Indian? A No sir.
Q This is the first application you have ever made of any description? A Yes sir, the first.
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
Q Do you make your claim under the provisions of the 14th article of the treaty of 1830? A I make it under the whole treaty of 1830 include it all.

Emily A. Smith 2

Q The authority vested in the Commission is to determine the identity of applicants for identification as Mississippi Choctaws those who claim rights in the Choctaw lands under the provisions of the 14th article of the treaty. Do you claim under that? A Well, I don't know what it means.

Q Have you ever read the fourteenth article of the treaty of 1830? A I don't know that I have.

Q Have you ever had it explained to you? A No sir.

Q Do you know what that is? A No sir.

Q The 14th article of the treaty of 1830 provides that those Choctaws who wanted to remain in Mississippi and become citizens of the United States at the time of the removal of the Choctaw Indians from Mississippi to the Indian Territory, that if any Choctaw desired to remain here under the 14th article of that treaty that they would not lose the rights of Choctaw citizens. Now is that the claim you are making? A Well, I don't understand it well enough to tell you.

Q What is your claim then? If you don't claim under this article of the treaty of 1830? A I claim under the treaty of 1830.

Q There is only one provision of the treaty of 1830 that provides as to the Choctaws now residing in the state of Mississippi. That is the 14th article. Now do you claim under that? A Why of course if it is right.

Q Did any of your ancestors ever comply with the provisions of the 14th article of the treaty of 1830? A I don't know.

Q What was the name of your ancestor or ancestors who resided in Mississippi and were recognized members of the Choctaw tribe of Indians at the time the treaty was entered into in 1830? A Are you speaking of my grand parents?

Q I don't know. Your ancestor or ancestors who were residing in Mississippi and recognized members of the Choctaw Tribe of Indians? A Do you want to know what their names were?

Q Yes. A Henry Fancher.

Q What relation was Henry Fancher to you? A A grand father of mine.

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

A Of course.

Q How much Choctaw was he? A His father was one half Indian. You will have to make that calculation yourself.

Q What was his mother? A I don't know.

Q Was she a white woman? A I don't know. They passed away before my day.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A Not that I know of.

Q Did your ancestors remove from Mississippi to the Indian Territory at the time the other Choctaw Indians removed? A No sir.

Q Why didn't they? A I couldn't tell you unless they just didn't want to.

Q Did they signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to remain and become citizens of the United States? A I don't know that.

Q Have you any evidence showing that your ancestors were at the time of this treaty in 1830, recognized either by the Choctaw tribe or by the United States as members of the Choctaw tribes of Indians? A Yes sir, well we have evidence that they were.

Q Are you claiming under any other provision of any treaty besides this 14th article of the treaty of 1830? A Well if it belongs to 1830 that is what I am claiming.

Q Were your parents or foreparents, your ancestors, parties to this treaty of 1830? A I don't know.

Q That was a treaty made between the Choctaws here in Mississippi and the United States and the benefits now extended to applicants are to those who are descendants of those Indians. Now were

Billy A. Smith 3

your ancestors parties to that treaty? A I can't tell you.

Q Are you married? A No?

Q Yes ma'am. A Yes sir, I am married.

Q What is your husband's name? A William H. Smith.

Q Is he a white man? A Yes sir.

Q Are you making any claim for him. A No sir none but for myself and one child. The youngest child under age.

Q You have one child for whom you desire to make application have you? A Yes sir.

Q What is the name of this child? A Birtie.

Q Is that a boy or a girl? A A girl.

Q How old is she? A She is eighteen.

Q Unmarried? A Yes sir.

Q She lives with you at your home? A Yes sir.

Q You are the mother of Birtie Smith? A Yes sir.

Q William H. Smith is the father? A Yes sir.

Q Is there any additional statement you desire to make in support of your application for yourself and child as Mississippi Cheotaws? A Not that I know of.

Q Have you any documentary evidence that you desire to submit to the Commission for consideration in support of this application?

Here, L. P. Hudson, attorney for the applicant, 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 offered for filing with the Commission within thirty days from the date hereof.

Q Can you speak the Cheotaw language? A No sir.

Q Did your mother speak it? A No sir.

This applicant is to all appearances a white person and does not speak the Cheotaw language.

The decision of the Commission as to your application and the application made on behalf of your child, Birtie Smith, for identification as Mississippi Cheotaws will be mailed to you 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 4th day of April, 1901, 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 5th day of April, 1901, at Meridian, Mississippi.

J. M. Smith
Notary Public.

Muskogee, Indian Territory, January 2, 1902.

Mrs. Emily A. Smith,
McGool, Mississippi,

Dear Madam:

Receipt is hereby acknowledged of your letter of December 28, 1901, in which you ask whether your application for identification as a Mississippi Choctaw Indian under the treaty of 1830 has been filed. You state that you appeared before the Commission at Meridian, Mississippi, in April 1901, and up to this time have received no notice in regard to your case.

In reply to your letter you are advised that our records show that you made application for the identification of yourself and your minor child as Mississippi Choctaws, at Meridian, Mississippi, April 4, 1901; no decision has yet been reached or opinion rendered relative to your rights as Mississippi Choctaws. When such a decision is reached you will be fully advised of any action taken by the Commission.

Yours truly,

COPY.

Muskogee, Indian Territory, January 30, 1903.

Emily A. Smith,
McCool, Mississippi.

Dear Madam:

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 K. 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., 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 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 Forchard Smith, Emily Smith, Marcellus E. Smith, Marcellus R. Smith, William C. Smith, Haron 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, 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 R. 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,

RESPECTFULLY,

Tamc Dixby

Acting Chairman.

Registered.

M C R 1622
M C R 1623

Muskegee, Indian Territory, February 18, 1903.

Emily A. Smith,
McCool, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of a joint letter of yourself and Henry G. Fancher in which you ask that the record in the consolidated Mississippi Choctaw case of Henry M. Smith, et al., be transmitted to the Secretary of the Interior, and that your letter be considered as an appeal from the decision of the Commission. You state you have no further evidence to submit in the case.

In reply to your communication you are advised that the fifteen days from January 30, 1903, heretofore granted the applicants in this case within which to submit arguments in support of their claims to be forwarded to the Secretary of the Interior, expired February 15, 1903. On February 16, 1903, the record in this case, together with the decision of the Commission refusing the applications of the several persons included therein, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

Acting Chairman.

MCR-1628

COPY.

Muskogee, Indian Territory, August 8, 1903.

Emily A. Smith,
McCool, Mississippi.

Dear Madam:

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,

Commissioner in Charge.

#59

No. 1028

For Identification as a Mississippi Choctaw.

Date APR - 4 1901

Name ^{Date} Emily A. Smith.

Age 65. Blood $\frac{1}{16}$

Post Office. Me. Pool, Miss.

Father: Middleton Pool - dead.

Mother: Mary Ann Pool - dead.

Claims through mother

HUSBAND: William H. Smith.

(no claim for husband).

Children:

✓ Bertie Smith | 18.

Claims for herself and
one child.

Stenographer

Myra Young

REFUSED

DECISION RENDERED. JAN 30 1903

JAN 1 1903

JAN 21 1903

FEB 10 1903

JUL 1 1903

AUG 2 1903

AL 2 1903

AL 1178

Choc. MCR 1629

Ed Williamson

MCR 1629

Ed Williamson

REFUSED.

DECISION RENDERED APR 1 1902

NO. 10000 MAIL AT ANT.

APR 26 1902

NOTICE TO THE MAIL AT ANT.
FOR THE LAW AND CHICKAWA NATIONS.

RECEIVED DEPARTMENT

AC...

MAY 1 1902

NO. 10000 MAIL AT ANT.

JUN 1 1902

NOTICE TO THE MAIL AT ANT.
FOR THE LAW AND CHICKAWA NATIONS.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, April 6, 1901.

In the matter of the application of Ed Williamson for identification of his self as a Mississippi Choctaw; he being first duly sworn upon his oath testified as follows:

Examination by the Commission.

- Q Please state your name? A Ed Williamson.
Q What is your age? A Twenty three.
Q What is your present office address? A Pona, Mississippi.
Q What county is that in? A Harrison County.
Q You claim to have Choctaw blood? A Yes sir.
Q What proportion do you claim to have? A One eighth.
Q What is the other seven eighths of? A Colored.
Q Are you married or single? A Single.
Q You claim to be yourself alone? A Yes sir.
Q Is your father living? A I don't know sir.
Q Do you know who your father is? A Yes sir.
Q Who is he? A Ed Williamson.
Q Was he a Choctaw Indian? A No sir.
Q Your father was a colored man? A Yes sir.
Q You don't know where he is living? A No sir.
Q When did you see him from his last? A I have not seen him for twenty years.
Q Is he now living? A Yes sir.
Q What is her name? A Phyllis Williamson.
Q Does she claim to have Choctaw blood? A Yes sir.
Q What proportion of Choctaw blood does she claim to have? A A quarter.
Q You get your Indian blood through her? A Yes sir.
Q Where does she live? A In Smith, County, Mississippi.
Q How long has she lived in that State, Mississippi? A All her life as near as I can remember.
Q Does she talk Choctaw? A No sir.
Q Do you know whether her parents live in Mississippi? A Her mother; I don't know anything about her father or grand father either.
Q Have you ever been before this Commission before? A No sir.
Q What are you here for to-day? A To prove my rights.
Q What are your rights? A Rights of Choctaw blood.
Q Well, what do you think you would get if your rights are proved? A I don't know sir.
Q Do you claim under any treaty between the United States and the Choctaw Indians? A Yes sir.
Q What treaty? A The treaty of 1830.
Q Did you ever read that treaty? A No sir.
Q Do you know anything it contains? A No sir.
Q Do you claim under any particular article of that treaty? A Yes sir.
Q What article? A The fourteenth.
Q Did you ever read it? A No sir.
Q Have you heard it read? A No sir.
Q Do you know anything it contains? A No sir.
Q What makes you think you claim under it? A For my rights.
Q What makes you think you have any rights under it if you don't know what it contains? A Did someone tell you to claim under that?
A No sir.

Ed Williamson, #2.

Q Nobody told you to claim under that? A Yes sir, they told me.

Q You claim then solely as a beneficiary under the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaw Indians? A Yes sir.

Q Do you know whether any of your ancestors ever complied with the provisions of the fourteenth article of that treaty? A No sir.

Q Have you ever been recognized in any manner as a Choctaw Citizen? A No sir.

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

Q Ever live outside of Mississippi? A I have been out of here down in Alabama.

Q How long was you away from here? A Not long.

Q About how long? A About a year.

Q When was that? A I can't remember, a pretty good while ago.

Q Never received any land or money as a Choctaw did you? A No sir.

Q Ever receive anything from the Choctaw Indians out west? A No sir.

Q Is your name on the tribal rolls out in the Choctaw Nation in the Indian Territory? A Not that I know of.

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

Q Did you make application to this Commission in the year 1896 for citizenship in the Choctaw Nation? A No sir.

Q You never have been admitted to citizenship in the Choctaw Nation, either by the Choctaw tribal authorities, by this Commission in the year 1896, acting under the Act of Congress of June 10, 1896, or by the United States Court for the Indian Territory? A No sir.

Q What one of your ancestors was living in the State of Mississippi when the Choctaws moved west? A I can't know sir.

Q Do you know whether any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaw Indians? A I can't know.

Q Do you know whether any of your ancestors, within six months from the date of the ratification of the treaty of 1830, went to the United States Indian Agent for the Choctaws in Mississippi, and signified their intention to remain here and become citizens of the United States? A No sir, I can't know.

Q You are sure that they never received any land here? A If they did I never heard of it.

Q Nor any money? A No sir.

Q In case the Commission should be able to identify you as a Mississippi Choctaw, entitled to rights in the Choctawlands in the Indian Territory, under the provision of the fourteenth article of the treaty of 1830, would you be willing to move to the Indian Territory, and there establish your permanent residence? A Yes sir.

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

Hudson and Arnold, attorneys for applicant, here ask permission to file written evidence within in thirty days from this date in support of this application.

The Commission: Permission is here granted to attorneys for applicant to file proper documentary evidence in support of this application within thirty days from this date.

The decision of the Commission with reference to the application made by you at this time for identification as a Mississippi Choctaw will be mailed to you at your present post office address.

Ed Williamson, #3.

(It appears from the testimony in this case, that this applicant is seven-eighths negro and one-eighth Choctaw; he has the appearance of being a negro, though his skin in places that he might be possessed of a small proportion of Indian blood, and his hair is inclined to be straight.)

Ed Williamson, being first duly sworn, at and upon oath that as stenographer in the case of the above mentioned parties, he reported the proceedings and the above mentioned case, and that the foregoing is a true and correct translation of his stenographic notes therein.

Subscribed and sworn to before me at Meridian, Mississippi, this 9th day of April, A.D. 1901.

J. M. [Signature]
Notary Public.

4th
C. T. W.
W. 013.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Ed Williamson
for the identification of himself as a Mississippi
Choctaw, -----M.C.R. 1629.

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

The record in this case shows that on April 4, 1901, Ed Williamson 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." He claims descent from Phillis Williamson, an alleged one quarter blood Choctaw who married Cary Williamson, a negro, and who are the parents of this applicant.

The record in this case further shows that the applicant, Ed Williamson, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is his name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has he ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896(29 Stats. 321)

The only evidence offered in this application is the unsupported oral statement of the applicant, wherein he attempts to show that he was born in the state of Mississippi in about the year 1872, and that he has always resided in said state and is an one eighth blood Choctaw. He only attempts to trace his alleged Choctaw descent to his mother and there is nothing in his statement which would tend to show that his mother was married and the head of a family in 1830 or that she or any other of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in Mississippi as members of that tribe, or that she complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The Commission, in view of the fact that this applicant has had sufficient time allowed him in which to present his testimony, considers this case as closed and the only evidence offered in support thereof is his unsupported oral statement and by that it is simply attempted to be shown that he is possessed of about one eighth degree Choctaw blood, which he derives from his mother.

It cannot be ascertained from his testimony whether his mother was married and the head of a family in 1830, and if not which of his alleged Choctaw ancestors were, and it does not appear that any of his alleged Choctaw ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

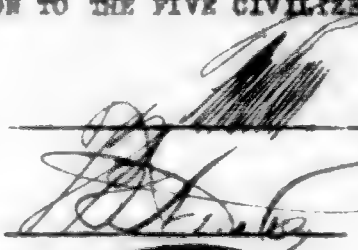
From an examination of the records in the possession of the Commission of those persons who did comply with the fourteenth article of the treaty of 1830, it does not appear that any person by the name of Phillis Williamson (The only known alleged Choctaw ancestor of this applicant) ever signified her intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen of the treaty of 1830, or presented her claim as a beneficiary under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842, for the adjudication of such claims. Neither does it appear from the records of the Commission to the Five Civilized Tribes that there are affiliated with this case any other persons claiming descent or any rights as Choctaw Indians through Phillis Williamson, the alleged Choctaw ancestor of the applicant herein.


The authority vested in the Commission by the twentyfirst section of the act of Congress of June 26, 1896 (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 Ed Williamson 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.

COMMISSION TO THE FIVE CIVILIZED TRIBES





C. A. Richardson

Commissioners

Muskogee, Indian Territory

Muskogee, Indian Territory, April 26, 1902.

Ed Williamson,

Bond, Mississippi.

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 application of Ed Williamson for identification as a Mississippi Choctaw.

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. 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 the case is insufficient to determine the identity of Ed Williamson 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."

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

E V 2

such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

M. C. 3-1622

Muskogee, Indian Territory, April 26, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw & 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 application of Ed Williamson for identification as a Mississippi Choctaw.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 23, 1898 (30 Stats. 496) is as follows:

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

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ed Williamson 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."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of

M M & C 2

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 1629

Muskogee, Indian Territory, April 26, 1902.

The Honorable

The Secretary of the Interior.

Sir-

There is transmitted herewith the record in the application of Ed Williamson for identification as a Mississippi Choctaw, including the decision of the Commission of April 15, 1902.

The Commission has the honor to report that the applicant and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by 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.

COPY

Refer in reply
to the following:
Land
25547-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith papers in the matter of the application of Ed Williamson for identification as a Mississippi Choctaw, forwarded with the report of the Commission to the Five Civilized Tribes dated April 26, 1902. The Commission's decision was adverse to applicant.

A careful examination of the records of this office shows that none of the persons claimed to be the ancestors of the applicant received the benefits of the XIVth article of the Treaty of Dancing Rabbit Creek.

It is therefore respectfully recommended that the Commission's decision be affirmed.

Very respectfully,
Your obedient servant,

A. C. TONNER,
Acting Commissioner.

WCV
D

3 inclosures.

COPY

D. C. No. 9089-1902.

31323

F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D. 2852-1902.

May 26, 1902.

L.R. S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With letter of April 26, 1902, you transmitted the record in the matter of the application for identification of Ed Williamson as a Mississippi Choctaw - M. C. R. 1629.

The record shows that applicant claims descent from Phillis Williamson, an alleged one quarter blood Choctaw, and Cary Williamson, a negro, who are the parents of applicant. In your decision of April 15, 1902, it is stated that the applicant has never been duly enrolled or admitted to citizenship in the Choctaw Nation; that there is nothing in the record to show that any ancestor of his was ever recognized as a member of the Choctaw tribe of Indians in Mississippi; that your records do not show that any one by the name of Phillis Williamson ever 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 to either of the commissions authorized by the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842

(5 Stat. /, 513), for the adjudication of such claims. You refused the application.

In his letter of May 3, 1902, the Acting Commissioner of Indian Affairs states that the records of the Indian Office show that none of the persons claimed to be the ancestors of the applicant received the benefits of said article 14, and he recommends that your decision be affirmed.

Finding no objection to the decision, it is hereby affirmed. Copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary

EMD

1 inclosed.

H. C. R. 1629

Muskogee, Indian Territory, June 9, 1902.

Ed Williamson,

Bond, Mississippi.

Dear Sir:

You are hereby advised that on May 26, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Ed Williamson, of which decision you were duly advised by registered mail on April 26, 1902.

Yours truly,

Acting Chairman.

W C R 1689

Muskogee, Indian Territory, June 9, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on May 26, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Ed Williamson, of which decision you were duly advised on April 26, 1902.

Yours truly,

Acting Chairman.

858

No. 11721

For Identification as a Mississippi Choctaw.

Date APR 4 1901

Name Ed Williamson

Age 29 Blood 1/8

Post Office Bond, Miss

Father: Cary Williamson (colored) ✓

Mother: Phillis " 1/4 ✓

Claims through mother

Claims for himself alone.

Children:

Stenographer

R. S. [Signature]

Choc. MCR 1630

Manorah Harolson

See MCR 1662

MCR 1630

Manorah Harolson et al.
REFUSED.

DECISION RENDERED. MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 23 1902

NOTICE OF DECISION MAILED APPLICANT
FOR CHOCTAW AND CHICKASAW NATIONS.

RECEIVED BUREAU OF LANDS

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 23 1902

JUL - 2 1902

NOTICE OF DEPARTMENTAL ACTION
BY ATTORNEY FOR APPLICANT

JUL 1902

REFER TO M. C. R.

1663

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, April 8, 1901.

In the matter of the application of Manorah Haralson for herself and children for identification as Mississippi Choctaws, Manorah Haralson being first duly sworn upon her oath states as follows:

Examination by the Commission.

- Q Please state your name? A Manorah Haralson.
Q What is your age? A Thirty six.
Q What is your post office address? A Wautubbee, Mississippi.
Q You claim to be possessed of Choctaw Indian blood? A Yes sir.
Q What proportion of Choctaw blood do you claim to have? A A quarter.
Q What is the other three quarters? A All I know of is colored.
Q Is your father living? A Yes sir.
Q What is his name? A David Peters.
Q Does he claim to be a Choctaw? A Yes sir.
Q How much Choctaw blood does he claim to have? A One half.
Q Is your mother living? A Yes sir.
Q What is her name? A Adaline Peters.
Q Is she colored? A Yes sir.
Q How far is she colored? A Half Indian? A Yes sir.
Q Has he any other Indian blood? A No sir.
Q You have no other Indian blood? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A David Haralson.
Q Is he a colored man? A Yes sir.
Q Claims no Indian blood? A No sir, not any at all.
Q You make no claim for him? A No sir.
Q What are the names and ages of your children for whom you make application? A Johnny.
Q How old is Johnny? A Five years old.
Q The next one? A Jennie.
Q How old is Jennie? A Four years old.
Q The next one? A Davie.
Q How old is Davie? A Two years old.
Q These children are all the children of yourself and David Haralson? A Yes sir.
Q These children are living with you? A Yes sir.
Q They get their Indian blood through you? A Yes sir.
Q Their claim has the same foundation as yours? A Yes sir.
Q Have you ever been recognized as a citizen of the Choctaw Nation in the Indian Territory, in any manner? A No sir.
Q Every day any money from the tribe out there? A No sir.
Q Did your parents? A Not that I know of.
Q Did you ever make application for yourself, or for any of these minor children to the Choctaw tribal authorities in the Indian Territory, for citizenship in the Choctaw Nation? A No sir.
Q Have you ever appeared before this Commission before this time? A No sir.
Q You never have been admitted to citizenship in the Choctaw Nation you or any of these minor children, either by the tribal authorities of the Choctaw Nation, by this Commission in the year 1896, acting under the Act of Congress, approved June 10, 1896, or by the United States Court for the Indian Territory? A No sir.
Q Never have been recognized as a citizen of the Choctaw Nation? A No sir.
Q What are you here for to-day? A To make application for my claim of Choctaw Indian blood.

Manorah Haralson, et al., #2.

- Q What is your idea of what you are going to get if you make proof of that? A I don't know. Only a payment in land.
- Q Where? A In the Indian Territory.
- Q Do you make claim under any particular treaty between the United States and the Choctaw Indians? A I don't understand what you mean.
- Q Do you claim under any particular treaty? A The claim of 1830.
- Q What kind of a claim is that? A I don't know sir.
- Q Do you know what it is at all? A No sir.
- Q You mean you claim under the treaty of 1830? A Yes sir.
- Q Do you know what a treaty is? A No sir.
- Q Do you claim under any particular article of that treaty? A Under the fourteenth article.
- Q Have you ever read that article? A No sir.
- Q Do you know anything it contains? A No sir.
- Q What makes you think you claim under it then? A Our attorney told us we must claim under that.
- Q Did any of your ancestors ever take advantage of the provisions of that article of the treaty of 1830? A No sir.
- Q How do you know? A Not as I know of.
- Q Did any of your ancestors ever claim or receive any land in the State of Mississippi as beneficiaries under the provisions of the fourteenth article of that treaty? A No sir; if the said, I don't know of it.
- Q Did they ever get any land money from the Government at all? A No sir.
- Q What one of your ancestors was living here in the State of Mississippi when the Choctaws made this trip? A My grand father.
- Q What was his name? A Levi Peters.
- Q Was he a Choctaw Indian? A Yes sir.
- Q What proportion of Choctaw blood did he claim to have? A Full blood.
- Q Did he go out to the Territory when the Choctaws were moved out there? A Not that I know of.
- Q He stayed here in Mississippi, did he? A Yes sir.
- Q You don't know whether he got any land here in Mississippi or not? A No sir, no that I know of.
- Q Do you think he ever did? A No sir, I don't think he ever did.
- Q Do you know whether he within six months from the date of the ratification of the treaty of Dancing Rabbit Creek, went to the United States Indian Agent for the Choctaws here in Mississippi and signified his intention to remain here in Mississippi and become a citizen of the United States? A No sir, I don't know that he did.
- Q How long have you lived in the State of Mississippi? A Ever since I could remember.
- Q How long has your father lived here? A He was here when I first knew him.
- Q You don't know how long he has lived here then? A No sir.
- Q What county do you live in? A Clark County.
- Q Always lived in Clark County? A Yes sir.
- Q Did your father live there? A Yes sir.
- Q Is there any additional statement in regard to your case you desire to make at this time? A No sir, not that I know of.
- Q Have you any affidavits, statements or other proper papers which you desire to file at this time in support of your case? A

Buckley and Halsell, attorneys for applicant, here ask leave to file written evidence in support of this claim within thirty days from this date.

The Commission: Permission is hereby granted to the attorney for the applicant to file proper documentary evidence in support of this application within thirty days from this date.

Nanorah Haralson, et al., #3.

Q In case the Commission should be able to identify you as a Mississippi Choctaw, entitled to rights in the Choctaw lands under the provisions of the nineteenth article of the treaty of 1830 between the United States and the Choctaw Indians, would you be willing to move to the Indian Territory, and there establish your permanent residence? A I don't know, sir.

Q Well, don't you know it would be necessary for you to move out there before you could get this land? Yes, sir, I have a husband, and I don't know what he would be willing to do. I want to stay with him. If he would go I would.

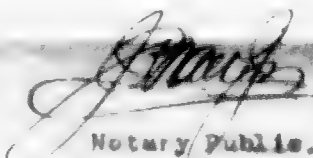
The decision of the Commission with reference to the application made by you at this time on your own behalf, and on behalf of your minor children for identification as Mississippi Choctaws, will be mailed to you in the future at your present post office address.

(This applicant appears to be a colored woman, but has slight traces of being Indian blood. Her features seem to indicate that she must be possessed of a small proportion of Indian blood.)

R. J. Strait, being first duly sworn, upon oath, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the foregoing is a full, true and correct translation of his stenographic notes therein.



Subscribed and sworn to before me this 5 day of April, A. D. 1901, at Meridian, Mississippi.



Notary Public.

COPY.

M.C.R. 1630.

Muskogee, Indian Territory, May 23, 1902.

Manorah Haralson,

Vautubbe, Mississippi.

Dear Madam:

You are hereby advised that on the 15th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the complicated case of David Peters, et al., embracing the following applications for identification as Mississippi Choctaws:

David Peters, et al.,	M.C.R. 1662
Manorah Haralson, et al.,	M.C.R. 1630
Henry Peters, et al.,	M.C.R. 1632
Albert Peters, et al.,	M.C.R. 1634
Gera Evans,	M.C.R. 1632
Elijah Evans,	M.C.R. 1663
Mary Jordan, et al.,	M.C.R. 1671
Eliza Ray, et al.,	M.C.R. 1672
Martina Evans, et al.,	M.C.R. 1674
Alice Clayton, et al.,	M.C.R. 1673
Mary Evans,	M.C.R. 1676
Carrie Edwards,	M.C.R. 1710
Rosa Edwards,	M.C.R. 1711
Eliza Tenert, et al.,	M.C.R. 1714
Nancy Edwards, et al.,	M.C.R. 1713
Sam Evans, et al.,	M.C.R. 1717

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 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 Peters, Carrie Peters, Roberta Peters, Manorah Haraldson, Johnny Haraldson, Jimmie Haraldson, Davie Haraldson, Henry Peters, Ella Peters, John Henry Peters, Mary Peters, Anna Bell Peters, Lula May Peters, Dorsey Peters, Albert Peters, Addie Peters, Walter Peters, Minnie May Peters, Cora Evans, Elijah Evans, Mary Jordan, Eddie Jordan, Thelton Jordan, Eliza Ray, Hattie Ray, Cora Ray, Martha Evans, Lott Evans, Hubbard Evans, Alice Clayton, Mattie Clayton, Jim Clayton, Budie Clayton, Elijah Clayton, Watson Clayton, Cora Clayton, Pearl Lee Clayton, Kasy Evans, Carrie Edwards, Anna Edwards, Eliza Tenort, Pinkey Tenort, Margaret Tenort, Mary Tenort, Willie Tenort, Daisy Tenort, Lottie Tenort, Johnnie Tenort, Eliza Tenort (Jr.), Doctor Tenort, Nancy Edwards, William Edwards, Tomny Edwards, Johnny Edwards, Mary Edwards, Martha Edwards, Dan or Daniel Evans, Willie Evans, Leona Evans, Dan Evans, Jr., Aadie D. Evans, John D. Evans, 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: *Tamc Diney*

Acting Chairman.

Registered.

COPY

M. O. R. 1880.

Muskogee, Indian Territory, July 2, 1908.

Mawrah Hualoon,
 Vantabee, Mississippi.

Dear Madam:

You are hereby advised that on the 23rd 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 David Peters et al., of which decision
 you were advised by registered mail on the 23rd day of May, 1908.

Yours truly,

SIGNED

Commissioner in Charge.

159

No. 1000

For Identification as a Mississippi Chick

Date APR 4 1901

Name Manorah Haraldson

Age 36 Blood 1/4

Post Office Nautubbee Miss

Father David Peters Jr

Mother Adaline "

Claims through father
husband David Haraldson
no claim for him

Children:

- Johnny Haraldson 5
- Jimmie " 4
- Davie " 2

(Claims for heirs of and
minor children)

Stenographer R. S. Street

