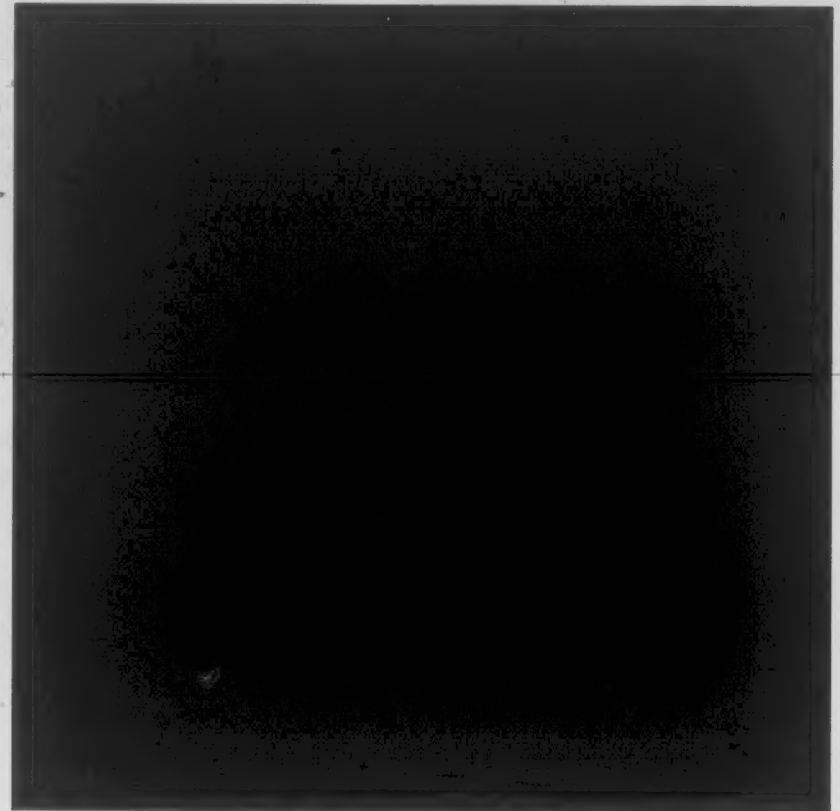
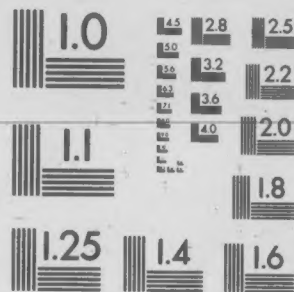
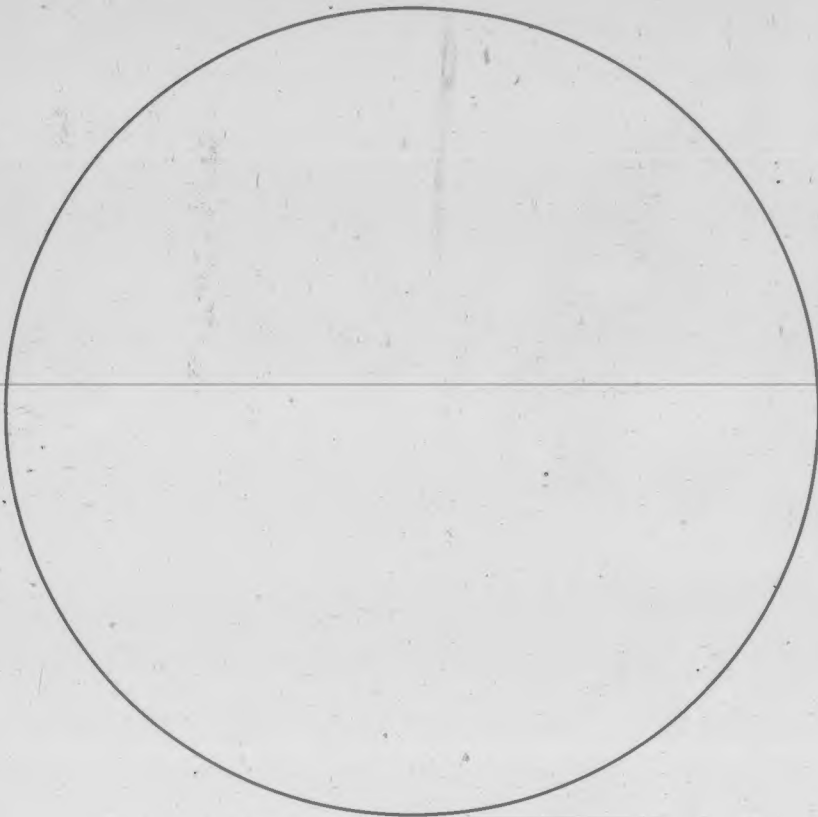
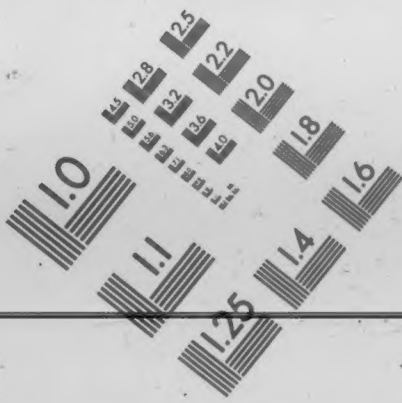


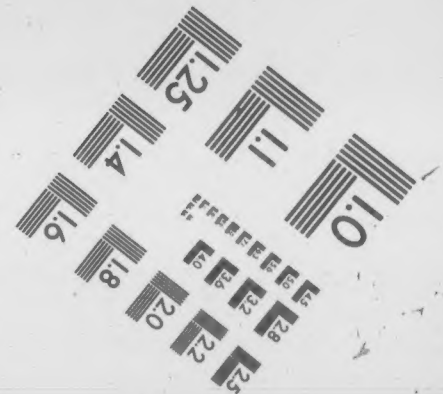
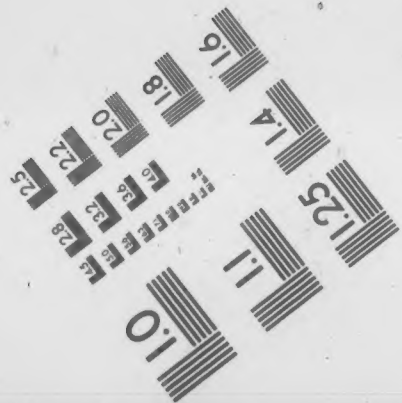
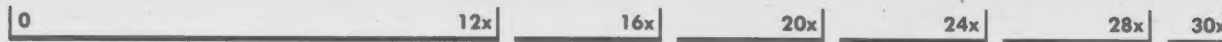


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**APPLICATIONS FOR ENROLLMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
1898 - 1914**

ROLL 112

MISSISSIPPI CHOCTAW MCR 2207 - MCR 2297

**THE NATIONAL ARCHIVES  
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**WASHINGTON: 1983**

MCR 2207

Choctaw MCR 2207

Nicholas Tom

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The within record is in the matter of  
the application of Nicholas Tom, et al., for identification as  
Mississippi Choctaws,  
M.C. R. 2207

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Nicholas Tom, et al.,  
for identification as Mississippi Choctaws, M.C.R. 2207.

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Decatur, Mississippi, May 13, 1901.

In the matter of the application of Nicholas Tom for the identification of himself and three minor children as Mississippi Choctaws.

Nicholas Tom, having been first duly sworn, upon his oath testified as follows: (Indian McDonald, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Nicholas Tom.  
 Q How old are you? A Thirty eight.  
 Q What is your post office address? A Engine, Mississippi.  
 Q What county? A Neshoba.  
 Q How long have you lived in Mississippi? A All the time.  
 Q Is your father living? A No, dead.  
 Q What was his name? A Tom.  
 Q Did he have a Choctaw name? A Yes have Choctaw name, but I can't recollect.  
 Q Was your father a full blood Choctaw? A Yes.  
 Q Did he always live in Mississippi? A Yes.  
 Q Is your mother living? A Dead.  
 Q What was her name? A Betsie.  
 Q Did she have a Choctaw name? A She had Choctaw name, but I forgot it.  
 Q Was she a full blood Choctaw? A Yes.  
 Q Always lived in Mississippi? A Yes.  
 Q Have all of your ancestors always lived in Mississippi? A Yes.  
 Q You claim to be a full blood Choctaw, do you? A Yes.  
 Q Were either of your parents ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians out in Indian Territory by either the Choctaw tribal authorities or by the United States authorities? A No sir.  
 Q Are you married? A Yes.  
 Q Is your wife living? A Dead.  
 Q Have you any children under twenty one years of age for whom you desire to make application? A Three.  
 Q What are their names and ages? A The oldest one, fifteen.  
 Q What is its name? A Watson.  
 Q The next one? A 13 years old.  
 Q What is its name? A Moses.  
 Q The next one? A 5 years old.  
 Q What is its name? A Sicily.  
 Q Boy or a girl? A Girl.  
 Q Is that all of your children? A Yes.  
 Q This application then is for yourself and three children? A Yes.  
 Q You are the father of all three of these children? A Yes.  
 Q What is the name of Watson's mother? A Susan.  
 Q Is she the mother of all three of them? A Yes.  
 Q Was Susan a full blood Choctaw? A Yes.  
 Q Always lived in Mississippi? A Yes.  
 Q Did all of her ancestors always live in Mississippi? A Yes.

Nicholas Tom, et al., #2.

- Q Were you married to her under a license or according to the Choctaw custom? A Choctaw custom.
- Q Did you live with her up until the time of her death? A Yes.
- Q Was Susan, or either one of her parents ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities out in Indian Territory? A I don't know.
- Q Is your name, or the name of any one of these children to be found upon the Choctaw tribal rolls out in Indian Territory? A I don't know.
- Q Did you ever make application for yourself or either of these children to be enrolled as members of the Choctaw tribe of Indians in Indian Territory to the Choctaw tribal authorities? A No.
- Q Did you, or any one for you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or any one of these children under the Act of Congress of June 10, 1896? A No.

The records of the Commission show that this applicant applied to the Commission in 1896 for citizenship in the Choctaw Nation for himself, his wife and three minor children, under the Act of Congress of June 10, 1896, his name appearing in the case of Jack Amos versus Choctaw Nation. This application was filed with the Commission on September 10, 1896, and on December 1st, 1896, the application was denied by the Commission, from which decision, the claimants appealed to the United States Court for the Central District of the Indian Territory, which ~~said~~ said Court on August 25, 1897, affirmed the decision of the Commission to the Five Civilized Tribes, denying the applicants the right to citizenship in the Choctaw Nation; from this decision the claimants appealed to the United States Supreme Court where the decision of the district Court was affirmed.

- Q Have you ever made any application prior to this time for yourself or these children to be enrolled as citizens of the Choctaw Nation to either the Choctaw tribal authorities or to the United States authorities? with the exception of the one made by you in 1896, under the Act of Congress of June 10, 1896? A I didn't make no application; went to McKennon two years ago.

The records of the Commission show that on January 30, 1899, this applicant appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of himself, his wife, Susan, and three minor children, Sicily, Watson and Moses, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 164; also, upon page 56 of the Schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identify of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Numbers 563, 564, 565, 566 and 567, respectively, thereon.



Nicholas Tom, et al., #3.

Q. Your wife, Susan, was living at the time you made your application two years ago, was she not? A Yes.

Q. When did she die? A October, about two years ago.

Q. About the middle of October last year? A Yes.

Q. This application two years ago, and the one in 1896, are the only applications of any kind that have ever been made for yourself and children, are they? A Yes.

Q. You now desire to make application for the identification of yourself and three minor children as Mississippi Choctaws, do you? A Yes sir.

Q. Do you claim your rights as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A Yes.

Q. Have you ever received any benefits as Choctaw Indians? A No sir.

Q. Did your wife ever receive any benefits as a Choctaw Indian? A No.

Q. Did any of your ancestors or any of your wife's ancestors ever receive any benefits as Choctaw Indians? A I don't know.

Q. Were any of your ancestors or any of your wife's ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know.

Q. Were any of your ancestors or any of your wife's ancestors recognized members of the Choctaw tribe of Indians at that time? A I think they was here; I was young and I don't know much.

Q. You don't know whether they were recognized members of the Choctaw tribe or not? A No.

Q. Did any of your ancestors or any of your wife's ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the main portion of the Choctaw tribe of Indians between the years 1835 and 1838? A I don't know.

Q. Did any of your ancestors or any of your wife's ancestors within six months after the ratification of the Treaty of Dancing Rabbit Creek, signify to the United States Indian Agent here in Mississippi their intention to remain in Mississippi and become citizens of the States? A I don't know.

Q. Did any of your ancestors or any of your wife's ancestors ever claim or receive any ~~benefits~~ land here in Mississippi as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A I don't know.

Q. You never heard of any of your people getting any land did you?

A My daddy never got any land nor nothing that way; I don't know much about the old folks, whether they ever got it or not.

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

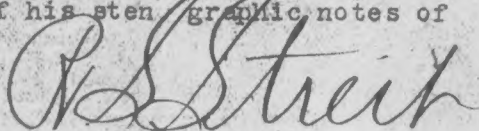
Q. Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors or any of your wife's ancestors were in 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that they ever complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, or that they ever received any benefits under that article of that treaty? A No.

(This applicant has every appearance and characteristic of a full blood Indian; he speaks the Choctaw language and very little English; the examination having been conducted through a sworn Choctaw interpreter.)

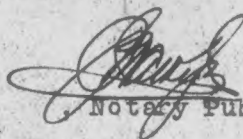
Nicholas Tom, et al., #4.

The decision of the Commission as to the application you make for the identification of yourself and your three minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 13th day of June, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings upon said date.



Subscribed and sworn to before me at Meridian, Mississippi, this 20th day of June, 1901.



Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

CHOCTAW LAND OFFICE,

ATOKA, INDIAN TERRITORY, SEPTEMBER 10, 1906.

IN THE MATTER of the proof of continuous residence upon the lands of the Choctaws and Chickasaws in Indian Territory for a period of three years of Nicholas Tom, his three children Watson, Moses and Sicily Tom, identified Mississippi Choctaws, card No. 553, schedule Nos. 1640, 1641, 1642 and 1643, approved roll Nos. 918, 919, 920 and 921 respectively, and his wife Sina Lewis, identified Mississippi Choctaw, card No. 193, schedule No. 578, approved roll No. 335.

NICHOLAS TOM, being duly sworn testified as follows through Jackson W. Carnes, official Choctaw interpreter:

EXAMINATION

BY THE COMMISSIONER:

- Q What is your name? A Nicholas Tom.  
Q How old are you? A Thirty-nine.  
Q What is your postoffice address? A Soper.  
Q Are you a Mississippi Choctaw? A Yes sir.  
Q Do you appear here today to submit testimony relative to the continuous residence upon the lands of the Choctaws and Chickasaws in Indian Territory for yourself, your wife and your three children? A Yes sir.  
Q What is your wife's name? A Sina Lewis.  
Q What is her father's name? A Lewis.  
Q Do you know her mother's name? A I don't know her name.  
Q Do you know any of her brothers or sisters? A No sir.  
Q Did she at one time live in the state of Mississippi? A Yes sir.  
Q What was her postoffice in Mississippi? A I don't know.  
Q Did you marry her in Mississippi or after you came to this country? A In Mississippi.  
Q What are your children's names? A Watson, Moses and Sicily.  
Q Are they all living? A Yes sir.  
Q What is the name of their mother? A Dead;- Minney Tom.  
Q Who was Susan Tom? A Died in Mississippi.  
Q Who was she? A That was my second wife.

(2)

- Q Who was your first wife? A Minney.  
Q And Susan was your second wife? A Yes sir.  
Q Susan is not the mother of these three children? A No sir.  
Q What is your mother's name? A I don't know, because she died when I was a little baby.  
Q What was your postoffice address in Mississippi?  
A Engine postoffice.

THE COMMISSIONER:

The names of Nicholas Tom, his three children Watson, Moses and Sicily Tom appear on identified Mississippi Choctaw card No. 553, schedule Nos. 1640 to 1643 inclusive, approved roll Nos. 918 to 921 inclusive; the name of his wife Sina Lewis appears on identified Mississippi Choctaw card No. 193, schedule No. 575, approved roll No. 335.

It appears that Nicholas Tom, and his three children Watson, Moses and Sicily Tom were identified as Mississippi Choctaws on April 27, 1903, and that proof of their removal to and settlement within the Choctaw-Chickasaw Country was made August 18, 1903; that Sina Lewis was identified as a Mississippi Choctaw on February 14, 1903, and that proof of her removal to and settlement within the Choctaw-Chickasaw Country was made August 18, 1903.

- Q Are your children Watson, Moses and Sicily living?  
A Yes sir.  
Q Are these all the children you have? A Yes sir.  
Q When did you come from Mississippi to this country?  
A August 13, 1903.  
Q Did your three children Watson, Moses and Sicily come with you at that time? A Yes sir.  
Q Did your wife Sina Lewis also come at the same time?  
A Yes sir.  
Q Were you all brought to this country by the United States Government on the special train in charge of a United States Agent, which arrived in the Choctaw Nation on the night of August 13, 1903? A Yes sir.  
Q Have you, your wife Sina Lewis and these three children Watson, Moses and Sicily all lived continuously upon the lands of the Choctaws and Chickasaws ever since you came here? A Yes sir.  
Q Have any of you ever been outside of the Choctaw Nation to establish a home or make a residence any where else?  
A No sir.  
Q Have any of you ever been outside of the Choctaw Nation to go back to Mississippi or any where else at all since you came here? A No sir.  
Q Are you all living together at this time in the Choctaw Nation? A Yes sir.

(Witness dismissed).

MOSS BILLY, being duly sworn testified as follows through Jackson W. Carnes, official Choctaw interpreter:

EXAMINATION

BY THE COMMISSIONER:

- Q What is your name? A Moss Billy.  
Q How old are you? A Twenty-four.  
Q What is your postoffice address? A Seper.  
Q Are you a Mississippi Choctaw? A Yes sir.  
Q Do you know Nicholas Tom? A Yes sir.  
Q Do you know his three children Watson, Moses and Sicily Tom? A Yes sir.  
Q Do you know his wife Sina Lewis? A Yes sir.  
Q Are they all living? A Yes sir.  
Q Did you come from Mississippi to this country at the same time they did? A Yes sir.  
Q Were you all brought here on the special train in charge of a United States Agent, which arrived in the Choctaw Nation on the night of August 13, 1903? A Yes sir.  
Q Have you known them ever since that time? A Yes sir.  
Q Have Nicholas Tom, his wife Sina Lewis and these three children Watson, Moses and Sicily Tom lived continuously upon the lands of the Choctaws and Chickasaws in Indian Territory since they came from Mississippi up to the present time? A Yes sir.  
Q Have any of them ever been outside of the Choctaw Nation in Indian Territory since they came here to establish a residence or make a home anywhere else? A No sir.  
Q Have any of them ever been outside of the Choctaw Nation at all since they came here to go back to Mississippi or anywhere else? A No sir.  
Q Are you interested in any manner in any of their allotments? A No sir.  
Q Are you any kin to them? A No sir.  
(Witness dismissed).

JACKSON TOMURREE, being duly sworn testified as follows through Jackson W. Carnes, official Choctaw interpreter:

EXAMINATION

BY THE COMMISSIONER:

- Q How old are you, Jackson? A Forty-seven.  
Q What is your postoffice address? A Roswell.  
Q Are you a Mississippi Choctaw? A Yes sir.  
Q Do you know Nicholas Tom? A Yes sir.  
Q Do you know his wife Sina Lewis? A Yes sir.  
Q And his three children Watson, Moses and Sicily Tom? A Yes sir.  
Q Are they all living? A Yes sir.  
Q Do you know when they came from Mississippi to this country? A Yes sir.  
Q When was it? A August 13, 1903.

- Q Have they all lived continuously upon the lands of the ~~Cheetaw and Chickasaw~~ ever since they came from Mississippi on August 13, 1903, up to the present time? A Yes sir.
- Q Have any of them ever been outside of the Cheetaw Nation in Indian Territory since they came from Mississippi up to the present time to establish a residence or make a home any where else? A No sir.
- Q Have any of them ever been back to Mississippi or any where outside of the Cheetaw Nation at all since they came here? A No sir.
- Q You have known them ever since they came to this country, have you? A Yes sir.
- Q Are you any kin to them? A No sir.
- Q Are you interested in any manner in any of their allotments? A No sir.

(Witness dismissed).

---

I, S. T. Wright, stenographer to the Commissioner to the Five Civilized Tribes, on oath, state that I recorded the testimony and proceedings had in the above entitled cause on September 10, 1906, and that the above and foregoing is a true and correct transcript of my stenographic notes thereof.

A. J. Wright

Subscribed and sworn to before me this November 3, 1906.

L. L. W. Chappell

NOTARY PUBLIC.

C

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

SWB  
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In the matter of making proof of the continuous and bona fide residence in the Choctaw and Chickasaw Nations, Indian Territory, of Sicily Tom, a duly enrolled Mississippi Choctaw, Roll No. 921.

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The evidence herein shows that Sicily Tom has been duly enrolled as a Mississippi Choctaw, and that her enrollment as such was approved by the Secretary of the Interior on January 13, 1905; that satisfactory proof has been submitted to the Commissioner to the Five Civilized Tribes that she has, in good faith, continuously resided upon the lands of the Choctaw and Chickasaw Nations, Indian Territory, for a period of three years subsequent to her identification as a Mississippi Choctaw, and that she is, therefore, entitled to receive a patent for her allotment selection, under the provisions of Section 42 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

JAN - 7 1907

*Case*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Nicholas Tom, et al., for identification as Mississippi Choctaws, M.C.R. 2207.

-----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 May 13, 1901, by Nicholas Tom for himself, and his three minor children, Watson, Moses and Sicily Tom, 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 Nicholas Tom, Watson Tom, Moses Tom and Sicily Tom should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Acting Chairman

  
Commissioner

  
Commissioner

Tuskogee, Indian Territory

APR 27 1903

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 Nicholas Tom his three minor children Watson Tom, Moses Tom, and Sholly Tom 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 Nicholas Tom and his three 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 July identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

*Tame Kirby*

Chairman.

Registered,  
Enc 2207

Muskogee, Indian Territory, May 1, 1903.

Boyd Bob,

Engine, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of the joint letter of yourself, Allen Tonubee, Nicklous Tom, Jackson Tonubee and Nola Billie asking whether or not you have been identified as Mississippi Choctaws.

Replying to your communication you are advised that it appears from our records that on April 27, 1903, the Commission rendered decisions identifying Boyd Bob, his wife, Lisby and three minor children; Nolie Billey and two minor children; Nicholas Tom and three minor children; and Allen Tonubee and two minor children as Mississippi Choctaws: and on the same date notice to that effect was furnished the attorneys for the Choctaw and Chickasaw Nations. If at the end of fifteen days from April 27, 1903, no protest has been filed with the Commission by said attorneys against the identification of the above named persons as Mississippi Choctaws their names will be placed upon a schedule of duly identified Mississippi Choctaws now being prepared by the Commission.

You are further advised that it appears from our records that Jackson Tonubee, his wife, Sissie, and five minor children

D.P.-----2

are applicants to this Commission for identification as Mississippi Choctaws. Up to the present time no decision has been rendered by the Commission relative to their right to such identification but when a decision is reached they will be duly notified of the action of the Commission.

Respectfully,

Chairman.

COPY.

M.C.R. 2207

Muskogee, Indian Territory, May 6, 1903.

Nicholas Tom,

Engine, 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 and your minor children, Watson Tom, Moses Tom, and Sicily Tom as Mississippi Choctaw Indians under the provisions 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)

*Tams Bixby.*

Chairman.

Registered.

Enc. 2207.

Muskegee, Indian Territory, August 27, 1904.

Nickelae Tom,  
Jackson, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, in which you state that Harrison Rickson, a Mississippi Choctaw, died a few days ago and you ask to be advised as to being appointed administrator of his estate.

In reply you are informed that appointing administrators does not come within the jurisdiction of this Commission and is a matter upon which this office can give you no advice.

Respectfully,

Chairman.

## For Identification as a Mississippi Choctaw.

Date MAY 13 1901

Name Nicholas Tom

Age 38 Blood full

Post Office, Engine, Miss.

Father: Tom (dead)

Mother: Peter "

Claims through both parents  
 (Claims for himself  
 and 3 minor children)

## Children:

Watson Tom 15

Moses " 13

Sicily " (F) 5

Mother - Susan Tom (dead)

See Miss. Choc. card file No. 164. Appearance 1/30/99. Susan Tom died ~~in~~  
 about middle of Oct. 1900)

Enographer

R. A. Street

MISSISSIPPI

R. 2207

Nicholas T. ... et al.

copy 1



Choctaw MCR 2208

Allen Toonubbee

MCR 2208

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The within record is in the matter of  
the application of Allen Toonubbee, et al., for identification as  
Mississippi Choctaws,

M.C.R. 2208

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Allen Toonubbee,  
et al., for identification as Mississippi Choctaws, M.C.R. 2208

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Decatur, Mississippi, May 13, 1901.

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

Allen Toonubbee, having been first duly sworn, upon his oath testified as follows: (Indian McDonald, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Allen Toonubbee.
- Q How old are you? A Fifty two.
- Q What is your post office address? A Engine, Mississippi.
- Q What County? A Neshoba.
- Q How long have you lived in Mississippi? A All the time.
- ✓ Q Is your father living? A No.
- ✓ Q What was his name? A Toonubbee.
- ✓ Q Was he a full blood Choctaw? A Yes.
- Q Did he always live in Mississippi? A Yes.
- ✓ Q Is your mother living? A Dead.
- ✓ Q What was her name? A Stionah.
- Q Did she have any other name? A No.
- ✓ Q Was she a full blood Choctaw? A Yes.
- Q Did she always live in Mississippi? A Yes.
- Q Have all of your ancestors always lived in Mississippi? A Yes
- ✓ Q You claim to be a full blood Choctaw? A Yes.
- Q Were either of your parents ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians in Indian Territory by the Choctaw authorities or the United States authorities?
- A No.
- Q Are you married? A Yes.
- Q Is your wife living? A Dead.
- Q How long has she been dead? A Four years.
- Q Have you any children under twenty one years of age and unmarried?
- A The oldest one, sixteen.
- Q How many children have you? A Two.
- Q Is this oldest one married? A No.
- Q What are the names and ages? A Siss.
- Q How old is Siss? A Sixteen years old.
- Q The next one? A Bissie.
- Q How old? A Five years old.
- Q These children both living with you? A Yes.
- ✓ Q What is the name of their mother? A Lucy.
- Q Was she the mother of both of them? A Yes.
- Q Is Lucy living? A Dead.
- ✓ Q Was she a full blood Choctaw? A Yes.
- Q Did she always live in Mississippi? A Yes.
- Q Did all of her ancestors always live in Mississippi? A Yes.
- Q Were you married to her under a license or according to the Choctaw custom? A According to the Choctaw custom.
- Q How long did you live with her? A About twenty years.

Allen Tonubbee, et al., #2.

Q Was she, or either of her parents ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians out in Indian Territory, by the Choctaw tribal authorities or the United States authorities? A I don't know.

Q Is your name or the name of either of these children to be found upon the Choctaw tribal rolls out in Indian Territory?

A No.

Q Did you ever make application to the Choctaw tribal authorities for yourself or these children to be enrolled as members of the Choctaw tribe? A No.

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

Q Is this the first application that you have ever made for yourself or any of these children to the Choctaw tribal authorities or to the United States authorities to be enrolled or admitted as citizens of the Choctaw Nation? A Two years ago at Philadelphia, and this year.

Q These two are the only applications of any description you have ever made? A Yes.

The records of the Commission show that on January 31, 1899, this applicant appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of himself and his two minor children as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 196; also, upon page 60 of the Schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians, claiming rights in the Choctaw lands under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Numbers 671, 672 and 673, respectively, thereon.

Q At the time you appeared before the Commission at Philadelphia Mississippi on January 31, 1899, the Commission understood the name of your youngest child to be Dissie, you now give it in as Bissie; which is correct? A Bissie.

Q Do you now want to make application for the identification of yourself and two minor children as Mississippi Choctaws? A Yes.

Q Do you claim your rights as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Did your wife, Lucy, ever receive any benefits as a Choctaw Indian? A No.

Q Did any of your ancestors, or any of Lucy's ancestors ever receive any benefits as Choctaw Indians? A I don't know.

Q Were any of your ancestors or any of Lucy's ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830 when this Treaty of Dancing Rabbit Creek was made? A I don't know.

Q Do you know whether any of them were recognized members of the Choctaw tribe of Indians at that time? A I don't know.

Allen Toonubbee, et al., #3.

Q Did any of your ancestors, or any of your wife's ancestors, remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the main part of the Choctaw tribe of Indiana between 1833 and 1838? A I don't know.

Q Did any of your ancestors or any of your wife's ancestors, within six months after that treaty of Dancing Rabbit Creek was ratified signify to the United States Indian Agent for the Choctaws here in Mississippi, their intention remain in Mississippi and become citizens of the States? A I don't know sir.

Q Did any of your ancestors or any of your wife's ancestors ever claim or receive any land in Mississippi as beneficiaries under the Fourteenth article of the Treaty of Dancing Rabbit Creek? A My dady, he gotland.

Q What was your father's father's name? A (No answer.)

Indian McDonald, having been first duly sworn, upon his oath testified as follows:

A I know that Toonubbee's father was Meah-shan-tah.

Q Were you personally acquainted with Meah-shan-tah? A Yes, I never seen him, but I been hearing about his daddy was Meah-shan-tah.

Q Do you know Tonubbee? A Yes.

Q Do you know whether Tonubbee's father got any land? A I don't know; he been staying on a place, but I don't know whether he gets the land or not.

Q Does he own the land? A He did until he died.

Q Who owns it now? A His boy did for a while, but he sold out I believe

The name Tonubbee, appears in case 351 on page 547 of Volume One of the Record of the Court of Claims in the case of the Choctaw Nation of Indians versus the United States, Number 12472. In the case of Meah-shan-tah is shown to be the head of a family, while Tonubbee is shown to be a child over ten years of age and to have received the West half of Section 2, Township 8 North, Range 13 East. This case is found in Abstract Number One reported by Commissioners, Tyler, Gaines and Rush, appointed under the Act of Congress of August 23, 1842, to hear applicants for reservations of land in Mississippi under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek. Opposite this case appears the following notation: "Attempt to signify intention of remaining five years proved. Continued residence proved. Com'rs allow the claim and award land, it not having been disposed of by government."

Q Did Tonubbee have any brothers or sisters? A He had half sister; Ho-che-mah was his half sister, and Pa-sa-chubbee and another young brother named Abbie, I don't know whether they got it or not.

Q Did Tonubbee have any half brothers or brothers? A yes, he died.

Q What was his name? A One that died?

Q Yes? A I didn't see him when he died.

Q You say you understand there was nanother half brother? A Yes.

Q What was his name? A He is dead; I don't recollect his name.

(Witness excused; applicant re-called.)

Allen Toonubbee, et al., #4.

Q Did any other of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of your wife's ancestors ever receive any? A I don't know.

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

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors or any of your wife's ancestors were in 1830, when the Treaty of Dancing Rabbit Creek was entered into recognized members of the Choctaw tribe of Indians or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of that Treaty of ever received any benefits under that article of that treaty? A No.

(This applicant has every appearance and characteristic of a full blood Indian; he speaks the Choctaw language and very little English, the examination having been conducted almost entirely through a sworn Choctaw interpreter.)

The decision of the Commission as to the application you make for the identification of yourself, and two minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, ~~and~~ he reported in full all proceedings had in the above entitled cause on the 13th day of May, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Meridian, this 21st day of June, 1901.

*[Signature]*  
Notary Public.

*Over.*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Allen Toomubbee,  
et al., for identification as Mississippi Choctaws, M.C.R. 2208.

-----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 May 13, 1901, by Allen Toonubbee for himself and his two minor children, Siss and Bissie Toonubbee, 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, eight en hundred and thirty, and 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

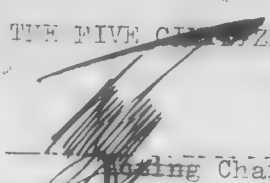


Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902, (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

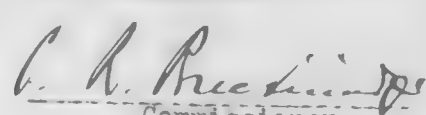
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants 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 Allen Toonubbee, Siss Toonubbee and Bissie Toonubbee should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Acting Chairman

  
Commissioner

  
Commissioner

Muskogee, Indian Territory

APR 27 1903

COPY.

M.C.R. 2208

Muskogee, Indian Territory, April 27, 1906.

Mansfield, McMurray and Cornish,  
Attorneys for 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, 1906, identifying Allen Toonubbee, and his two minor children Siss Toonubbee and Bissie Toonubbee 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 Allen Toonubbee and his two 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)

*Tamc Dixey.*

Chairman

Registered  
Enc. 2208

Muskogee, Indian Territory, May 1, 1903.

Boyd Hob,

Engine, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of the joint letter of yourself, Allen Tonubee, Nicklaus Tom, Jackson Tonubee and Nola Billie asking whether or not you have been identified as Mississippi Choctaws.

Replying to your communication you are advised that it appears from our records that on April 27, 1903, the Commission rendered decisions identifying Boyd Hob, his wife, Lisby and three minor children; Nolie Billey and two minor children; Nicholas Tom and three minor children; and Allen Tomubbee and two minor children as Mississippi Choctaws; and on the same date notice to that effect was furnished the attorneys for the Choctaw and Chickasaw Nations. If at the end of fifteen days from April 27, 1903, no protest has been filed with the Commission by said attorneys against the identification of the above named persons as Mississippi Choctaws their names will be placed upon a schedule of duly identified Mississippi Choctaws now being prepared by the Commission.

You are further advised that it appears from our records that Jackson Tonubbee, his wife, Sinsie, and five minor children

D. B. -----2

are applicants to this Commission for identification as Mississippi Choctaws. Up to the present time no decision has been rendered by the Commission relative to their right to such identification but when a decision is reached they will be duly notified of the action of the Commission.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, May 8, 1903.

Allen Toomubbee,

Engine, 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 and your minor children, Siss Toomubbee and Bisset Toomubbee 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.

M.C.R. 2208. Enc.

2208

Alma. Journal of the

604.

No 2208

For Identification as a Mississippi Choctaw

Date

1901

Name Allen Too nubbee

Age 52 Blood full.

Post Office, Engle, Miss.

Father: Tommiebee (dead)

Mother: Sti-o-nah "

Claims through both parents

(Claims for self and  
2 minor children)

Children:

Miss Tommiebee (full) 16

Bessie " " 5

mother Lucy " full (dead)

(See Miss. Choct. card filed to

196. Appearance 1/31/99. Given

name of youngest child should be  
Bessie

Stenographer

R. S. Street.

Choctaw MCR 2209

Bettie Gavin

MCR  
2209

See MCR 2261, 2629, 2365  
2262, 2211, 2263, 2790, 2789



FOR IDENTIFICATION  
MISSISSIPPI STATE POLICE

R. 1220

*Bettie Gavin et al*

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NOV

REFER TO R 2261, 2262, 2365,  
2262, 2211, 2263, 2790, 2789.

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

-----;-----

In the matter of the application of Bettie Gavin, et al.,  
for identification as Mississippi Choctaws, consolidating the appli-  
cations of

Bettie Gavin, et al.,	M C R 2209
Owen Gavin, et al.,	M C R 2261
Henry Gavin, et al.,	M C R 2629
Ella Nickerson, et al.,	M C R 2365
Bettie Gavin, Jr., et al.,	M C R 2262
Gus Gavin, et al.,	M C R 2211
Maggie White, et al.,	M C R 2263
Ida M. Gavin,	M C R 2790
Essie Morehead,	M C R 2789

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

Original application of Bettie Gavin, et al., before Page.  
the Dawes Commission for identification as Mississippi  
Choctaws. 1

Original application of Owen Gavin, et al., before  
the Dawes Commission for identification as Mississippi  
Choctaws. 5

Joint affidavit of Count Nicholson and Henry  
Scott in support of application. 8

Original application of Henry Gavin, et al., before  
the Dawes Commission for identification as Mississippi  
Choctaws. 9

Joint affidavit of Count Nicholson and Henry  
Scott in support of application. 12

Original application of Ella Nickerson, et al., before the Dawes Commission for identification as Mississippi Choctaws.	13
Affidavit of Henry Scott in support of application.	16
Affidavit of Henry Meadows in support of application.	17
Original application of Bettie Gavin, Jr., et al., before the Dawes Commission for identification as Mississippi Choctaws.	18
Joint affidavit of Count Nicholson and Henry Scott in support of application.	21
Original application of Gus Gavin, et al., before the Dawes Commission for identification as Mississippi Choctaws.	22
Certified copy of the marriage record of A. A. Gavin and S. B. Jones.	25
Joint affidavit of Count Nicholson and Henry Scott in support of application.	26
Joint affidavit of Count Nicholson and Henry Scott in support of application.	27
Original application of Maggie White, et al., before the Dawes Commission for identification as Mississippi Choctaws.	28
Joint affidavit of Count Nicholson and Henry Scott in support of application.	31
Original application of Ida M. Gavin before the Dawes Commission for identification as a Mississippi Choctaw.	32
Original application of Essie Morehead before the Dawes Commission for identification as a Mississippi Choctaw.	35
Final decision of the Commission refusing the consolidated application of Bettie Gavin, et al., for identification as Mississippi Choctaws.	38

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MERIDIAN, MISSISSIPPI, MAY 15, 1901.

In the matter of the application of Bettie Gavin for the identification of herself and two minor children as Mississippi Choctaws.

Bettie Gavin, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Bettie Gavin.
- Q What is your age? A Am about 50 years old.
- Q Where do you live? A Two miles other side of Macon.
- Q What county? A Neshubbee County, Mississippi.
- Q How long have you lived in Mississippi? A All my life.
- Q What is your post office address? A Macon, Mississippi.
- Q What is your father's name? A Isaac Hoskiss.
- Q Is he living? A No, dead.
- Q Was your father a Choctaw Indian? A No sir, he was not.
- Q What blood was he? A I don't know. He was a Yankee.
- Q Did he have any negro blood? A I can't answer anything for him; I know he died in Washington so they told me.
- Q What was your mother's name? A Acey Owens.
- Q Is she living? A I reckon so, I have not seen her for twenty years.
- Q Is your mother a Choctaw Indian? A I don't know.
- Q Where did you get your Choctaw blood? A From my grandmother.
- Q Through which one of your parents do you get your Choctaw blood? A Through my grandmother.
- Q How much Choctaw blood was your mother? A As much as darkeys was allowed.
- Q Was she a full blood? A No sir.
- Q How much Choctaw was she? A You can see as well as I can. Her mother and father was Choctaw Indians.
- Q How much Choctaw were they? A All I reckon.
- Q Do you know anything about them? A No.
- Q How do you know your mother was a Choctaw Indian? A Because she told me so.
- Q Were you ever a slave? A Not that I know of. I have been with the white people all my life.
- Q Why did you say "not that I know of"? A Because---
- Q Was your mother ever recognized in any official manner as a citizen of the Choctaw Nation? A She didn't say nothing about citizen --- she told me I was Injun.
- Q I am talking about your mother? A No sir.
- Q Have you any evidence showing that she was ever considered as a member of the Choctaw tribe of Indians? A Not a member as I know of.
- Q You claim your Choctaw blood solely through your mother? A Through my mother?
- Q Do you claim entirely through your mother? A Yes and grandmother
- Q I want to know which one of your parents you get your Choctaw blood through? A Through my mother.
- Q You do not get any through your father? A No.
- Q He had no Choctaw blood at all? A No.
- Q How much Choctaw blood do you claim? A I couldn't answer that.
- Q How do you know that you have any Choctaw blood? A I have been told that I was half Injun and half Yankee.
- Q Can you speak the Choctaw language? A No.

BetteGavin----2.

- Q Could your mother? A No, not that I know of. I was not raised with her and don't know.
- Q You think you are a half blood Indian? A Yes sir.
- Q Were you ever recognized among the full blood Choctaws here in Mississippi as a Choctaw? A Yes.
- Q How? A I cooked up around there and they asked me, and tried to get me off with them.
- Q When was that? A When I first came to the country---I was a little thing.
- Q First came to the country? A Yes.
- Q From where? A Virginia.
- Q Did you come from Virginia? A Yes, close to Virginia on the line of Alabama. I was too little to speak any.
- Q Did your father and mother ever live in Mississippi? A No sir, not as I know of. I know very little about my people.
- Q Did our mother always live in Virginia? A I don't know whether she did or not.
- Q What do you know about your mother? A I have seen her and didnt know her when I saw her. I want to see her twenty seven years ago and she gave me some information then and she told me I was Choctaw and my father was yankee.
- Q When did you come to Mississippi? A About thirty seven years ago; may be longer.
- Q Do you know you have perjured yourself? A No sir.
- Q You testified that you were born here in Mississippi and lived here all your life? A No sir.
- Q You were born in Virginia then? A Yes sir.
- Q And how old were you when you came to Mississippi? A I was little--clothes all buttoned back behind.
- Q How old were you? A Might be nine years old.
- Q Did your parents come with you? A No, I came with some white folks.
- Q How did white folks have possession of you? A Just like they took my from my mother.
- Q Did the people you were with consider you as a slave? A No, not that I knew of? I have never been treated as a slave. I have been staying with first one and then another.
- Q Are you married? A No sir.
- Q Have you been married? A No sir.
- Q Have you any children? A Yes sir.
- Q How many? A I have ten.
- Q How many children have you under twenty one and unmarried for whom you desire to make application? A Two.
- Q What are their names? A Patty Gavin.
- Q How old is Patty? A About sixteen.
- Q What is the next one? A Essie, about ei ghteen.
- Q Who is the father of these children? A Bob Gavin.
- Q Is he living? A No sir, he is dead.
- Q You were never married to him? A No.
- Q How long did you live with him? A Thirty seven years.
- Q Why were you not married to him? A Because the law would not allow it.
- Q Why? A I don't know.
- Q Was Bob Gavin a slave? A He was no slave--he was a white man/
- Q Why did not the law allow you to marry? A I don't know.
- Q Did you attempt to get a marriage license? A No sir.
- Q Who told you the law would not allow you to marry? A He told me.
- Q Why? A I don't know--he told me the law did not allow us to marry here.
- Q Did he give any reasons? A No, he belonged to high-strung folks
- Q Was he a white man? A Yes sir.

Bettie Gavin---3.

- Q Where do these children live? A The youngest one lives with me and the other one went by here a week ago down to Hattiesburg.
- Q Did she come here and make application herself? A No, she don't know anything about this. I have four or five more grown that will do this. I have a son you cannot tell him from the rest of the Choctaws.
- Q Have you or your children ever been enrolled by the Choctaw authorities in Indian Territory as citizens of the Choctaw Nation?
- A No sir.
- Q Did you ever make application or did any one ever apply for you or your children to the Choctaw tribal authorities for citizenship in that nation? A No sir.
- Q Did any one in your behalf or in behalf of your minor children make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1906? A No.
- 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 by the United States Court in Indian Territory?
- A No sir.
- Q Have you ever made application before this? A No.
- Q Has any one ever made one for you? A No.
- Q This is the first application you have ever made of any description? A Yes sir.
- Q You are now making application for the identification of yourself and two children as Mississippi Choctaws? A Yes sir.
- Q Do you claim your rights as beneficiaries under the fourteenth article of the treaty of 1830? A Yes sir.
- Q Was any of your ancestors living here in 1830? A I don't know.
- Q The treaty of 1830 was made between the United States and the Choctaw Indians and provided for the removal of the Choctaws from Mississippi to Indian Territory, and the fourteenth article gave them the right to stay here if they desired to do so upon signifying their intention, and they were entitled to a tract of land and after while they were to receive a patent to those lands. The fourteenth article provided that those who took advantage of its provisions should not lose their rights as Choctaw citizens---Do you claim your ancestors were members of the Choctaw tribe of Indians here in Mississippi in 1830? A I know that my grandmother was a Choctaw. And they always called me a Choctaw.
- Q Where did she live? A In Virginia. I know she was Injun.
- Q What was her name? A Mary Owen.
- Q She died in Virginia? A She is dead.
- Q She died in Virginia? A Yes, I think she did. I didn't keep up no correspondence with her.
- Q Are there any additional statements you want to make in support of this application? A No sir.
- Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents, or any papers of any description showing that your ancestors were ever recognized and considered as members of the Choctaw tribe of Indians or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830? A No sir.

Examination by L. P. Hudson, attorney for applicant:

- Q Where did your grandfather or grandmother go from to Virginia?
- A From Alabama as I can understand.
- Q What is the way you understand it? A Yes.
- Q And that your mother was born there in Virginia? A Yes.
- Q And that you also were born there? A Yes.
- Q Do you know when it was your grandparents went from Alabama to Virginia? A No sir.

Bettie Gavin---4.

- Q Have you any means of showing by the evidence of white people who were acquainted with them where they went from to Virginia? A No, I have evidence to show that I was always considered a Choctaw.
- Q Have you any evidence showing where your grandmother and grandfather lived before they went to Virginia? A No sir.
- Q Do you remember when the last census was taken? A Yes.
- Q How were you taken in that census? A I was given in as an Injun.
- Q Have you any negro blood in your veins? A Not a drop that I know of.
- Q You claim you are half Choctaw? A Yes.

By The Commission:

- Q Where was your mother born? A In Virginia---I expect she was.
- Q Did you ever hear about what time it was your grandfather and grandmother left Alabama? A No sir.
- Q When did you hear that? A Always heard it when I heard anything about it at all. I heard those tell about how high tempered she was. I heard people talk that way before I had ever seen her. I went to see her and run from her.
- Q When did your grandmother die? A Two years after the surrender.
- Q How old was she when she died? A I don't know.
- Q About how old was she? A I reckon about as old as I am now. I have seen her a few times. Heard more of her than I ever saw her.
- Q Did any of your ancestors ever remove from Mississippi to the Choctaw Nation in Indian Territory at the time of the removal of the Choctaws? A No sir.
- Q Did any of your ancestors ever claim or receive any land in Mississippi under the fourteenth article of the treaty of 1830? A No sir.

The applicant in this case has some slight appearance of an Indian. Her complexion is that of an Indian; her hair is very nearly straight, and in the past it was evidently black though now tinged with gray. She has the appearance also of having negro blood in her veins. She is unable to speak the Choctaw language. It appears from her testimony that at the time of the treaty of 1830 between the United States and the Choctaw Indians her mother through whom she claims her right to identification was a resident of the state of Virginia. She has no knowledge of any compliance by her ancestors with the provisions of the fourteenth article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your two children for identification as Mississippi Choctaw will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of the decision will be mailed to you at your post office address as given in your testimony at this time.

H. C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 15th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 4th day of June 1901.

H. C. Risteen

*[Signature]*  
Notary Public.

*L. A. S.  
Coll.*

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

-----|-----

In the matter of the application of Bettie Gavin, et al.,  
for identification as Mississippi Choctaws, consolidating the appli-  
cations of

Bettie Gavin, et al.,	M. C. R. 2209
Owen Gavin, et al.,	M. C. R. 2261
Henry Gavin, et al.,	M. C. R. 2429
Ella Nickerson, et al.,	M. C. R. 2568
Bettie Gavin, et al.,	M. C. R. 2262
Gus Gavin, et al.,	M. C. R. 2211
Maggie White, et al.,	M. C. R. 2263
Ida M. Gavin,	M. C. R. 2790
Hessie Merhead,	M. C. R. 2790

--: 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 Bettie Gavin for herself and her two minor children, Patty and  
Hessie Gavin; by Owen Gavin for himself and his eight minor children,  
Minnie, Alberta, Bobalink, Catharine, Lloyd, Nellie, Annie and Le-  
gan Gavin; by Henry Gavin for himself and his two minor children,  
Arnold and Eugene Gavin; by Ella Nickerson for herself and her six  
minor children, Walter, Maggie, Minnie, Moses, Louis and Albert  
Nickerson; by Bettie Gavin for herself and her four minor children,  
Benjamin, Frank, Kate Juanita and Jammie Malcolm Gavin; by Gus  
Gavin for himself and his minor child, Lula Gavin; by Maggie White



for herself and her two minor children, Sadie May and Joseph Elmer White; by Ida M. Gavin for herself; and by Essie Marshood for herself under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

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

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Mary Owen, and Asey Owen (or Asey Hughes), who are alleged to have been full blood Choctaw Indians.

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 18, 1898, (29 Stat., 521).

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

sion of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary Owen, or Asey Owen (or Asey Hughes), signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Bettie Gavin, Patty Gavin, Essie Gavin, Owen Gavin, Minnie Gavin, Alberta Gavin, Bebeliak Gavin, Catherine Gavin, Lloyd Gavin, Nellie Gavin, Annie Gavin, Logan Gavin, Henry Gavin, Arnold Gavin, Eugene Gavin, Ella Nickerson, Walter Nickerson, Maggie Nickerson, Minnie Nickerson, Moses Nickerson, Louis Nickerson, Albert Nickerson, Bettie Gavin (2), Benjamin Gavin, Frank Gavin, Kate Juanita Gavin, Jehnnie Malcolm Gavin, Gus Gavin, Lula Gavin, Maggie White, Sadie May White, Joseph Elmer White, Ida M. Gavin and Essie Merend as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their

identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
\_\_\_\_\_  
Acting Chairman.

*T. B. Hood*  
\_\_\_\_\_  
Commissioner.

*C. R. Breckinridge*  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

OCT 18 1902

Muskogee, Indian Territory, October 18, 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 October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Bettie Gavin, et al., embracing the following applications for identification as Mississippi

Choctaws:

Bettie Gavin, et al.,	M.C.R. 2209
Owen Gavin, et al.,	M.C.R. 2261
Henry Gavin, et al.,	M.C.R. 2629
Ella Nickerson, et al.,	M.C.R. 2365
Bettie Gavin, et al.,	M.C.R. 2262
Gus Gavin, et al.,	M.C.R. 2211
Maggie White, et al.,	M.C.R. 2263
Ida M. Gavin,	M.C.R. 2790
Nasis Morehead,	M.C.R. 2789

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats. 495) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Bettie Gavin, Patty Gavin, Essie Gavin, Owen Gavin, Minnie Gavin, Alberta Gavin, Bobolink Gavin, Catherine Gavin, Lloyd Gavin, Nellie Gavin, Annie Gavin, Logan Gavin, Henry Gavin, Arnold Gavin, Eugene Gavin, Ella Nickerson, Walter Nickerson, Maggie Nickerson, Minnie Nickerson, Moses Nickerson, Louie Nickerson, Albert Nickerson, Bettie Gavin (2), Benjamin Gavin, Frank Gavin, Kate Juanita Gavin, Johnnie Malcolm Gavin, Gus Gavin, Lula Gavin, Maggie White, Sadie May White, Joseph Elmer White, Ida M. Gavin and Essie Morehead as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

James M. [unclear]  
Acting Chairman

Muskogee, Indian Territory, October 18, 1902.

John S. Hagler,  
 Attorney at Law,  
 Bowie, Texas.

Dear Sir:-

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Bettie Gavin, et al., embracing the following applications for identification as Mississippi Choctaws:

Bettie Gavin, et al.,	M.C.R. 2209
Owen Gavin, et al.,	M.C.R. 2261
Henry Gavin, et al.,	M.C.R. 2629
Ella Nickerson, et al.,	M.C.R. 2365
Bettie Gavin, et al.,	M.C.R. 2262
Gus Gavin, et al.,	M.C.R. 2311
Maggie White, et al.,	M.C.R. 2263
Ida M. Gavin,	M.C.R. 2790
Essie Morehead,	M.C.R. 2789

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:

John S. Hagler-----2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Bettie Gavin, Patty Gavin, Essie Gavin, Owen Gavin, Minnie Gavin, Alberta Gavin, Bobolink Gavin, Catherine Gavin, Lloyd Gavin, Nellie Gavin, Annie Gavin, Logan Gavin, Henry Gavin, Arnold Gavin, Eugene Gavin, Ella Nickerson, Walter Nickerson, Maggie Nickerson, Minnie Nickerson, Moses Nickerson, Louie Nickerson, Albert Nickerson, Bettie Gavin (2), Benjamin Gavin, Frank Gavin, Kate Juanita Gavin, Johnnie Malcolm Gavin, Gus Gavin, Lula Gavin, Maggie White, Sadie May White, Joseph Elmer White, Ida M. Gavin and Essie Morehead as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Acting Chairman

Registered.

COPY.

M.C.R. 2209

Muskogee, Indian Territory, October 18, 1902.

Bettie Gavin,

Macon, Mississippi.

Dear Madam:-

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Bettie Gavin, et al., embracing the following applications for identification as Mississippi

Choctaws:

Bettie Gavin, et al.,	M.C.R. 2209
Owen Gavin, et al.,	M.C.R. 2261
Henry Gavin, et al.,	M.C.R. 2629
Ella Hickerson, et al.,	M.C.R. 2368
Bettie Gavin, et al.,	M.C.R. 2262
Gus Gavin, et al.,	M.C.R. 2211
Maggie White, et al.,	M.C.R. 2263
Ida M. Gavin,	M.C.R. 2790
Essie Morehead,	M.C.R. 2789

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:



Bettie Gavin-----2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Bettie Gavin, Patty Gavin, Essie Gavin, Owen Gavin, Minnie Gavin, Alberta Gavin, Bobelink Gavin, Catherine Gavin, Lloyd Gavin, Nellie Gavin, Annie Gavin, Logan Gavin, Henry Gavin, Arnold Gavin, Eugene Gavin, Ella Nickerson, Walter Nickerson, Maggie Nickerson, Minnie Nickerson, Moses Nickerson, Louis Nickerson, Albert Nickerson, Bettie Gavin (2), Benjamin Gavin, Frank Gavin, Kate Juanita Gavin, Johnnie Malcolm Gavin, Gus Gavin, Lula Gavin, Maggie White, Sadie May White, Joseph Elmer White, Ida M. Gavin and Essie Merthead as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

  
Acting Chairman

Registered.

COPY.

Muskogee, Indian Territory, November 3, 1902

The Honorable,

The Secretary of the Interior

Sir:-

There is transmitted herewith the record in the consolidated case of Bettie Gavin, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 18, 1902.

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

Bettie Gavin, et al.,	M.C.R. 2209
Owen Gavin, et al.,	M.C.R. 2261
Henry Gavin, et al.,	M.C.R. 2629
Ella Nickerson, et al.,	M.C.R. 2365
Bettie Gavin, et al.,	M.C.R. 2262
Ous Gavin, et al.,	M.C.R. 2211
Maggie White, et al.,	M.C.R. 2263
Ida M. Gavin,	M.C.R. 2790
Bessie Morehead,	M.C.R. 2789

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

Respectfully,

Through the Commissioner  
of Indian Affairs  
1 enclosure, M C R 2209.

*Tame Dixby.*  
Acting Chairman.

Muskogee, Indian Territory, December 10, 1902.

Dent & Patty,

Attorneys at Law,

Mon, Mississippi.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 5th inst., in which you ask to be advised the present status of certain Mississippi Choctaw cases.

In reply, you are informed that the several cases named by you have been made a part of the consolidated Mississippi Choctaw case of Bettie Gavin, et al.; and on October 18, 1902, the Commission rendered its decision refusing the applications of the several applicants therein, and granted them fifteen days from the date of said decision within which to file arguments in support of their claim.

On November 3, 1902, the record in this consolidated case was forwarded to the Secretary of the Interior for review. The several applicants will be duly notified of such action as may be taken by him.

Respectfully,

Acting Chairman.

## DEPARTMENT OF THE INTERIOR.

FHE

WASHINGTON.

I T.D. 896-1903

February 20, 1903.

L R S

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 3, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Bettie Gavin (M.C.R. 2209) for herself and her two minor children, Patty and Essie Gavin; of Owen Gavin for himself and his eight minor children, Minnie Alberta, Bobolink, Catherine, Lloyd, Nellie, Annie and Logan Gavin; of Henry Gavin for himself and his two minor children, Arnold and Eugene Gavin; of Ella Nickerson for herself and her six minor children, Walter Maggie, Minnie, Moses, Louie and Albert Nickerson; of Bettie Gavin for herself and herself and her four minor children, Benjamin, Frank, Kate Juanita and Johnnie Malcolm Gavin; of Gus Gavin for himself and his minor child, Lula Gavin; of Maggie White for herself and her two minor children, Sadie May and Joseph Elmer White; of Ida M. Gavin for herself; and of Essie Morehead for herself, including your decision of October 18, 1902, refusing to identify them as such.

The principal applicant, Bettie Gavin, through whom the others claim, is a half blood Choctaw who, it seems, was born in Virginia about 1851. She removed from there to Noxubbe county, Mississippi. She has resided in that state since she was about 9 years old. She traces her descent from her grandmother, Mary Owen, through her mother, Acey Owen, whose name also appears as Alsey Hughes. It appears that said ancestors were residents of Alabama

:---:2:---:

and afterwards of Virginia.

The testimony as furnished by the record fails to show that these applicants or any of their alleged ancestors ever complied or attempted to comply in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

It further appears that the records of the government in your possession as well as those at the Indian Office, fail to show that any person whatever, bearing the name of any of the alleged ancestors, ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter January 24, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

The Department concurs in his recommendation, and your decision is accordingly affirmed.

Respectfully,

THOS. RYAN.

Acting Secretary.

1 inclosure.

Land.  
67,797-1902.

(COPY)

Department of the Interior,  
Office of Indian Affairs,  
Washington, January 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Bettie Gavin for herself and her two minor children, Patty and Essie Gavin; by Owen Gavin for himself and his eight minor children, Minnie, Alberta, Bobolink, Catherine, Lloyd, Nellie, Annie and Logan Gavin; by Henry Gavin for himself and his two minor children, Arnold and Eugene Gavin; by Ella Nickerson for herself and her six minor children, Walter, Maggie, Minnie, Moses, Louie and Albert Nickerson; by Bettie Gavin for herself and her four minor children, Benjamin, Frank, Kate, Juanita and Johnnie Malcolm, Gavin; by Gus Gavin for himself and his minor child, Lula Gavin; by Maggie White for herself and her two minor children, Sadie Mgy and Joseph Elmer White; by Ida M. Gavin for herself; and by Essie Morehead for herself, wherein a decision adverse to the applicants was rendered by the commission on October 18, 1902.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Alsey Hughes and Mary Owen. They claim that their ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the names of their ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Alsey Hughes and Mary Owen, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

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

Very respectfully,

A. C. TONNER.

Acting Commissioner.

(E.B.H.)

P.

COPY.

M.C.R. 2209.

Muskegee, Indian Territory, March 5, 1903.

Bettie Gavin,

Macon, Mississippi.

Dear Madam:

You are hereby notified that on the 20th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Bettie Gavin, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

(SIGNED)

Chairman.



M.C.R. 2209.

Muskogee, Indian Territory, March 8, 1903.

John S. Hagler,  
Attorney-at-Law,  
Bowie, Texas.

Dear Sir:

You are hereby notified that on the 20th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Bettie Gavin, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

*John S. Hagler*  
Chairman.

Muskogee, Indian Territory, March 5, 1903.

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

Gentlemen:

You are hereby notified that on the 20th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Bettie Gavin, et al., of which decision you were advised by mail on the 18th day of October, 1902.

Respectfully,

*Jane Pickens*  
Chairman.

No. 24411

**For Identification as a Mississippi Choctaw.**

Date **MAY 15 1901**

Name *Bettie Gavin.*

Age *50.* Blood *1/2.*

Post Office *Macon, Miss.*

Father: *Isaac Hoskins - dead.*

Mother: *Reey Owen - dead.*

Claims through *mother*

*(Claims for self and line)*

Children:

<i>Patty Gavin</i>	<i>16</i>
<i>Bessie</i>	<i>18</i>

FATHER:

*Bob Gavin - dead.*

Stenographer-

*H. O. Risteen.*

CARD No.

NAME

RESIDENCE  
DISTRICT

POST OFFICE

AGE SEX

REFER TO M. C. R. 2207

Bette Haven  
et al

Consolidated Co.

Mary Ann

\*Clay Owen or Alsey Hughes  
man

Isaac Haskiss

\*Completed in 1860

Bettie Gavin 50 1/2  
white

\* never married. father of  
children. Robert (or Matt)

Owen Gavin 37 1/2  
wife white

Julia Gavin  
white

Henry Gavin 33 1/4  
wife  
Maeie Gavin

Ella Gavin 33 1/4

Wash Nickerson, 1891

Bettie Gavin 28 1/2

Hus Gavin 28 1/4  
wife

Belle Gavin

Maggie Gavin 24 1/2

Joe White, 1/8 w. 1/8 ind.

Ida M Gavin 22 1/2

Essie Gavin 20 1/4  
not

John C. Morehead, 1891

Minnie Gavin 15

Alberta Gavin

Isobell Gavin

Catherine Gavin 7

Kloyd Gavin

Nellie Gavin

Annie Gavin

Logan Gavin 5 mo

Arnold Gavin 5

Eugene Gavin 20 mo

Nalter Nickerson

Maggie Nickerson

Minnie Nickerson

Moses Nickerson 8

Louise Nickerson

Albert Nickerson

Benjamin Gavin

Frank Gavin

Kate Augusta Gavin

Johnnie Malcolm Gavin

Kula Gavin 5 mo

Sadie May Gavin

Joseph Elmer Gavin 5 mo

\* children (under age) of Bettie  
Gavin 1829

Essie Gavin 15

Patty Gavin 16

Choctaw MCR 2210

Lewis John

MCR 2210

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The within record is in the matter of the  
application of Lewis John, et al., for identification as  
Mississippi Choctaws,  
M.C.R. 2210

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Lewis John, et al.,  
for identification as Mississippi Choctaws, M.C.R. 2210

I N D E X

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Original application of Lewis John, et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Decision of the Commission identifying Lewis John et al., as Mississippi Choctaws	5



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, May 15, 1901.

In the matter of the application of Lewis John for the identification of himself, his wife and one minor child as Mississippi Choctaws.

Lewis John, having been first duly sworn, upon his oath testifies as follows, through Isham Johnston, official interpreter:

Examination by the Commission:

- Q What is your name? A Lewis John.
- Q How old are you? A Abo ut twenty eight.
- Q Where do you live? A Newton County, Mississippi.
- Q How long have you lived in Mississippi? A All my life.
- Q What is your post office address? A Riversville.
- Q What is your father's name? A John.
- Q John John or just John? A Just John.
- Q Did he have any other name? A Don't know.
- Q Did he have a Choctaw name? A Socktubbee.
- Q Is your father living? A No sir.
- Q Was he a full blood Choctaw? A Yes sir.
- Q Did he always live here in Mississippi? A Yes.
- Q Did his people always live here before him---his father and mother A Yes.
- Q What is your mother's name? A Sarah John.
- Q Is your mother living? A Dead.
- Q Was she a full blood Choctaw? A Yes.
- Q Did she have any Choctaw name? A Don't know.
- Q Did your mother always live in Mississippi? A Yes.
- Q Did her people always live here? A Yes.
- Q Have you any Choctaw name? A No.
- Q Did you or your parents ever receive any benefits as Choctaw Indians or were they ever recognized in any official manner as citizens of the Choctaw Nation? A No.
- Q Are you married? A Yes.
- Q What is your wife's name? A Cornelia.
- Q Your wife is a full blood Choctaw? A Yes.
- Q How old is she? A Twenty four.
- Q Has your wife always lived in Mississippi? A Yes.
- Q What is your wife's father's name? A John Alin.
- Q Is he living? A Dead.
- Q Was he a full blood Choctaw? A Yes.
- Q Did he always live here in Mississippi? A Yes.
- Q Did his parents live here? A Yes.
- Q What was your wife's mother's name? A Don't know her English name---had Choctaw name.
- Q Didn't she have any English name? A Don't know----Sealy.
- Q Is your wife's mother living? A Yes.
- Q Where does she live? A In Jackson.
- Q What was her Choctaw name? A Una-he-ya.
- Q Did your wife's mother always live in Mississippi? A Yes.
- Q Did her parents always live here? A Yes.
- Q Was your wife's people ever recognized in any manner or did they ever receive any benefits as Choctaw Indian? A Don't know about it.
- Q Was you and Cornelia ever married? A Yes.
- Q How was you married? A Choctaw custom.
- Q Never obtained a license? A No.
- Q Have you any children? A Yes.
- Q How many? A One.

Lewis John---2.

- Q What is the child's name? A Simpson.  
Q How old is he? A Six.  
Q Does he live with you? A Yes.  
Q Are you the father of Simpson John? A Yes.  
Q Who is the mother? A Mollie.  
Q Is Mollie living? A Yes.  
Q You have separated from her have you? A Yes.  
Q Is she living with another man now? A Yes.  
Q What is her name now? A Her husband's name is Willie Gibson.  
Q Does she go by the name of Mollie Gibson now? A Yes.  
Q Is she a full blood Choctaw? A Yes.  
Q Have you, your wife or your child ever been enrolled by the Choctaw tribal authorities in Indian Territory as citizens of the Choctaw Nation? A No.  
Q Did you or did any one for you ever make application to the Choctaw tribal authorities to be enrolled as citizens of the Choctaw Nation? A No.  
Q Did you or did any one for you or for your wife and child make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.  
Q Have you, your wife or your child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No.  
Q Did you, your wife or any one for you, your wife or child ever make application to the authorities of the United States or of the Choctaw Nation to be admitted or enrolled as citizens of that tribe prior to this time? A Yes, made application at Decatur two years ago.  
Q Did your wife make application there too, your present wife, Cornelia? A Don't know.

The applicant is the identical Lewis John who made application for identification as Mississippi Choctaws of himself, his wife Mollie, and two children, Simpson and Eamon John at Decatur, Mississippi, February 8, 1899, their names appearing upon Mississippi Choctaw Card, Field No.472, and upon the schedule annexed to the Commission's report of March 10, 1899, as to the identity of Mississippi Choctaws, page 100, roll Nos as follows:

1721: Lewis John.  
1722: Mollie John  
1723: Simpson John  
1724: Eamon John.

His wife for whom application is now made also made application at Decatur, Mississippi, February 9, 1899, under the name of Cornelia Alin, her name appearing upon Mississippi Choctaw Card Field No.501, and upon the schedule annexed to the Commission's report of March 10, 1899, as to the identity of Mississippi Choctaws, page 104, roll No.1823, as Cornelia Alin.

- Q You are now making application for the identification of yourself and your wife and child as Mississippi Choctaws? A Yes.  
Q You claim your rights as beneficiaries under the fourteenth article of the treaty of 1830? A Yes  
Q Did you ever receive any benefits as a Choctaw Indian? A No.  
Q Did any of your ancestors or fore-parents ever receive any benefits as Choctaw Indians? A No.  
Q What was the name of your foreparents or ancestors who resided here in Mississippi in 1830 at the time of the treaty of Dancing Rabbit Creek? A Don't know.

Lewis John---3.

Q Did any of your ancestors ever remove from the state of Mississippi to the Indian Territory at the time of the removal of the Choctaw Indians in 1833 to 1838? A No.

Q Did any of your ancestors signify to the United States Indian Agent of the Choctaws in Mississippi their intention to remain in Mississippi and become citizens of the United States within six months after the ratification of that treaty? A Don't know.

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

Q As far as you know have you ancestors always lived here in Mississippi? A Yes.

Cornelia John, wife of applicant, called, and after being first duly sworn, testifies as follows; through Isham Johnston, official interpreter:

Examination by the Commission:

Q What is your name? A Cornelia Alin, now Cornelia John.

Q How old are you? A Twenty four.

Q Are you the wife of Lewis John? A Yes.

Q Do you know anything about your Choctaw ancestors, your fore-parents? A No.

Q Did you ever hear whether any of your ancestors ever removed from Mississippi to the Indian Territory when the Choctaw tribe were moved out there about seventy years ago? A No.

Q Did any of your ancestors ever claim or receive any land in Mississippi from the United States government under the treaty of 1830? A No.

Q As far as you know have your ancestors always lived in Mississippi? A Yes.

Witness excused.

Lewis John, the applicant, Re-called:

By the Commission:

Q Are there any other statements you want to make in regard to this application--have you any knowledge of your ancestors at the time of the treaty of 1830 or any other statements you desire to make? A No.

Q Have you any written or documentary evidence, affidavits, copies of deeds, records or patents, or any other papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits under that article of that treaty? A No.

The applicant in this case applies for identification of himself his wife and his child as Mississippi Choctaws, and at the time of the making of the application, all three of them are in person before the Commission. They all have the appearance of full blood Choctaw Indians and none of them are able to speak the English language, the examination of the applicant himself and the testimony of his wife having been given through a sworn Choctaw interpreter. It appears from the testimony of the applicant and his wife that they have both always lived in Mississippi as have their ancestors, and that none of such ancestors have ever received any benefits as Choctaw Indians from either the Choctaw tribal authorities or the United States. They have no knowledge of any compliance by their ancestors with the provisions of the fourteenth article of the treaty of 1830.

The decision of the Commission as to your application and the

Lewis John---4.

application you make on behalf of your wife and minor child for identification as Mississippi Choctaws will be determined at the earliest possible date and report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898. You will be furnished with a copy of such decision mailed to you at your post office address as given in your testimony at this time.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 15th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H C Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 4th day of June, 1901.

*[Signature]*  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Lewis John, et al.,  
for identification as Mississippi Choctaws, M.C.R. 2210.

-----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 May 15, 1901, by Lewis John for himself, his wife Cornelia and his minor child, Simpson John, 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 26, 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 Lewis John, Cornelia John and Simpson John 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

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 Lewis John, his wife Cornelia John, and minor child Simpson John 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 Lewis John, 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)

*John L. Tally*

Acting Chairman.

Registered.

Enc. MT. 66

COPY.

M.C.R. 2210.

Muskogee, Indian Territory, March 11, 1903

Lewis John,

Riversville, 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 Cornelia John and your minor child, Simpson John 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)

*Tams Bixby.*

Chairman.

Registered.

Enc. 2210.



Muskogee, Indian Territory, July 27, 1905.

H. C. Nash,

Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 22nd, requesting to be advised if an application has been received at this office for the identification as a Mississippi Choctaw of Ida John, infant child of Lewis John. You ask if there is any chance now for those who through ignorance or neglect failed to report their children to the Commission.

Replying to your letter you are informed that it does not appear from the records of this office that any application is on file for the identification as a Mississippi Choctaw of the said Ida John. You are further advised that the time within which applications could be received for the enrollment of infant children under the provisions of the Act of March 3, 1905, expired on May 2, 1905. This office now has no authority to receive any such applications.

Respectfully,

Commissioner.

606

No. 2210

For Identification as a Mississipi Choctaw.

Date MAY 15 1901

Name Lewis John.

Age 28. Blood full.

Post Office Riverville, Miss

Father: John - dead.

Mother: Sarah John - dead.

Claims through both parents. -

WIFE: Cornelia John (full) 24.

FATHER: John Allen - dead.

MOTHER: Sealy - ✓

Children:

Simpson John 10.

MOTHER:

Mollie John - ✓ (full).

Claims for self, wife and one child.

Stenographer

H. C. Risteen.

OVER.

See Mississippi Choctaw card  
#472; Feby. 8, 1899; as to  
Lewis John and Simpson John;

See Mississippi Choctaw card  
#501; Feby. 9, 1899; as to Cor-  
nelia John: her name is on  
that card as Cornelia Ann.

Choctaw MCR 2211

Gus Gavin

MCR

2211

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, May 15, 1901.

In the matter of the application of Gus Gavin for the identification of himself and one minor child as Mississippi Choctaws.

Gus Gavin, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Gus Gavin.  
Q How old are you? A Twenty eight.  
Q Where do you live? A Macon Mississippi.  
Q How long have you lived in Mississippi? A All my life.  
Q Was you born here? A Yes.  
Q Have you ever lived anywhere else? A No sir.  
Q What is your father's name? A Bob Gavin.  
Q Was your father a Choctaw Indian? A No sir.  
Q What was he? A He was a white man.  
Q Is your father living? A No sir.  
Q What is your mother's name? A Bettie Gavin.  
Q Is your mother living? A Yes sir.  
Q Is your mother a Choctaw Indian? A No, not whole.  
Q How much Choctaw is she? A I always heard claimed she was half.  
Q You claim your Choctaw blood through your mother? A Yes.  
Q How much Choctaw blood do you claim? A Quarter.  
Q Did your mother always live in Mississippi? A Ever since I have known about it.  
Q How long have you kniwn about it? A Ever since I was old enough  
Q Have you ever heard anything about it? A No, only living in Mississippi.  
Q Did you ever hear that she was born or lived in Virginia? A She always said she was brought here when a small child, and she never knew exactly whether she was born in Mississippi or not.  
Q Was your mother ever recognized in any manner as a citizen of the Choctaw Nation or ever receive any benefits as a Choctaw Indian?  
A No, but that has always been her name--always called her Choctaw--she always went by that name.  
Q Has she ever had any official recognition by either the Choctaw authorities or by the United States as a member of that tribe? A No not as I know of.  
Q Are you married? A Yes.  
Q What is your wife's name? A Belle Gavin  
Q Is she living? A Yes.  
Q How old is she? A Twenty four.  
Q Make any claim for her? A No.  
Q What blood is your wife? A She always claimed to be colored.  
Q Have you any negro blood in your veins? A No.  
Q You said your mother was half Choctaw---what other blood did she have? A Yankee.  
Q What do you mean by Yankee? A A northern man is all I know.  
Q What blood was he? A Full blood white man is all I know.  
Q Your wife is a negro? A Yes.  
Q Where did you marry her? A Macon Mississippi.  
Q Did you obtain a license to marry? A Yes.  
Q Married by a preacher? A Yes.  
Q Have you your marriage license and certificate with you? A No.  
Q Have you any evidence of your marriage to Belle Gavin  
that you want to submit at this time? A Only by license.

Gus Gavin--2.

- Q You have not that with you? A No.
- Q Are you making any claim for your wife? A No.
- Q Have you any children? A One.
- Q What is the name and age of this child? A Lula Gavin.
- Q How old is Lula? A Eight months.
- Q Are you the father of this child? A Yes.
- Q Belle Gavin the mother? A Yes.
- Q You and your wife are living together? A Yes.
- Q This child lives with you? A Yes.
- Q Have you ever been enrolled as a citizen of the Choctaw Nation by the Choctaw tribal authorities in Indian Territory? A No.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be so enrolled? A No.
- Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
- Q Have you ever made application to the Choctaw tribal authorities or the authorities of the United States before this? A No.
- Q This is the first application you have ever made of any description? A Yes.
- Q You are now making application for the identification of yourself and your minor child as Mississippi Choctaws? A Yes.
- Q Do you claim your rights as beneficiaries under the fourteenth article of the treaty of 1830? A Yes.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.
- Q What was the name of your Choctaw ancestor who resided in Mississippi in 1830 at the time of the conclusion of the treaty of 1830? A Bob Gavin was my father.
- Q He was a white man? A Yes.
- Q What is the name of your Choctaw ancestor who lived here in 1830? A I don't know only mother's mother.
- Q Was she a Choctaw Indian? A Yes.
- Q Did she live here in Mississippi in 1830? A I couldn't tell you that.
- Q Do you know where your grandmother was living in 1830? A No.
- Q Did you ever hear anything about that? A Only through my mother.
- Q What was her name? A I don't know.
- Q Did any of your ancestors after the conclusion of the treaty of 1830 signify to the United States Indian Agent for the Choctaws in Mississippi their intention to remain in Mississippi and become citizens of the United States? A Yes.
- Q Who? A My father.
- Q We want to know about your Choctaw rights? A I don't know anything only through my mother.
- Q What was the name of your ancestor if you had such ancestor who so signified his intention to remain here in Mississippi? A Only one I know is my mother.
- Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830. A No.
- Q Is there any additional statement you want to make in support of this application? A No.
- Q Have you any documentary evidence, affidavits, written testimony or any description, copies of records, deeds or patents, or any proper

Gus Gavin---3.

papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830? A No.

Q Can you speak Choctaw? A No.

Q Could your mother? A No.

Q How have you been recognized here in Mississippi by the full blood Choctaws? A I have never been in contact with them.

This applicant is apparently white although there is slight indication of a trace of negro blood. He is unable to speak the Choctaw language and has no knowledge of any compliance by his ancestors with the provisions of the fourteenth article of the treaty of 1830.

(Thirty days time is granted applicant in which to file documentary evidence in support of this application.)

The decision of the Commission as to your application and the application which you make on behalf of your minor child for identification as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898. You will be furnished with a copy of such decision mailed to you post office address as given in your testimony at this time.

H. C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 15th day of May, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes of said proceedings on said date.

*H. C. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 6th day of June, 1901.

*[Signature]*  
Notary Public.

Muskogee, Indian Territory, October 18, 1902.

Gus Gavin,

Macon, Mississippi.

Dear Sir:-

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Bettie Gavin, et al., embracing the following applications for identification as Mississippi

Choctaws:

Bettie Gavin, et al.,	M.C.R. 2209
Owen Gavin, et al.,	M.C.R. 2261
Henry Gavin, et al.,	M.C.R. 2629
Ella Nickerson, et al.,	M.C.R. 2365
Bettie Gavin, et al.,	M.C.R. 2262
Gus Gavin, et al.,	M.C.R. 2211
Maggie White, et al.,	M.C.R. 2263
Ida M. Gavin,	M.C.R. 2790
Bessie Morehead,	M.C.R. 2789

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

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

Said decision concludes as follows:



Gus Gavin-----8

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Bettie Gavin, Patty Gavin, Essie Gavin, Owen Gavin, Minnie Gavin, Alberta Gavin, Bobolink Gavin, Catherine Gavin, Lloyd Gavin, Nellie Gavin, Annie Gavin, Logan Gavin, Henry Gavin, Arnold Gavin, Eugene Gavin, Ella Nickerson, Walter Nickerson, Maggie Nickerson, Minnie Nickerson, Moses Nickerson, Louie Nickerson, Albert Nickerson, Bettie Gavin (2), Benjamin Gavin, Frank Gavin, Kate Juanita Gavin, Johnnie Malcolm Gavin, Gus Gavin, Lula Gavin, Maggie White, Sadie May White, Joseph Elmer White, Ida M. Gavin and Essie Morehead as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered. "

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

Respectfully,

Acting Chairman

Registered.

COPY

M.C.N. 2211

Muskogee, Indian Territory, March 5, 1903.

Ms Gavin,

Macon, Mississippi.

Dear Sir:

You are hereby notified that on the 20th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Bettie Gavin, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

Chairman.

## For Identification as a Mississippi Choctaw.

Date MAY 15 1901

Name *Ius Gavin.*Age *28* Blood *1/4*Post Office *Macow, Miss*Father: *Bob Gavin - dead.*Mother: *Bettie Gavin - ✓*Claims through *mother*WIFE: *Belle Gavin - 24.**(no claim for wife).*

Children:

*Lula Gavin 8 mo.**Claims for self and mother.*

Stenographer

*H. C. Ristew.*

*Gus Gavin et al*

REFUSED

DEPOSITED

DATE

OCT 18 1902

AT THE OFFICE OF THE

OCT 18 1902

NOV - 3 1902

FEB 20 1903

MAR 5 1903

MAR 5 1903

MISSISSIPPI CHOCTAW  
REGISTRATION

5 1903

REFER TO M. C. R.

Choctaw MCR 2212

William Thomas

MCR 2212

See MCR 1860

William Thomas et al  
RECEIVED

PAID TO THE ORDER OF  
WILLIAM THOMAS

NEW YORK

1866

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

---0---

In the matter of the application of William Thomas, et al.,  
for identification as Mississippi Choctaws.

List of papers forwarded to the Secretary of the Interior  
embracing the record in the consolidated case of  
William Thomas, et al.

	(Page)
Original application of Lulu Johnson, et al., for identification as Mississippi Choctaws .....	1
Decision of the Commission denying the application of Lulu Johnson, et al., for identification as Mississippi Choctaws.....	4.

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

--0--

In the matter of the application of William Thomas, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

William Thomas, et al., M.C.R. 2212  
Elijah Tom Watson, et al., M.C.R. 1860

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

	(Page)
Copy of letter of the Department addressed to the Commission-----	1
Copy of letter of the Indian Office ad- dressed to the Department-----	3
Copy of letter of the Commission addressed to Lula Johnson-----	5
Copy of letter of the Commission addressed to A. W. Trotter-----	8
Copy of letter of the Commission addressed to Remus Marshall Watson-----	11
Copy of letter of the Commission addressed to Mansfield, McMurray & Cornish-----	14
Copy of letter of the Commission addressed to the Department-----	15
Original application of Elijah Tom Watson, et al., to the Dawes Commission for iden- tification as Mississippi Choctaws-----	16



Certified copy of the marriage record of Thomas Watson and Elizabeth Graham-----	21
Letter of George S. Weems-----	21a
Affidavit of John Green-----	22
Affidavit as to the death of Elijah Tom Watson-----	23
Decision of the Commission refusing the ap- plications in the consolidated case of William Thomas, et al., for identification as Mis- sissippi Choctaws-----	24

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, May 15, 1901.

In the matter of the application for the identification of William Thomas and Corinne Thomas, minor children, the application being made on their behalf by their mother, Lula Johnson:

Lula Johnson, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Lula Johnson.  
Q How old are you? A About thirty.  
Q Where do you live? A Walk, Sumter Countym Alabama.  
Q You live in Alabama? A Yes sir.  
Q Do you want to make application for yourself as a Mississippi Choctaw? A No sir.  
Q You have no Choctaw blood? A No.  
Q You appear on behalf of your two minor children, William and Corinne Thomas? A Yes.  
Q Are they your children? A Yes.  
Q How old is William? A Twelve.  
Q How old is Corinne? A Ten.  
Q Who is the father of these two children? A Elijah Thomas.  
Q Was he a full blood Choctaw? A Yes.  
Q Is he living? A I don't know--he was last time I hear of him  
Q Was you married to him? A Yes.  
Q How was you married? A Just the Choctaw way.  
Q What did they do? A We just stood up there and I could not understand what they said; I could not understand the language.  
Q How old is Elijah Thomas? A I don't know how old he is.  
Q About how old? A About forty I suppose.  
Q Do you know what his ather's name was? A His father's name was Tom.  
Q What was his full name? A That is all I ever heard of his name.  
Q Do you know what his mother's name was? A No, I don't know what his mother's name was.  
Q Does he claim any rights to these children? A Yes sir.  
Q Have you any knowledge of these children's ancestors or any recognition they might have had as Choctaw Indians? A No, I don't know anything about it.  
Q How long did you live with Elijah Thomas? A I lived with him six years.  
Q Did everybody consider you as man and wife during that time? A Yes.  
Q Why did he leave you? A I left him.  
Q Why? A I just got tired staying out there.  
Q Did you agree to separate--was there any agreement as to your separation? A No, I just came in and stayed.  
Q Why did you leave him? A Because we could not get along--he was disagreeable.  
Q Do you know anything about where he is now or anything about him? A No, I don't know where he is now.  
Q Did you consider that Choctaw marriage a good marriage? A I did then.  
Q Don't you consider it was a good marriage now? A I don't know.  
Q Didn't you enter into that Choctaw marriage feeling that you was just as securely married as if you had got a license? A Yes.  
Q Why did you desert him? A As I said because we could not agree together.

Lula Johnson---2.

- Q Have you ever been divorced from him? A No, I never got no divorce.
- Q Tell me how you happen to have these children in your custody? A I just brought them off with me.
- Q Did he agree to let you do that? A Yes.
- Q How long ago was that? A Five years.
- Q Has he ever seen them since? A No.
- Q Does he claim any right in them? A No, I aint seen him since.
- Q Has he ever contributed to the support of these children since that time? A No.
- Q How much Choctaw blood are these two children? A One half.
- Q Have you any knowledge of the Choctaw ancestors of these children or of any compliance that such ancestors might have made with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Indians? A I don't really understand.
- Q Do you know anything about these children's ancestors? A No.
- Q The only thing you know is Elijah Thomas was the father and a choctaw Indian? A Yes, I know his father.
- Q Did Elijah Thomas speak the Choctaw language? A He said he did. He said it was Choctaw.
- Q Did he speak the Choctaw language? A I don't know the Choctaw language any more than what he said. He spoke in the language.

Fletcher Williams, called as a witness for applicant, having been first duly sworn, upon his oath testifies as follows:

Examination by L.P.Hudson, attorney for applicant:

- Q State your name, age and residence? A Fletcher Williams, age 43.
- Q Where did you live? A I live in Sumter County, Curles Station post office, Alabama.
- Q Do you know Elijah Thomas? A Yes sir, I used to know him.
- Q How long have you known him? A I knew him from the time he was twelve or fourteen years old up until the past few years I have seen or heard nothing from him.
- Q About how many years since you saw or heard of him? A It has been about six or seven.
- Q Was Elijah Thomas a full blood Choctaw Indian? A Yes.
- Q Were you acquainted with his father and mother? A Yes sir.
- Q Were they both full bloods? A Yes.
- Q Do you know whether Elijah Thomas spoke the Choctaw language? A He spoke the Indian language.
- Q The language that the Indians here in this country talk? A Yes.
- Q What was Elijah Thomas' father's name? A Tom.
- Q Did you know Elijah Thomas' mother? A Yes.
- Q Do you know what her name was? A I think her name was Miny. Either his wife was named Miny or he has a daughter by that name.
- Q Did you know Elijah Thomas during the time he was living with this woman? A No, it was said he was off with this woman.
- Q You do not know anything about their living together as man and wife? A No, only heard it as they were living in Kemper.
- Q You never saw them during that time? A No.
- Q How long have you been acquainted with these children? A They moved on my place last January a year ago.
- Q Who has supported and cared for them since you have been acquainted with them? A This woman and the man who is living with her now.

Lula Johnson----3.

- Q They have been in her charge and she has supported them? A Yes.  
Q Was it generally understood in the neighborhood in which you and Thomas lived that he was living with this woman as his wife? A Not in the neighborhood I live in now. I used to live in Choctaw county.  
Q In that neighborhood? A Yes, I think it was--that he ran off with this woman.  
Q You know nothing about any marriage ceremony? A No.  
(Witness excused)

Lula Johnson, Re-called:

Examination by the Commission:

- Q Can these children speak the Choctaw language? A A little, not much---they can say a few words.  
Q Is there any additional statement you want to make in support of these ~~xxx~~ children's applications? A If there is anything for them I want to get it, make preparation for it.  
Q I want to know if there are any statements you want to make relative to their Choctaw blood or any other statement? A No sir.  
Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds of patents, or other proper papers showing that ~~xxx~~ ancestors ~~xx~~ of these children were ever recognized members of the Choctaw tribe of Indians in Mississippi or that they ever complied or attempted to comply with the fourteenth article of the treaty of 1830? A No sir.

Lula Johnson, a negro woman, makes application for two children William and Corinne Thomas, of whom she is the mother by a man named Elijah Thomas, whom she claims is a full blood Choctaw Indian. The children themselves are in person before the Commission at the time of the making of the application and to every appearance are Choctaw Indians, their being but little if any mixture of Indian blood in their appearance. The children have some slight knowledge of the Choctaw language, but the Commission is unable to obtain any information relative to the ancestors of these children or as to any compliance by such ancestors with the provisions of the fourteenth article of the treaty of 1830.

The decision of the Commission as to the application you make on behalf of William and Corinne Thomas as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 20, 1898, a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 15th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of said proceedings on said date from his stenographic notes of same.

*H. C. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 5th day of June, 1901.

*[Signature]*  
Notary Public.

089  
COPY:

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

---0---

In the matter of the application of William Thomas, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

William Thomas, et al., M.C.R. 2212  
Elijah Tom Watson, et al., M.C.R. 1860

---: 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 Lula Johnson for her two minor children, William and Corinne  
Thomas; and by Elijah Tom Watson for himself and his four minor  
children, William Thomas, Corinne, Remus Marshall and Amy Watson,  
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."

On February 20, 1903, the Commission transmitted to the Department the record in the Mississippi Choctaw case of William Thomas, et al., M.C.R. 2212, together with its decision of February 4, 1903, refusing the application made by Lula Johnson in behalf of her minor children for identification as Mississippi Choctaws.

With Departmental letter of May 8, 1903 (I.T.D.-4186 1903), the record in said case was remanded in order that the applicants might be given further opportunity to introduce additional testimony.

In accordance therewith the Commission on May 19, 1903, notified Lula Johnson and A. W. Trotter, attorney for the applicants therein, that they would be allowed up to and inclusive of June 19, 1903, to introduce additional evidence in support of the application made by her for the identification of her minor children as Mississippi Choctaws; and that the applications of William Thomas, et al., M.C.R. 2212 and Elijah Tom Watson, et al., M.C.R. 1860, had been consolidated under the head of William Thomas, et al., M.C.R. 2212, 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 applicants in M.C.R. 2212 in which to submit additional evidence expired June 19, 1903, and no appearance has been made by or in behalf of the applicants, and no additional testimony offered by them.

It appears from the record herein that Elijah Tom Watson, principal applicant in M.C.R. 1860, died on the 29th day of March, 1902, prior to the ratification of the Choctaw-Chickasaw agreement (32 Stats., 641). It also appears that William Thomas Watson and Corinne Watson, minor applicants applied for in M.C.R. 1860, are identical with William Thomas and Corinne Thomas, minor children applied for in M.C.R. 2212, in whose behalf application was made by

their mother, Lula Johnson, a negro woman, and formerly the wife of Elijah Tom Watson, principal applicant in M.C.R. 1860.

It also appears that the minor 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 Tom (or John Thomas), whose Indian name is given as A-woh-ton-yah, and Miny (or Amy Thomas), both of whom are alleged to have been full-blood Choctaw Indians.

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 is found that the name Tom appears on pages 147 and 242, and the name Thomas on pages 224, 233, 628, 834 and 835 of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States, before the Court of Claims No. 12742, in a number of lists, statements and depositions relating to claims arising under the fourteenth article of the treaty of eighteen hundred and thirty; but it does not appear from the evidence submitted by the several applicants herein that the Tom (or John Thomas) whose Indian name is given as A-woh-ton-yah, through whom they claim, is the identical Tom or Thomas whose names appear in the record above cited.

It is also found that the name Tom appears on pages 41,

109, 114 and 118 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Nitchachill's and Greenwood Leflore's districts, in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek", and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The record above referred to in no way relates to article fourteen of the treaty of eighteen hundred and thirty, or shows a compliance or attempted compliance on the part of the persons therein named with its provisions.

It further appears that persons bearing the names of Tom and Thomas received scrip as beneficiaries 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 Tom or Thomas who received such scrip, are identical with any of the persons 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 Tom (or John Thomas), whose Indian name is given as A-woh-ton-yah, through whom these applicants claim, or Miny (or Amy Thomas) 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 William Thomas (or William Thomas Watson), Corinne Thomas (or Corinne Watson) Remus Marshall Watson, and Amy Watson, 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)

James Dixby.  
Chairman.

(SIGNED)

T. B. Needles.  
COMMISSIONER.

(SIGNED)

C. R. Brockinridge.  
COMMISSIONER.

(SIGNED)

W. H. Stanley.  
COMMISSIONER.

Muskogee, Indian Territory,

NOV 30 1900

*G.A.L.*  
*C.W.*

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

--0--

In the matter of the application of William Thomas, et al.,  
for identification as Mississippi Choctaws, M.C.R. 2212.

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

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Lula Johnson for her two minor children, William Thomas and Corinne 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."

It also appears that the 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 Tom and Mink, both of whom are alleged to have been full blood Choctaw Indians.

The name Tom appears in Volume 1, page 147 of the Claimant's Brief and Evidence, in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742 in a list of names of Choctaw heads of families claiming land under the fourteenth article of the treaty of "Dancing Rabbit Creek"; and on page 242 of said record as a child under ten years of age of one Achaba belonging to Captain Washookshocaa's Company in a list of cases proved and allowed under said treaty before Commissioners Murray and Vroom. The name Tom also appears in Volume 7, American State Papers, Public Lands, on pages 41, 109, 114 and 118 in a list of names of Choctaw Indians owning and residing upon farms in Mississippi at the date of said treaty. The name Thomas appears in Volume 1, of the Claimant's Brief and Evidence on page 224, as a child under ten years of age of Elantubbee (or Tishopeia) a member of Captain Samuel Cobb's Company as a claimant in a list of cases proved and allowed under said treaty, and on page 233 of said record as a child under ten years of age of Sockatubbee, a member of Captain James Pickens Company and as a claimant in a list of cases proved and allowed under said treaty; also on page 628 in same record as a child under ten years of age of Sock-e-tubbee as a claimant in an abstract of cases allowed by the Choctaw Commissioners but rejected by the Secretary of War; on pages 834 and 835 of same record in the petition and general deposition of Sock-e-tubbee, in which he states and testifies that Thomas was his child under ten years of age and residing with him on land in the State of Mississippi at the date of said treaty; and also on same page in the general deposition of John Pickens in which he testifies that said Thomas was a child under ten years of age of the said Sock-e-tubbee and living with him on land in Mississippi at the date of said treaty. It appears from the records in the posses-

sion of the Commission that one Thomas received scrip as a beneficiary under article fourteen of said treaty, but there is nothing in the testimony submitted by the applicants herein tending to show that the Tom or Thomas whose names appear upon the records above cited are identical with the person through whom they claim.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Tom, through whom these applicants claim, or Miny, 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., 186) and August 23, 1842 (6 Stats., 313).

It is therefore the opinion of this Commission that the

evidence herein is insufficient to determine the identity of William Thomas and Corinne Thomas 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,

*James Dixby.*

Acting Chairman.

*I. B. Needles.*

Commissioner.

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

FEB 4 1903

COPY

Muskogee, Indian Territory, February 4, 1903.

Mansfield, McMurray &amp; Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William Thomas, 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).

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

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

Respectfully,

SIGNED

*Tams Bixby.*

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 4, 1903.

William Thomas,

Walk, Alabama.

Dear Sir:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William Thomas, 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 William Thomas and Corinne Thomas 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 days from the date hereof within which to file arguments in this office.

W. T., 2.

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 Bixby.*  
Acting Chairman.

Registered.



COPY.

Muskogee, Indian Territory, February 20, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of William Thomas, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 4, 1903.

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.

2 inclosures: M.C.R. 3218

Muskogee, Indian Territory, March 19, 1903.

Lulah Johnson,  
Whynot, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 8th instant, relative to the decision of the Commission refusing the application of your son William Thomas for identification as a Mississippi Choctaw. You ask that the Commission allow you further time in which to offer additional evidence.

In reply to your letter you are informed that the fifteen days from February 4, 1903, heretofore granted in this case, expired on February 19, 1903, and on February 20, 1903, the record in this case, together with the decision of the Commission, was forwarded the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence. Your son will be duly notified of such action as may be taken by the Secretary.

The fifteen days allowed applicants in Mississippi Choctaw cases within which to file arguments in support of their claims are granted under specific departmental instructions and cannot be extended.

Respectfully,

Chairman.

(COPY)

Land  
12775-1903.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS.

WASHINGTON. April 29, 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 Lula Johnson for her two minor children, William Thomas and Corinne Thomas, for identification as Mississippi Choctaws, 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 applicants base their claim to identification on their descent from Tom and Miny (surname not given but the name of their son is given as Elijah Thomas, so it is taken that their surname is Thomas), it being claimed that Tom and Miny Thomas were Choctaw Indians and residents in the Choctaw Nation in Mississippi or Alabama at the time of the making of the Choctaw treaty of 1830, through Elijah Thomas, their son, father of the applicants.

The Commission rejected the applicants because they were not enrolled as citizens of the Choctaw Nation and because the evidence is insufficient to establish the identity of the ancestors under whom they claim with the parties that appear on their records among the 14th article Indians, by the name of Tom and Thomas. The Commission do not consider the surname of all but set forth to

great length what their records show with reference to the given name of Tom and Thomas, which is not considered by this office, as there is nothing to identify them by under that name with the parties that appear on the records.

An examination of the records of this office has been made with reference to the names of Tom and Miny Thomas and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that they applied to the Commissions appointed under Acts. of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if they had any, as Choctaw Indians.

These being the facts, it is the opinion of this office that the decision of the Commission rejecting the applicants is correct and is accordingly recommended for approval.

Very respectfully,

A.C.Tonner,  
Acting Commissioner.

C.T.C.

(COPY)

W.C.F.

DEPARTMENT OF THE INTERIOR.

RAF.

WASHINGTON

D.C. 14072  
ITD. 4186-1903

May 8, 1903.

I.R.S.

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

Gentlemen:

The Department is in receipt of your communication of February 20, 1903, transmitting the record in the matter of the application of Lula Johnson for the identification of her minor children, William Thomas and Corinne Thomas, as Mississippi Choctaws. You refused the application February 4, 1903.

The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Tom and Miny (surname not given), the paternal grandparents of the applicants, and who are alleged to have resided in Mississippi in 1830.

The evidence shows that the father of the applicants, Elijah Thomas, is a full blood Choctaw Indian, and so far as is known is now living.

It appears from the records in your possession that the name of Tom appears in Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians owning and residing upon farms in Mississippi at the time of the treaty of 1830. It further appears that the records in your possession show that one Thomas received scrip as a beneficiary under article 14 of said treaty.

The Indian Office in reporting this case April 29, 1903, stated that an examination of the records of that office had been made with reference to the names of Tom and Miny Thomas, and that it was discovered that their names did not appear among the names of those who complied or attempted to comply with the provisions of said article 14, and recommended that your decision be approved.

The Department finds no reason to follow that recommendation, for upon examination of the "list of names of Choctaws to whom scrip was issued under article 14 of the treaty of Dancing Rabbit Creek, prepared by the Indian Office," and now in possession of the Department, it is found that the names of Tom and Thomas appear thereon. In view of these facts and the opinion of the Assistant Attorney General, of March 17, 1903, the Department remands the case to you for further consideration, with instructions that you allow the applicants thirty days ~~within~~ which to determine whether or not the father, Elijah Thomas, has been identified by you as a Choctaw Indian, or has an application for identification pending.

The case is returned herewith for appropriate action, with direction that you follow instructions contained in departmental letter of April 2, 1903, in the case of Harriet Adkins.

Respectfully,

(Signed)

Thos Ryan  
Acting Secretary.

2 inclosures.

Muskogee, Indian Territory, May 19, 1903.

Lula Johnson,  
Walk, Sumpter Co.,  
Alabama.

Dear Madam:

On May 8, 1903, the Secretary of the Interior remanded to this Commission the record theretofore forwarded the Department in the matter of the application of Lula Johnson for the identification of her minor children, William Thomas and Corrinne Thomas, as Mississippi Choctaws.

It appears from our records that on April 17, 1901, Elijah Tom Watson, now deceased, appeared before this Commission at Meridian, Mississippi, and made application for the identification of himself and four minor children, William Thomas Watson, Corinne Watson, Remus Marshall Watson, and Amy Watson, as Mississippi Choctaws, and our records show that William Thomas Watson and Corinne Watson named in this application are identical with the William Thomas and Corinne Thomas above referred to.

The applications of William Thomas, et al. and Elijah Tom Watson, et al., have therefore been consolidated by this Commission under the head of William Thomas, et al.

The Secretary of the Interior in his letter remanding this case states:

"The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Tom and Miny (surname not given), the paternal grandparents of the applicants, and who are alleged to have resided in Mississippi in 1830.

The evidence shows that the father of the applicants, Elijah Thomas, is a full blood Choctaw Indian, and so far as is known is now living.

It appears from the records in your possession that the name of Tom appears in Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians owning and residing upon farms in Mississippi at the time of the treaty of 1830. It further appears that the records in your possession show that one Thomas received scrip as a beneficiary under article 14 of said treaty."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
  - 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).
  - 3rd. Their Choctaw as well as their English names .
  - 4th. The names and number of the persons who composed their families.
  - 5th. The names of their neighbors and immediate associates,
- and that for the purpose of comparison, testimony of like character



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should be furnished relative to the applicant's ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits offered in support of Mississippi Choctaw applications, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, June 19, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

R & R Dep  
registered

Chairman.

Muskogee, Indian Territory, May 19, 1903.

A. W. Trotter,  
Attorney at Law,  
Shubuta, Mississippi.

Dear Sir:

On May 8, 1903, the Secretary of the Interior remanded to this Commission the record theretofore forwarded the Department in the matter of the application of Lula Johnson for the identification of her minor children, William Thomas and Corinne Thomas, as Mississippi Choctaws.

It appears from our records that on April 17, 1901, Elijah Tom Watson, now deceased, appeared before this Commission at Meridian, Mississippi, and made application for the identification of himself and four minor children, William Thomas Watson, Corinne Watson, Remus Marshall Watson, and Amy Watson, as Mississippi Choctaws, and our records show that William Thomas Watson and Corinne Watson named in this application are identical with the William Thomas and Corinne Thomas above referred to.

The applications of William Thomas, et al. and Elijah Tom Watson, et al., have therefore been consolidated by this Commission under the head of William Thomas, et al.

The Secretary of the Interior in his letter remanding this case states:

W A T 2

\*The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Tom and Miny (surname not given), the paternal grandparents of the applicants, and who are alleged to have resided in Mississippi in 1830.

The evidence shows that the father of the applicants, Elijah Thomas, is a full blood Choctaw Indian, and so far as is known is now living.

It appears from the records in your possession that the name of Tom appears in Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians owning; and residing upon farms in Mississippi at the time of the treaty of 1830. It further appears that the records in your possession show that one Thomas received scrip as a beneficiary under article 14 of said treaty."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
  - 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)
  - 3rd. Their Choctaw as well as their English names.
  - 4th. The names and number of the persons who composed their families.
  - 5th. The names of their neighbors and immediate associates,
- and that for the purpose of comparison, testimony of like character

A W T 3

should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw applications, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, June 19, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

R & R Dep  
Registered

Chairman.

Muskogee, Indian Territory, December 16, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

On February 20, 1903, the Commission had the honor to transmit the record in the matter of the application of Lula Johnson for the identification of her minor children, William Thomas and Corinne Thomas as Mississippi Choctaws, together with the decision of the Commission of February 4, 1903, refusing said application.

On May 8, 1903, (I.T.D. 4186-1903) the record in the case was returned to the Commission for further consideration with instructions that the applicants be allowed thirty days within which to determine whether or not the father, Elijah Thomas, had been identified by the Commission as a Choctaw Indian or has an application for identification pending. Notice to this effect was, on May 19, 1903, mailed to Lula Johnson, at Walk, Alabama, A. W. Trotter, attorney at law, Shubuta, Mississippi, Remus Marshall Watson at Shubuta, Mississippi and Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, at South McAlester, Indian Territory.

The Department was on the same date advised that the record in the matter of the application of William Thomas et al. for iden-

tification as Mississippi Choctaws had been consolidated with the case of Elijah Tom Watson, claiming from the same common ancestor and that the two cases would be considered together under the head of William Thomas, et al.

The Commission has further to advise that Elijah Tom Watson the principal applicant in M.C.R. 2860, died on March 29, 1902 and that the William Thomas and Corinne Thomas in M.C.R. 2212, are the identical persons applied for by Elijah Tom Watson under the names of William Thomas Watson and Corinne Watson in M.C.R. 2860.

The Commission has the honor to further report that on November 30, 1903, an amended decision was rendered in this case, including the applications in the matter of William Thomas, et al. M.C.R. 2212 and Elijah Tom Watson, et al. M.C.R. 2860. Notice of such decision was on the same date forwarded the applicants, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations, and no argument having been filed within the fifteen days as provided by Departmental instructions, the record in the case, together with the amended decision of the Commission of November 30, 1903, is herewith transmitted.

Respectfully,

Chairman.

Through the Commissioner of  
Indian Affairs.  
M.C.R. 2212

Land.  
81871-1903.

DEPARTMENT OF THE INTERIOR, (COPY).  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, Jan. 19, 1904.

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 remanded case of Lula Johnson for her two minor children, William Thomas and Corinne Thomas, applicants for identification as Mississippi Choctaws.

February 4, 1903, the Commission rejected the applicants because the evidence in the case was deemed insufficient by them to establish the identity of the ancestors through whom the applicants claim with the parties that appear on their records.

April 29, 1903, the office transmitted this case after a careful investigation of the records of this office, with the recommendation that the decision of the Commission be approved.

Department letter of May 8, 1903, remanded the case to the Commission for further consideration with instructions that they allow the applicants thirty days, and that the instructions contained in departmental letter of April 2, 1903, in the case of Harriett Atkins be followed.

In accordance therewith, the parties at interest were so notified. The Department was on the same date advised that the record in the matter of the application of William Thomas, et al., for identification

as Mississippi Choctaws, had been consolidated with the case of Elijah Tom Watson claiming from the same common ancestor, and that the two cases should be considered together under the head of William Thomas, et al.

The commission states further that Elijah Tom Watson, the principal applicant in M.C.R. 2860 died on March 29, 1903, and that William Thomas and Corinne Thomas, applicants in M.C.R. 2212, are the identical persons applied for by Elijah Tom Watson under the names of William Thomas Watson and Corinne Watson, in M.C.R. 2860.

As it appears that no appearance was entered by or on behalf of the applicants at the expiration of the time allowed and no additional evidence was filed by them in support of their applications, it is respectfully recommended that the decision of the Commission refusing to identify them as Mississippi Choctaws, be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(C.T.C.) P.



DC.4189-1904.  
~~FD.418-1904.~~  
L.R.S.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON,

✓  
FEB.  
February 1, 1904

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

Gentlemen:

On February 20, 1903, you transmitted the record in the matter of the application of Lula Johnson for the identification of her minor children, William Thomas and Corinne Thomas as Mississippi Choctaws.

You refused the application February 4, 1903.

The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Tom and Miny, surname not given, the paternal grandparents of the applicants, and who are alleged to have resided in Mississippi in 1830.

On May 8, 1903, the Department remanded the case to you for further investigation, for the reason that it appeared that the father of the applicants, Elijah Thomas, was a full blood Choctaw Indian, and so far as the records showed, was then living, and for the further reason that the records of the Government showed that the persons by the name of Tom and Thomas received scrip under article 14 of the Choctaw treaty of 1830.

On May 19, 1903, you notified Lula Johnson, and the attorney in the case, A. W. Trotter, that the applicants would be allowed thirty days within which to produce further evidence in the case if they so desired. On the same date, you advised the Department that the record in the matter of the application of William Thomas, et al., for iden-

tification as Mississippi Choctaws, had been consolidated with the case of Elijah Tom Watson, in which the applicants claimed through the same common ancestors, and that the two cases would be considered together under the head of William Thomas, et al.

It appears from the record that Elijah Tom Watson, the principal applicant in M.C.R. 2860, died on March 29, 1902, and that the William Thomas and Corinne Thomas in M.C.R. 2212, are the identical persons applied for by Elijah Tom Watson under the names of William Thomas Watson and Corinne Watson, in M.C.R. 2860.

It appears that during the time allowed the applicants to introduce further testimony, no appearance was made by them or in their behalf.

Your amended decision rejecting the applicants in this case was rendered November 30, 1903.

Reporting in the matter January 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 accordingly affirmed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, February 17, 1904.

William Thomas,  
Walk, Alabama,

Dear Sir:

You are hereby notified that on the first day of February, 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 William Thomas, et al., of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

*A. S. Watkins,*  
Commissioner in Charge.

Muskogee, Indian Territory, February 17, 1904.

A. W. Trotter,  
Attorney at Law,  
Shubuta, Mississippi,

Dear Sir:

You are hereby notified that on the first day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications of the several persons included in the consolidated case of William Thomas et al., for identification as Mississippi Choctaws.

Respectfully,

(SIGNED)

*T. D. Needles.*

Commissioner in Charge.

Muskogee, Indian Territory, February 17, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the first day of February, 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 William Thomas, et al., of which decision you were advised by mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

*T. B. McCallie.*

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, February 17, 1904.

Lula Johnson,  
Walk, Sumpter County,  
Alabama,

Dear Madam:

You are hereby notified that on the first day of February, 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 William Thomas, et al.

Respectfully,

(SIGNED)

*T. E. Needles.*

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

MAY 15 1901

	Date		
Name	William	Thomas	12
	Corinne	"	10

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

Post Office Wack, Ala.

Father: Elijah Thomas - full.

Mother: Lulu Johnson - negro

Claims through father.

Children:

Application for minor children  
William and Corinne Thomas,  
made by mother Lulu Johnson.

Stenographer

H. C. Aisteen.

Choctaw MCR 2213

Julia Ann Peterson

See MCR 2076

MCR 2213



IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW. R. 2213

*Julia Ann Peterson et al.*

REFUSED

DECISION MADE BY JUL 18 1902

NOTICE OF DECISION MADE TO APPLICANT.

JUL 18 1902

NOTICE OF DECISION MADE TO ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD MADE BY

ACTION MADE BY

AUG 18 1902

NOTICE OF DECISION MADE TO APPLICANT

AUG 30 1902

NOTICE OF DECISION MADE TO ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

REFER TO M. C. R. 2076

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, May 15, 1901.

In the matter of the application of Julia Ann Peterson for the identification of herself and two minor children as Mississippi Choctaws.

Julia Ann Peterson, having neen first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Julia Ann Peterson.  
Q What is your age? A Twenty seven.  
Q Where do you live? A Choctaw, Alabama.  
Q Choctaw county, Alabama? A Mississippi Choctaw Alabama----Alabama, Sumter County, is where I live.  
Q Was you born there? A Yes.  
Q Have you ever lived anywhere else? A No.  
Q What is your post office address? A York Station.  
Q What is your father's name? A Spencer grant.  
Q Is your father living? A Yes sir.  
Q Is your father a Choctaw Indian? A Yes sir.  
Q How much Choctaw is your father? A Three eighths.  
Q Can he speak the Choctaw language? A I don't know sir.  
Q Did you ever hear him speak Choctaw? A Yes.  
Q When? A Did I ever hear him called Choctaw?  
Q Did you ever hear him speak the Choctaw language? A No.  
Q What did you mean by saying that he could? A Well, I thought that you said if he had ever been called.  
Q Can you speak the Choctaw language? A No sir.  
Q Your father was three eighths Choctaw? A Yes.  
Q What other blood has he? A Indian blood.  
Q What other blood has he besides Choctaw Indian blood? A African  
Q Was your father ever a slave? A I don't know sir.  
Q Do you know anything about him? A Yes, I know he is my father.  
Q Was not ~~he~~ owned as a slave before the war? A I don't know sir, I don't reckon I was old enough to remember.  
Q Did you ever hear him say or anybody else? A No.  
Q What is your mother's name? A Mary Grant.  
Q Is your mother living? A yes.  
Q Is your mother a Choctaw Indian? A No sir.  
Q Has she any Choctaw blood? A I don't know, sir, whether she has or not.  
Q Through which one of your parents do you claim your Choctaw blood?  
A My father.  
Q You do not claim any through your mother? A I don't know sir what she is.  
Q Is she a Choctaw? A Yes, I reckon---I don't know sir.  
Q What race is your mother? A African.  
Q Was your mother ever a slave? A Yes.  
Q Were your mother and father married? A Yes.  
Q When were they married? A Before I was born, I don't remember it  
Q How long have your mother and father lived together as man and wife? A Twenty years,-- more than I can remember.  
Q Can your father speak the Choctaw language? A No.  
Q Can you speak the Choctaw language? A No, sir.  
Q How much Choctaw blood do you claim? A Three eighths.  
Q Was your father ever recognized in any official manner or has he ever received any benefits as a member of the Choctaw tribe of Indians? A No.

Julia Ann Peterson----2.

- Q Are you married? A Yes.
- Q What is your husband's name? A Bill Peterson.
- Q How old is he? A I don't know sir. He is about-----I don't know
- Q Are you making any claim for your husband? A No.
- Q Where did you marry him? A In Alabama.
- Q When? A Married about eight years ago.
- Q Have you any children? A Yes.
- Q How many? A Two.
- Q What are their names and ages? A Caroline Peterson.
- Q How old? A Three years old.
- Q What is the next one? A Johnnie Peterson.
- Q How old? A One and one half years old.
- Q Are these all the children you have? A Yes.
- Q Are you the mother of these children? A Yes.
- Q Is Bill Peterson the father? A Yes.
- Q Is he a negro? A Yes.
- Q Do these children live with you at your home? A Yes.
- Q Have you ever been enrolled by the Choctaw tribal authorities in Indian Territory as a citizen of the Choctaw Nation? A No.
- Q Have you or has any one for you ever applied to the Choctaw tribal authorities in Indian Territory to be enrolled as a citizen of that nation? A No.
- Q Did you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No
- Q Have you ever made application before this or has any one ever applied for you? A No.
- Q This is the first application you have ever made of any description for enrollment or citizenship in the Choctaw Nation? A Yes.
- Q You are now making application for the identification of yourself and your two children as Mississippi Choctaws? A Yes.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors? A No.
- Q Do you claim your rights as beneficiaries under the fourteenth article of the treaty of 1830? A Yes.
- Q What are the names of your Choctaw ancestors who resided in Mississippi in 1830 at the time the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A I don't know sir.
- Q Did any of your ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent for the Choctaws here in Mississippi their intention to remain here in Mississippi and become citizens of the United States? A I don't know, sir.
- Q Did any of your ancestors remove from Mississippi to the Indian Territory at the time of the removal of the Choctaw Indians in 1833 to 1836? A No sir.
- Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.
- Q Any additional statements you want to make in support of this application? A No.
- Q Have you any documentary evidence, written testimony of any description, certified copy of records, deeds or patents, or other proper papers showing that your ancestors were ever in any manner recognized as citizens of the Choctaw Nation or that they ever complied or attempted, to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits thereunder? A No.

Julia Ann Peterson---3.

The applicant in this case has the appearance of a negro and has none of the appearance of a Choctaw Indian. She does not speak the Choctaw language and has no knowledge of any compliance by her ancestors with the provisions of the fourteenth article of the Treaty of 1830.

The decision of the Commission as to your application and the application you make in behalf of your two minor children for identification as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 16th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H. C. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 5th day of June, 1901.

*[Signature]*

Notary Public.

COPY.

M.O.R. 2813.

McKehee, Indian Territory, July 16, 1902.

Julia Ann Peterson,  
York Station, Alabama.

Dear Madam:

You are hereby advised that on the 16th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Spencer Grant, et al., embracing the following applications for identification as Mississippi Choctaws:

Spencer Grant, et al.,	M.O.R. 2076
Nancy Nicholson, et al.,	" 2815
Julia Ann Peterson, et al.,	" 2813
David Grant, et al.,	" 2814
Caroline Pack,	" 2816
Mattie Gowdy,	" 2817

These applications were made under the provision of the act of Congress of June 26, 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:

312

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Spencer Grant, Bellie Grant, Spender Grant, Jr., Ellen Grant, Johnnie Grant, Nancy Nicholson, Willie Nicholson, Robert Nicholson, Nathaniel Nicholson, Fannie Nicholson, Eli Nicholson, Thos J. Nicholson, Julia Ann Peterson, Caroline Peterson, Johnnie Peterson, David Grant, Doc Grant, Caroline Pack and Mattie Gandy, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

Commissioner in Charge.

Registered.

M.C.R. 2213.

COPY.

Muskogee, Indian Territory, August 30, 1902.

Julia Ann Peterson,  
York Station, Alabama.

Dear Madam:

You are hereby advised that on the 18th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Spencer Grant, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Yours truly,

(SIGNED)

Acting Chairman.

No. ~~2213~~

For Identification as a Mississippi Choctaw.

Date MAY 15 1901

Name Julia Ann Peterson.

Age 27. Blood 3/8.

Post Office York station, Ala.

Father: Spencer Grant - ✓

Mother: Mary Grant - ✓

Claims through Father.

HUSBAND:

Bill Peterson. -  
(no claim for husband).

Children:

Caroline Peterson. 3.

Johnnie " 1.

Commissioner of the Bureau

Stenographer

H. C. Risteen.



Choctaw MCR 2214

David Grant

MCR

See MCR 2076

2214

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW. R. 2214

*David Grant et al.*

REFUSED

LET. WHEAT JUL 12

NOTICE RECEIVED BY MAIL JUL 18 1902

NOTICE RECEIVED BY MAIL JUL 18 1902

RECEIVED BY MAIL JUL 18 1902

APR 18 1902

AUG 18 1902

NOTICE RECEIVED BY MAIL AUG 18 1902

NOTICE RECEIVED BY MAIL AUG 18 1902

2076

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, May 15, 1901.

In the matter of the application of David Grant for the identification of himself and one minor child as Mississippi Choctaws.

David Grant, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A David Grant.  
Q How old are you? A About twenty five.  
Q Where do you live? A Sumter County, Alabama.  
Q How long have you lived in Alabama? A All my days.  
Q Born there? A Yes.  
Q Have you ever lived anywhere else besides Sumter County? A No, sir.  
Q What is your post office address? A York Station.  
Q What is your father's name? A Spencer Grant.  
Q Is your father living? A Yes.  
Q Is your father a Choctaw Indian? A Yes.  
Q How much Choctaw is your father? A Three eighths.  
Q Can he speak the Choctaw language? A Yes sir---No sir, he can't speak it.  
Q Was he ever recognized in any official manner as a citizen of the Choctaw Nation? A Yes sir.  
Q How? A By his father.  
Q What is not an official recognition---Was he ever officially recognized by the United States Government or the Choctaw tribe of Indians? A No sir.  
Q Where was your father born? A I don't tell you.  
Q Do you know anything about him? A No.  
Q What is your mother's name? A Mary Grant.  
Q Is your mother living? A Yes sir.  
Q Is your mother a Choctaw Indian? A No sir.  
Q What race does she belong to? A African?  
Q Negro? A Yes.  
Q Was your mother ever a slave? A No, I don't think she was.  
Q You say your father is three eighths Choctaw? A Yes.  
Q What other blood has he? A Indian.  
Q What other blood besides Indian? A I don't tell you.  
Q Is he a negro? A Yes.  
Q Was your father ever a slave? A Yes.  
Q Was your father and mother married? A Yes.  
Q When were they married? A I don't know.  
Q How long have they lived together as man and wife? A All their days.  
Q Everybody consider them as man and wife? A Yes.  
Q Do you claim your Choctaw blood entirely through your father?  
A Yes.  
Q How much Choctaw blood have you? A Three eighths.  
Q Are you married? A Yes.  
Q What is your wife's name? A Laura Grant.  
Q How old is she? A About twenty.  
Q Is she a negro? A Yes.  
Q Where did you marry her? A Alabama.  
Q When? A About four years ago.

David Grant----2.

- Q Married under license? A Yes.  
Q Preacher marry you? A Yes.  
Q Making any claim for your wife? A No.  
Q Is she the mother of your children? A Yes.  
Q Have you your marriage license and certificate? A Yes.  
Q Where is it? A It is at home.

It will be necessary that the Commission be supplied with evidence of your marriage to your wife in the matter of the application for the identification of your children.

- Q What is the name of your child? A Doc Grant.  
Q How old? A One year old.  
Q Is that all the child you have? A I had two, one has died.  
Q Are you the father of this child? A Yes.  
Q Laura Grant the mother? A Yes.  
Q This child living with you? A Yes.  
Q Have you ever been enrolled by the Choctaw tribal authorities in Indian Territory as a citizen of the Choctaw Nation? A No.  
Q Did you or any one for you ever apply to the Choctaw tribal authorities in Indian Territory to be enrolled as a citizen of 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 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 by the United States Court in Indian Territory? A No sir.  
Q Have you ever made application before this to the authorities of the Choctaw Nation or United States? A No.  
Q This is the first application you have ever made of any description A Yes.  
Q You are now making application for identification of yourself and one child as Mississippi Choctaws? A Yes.  
Q Do you claim your rights as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Yes.  
Q Have you ever received any benefits as a Choctaw Indian? A No.  
Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No sir.  
Q What is the name of your ancestor who resided in Mississippi in 1830 and who was at the time of the treaty of Dancing Rabbit Creek a recognized member of the Choctaw tribe of Indians? A Jackson.  
Q Jackson what? A Injun I guess.  
Q Who is he? A My father's father. Choctaw.  
Q Was he a Choctaw Indian? A Yes.  
Q Have you any evidence of that fact? A Yes.  
Q Was he recognized by the tribe here in 1830 as a member of the Choctaw Nation? A Yes.  
Q Have you any evidence of that fact? A No more than on my fathers side.  
Q Did any of your ancestors after the conclusion of the treaty of 1830 within six months thereafter signify to the United States Indian Agent their intention to remain here in Mississippi? A No sir.  
Q Did any of your ancestors remove from here to the Indian Territory at the time of the removal of the Choctaws between the years 1835 and 1839? A No.  
Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No.  
Q Any additional statements you want to make in support of this application? A No.

David Grant---5.

Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents, or other proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits under that article of that treaty? A No.

The applicant in this case is apparently a negro. He has none of the appearance or characteristics of a Choctaw Indian. He is unable to speak the Choctaw language, and is unable to give any information as to any compliance by his ancestors with the fourteenth article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your minor child for identification as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 15th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 5th day of June, 1901.

*[Signature]*

Notary Public.

COPY.

M.C.R. 2214.

Mustagee, Indian Territory, July 18, 1902.

David Grant,

York Station, Alabama.

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 Spencer Grant, et al., embracing the following applications for identification as Mississippi Choctaws:

Spencer Grant, et al.,	M.C.R. 2076
Nancy Nicholson, et al.,	• 2215
Julia Ann Peterson, et al.,	• 2213
David Grant, et al.,	• 2214
Caroline Pack,	• 2216
Mattie Gowdy,	• 2217

These applications were made under the provision of the act of Congress of June 26, 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 Spencer Grant, Nellie Grant, Spencer Grant, Jr., Ellen Grant, Johnnie Grant, Nancy Nicholson, Willie Nicholson, Robert Nicholson, Nathaniel Nicholson, Fannie Nicholson, Eli Nicholson, Thomas J. Nicholson, Julia Ann Peterson, Caroline Peterson, Johnnie Peterson, David Grant, Lee Grant, Caroline Paek and Mattie Cowdy, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

(SIGNED)

Commissioner in Charge

Registered.

COPY.

Muskogee, Indian Territory, August 30, 1902.

David Grant,

York Station, Alabama.

Dear Sir:

You are hereby advised that on the 18th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Spencer Grant, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Yours truly,

Acting Chairman.



610

No. ~~2214~~

**For Identification as a Mississippi Choctaw.**

Date MAY 15 1901

Name David Grant.

Age 25 Blood 9/8

Post Office York Station, Ala

Father: Spencer Grant - ✓

Mother: Mary Grant - ✓

Claims through father

WIFE:

Laura Grant - 20  
(no claim for wife).

Children:

Doc Grant 1.

Claims for self (and child).

Stenographer

H. C. Pisten

Choctaw MCR 2215

Nancy Nicholson

See MCR 2076

MCR 2215

FOR IDENTIFICATION

A MISSISSIPPI CHOC LAW. R. 2315

*Nancy Nicholson et al.*

REFUSED

DECISION ORDERED. JUL 15 1902

NOTICE OF DECISION MAILED APPLICANT.

NOTICE OF DECISION MAILED ATTORNEYS  
FOR COUNSELORS IN EQUITY.

RECORDS DEPARTMENT.

JUL 18 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 18 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARD APPLICANT.

AUG 30 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARD APPLICANT BY CHIEF OF BUREAU  
AND CHIEF OF LAW OFFICE.

REFER TO M. C. R. 2076

~~DEPARTMENT OF THE INTERIOR,~~  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, May 15, 1901.

In the matter of the application of Nancy Nicholson for the identification of herself and six minor children as Mississippi Choctaws.

Nancy Nicholson, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Nancy Nicholson.
- Q How old are you? A About thirty.
- Q Where do you live? A Sumter County, Alabama.
- Q How long have you lived in Alabama? A I have been living there all my days.
- Q Were you born in Sumter County, Alabama? A Yes.
- Q What is your post office address? A York Station.
- Q What is your father's name? A Spencer Grant.
- Q Is your father living? A Yes sir.
- Q Is he a Choctaw Indian? A Yes, he is Mississippi.
- Q Mississippi Choctaw? A Yes, Indian.
- Q He lives in Alabama, don't he? A Yes sir.
- Q How much Choctaw is your father? A My father is three-eighths.
- Q What other blood has he? A Three ounces.
- Q Three ounces of what? A I didn't say three ounces.
- Q What did you say? A I didn't understand you.
- Q Well, what other blood is your father besides Choctaw? A I am three ounces.
- Q Has your father got any negro blood? A Yes.
- Q Was your father ever a slave? A Yes sir.
- Q Where was your father born? A He was born in Alabama I suppose.
- Q Did he always live in Alabama? A Yes.
- Q Was he ever in any official manner recognized as a citizen of the Choctaw Nation? A Yes sir, he is Choctaw Nation.
- Q He is the whole Choctaw Nation, is he? A No he is only three-thirds--I can't call it plain.
- Q Was he ever in any official manner recognized by the Choctaw Tribal authorities or by the United States authorities as a citizen of the Choctaw Nation? A Yes.
- Q How? A Because my grandfather was an Indian and my grandmother was half Indian.
- Q I want to know if your father has ever been recognized or received any benefits as a Choctaw Indian? A No, he ain't never received none.
- Q What is your mother's name? A Mary Grant.
- Q Is your mother living? A Yes.
- Q Did your mother have any Choctaw blood? A No.
- Q What race did she belong to---what nationality is she? A She is a black woman--a dark woman.
- Q A negro is she? A Yes.
- Q Was she a slave? A Yes.
- Q Do you claim your Choctaw blood entirely through your father? A Yes.
- Q Was your father and mother ever married? A I don't know.
- Q How long did they live together as man and wife? A I don't know they are living together now.
- Q How long have they been living together? A I don't know.
- Q How much Choctaw blood have you? A Three fourths and two ounces.
- Q What do you mean by three fourths and two ounces? A I said eight ounces.

Nancy Nicholson--2

- Q What do you mean by that? A An ounce and three eighths.  
Q That is how much Choctaw blood you have is it? A Three eighths.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A Nathan Nicholson.  
Q Is he a negro? A Yes.  
Q Are you making any application for your husband? A No.  
Q How old is he? A I don't know sir.  
Q About how old is he?--Haven't you any idea how hold he is? A No  
Q How long have you been married? A Been married about sixty years  
Q When was your married? A I can't bring it to remember to tell  
you exactly when I was married.  
Q About when was it? A In 81 as near as I can come to it.  
Q Married under license? A Yes.  
Q Preacher marry you? A Yes.  
Q Where was you married? A Down near home where I live.  
Q Have you any children? A Yes.  
Q How many? A Six.  
Q What is the name of the oldest? A I don't know.

Nathan Nicholson, husband of applicant, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Nathan Nicholson.  
Q What is your age? A Thirty eight.  
Q You are a negro? A Yes.  
Q You are the husband of Nancy Nicholson? A Yes.  
Q What are the names and ages of your children? A Willie Nicholson thirteen; Robert Nicholson, 11, last September; Nathaniel, Nicholson, nine in September; Fannie Nicholson, seven in September; Eli Nicholson, six last November; Thomas J. Nicholson, four.  
(Witness excused)

Nancy Nicholson, applicant, re-called:

Examination by the Commission:

- Q Have you or your children ever been enrolled by the Choctaw tribal authorities in Indian Territory as citizens of the Choctaw Nation? A No.  
Q Did you or any one for you apply to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No.  
Q Did you or any one for 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, 1898? A No.  
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.  
Q Have you ever made any application before this? A No.  
Q Any one ever made application for you? A No.  
Q This is the first application you have ever made of any description A Yes.  
Q You are now making application for the identification of yourself and six minor children as Mississippi Choctaws? A Yes.  
Q Do you claim your rights as beneficiaries 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.  
Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No sir.  
Q What is the name of your Choctaw ancestor who resided in Mississ-

Nancy Nicholson---3.

- issippi or Alabama in 1830 when the treaty of Dancing Rabbit Creek was entered into? A Jackson.
- Q Who is he? A My grandfather.
- Q Your father's father? A Yes.
- Q Was he a Choctaw Indian? A yes.
- Q How do you know he was? A He said so.
- Q Who said so? A My father.
- Q Have you any documentary proof or evidence showing that your grandfather was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A That is what he said.
- Q Have you any evidence of that fact? A No.
- Q Did any of your Choctaw ancestors ever remove from Mississippi to the Choctaw Nation between the years 1833 and 1838? A No.
- Q Any of your ancestors ever signify to the United States Indian agent for the Choctaws in Mississippi within six months from the ratification of the treaty of 1830 their intention to remain in Mississippi and become citizens of the United States? A No.
- Q Did any of your ancestors ever claim or received any land under the provisions of the fourteenth article of the treaty of 1830? A No.
- Q Any additional statements you want to make in support of this application? A No.
- Q Have you any documentary evidence, written testimony of any description, copies of records deeds or patents showing that your ancestors were in any manner ever recognized as members of the Choctaw tribe of Indians in Mississippi or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they have ever received any benefits under that article of that treaty? A No.

This applicant has the appearance of a negro and none of the appearance of a Choctaw Indian. Is unable to speak the Choctaw language, and has no knowledge of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

The decision of the Commission as to your application and the application you make in behalf of your six minor children for identification as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 15th day of May, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 5th day of June, 1901.

*[Signature]*  
Notary Public

COPY.

M.C.R. 2215.

Muskogee, Indian Territory, July 18, 1902.

Nancy Nicholson,

York Station, Alabama.

Dear Madam:

You are hereby advised that on the 18th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Spencer Grant, et al., embracing the following applications for identification as Mississippi Choctaws:

Spencer Grant, et al.,	M.C.R. 2076
Nancy Nicholson, et al.,	" 2215
Julia Ann Peterson, et al.,	" 2213
David Grant, et al.,	" 2214
Caroline Paak,	" 2216
Mattie Gowdy,	" 2217

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

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

Said decision concludes as follows:

N N 8

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Spencer Grant, Dollie Grant, Spencer Grant, Jr., Ellen Grant, Johnnie Grant, Nancy Nicholson, Willie Nicholson, Robert Nicholson, Thomas J. Nicholson, Julia Ann Peterson, Caroline Peterson, Johnnie Peterson, David Grant, Doc Grant, Caroline Pack and Mattie Gowdy, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

(SIGNED)

Commissioner in Charge

Registered.



COPY.

Muskogee, Indian Territory, August 30, 1902.

Nancy Nicholson,  
York Station, Alabama.

Dear Madam:

You are hereby advised that on the 18th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Spencer Grant, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Yours truly,

W. A. B. E.

Acting Chairman.

## For Identification as a Mississippi Choctaw.

Date MAY 15 1901

Name Nancy Nicholson.

Age 31 Blood 3/8

Post Office York Station, Ala.

Father: Spencer Grant - ✓

Mother: Mary Grant - ✓

Claims through father

## HUSBAND:

Nathan Nicholson 38  
 (no claim for husband).

## Children:

Willie Nicholson 13

Robert " 11

Nathaniel " 9

Fannie " 7

Eli " 6

Thomas J. " 4

(Claims for self and 6 children)

## Stenographer

H. C. Ristean

Choctaw MCR 2216

Caroline Pack

See MCR 2076

MCR 2216

E

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW. R. 2216

*Caroline Pack*

REFUSED

DECISION DATED JUL 15 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 18 1902

NOTICE OF DECISION MADE BY THE COMMISSION  
FOR CHOCTAW AND CHEROKEE APPLICANTS.

RECORDS SECTION, BUREAU OF INDIAN AFFAIRS.

ACTION AFTER RECEIVING NOTICE:

AUG 18 1902

NOTICE OF DECISION ACTION  
FORWARD TO APPLICANT

AUG 20 1902

NOTICE OF DECISION ACTION  
FORWARD TO APPLICANT  
AND TO THE BUREAU OF INDIAN AFFAIRS

REFER TO M. C. R. 2076

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, May 15, 1901.

In the matter of the application of Caroline Paek for identification as a Mississippi Choctaw.

Caroline Paek, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Caroline Paek.  
Q How old are you? A Twenty three.  
Q Where do you live? A I live in Mississippi.  
Q Whereabouts in Mississippi? A Near the line.  
Q Near what line? A Alabama line.  
Q What county do you live in? A Lauderdale County.  
Q What is your post office address? A Lauderdale.  
Q How long have you lived in Mississippi? A Just moved here 8th of November.  
Q Where did you live before then? A Alabama.  
Q How long did you live in Alabama? A All my days.  
Q Was you born there? A Yes.  
Q Whereabouts? A In Alabama.  
Q What part? A Sumter County.  
Q Lived there until you moved to Lauderdale, Mississippi? A Yes.  
Q What is your father's name? A Spencer Grant.  
Q Is your father living? A Yes.  
Q Is he a Choctaw Indian? A Yes sir.  
Q How much Choctaw is your father? A About three quarters.  
Q Can your father speak the Choctaw language? A No sir.  
Q What other blood does your father have besides Choctaw? A He has none---negro.  
Q Was your father a slave? A Yes sir.  
Q Was he ever recognized in any official manner as a member of the Choctaw tribe of Indians? A No sir.  
Q What is your mother's name? A Mary Grant.  
Q Is your mother living? A Yes sir.  
Q Is your mother a Choctaw Indian? A No sir.  
Q What race does she belong to? A African.  
Q Was your mother a slave? A Yes sir.  
Q Was your mother and father married? A Yes.  
Q When were they married? A I den't know.  
Q How long did they live together as man and wife? A As long as I can remember.  
Q Are they living together now? A Yes.  
Q Do people consider them as man and wife? A Yes.  
Q Do you claim your Choctaw blood entirely through your father?  
A Yes.  
Q How much Choctaw blood do you claim? A Three eighths.  
Q Can you speak the Choctaw language? A No.  
Q Are you married? A Yes.  
Q Making any application for your husband? A No.  
Q Is he a negro? A Yes.  
Q Where did you marry him? A In Alabama.  
Q What is his name? A James Paek.  
Q When was you married to him? A 8th of November.  
Q Last year? A Yes.  
Q Have you any children? A No sir.  
Q Making application for yourself alone? A Yes.

Caroline Paek----2.

- Q Have you ever been enrolled by the Choctaw tribal authorities in Indian Territory as a citizen of the Choctaw Nation? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities for enrollment as a citizen of the Choctaw Nation? A No sir.
- Q Did you ever, or did any one for you, 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 the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No.
- Q Is this the first application you have ever made of any description? A Yes sir.
- Q No one has ever made application for you before this? A No.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Do you claim your rights as a beneficiary under the provisions of 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.
- Q What is the name of your Choctaw ancestor who resided in Mississippi in 1830 and who was a recognized member of the Choctaw tribe at that time? A Mississippi Choctaw Indian.
- Q What was the name of your ancestor who resided here in 1830? A Indian Jackson.
- Q Who is he? A My father's father.
- Q Was he a Choctaw Indian? A Yes sir.
- Q Have you any evidence of that fact? A No sir.
- Q Did he live here in Mississippi in 1830? A Yes.
- Q Did any of your ancestors after the ratification of the treaty of 1830 remove from the Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory? A No.
- Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No.
- Q Did any of your ancestors ever signify to the United States Indian Agent for the Choctaws in Mississippi their intention to remain here and become citizens of the United States? A No.
- Q Any additional statements you desire to make in support of your application? A No.
- Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they have ever received any benefits under that article of that treaty? A No sir.

This applicant is apparently a negro. Has none of the appearances or characteristics of a Choctaw Indian. She is unable to speak the Choctaw language and has no knowledge of any compliance by her ancestors with the provisions of the fourteenth article of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and a report, of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898,

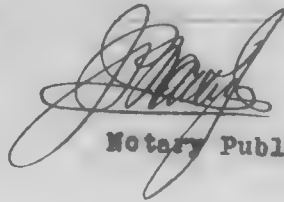
Caroline Pask---3.

and you will be furnished with a copy of such decision mailed to you at your post office address as given in your testimony at this time.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 15th day of May, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 5th day of June, 1901.

  
Notary Public.

M.C.R. 2216.

Muskogee, Indian Territory, July 18, 1902.

Caroline Pack,

Lauderdale, Mississippi.

Dear Madam:

You are hereby advised that on the 18th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Spencer Grant, et al., embracing the following applications for identification as Mississippi Choctaws:

Spencer Grant, et al.,	M.C.R. 2076
Manny Nicholson, et al.,	" 2215
Julia Ann Peterson, et al.,	" 2213
David Grant, et al.,	" 2214
Caroline Pack,	" 2216
Mattie Gowdy,	" 2217

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats. 496) which is as follows:

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

Said decision concludes as follows:



"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Spencer Grant, Dollie Grant, Spencer Grant, Jr., Ellen Grant, Johnnie Grant, Nancy Nicholson, Willie Nicholson, Robert Nicholson, Nathaniel Nicholson, Fannie Nicholson, Eli Nicholson, Thomas J. Nicholson, Julia Ann Peterson, Caroline Peterson, Johnnie Peterson, David Grant, Dec Grant, Caroline Paak and Mattie Gowdy, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

(SIGNED)

*I. B. Needles.*  
Commissioner in Charge.

Registered.

M.C.P. 2116.

Muskogee, Indian Territory, August 30, 1902.

Caroline Pack,  
Lauderdale, Mississippi.

Dear Madam:

You are hereby advised that on the 18th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Spencer Grant, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Yours truly,

Acting Chairman.

612

No. 2216

For Identification as a Mississippi Choctaw.

Date MAY 15 1901

Name Caroline Pack.

Age 23. Blood  $\frac{3}{8}$

Post Office Lauderdale, Miss

Father: Spencer Grant - ✓

Mother: Mary Grant - ✓

Claims through father

Children:

Claims for ...

Stenographer

H. C. Risteen

Choctaw MCR 2217

Mattie Gowdy

MCR 2217

2

IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW. R. 2217

*Mattie Gordy*

REFUSED

DECISION RENDERED JUL 11 1902

NOTICE OF DECISION MAILED APPLICANT.  
JUL 18 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED TO DEPARTMENT.

ACTION TAKEN BY SECRETARY OF INTERIOR.  
AUG 18 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED TO APPLICANT.  
AUG 20 1902

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

FILED IN R. 2076

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE "RED" CIVILIZED TRIBES.  
Meridian, Mississippi, May 18, 1901.

In the matter of the application of Mattie Gowdy for identification as a Mississippi Choctaw.

Mattie Gowdy, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Mattie Gowdy.  
Q How old are you? A Twenty two.  
Q Where do you live? A In Alabama.  
Q Whereabouts in Alabama? A Sumter County.  
Q What is your post office address? A York Station.  
Q How long have you lived in Alabama? A All my days.  
Q Was you born there? A Yes.  
Q Never have lived anywhere else? A No sir.  
Q What is your father's name? A Spencer Grant.  
Q Is your father living? A Yes sir.  
Q Is your father a Choctaw Indian? A No sir.  
Q What is he? A Yes sir.  
Q I have asked you if your father was a Choctaw Indian and you said no; what is he then? A African.  
Q Has he got Choctaw blood? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood  
A My grandfather.  
Q Isaid which one of your parents? A My father.  
Q Your father has some Choctaw blood has he? A Yes.  
Q How much Choctaw is your father? A About three thirds----about three fourths.  
Q Was your father ever a slave? A I don't know.  
Q Was he ever recognized in any official manner as a citizen of the Choctaw Nation or has he ever received any benefits as a Choctaw Indian? A I don't know.  
Q What is your mother's name? A Mary Grant.  
Q Is your mother living? A Yes sir.  
Q Does your mother have any Choctaw blood? A No.  
Q What race does she belong to? A African.  
Q Was your mother ever a slave? A I don't know.  
Q Was your mother and father ever married? A Yes.  
Q When? A I don't know.  
Q How long have they lived together as man and wife? A All their days I can remember.  
Q How much Choctaw blood do you claim? A Three eighths.  
Q Can you speak the Choctaw language? A No sir.  
Q Can your father? A No sir.  
Q Are you married? A Yes sir.  
Q Making any application for your husband? A No.  
Q What is his name? A Green Gowdy.  
Q Is he a negro? A Yes.  
Q When did you marry him? A In April.  
Q What year? A 1901.  
Q Been married about a month? A Going on four months.  
Q Married in April? A Yes.  
Q What month is this? A May.  
Q What month was last month? A March.  
Q What was the month before that? A April.  
Q Was you married under license? A Yes.  
Q Who married you? A Jim Brooks.  
Q Who is he? A Pastor of a church.  
Q Have you any children? A No.

- Q Just applying for yourself? A Yes.
- Q Have you ever been enrolled by the Choctaw tribal authorities in Indian Territory as a citizen of the Choctaw Nation? A No.
- Q Have you or any one for you ever made application to the Choctaw tribal authorities in Indian Territory to be enrolled or admitted to citizenship in the Choctaw Nation? A No.
- Q Did you or any one in your behalf make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
- Q Have you ever made application or has any one ever made one for you for enrollment? A No sir.
- Q This is the first application you have ever made? A Yes.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes.
- Q Do you claim your rights as a beneficiary under the fourteenth article of the treaty of 1830? A Yes.
- Q Have you ever received any benefits as Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No sir.
- Q What was the name of your ancestor who resided here in Mississippi and was a member of the Choctaw tribe of Indians in 1830? A I dont know.
- Q Did any of your ancestors ever remove from Mississippi to the Indian Territory at the time of the removal of the Choctaw Indians in 1833 to 1838? A I don't know.
- Q Did any of your ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent their intention to remain in Mississippi and become citizens of the United States? A I don't know.
- Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I don't know.
- Q Are there any additional statements you desire to make in support of your application? A No sir.
- Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents, or any papers showing that your ancestors were ever recognized members of the Choctaw Tribe of Indians in Mississippi or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830? A No.

The applicant in this case is apparently a negro; has none of the appearance or characteristics of a Choctaw Indian. Is unable to speak the Choctaw language and has no knowledge of any compliance by her ancestors with the provisions of the fourteenth article of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H. G. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 15th day of May, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said

Mattie Gowdy.-----3.

proceedings on said date.

*Mattie Gowdy*

Subscribed and sworn to before me at Meridian, Mississippi, this  
5th day of June, 1901.

*[Signature]*

Notary Public.



COPY.

M.C.R. 2217.

Muskogee, Indian Territory, July 16, 1902.

Mattie Gowdy,

York Station, Alabama.

Dear Madam:

You are hereby advised that on the 16th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Spencer Grant, et al., embracing the following applications for identification as Mississippi Choctaws:

Spencer Grant, et al.,	M.C.R. 2076
Nancy Nicholson, et al.,	" 2215
Julia Ann Peterson, et al.,	" 2213
David Grant, et al.,	" 2214
Caroline Pask,	" 2216
Mattie Gowdy,	" 2217

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stat. 485) which is as follows:

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

Said decision concludes as follows:

M O 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Spencer Grant, Dollie Grant, Spencer Grant, Jr., Ellen Grant, Johnnie Grant, Nancy Nicholson, Willie Nicholson, Robert Nicholson, Nathaniel Nicholson, Fannie Nicholson, Eli Nicholson, Thomas J. Nicholson, Julia Ann Peterson, Caroline Peterson, Johnnie Peterson, David Grant, Doc Grant, Caroline Pack and Kattie Gowdy, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

(SIGNED)

T. D. Hodges,

Commissioner in charge.

Registered.

M.C.N. 2217.

COPY

Muskogee, Indian Territory, August 30, 1902.

Mattie Gowdy,

Work Station, Alabama.

Dear Madam:

You are hereby advised that on the 18th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Spencer Grant, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Yours truly,

Acting Chairman.

619.

No. 2217

For Identification as a Mississippi Choctaw.

Date MAY 15 1901

Name *Mattie Gourdy.*

Age *22.* Blood *3/8.*

Post Office *York Station, Ala.*

Father: *Spencer Grant - ✓*

Mother: *Mary Grant - ✓*

Claims through *father.*

*4*

Children:

*(Claims for herself alone.)*

Stenographer

*H. C. Pieters.*

Choctaw MCR 2218

Hortense Narcisse

MCR 2218

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Hortense Narcisse  
for identification as a Mississippi Choctaw. M.C.R. 2218.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the case of  
Hortense Narcisse.

	(Page)
Original application of Hortense Narcisse before the Dawes Commission for identification as a Mississippi Choctaw.....	1
Decision of the Commission refusing the application of Hortense Narcisse applicant for identification as a Mississippi Choctaw.....	4

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 16th, 1901.

In the matter of the application of Hortense Narcisse for identification as a Mississippi Choctaw.

Said Hortense Narcisse, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Hortense Narcisse.  
Q How old are you? A I don't know.  
Q About how old? A About sixty.  
Q Where do you live? A Pass Christian, Mississippi, Harrison County.  
Q How long have you lived in Mississippi? A Always.  
Q Born here? A Yes sir.  
Q You have never lived outside the State of Mississippi? A No sir never did.  
Q What is your father's name? A Joseph Barbine.  
Q Is your father living? A No sir.  
Q Was your father a Choctaw Indian? A My father wasn't a Choctaw, my father was a Creole man.  
Q You say your father was a Creole? A Yes sir.  
Q What blood is Creole? A I don't know, sir.  
Q Any Choctaw in Creole blood? A I don't know, sir.  
Q What is your mother's name? A Arnette Marlaouison.  
Q Is your mother living? A No sir.  
Q Was your mother a Choctaw Indian? A Yes sir.  
Q How much Choctaw was she? A My mother was a full blood Choctaw.  
Q A full blood Choctaw? A Yes sir.  
Q Did she always live in Mississippi? A Yes sir.  
Q Where was she born? A She was born way back in the country somewheres/, at some creek they call it.  
Q In Mississippi? A Yes sir.  
Q Did your mother ever live anywhere else beside Mississippi?  
A No sir, we lived at Biloxi but from there came here.  
Q Did your mother speak the Choctaw language? A Yes sir.  
Q Can you speak the Choctaw language? A No sir.  
Q Did your mother have any Choctaw name? I don't know, her name is Annette all the time.  
Q Is that all the name you ever knew of her having? A Yes sir.  
Q Were your mother and father married? A Yes sir.  
Q Is Marlaouison your mother's maiden name? A That was her mother's name.  
Q What kind of a looking woman was your mother? A Just like me, she was taller than me.  
Q When did she die? A Been dead long time, before the war. I saw her before the war myself.  
Q Do you derive your Choctaw blood through your mother entirely?  
A Yes sir.  
Q How much Choctaw are you? A I don't know how you make it, my mother was a full Indian.  
Q You would be about a half blood, would you? Your father had no Choctaw blood, did he? A No sir.  
Q Was your mother ever recognized in any official manner as a citizen of the Choctaw Nation? A I don't know.  
Q Was she ever given any rights or privileges as a citizen of the Choctaw Nation? A I don't know, sir.

Q Did she ever receive any money that you know of from the Choctaw Nation, or any land? A No sir.

Q Are you married? A No sir, I not married any more.

Q Have you any children under 21 years of age and unmarried? A No sir.

Q All your children grown, are they? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know.

Q Have you ever ~~was was~~ enrolled by the Choctaw Tribal authorities in the Indian Territory as a citizen of the Choctaw Nation? A No sir.

Q Have you or anyone for you ever made application to the Choctaw Tribal authorities in the Indian Territory to be enrolled as a citizen of that 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 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 Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory?

A I don't know.

Q Have you ever received any privileges or benefits as a Choctaw Indian? A No sir.

Q You making this application for your self alone? A Yes 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 Do you claim your rights as a beneficiary under the provisions of the 14th 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.

Q What was the name of your Choctaw ancestor, your foreparent that lived here in Mississippi in 1830? A My grandmother. My mother told me that my grandmother was named Marlaouison.

Q Was your mother living here in 1830? A Yes sir.

Q Are you the oldest of her children? A No sir.

Q Would your mother have been a grown woman in 1830, 70 years ago?

A I couldn't tell you.

Q Did you ever hear of her having any other name than Annette Marlaouison? A No sir.

Q Your mother always lived in the neighborhood of Pass Christian and Bilexi, on the Gulf? A Yes sir.

Q Never lived in this part of the State? A No sir.

Q For ten years before you was born they lived in the neighborhood of Pass Christian? A Yes sir.

Q Did any of your ancestors remove from this State, from Mississippi, to the Indian Territory when the Choctaw Tribe moved out there between the years 1853 and 1856? A My cousins went to Arkansas.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaws in Mississippi their intention to remain in Mississippi, take land there and become citizens of the United States? A Not that I know of.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A No sir, not a bit.

Q You are unable to speak the Choctaw language yourself, are you?

A No sir, I can't speak it. My mother wouldn't show me how to speak



Hortense Narcisse---3

Q Your mother could speak it, could she? A Yes sir.

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

Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians here in Mississippi in 1830, that they ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A No sir.

Mr . L. P. Hudson, attorney for applicant, asks for additional time in which to file documentary evidence in support of this application.

Permission is granted Mr. L. P. Hudson, Attorney for applicant, to file additional written evidence in support of this application provided the same is offered for filing with the Commission within thirty days from the date hereof.


The applicant in this case claims to be a half blood Choctaw Indian. Her appearance would indicate that she has at least that much Choctaw blood, if not more. Her general characteristics are those of a Choctaw Indian. Her hair is straight and black and she has high cheek bones. From her testimony it appears that her father was known as a Creole, an admixture of Spanish or French blood and this woman speaks with a very pronounced French accent. She is unable to speak the Choctaw language and has no knowledge of any compliance on the part of her ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

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Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 16th, 1901, and that the above and preceding 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 10th day of June A.D. 1901, at Meridian, Mississippi.

  
Notary Public.

COPY.

all  
C.W.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Hortense Narcisse  
for identification as a Mississippi Choctaw, M.C.R. 2218.

--: 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 Commis-  
sion by Hortense Narcisse for herself under the following pro-  
vision 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 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 there-  
to 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 Marlaouison, who is alleged to have been a Choctaw Indian, degree of blood not stated, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said 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 any person by the name of Marlaouison, 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 Hortense Narcisse 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.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED Tame Bixby.  
Acting Chairman.

SIGNED T. B. Needles.  
Commissioner.

SIGNED C. R. Breckinridge.  
Commissioner.

Muskogee, Indian Territory,

FEB 3 1903

COPY.

Muskogee, Indian Territory, February 3, 1903.

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

Gentlemen:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Hortense Narcisse, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (§0 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 Hortense Narcisse 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 to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*Tamo Birby.*  
Acting Chairman.

COPY.

Muskogee, Indian Territory, February 3, 1903.

Hortense Narcisse,  
Pass Christian, Mississippi.

Dear Madam:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Hortense Narcisse, 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 Hortense Narcisse 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

H. N. No. 2.

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

Respectfully,

(SIGNED);

*Tame Bixby.*  
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 19, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Hortense Marcisse, an applicant to the Commission for identification as a Mississippi Choctaw including the decision of the Commission of February 5, 1903.

The Commission has the honor to report that the applicant Marcie 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)

*John D. Dyer*  
Acting Chairman.

Through the  
Commissioner of Indian Affairs.

2 inclosures- M.C.R. 2218



DEPARTMENT OF THE INTERIOR

WASHINGTON.

WCF.

D. C. 17536.

EAF.

ITD. 4914- 1903.

June 16, 1903.

L. R. S.

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

Gentlemen:-

February 19, 1903, you transmitted the record in the matter of the application of Hortense Narcisse for identification as a Mississippi Choctaw, including your decision of February 3, 1903, refusing the application.

The applicant claims rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being a descendant of Marlaeuisen, through her daughter, Annette Marlaeuisen or Barbine, mother of the applicant, it being alleged that said ancestors were full blood Choctaw Indians and residents of Mississippi in 1830.

The evidence submitted and the records of the Indian Office fail to show that said ancestors complied or attempted to comply with article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting June 5, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

- 2 -

A copy of his letter is enclosed,

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

Respectfully,

E. A. Hitchcock,

Secretary.

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Copy.

Land.  
12800- 1903.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 5, 1903.

The Honorable

The Secretary of the Interior.

Sir:-

There is enclosed herewith a report from the Commission to the Five Civilized Tribes dated February 19, 1903, relative to the record of the application of Hortense Narcisse for identification as a Mississippi Choctaw.

February 3, 1903, the Commission held that the applicant was not entitled to identification.

The applicant claims the right to identification by reason of descent from Marlaouison.

The records of this office do not show that anyone by the name of Marlaouison complied or attempted to comply with the 14th article of the treaty of 1830 or with the acts of March 3, 1837 and August 23, 1842.

The approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tomner

G. A. W. (B)

Acting Commissioner.

M. C. R. 2218.

COPY!

Muskogee, Indian Territory, July 21, 1903.

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

Gentlemen:-

You are hereby notified that on the 16th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Hortense Narcisse of which decision you were advised by mail on the 3rd day of February, 1903.

Respectfully,

*T. B. Needles.*  
Commissioner in Charge.

M. C. R. 2218.

COPY,

Muskogee, Indian Territory, July 21, 1903.

Hortense Narcisso,

Pass Christian, Mississippi.

Dear Madam:-

You are hereby notified that on the 16th day of June, 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 3rd day of February, 1903.

Respectfully,

(SIGNED);

(SIGNED)

*J. S. Needles.*

Commissioner in Charge,

Arnette, Tharlacoma, 1853.

Notes

Notes on the ...

Notes on the ...

Notes on the ...



674

No. 2218

For Identification as a Mississippi Choctaw.

Date MAY 16 1901

Name Hortense Narcisse.

Age 60. Blood 1/2.

Post Office Pass Christian, Miss

Father: Joseph Barbine - dead.

Mother: Arnette Marlouison - dead.

Claims through mother

Children:

*[Faint handwritten text]*

Stenographer

A. S. Niles



R. 2218

*Hortense Narcisse*

ED. [ ]

Choctaw MCR 2219

Julia Ann Barbant

MCR 2219

FOR IDENTIFICATION AS  
A MISSING

R. 2219

*Julia Ann Barbant*

DEC 11 1902

NOV 1902

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NOV 8

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

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In the matter of the application of Julia Ann Barbant for  
identification as a Mississippi Choctaw, M.C.R. 2819.

List of papers forwarded to the Secretary of the Interior comprising  
the record in the case of Julia Ann Barbant.

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Decision of the Commission refusing the application of Julia Ann Barbant for identification as a Mississippi Choctaw.....	4

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 16th, 1901.

In the matter of the application of Julia Ann Barbant  
for identification as a Mississippi Choctaw.

Said Julia Ann Barbant, being first duly sworn through  
Emily Cooper, sworn Creole Interpreter, testified as follows:-

Examination by the Commission.

- Q What is your name? A Julia Ann Barbant.  
Q How old are you? A I don't know.  
Q About how old are you? A About fifty.  
Q Do you remember what year you were born in? A I don't know.  
Q How old is your oldest child? A About thirty years.  
Q Where do you live? A Wolf Town.  
Q What State is that in? A Mississippi.  
Q What County? A Harrison County.  
Q Is Wolf Town the name of your postoffice? A No sir.  
Q What is your postoffice? A DeLisle.  
Q How long have you lived in Mississippi? A Born and raised in  
Mississippi.  
Q Never have lived anywhere else? A No.  
Q What part of Mississippi were you born in? A In Wolf Town.  
Q Down on the Gulf? A Along side of Riverside, by the public  
road.  
Q You always lived right in the same place where you are living  
now? A I don't stay in the same place where I was born but I stay  
in Wolf Town.  
Q In the same locality? A Yes sir.  
Q What is your father's name? A Thomas Social.  
Q Is your father living? A No.  
Q Was your father a Choctaw Indian? A No.  
Q What was your father, what blood, what nationality was he?  
A Colored man was father.  
Q Was your father ever a slave? A Yes sir.  
Q Was you ever a slave? A No, my mother was a pure Choctaw.  
Q What was your mother's name? A Catherine, she was married to  
Social.  
Q Is your mother living? A Dead, long ago.  
Q Was your mother a Choctaw Indian? A Pure Choctaw.  
Q Was she a full blood Choctaw? A Yes.  
Q Did she speak the Choctaw language? A Yes, my mother used to  
speak more of that than any other. Sometimes she spoke Creole.  
Q What do you mean by Creole? A People mixed up, I guess.  
Q Can you speak the Choctaw language? A No, mother never  
learned me.  
Q Can you speak English? A No, never was among the American  
English; never could speak it.  
Q What kind of a looking woman was your mother? A Just like that  
woman that talked awhile ago.  
Q Look like an Indian? A Yes, she was an Indian.  
Q Was your mother ever a slave? A No sir, Indians never was  
slaves.  
Q Was your mother ever recognized in any official manner by the  
Choctaw Tribal authorities or the authorities of the United States  
as a citizen of the Choctaw Nation? Did the United States Govern-  
ment or the Choctaw Tribe ever consider your mother as a member of  
that Tribe? A Yes sir, she was recognized by the Choctaws. Every-

Julia Ann Barbant---2

where I go they know I am Indian.

Q You claim your Choctaw blood entirely through your mother? A Yes sir.

Q How much Choctaw are you? A I don't know, my mother was a Choctaw and my father a colored man.

Q You are about a half Choctaw then, are you, half Choctaw and half colored? A Yes sir.

Q Are you married? A My husband's dead.

Q Have you any children under 21 years of age and unmarried?

A No sir.

Q You just apply for yourself? A Yes sir.

Q Have you ever been enrolled by the Choctaw Tribal authorities in the Indian Territory as a citizen of that Nation? A No sir, never been no further than Pass Christian.

Q Did you ever apply to the Choctaw Tribal authorities in the Indian Territory to be enrolled as a citizen of that Nation? A No sir, I never did.

Q Did you or did anyone for you in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory?

A I never heard anything of that.

Q This is the first application you have ever made? A Yes sir.

Q No one has ever applied for you before this? A No sir.

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

Q Have you ever received any benefits as a Choctaw Indian? A No sir.

Q Have any of your ancestors, your foreparents, ever received any benefits as Choctaw Indians? A No sir.

Q What is the name of your Choctaw ancestor who resided here in Mississippi in 1830 at the time the treaty was entered into between the United States and the Choctaw Tribe of Indians? A I never knew none of my old parents, just my mother.

Q What is your mother's maiden name? A Catherine.

Q What was her other name? A Don't know.

Q Don't know your mother's name before she was married? A No sir.

Q Did your mother always live here in Mississippi? A She stayed here until she died here.

Q Do you know where your mother was born? A No sir.

Q Did you ever hear of your mother living anywhere else beside Mississippi? A No sir, she never tell me where she come from and where she stay.

Q Did any of your ancestors, your foreparents, move from Mississippi to the Choctaw Nation in Indian Territory when the Choctaw Tribe were moved out there in 1833 to 1838? A I don't know.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaws in Mississippi their intention to remain in Mississippi, take land there and become citizens of the United States?

A No sir, not as I know of.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A No sir, not as I know of.

Q Is there any additional statement you want to make, anything more you want to say relative to your Choctaw blood or any rights you might have as a Choctaw Indian? A No sir.

Julia Ann Barbant---3

Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents, or any proper papers, that would show that any of your ancestors were recognized members of the Choctaw Tribe of Indians in Mississippi in 1830, that they ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A -----

Q Have you any papers to file? A Never got nothing.

Mr. L. P. Hudson, attorney for applicant, requests additional time in which to file documentary evidence in support of this application.

Permission is granted Mr. L. P. Hudson, attorney for applicant, to file written evidence in support of this application, provided the same is offered for filing with the Commission within thirty days from the date hereof.

The applicant in this case has many of the characteristics of a Choctaw Indian. Her complexion is somewhat darker than the full blood Choctaws who appeared before the Commission in Meridian. Her hair is white and slightly curly. The applicant is unable to speak either the Choctaw or the English language but speaks what is known as Creole, the examination having been conducted through an interpreter duly sworn speaking both Creole and English. The applicant states that her mother was a full blood Choctaw Indian and it appears from her testimony that her ancestors have always resided in the State of Mississippi. She has no knowledge of any compliance by her ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be sent to you to your postoffice address as given in your testimony at this time.

-----  
Ira S. Niles, being first duly sworn, states that stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian Mississippi, May 16th, 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 11th day of June, A.D. 1901, at Meridian, Mississippi.

  
Notary Public.

off  
C. V. W.

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

-----

In the matter of the application of Julia Ann Barbant for identification as a Mississippi Choctaw, M.C.R. 2219.

--: 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 Ann Barbant for herself, under the following provision of the act of Congress approved June 23, 1896 (29 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 Catherine (or Catherine Social), who is alleged to have been a full blood Choctaw Indian.

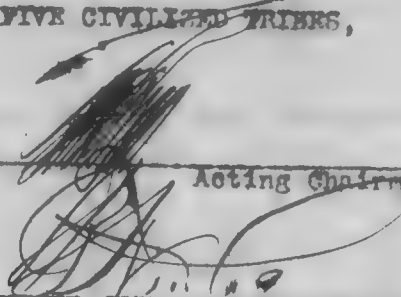
It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted 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., 351).

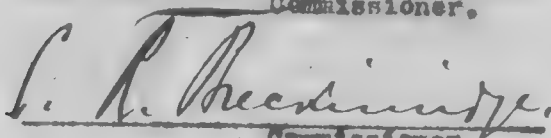
It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Catherine (or Catherine Social) 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 Ann Barbant, 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.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
\_\_\_\_\_  
Acting Chairman.

  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

OCT 16 1902

D.C.23,529.

C o p y.

J.W.H.

DEPARTMENT OF THE INTERIOR.

I.T.D. 7195-1902.  
File 896-1898.

Washington, November 28, 1902.

LRS

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

Gentlemen:

November 1, 1902, you transmitted the record in the case of Julia Ann Barbant (M.C.R.2219), an applicant for identification as a Mississippi Choctaw, including your decision of October 16, 1902, refusing to identify her as such.

This applicant states that she is fifty years of age, and was born and raised in Mississippi; that her father, Thomas Social, was a colored man and a slave, and that her mother was a full blood Choctaw woman. The testimony in the case has been considered in connection with the records in your possession and those at the Indian Office; the complete record, however, fails to show that this applicant or either of her alleged ancestors, in person or by proxy, complied or attempted to comply with the provisions of the 14th article of the treaty of September 27, 1830, or the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513), relating thereto. It cannot therefore, be held that she has established her claim.

Reporting in the matter November 17, 1902, the Commissioner of Indian Affairs recommends that your action be approved. The

-2-

Department concurs therein and your decision is accordingly affirmed.  
A copy of the Commissioner's letter is inclosed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

C o p y.

Department of the Interior.

Land.  
66037-1902.

Office of Indian Affairs.

W a s h i n g t o n, Nov. 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report dated November 1, 1902, from the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Julia Ann Barbant for identification as a Mississippi Choctaw claiming rights under the provisions of the fourteenth article of the treaty of 1830.

October 16, 1902, the Commission held that the applicant was not entitled to identification.

Applicant traces her descent from her mother only, whose name was Catherine Social, maiden name not shown.

The applicant is not a full blood Choctaw Indian. An examination of the records of this office fails to show that Catherine Social received a patent to land under the provisions of the fourteenth article of the treaty of 1830, or complied or attempted to comply with the provisions of that article; neither is it shown that she applied to the commissions appointed under the Acts of March 3, 1837, and August 23, 1842, for an adjudication of her rights.

It is therefore respectfully recommended that the decision of the Commission rejecting the applicant, be affirmed.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

KBH  
D

3 inclosures.

COPY.

M. C. R. 2219.

Muskogee, Indian Territory, October 16, 1902.

Julia Ann Barbant,

Delisle, Mississippi.

Dear Madam:

You are hereby advised that on the 16th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Julia Ann Barbant, an applicant to the Commission 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 Ann Barbant, 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 case,

--3--

together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*Tamc Dixby*  
Acting Chairman.

Registered.



COPY.

M. C. R. 2219.

Muskogee, Indian Territory, October 16, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 16th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Julia Ann Barbant, an applicant to the Commission 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 Ann Barbant, 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 H. ...*

Acting Chairman.

COPY.

Muskogee, Indian Territory, November 1, 1902.

The Honorable,  
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Julia Ann Barbant, an applicant for identification as a Mississippi Choctaw, including the decision of the Commission of October 16, 1902.

The Commission has the honor to report that the 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,

James D. [unclear]  
Acting Chairman.

Through the  
Commissioner of Indian Affairs.  
Enc. M C R 2219

M.C.R. 2219

COPY.

Muskogee, Indian Territory, December 2, 1902.

Mansfield, McFurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Julia Ann Barbant, of which decision you were advised by mail on the 16th day of October, 1902.

Respectfully,

SIGNED:

*Wm. D. McCoy*  
Acting Chairman.

COPY.

Muskeges, Indian Territory, December 8, 1902.

Julia Ann Barbant,  
Delisle, Mississippi.

Dear Madam:

You are hereby notified that on the 28th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Julia Ann Barbant, of which decision you were advised by registered mail on the 16th day of October, 1902.

Respectfully,

George T. ...  
Acting Chairman.

615

No. 2339

For Identification as a Mississippi Choctaw.

Date MAY 16 1901

Name Julia Ann Barbour.

Age 50 Blood 1/2

Post Office Neshoba, Miss.

Father: Tom Social - dead.

Mother: Catherine Social - dead.

Claims through

Children:

Claims by

Stenographer

A. S. Miles

Choctaw MCR 2220

Emily Cooper

MCR 2220

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

-----|-----

In the matter of the application of Emily Cooper for  
identification as a Mississippi Choctaw, M C R 2200.

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

	Page.
Original application of Emily Cooper for identification as a Mississippi Choctaw.	1
Joint ex parte affidavit of H. Holley and E. Dubisson.	4
Final decision of the Commission in the case of Emily Cooper, an applicant for identification as a Mississippi Choctaw, refusing said appli- cation.	5

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 16th, 1901.

In the matter of the application of Emily Cooper for identification as a Mississippi Choctaw.

Said Emily Cooper, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Emily Cooper.  
Q How old are you? A Fifty six.  
Q Where do you live? A Pass Christian, Mississippi.  
Q How long have you lived in Mississippi? A All my life time.  
Q Born here? A Yes sir.  
Q Never have lived anywhere else? A I went away to work but that was my home. I lived in New Orleans a while, working. I have been no further than New Orleans and here.  
Q What is your father's name? A George Cooper.  
Q Didn't you take your husband's name? A No sir, my father's name.  
Q Is your father living? A No sir.  
Q Was he a Choctaw Indian? A Yes sir.  
Q How much Choctaw was he? A Well, I couldn't say but I know he was a Choctaw.  
Q Was he a full blood? A Yes sir.  
Q Could he speak the Choctaw language? A Yes sir.  
Q Can you speak the Choctaw language? A No sir, I used to speak it when I was small.  
Q You lived in the neighborhood of Pass Christian all your life?  
A Yes sir.  
Q Did your father always live there? A Yes sir.  
Q How long did he live there before you was born? A long time.  
Q Was he born in Mississippi? A The Choctaws came out there before I was born.  
Q Was he born in Mississippi? A I don't know, sir, where he was born.  
Q What is your mother's name? A Hannah Cooper.  
Q Was she a Choctaw Indian? A No sir.  
Q What race did she belong to? A A Mulatto.  
Q Is your mother living? A No sir.  
Q Were your mother or father ever slaves? A My mother was.  
Q Was you ever a slave? A Yes sir, I was a slave by force. I had papers to show that I was free but they stole them and burnt them up.  
Q You claim your Choctaw blood through your father? A Yes sir.  
Q Were your father and mother ever married? A I couldn't say, I was too young.  
Q How long did your father and mother live together as man and wife? A My mother had eleven or twelve children.  
Q All by the same father? A Yes sir.  
Q How much Choctaw blood do you claim? A About half.  
Q Are you married? A Yes sir.  
Q Your husband living? A Dead.  
Q You are just applying for yourself alone? A Yes sir.  
Q Was your father ever recognized in any official manner as a citizen of the Choctaw Nation? Was he ever recognized by the Choctaws here in Mississippi or by the Choctaws in Indian Territory? A No sir, but he was always with them.

Emily Cooper---3

Q Always considered among the Choctaws here as a Choctaw? A Yes sir.

Q Never had any official recognition? A No sir.

Q Have you ever been enrolled by the Choctaw Tribal authorities in the Indian Territory as a citizen of that Nation? A No sir.

Q Did you or did anyone for you ever make application to the Choctaw Tribal authorities for citizenship in that 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 under the Act of Congress of June 10, 1896? A Well I had seen a man taking peoples name that way and I had given him my name.

Q When was that? A About a month ago.

Q Five years ago did you make application in writing to the Commission to the Five Civilized Tribes in Indian Territory? 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 by the United States Court in Indian Territory?

A No sir.

Q Is this the first application you have ever made of any description to either the Choctaw Tribal authorities or to the authorities of the United States? A Yes sir.

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

Q Do you claim your rights as a beneficiary under the provisions of the 14th 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, your foreparents, ever received any benefits as Choctaw Indians? A No sir.

Q What was the name of your Choctaw ancestor who resided in Mississippi in 1830 at the time the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Tribe of Indians? A I couldn't tell you, because when he came here I wasn't born.

Q How old a man would your father be if he was living? A He was about forty years old when he died.

Q How long has he been dead? A About thirteen years.

Q What was your father's mother's and his father's names? A I couldn't say.

Q Did your father ever have a Choctaw name? A No sir, not as I know, only George Cooper.

Q Did any of your ancestors remove from the State of Mississippi to the Choctaw Nation in Indian Territory when the Choctaw Tribe was moved out there in 1833 to 1838? A No sir.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaws here in Mississippi their intention to remain in Mississippi, take land there and become citizens of the United States?

A I don't know, sir.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A No sir, they never did.

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

Q Have you any documentary evidence, written testimony of an description, copies of records, deeds or patents or any proper papers, that would show that any of our ancestors were ever recognized members of the Choctaw Tribe of Indians in Mississippi, that they ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A

Emily Cooper---3

Here Mr. L. P. Hudson, attorney for applicant, makes request for additional time in which to file documentary evidence in support of this application.

Permission is granted Mr. L. P. Hudson, attorney for applicant, to file written evidence in support of this application provided the same is offered for filing with the Commission within thirty days from the date hereof.

The applicant in this case has some of the characteristics and appearance of a Choctaw Indian. She is unable to speak the Choctaw language and there is evidence of negro blood. It appears from her testimony that she has been held in slavery and she has no knowledge of any compliance by her ancestors with the provisions of article 14 of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

-----

Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 16th, 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 11th day of June, A.D. 1901 at Meridian, Mississippi.



Notary Public.

JRB  
C.W.

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

-----|-----

In the matter of the application of Emily Cooper for  
identification as a Mississippi Choctaw, M C R 2220.

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

It appears from the record herein that an application  
for identification as a Mississippi Choctaw was made to this Com-  
mission by Emily Cooper for herself under the following provision  
of the act of Congress approved June 23, 1890, (50 Stat., 495):

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

It also appears from the testimony that this applicant  
was born of a slave mother prior to the Emancipation Proclamation  
and was herself a slave, and it does not appear from the records  
in the possession of the Commission that she 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

2.

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 is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Emily Cooper as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED).

*Tamm Dixey*

Acting Chairman.

(SIGNED)

*T. D. Woodlee*

Commissioner.

(SIGNED)

*C. R. Breckinridge*

Commissioner.

Washago, Indian Territory,

OCT 18 1902

Muskogee, Indian Territory, October 18, 1902.

Mansfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Emily Cooper, an applicant to the Commission 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 the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Emily Cooper as such should therefore 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

H. H. H. & C. ———

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 Birby.*  
Acting Chairman.

COPY.

M C R 2220

Muskogee, Indian Territory, October 18, 1902.

Emily Cooper,

Pass Christian, Mississippi.

Dear Madam:

You are hereby advised that on the 12th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Emily Cooper, an applicant to the Commission 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 the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Emily Cooper as such 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



E C—R

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*James D. Dwyer,*  
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 3, 1902.

The Honorable,  
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Emily Cooper, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 18, 1902.

The Commission has the honor to report that the 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,

James D. Doby.

Acting Chairman.

Through the  
Commissioner of Indian Affairs.

Enc. M.C.R. 2220

(COPY)

D C 8420-1903.

DEPARTMENT OF THE INTERIOR.

FILE

I.T.D. 2018-1903.

Washington.

L.R.S.

March 21, 1903.

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

Gentlemen:

November 3, 1902, you transmitted the record in the case embracing the application of Emily Cooper (M C R 2220), for identification as a Mississippi Choctaw, including your decision of October 18, 1902, refusing to identify her as such.

You found that this applicant was once a slave, and you held that no freedman is entitled to identification as a Mississippi Choctaw.

The applicant claims rights in Choctaw lands by reason of being a descendant of George Cooper, an alleged full blood Choctaw Indian. Reporting in the matter February 18, 1903, the Acting Commissioner of Indian Affairs states that the records of the Indian Office do not show that George Cooper complied or attempted to comply with the provisions of article 14 of the treaty of September 27, 1830, and he recommends the approval of your decision for that reason.

-2-

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

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

Respectfully,

(Signed) Thos. Ryan,

1 inclosure.

Acting Secretary.

(COPY) .

Land  
67776-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, February 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 Emily Cooper, for identification as a Mississippi Choctaw.

On October 18, 1902 the commission rendered a decision in this case finding that no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Emily Cooper as such should be refused on the ground that she is such a freedman.

An examination of the record evidence by the office shows that the applicant is not of the full-blood, and further shows that she is the descendant of George Cooper, her father, through whom she claims. The applicant does not give the name of any other ancestor.

The office records have been examined and no where show that any person by the name of George Cooper ever complied or attempted to

comply with the provisions of the 14th article of the Choctaw treaty of 1830, or received a patent for land thereunder.

The record evidence in no way supports the claim of the applicant that she is entitled to rights to the lands in the Choctaw Nation by reason of being a descendant of any Choctaw ancestor who complied or attempted to comply with the 14th article of said treaty of 1830.

It is therefore the opinion of this office that the application herein should be refused, and such action is hereby recommended.

Very respectfully,

(Signed) A. C. Tanner,

Acting Commissioner.

W.C.B.(E.)

M.C.R. 2220.

COPY.

Muskogee, Indian Territory, March 31, 1903.

Emily Cooper,

Pass Christian, Mississippi.

Dear Madam:

You are hereby notified that on the 21st 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 18th day of October, 1902.

Respectfully,

*Tamm Birney*

Chairman.

M.C.R. 2220.

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 a Mississippi Choctaw of Emily Cooper, of which decision you were advised by mail on the 18th day of October, 1902.

Respectfully,

*Tams Bixby.*  
Chairman.



A MISSISSIPPI CHOCTAW.

R. 22

REFUSED.

*Emily Cooper*

DECISION REVERSED. OCT 1 1902

NOTICE OF DECISION MAILED APPLICANT. OCT 18 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS. OCT 18 1902

RECORD FORWARDED DEPARTMENT. NOV 3 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

DECISION REVERSED

516

No. 2220

**For Identification as a Mississippi Choctaw.**

Date MAY 16 1901

Name *Emily Cooper.*

Age *56.* Blood *1/2.*

Post Office *Pass Christian, Miss*

Father: *George Cooper - dead.*

Mother: *Hannah Cooper - dead.*

Claims through *father*



~~Children:~~

*Claims for self*

Stenographer

*A. S. Niles*

Choctaw MCR 2221

Victor Babin

MCR 2221



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

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In the matter of the application of Victor Babin, et al.,  
for identification as Mississippi Choctaws, consolidating the  
applications of -

Victor Babin, et al.,	M. C. R. 2221
Julian Babine,	M. C. R. 2223
Mauise Babine,	M. C. R. 2224

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List of papers forwarded to the Secretary of the Interior,  
embracing the record in the consolidated case of  
Victor Babin, et al.

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 16th, 1901.

In the matter of the application of Victor Babin for the identification of himself, his wife and two minor children, as Mississippi Choctaws.

Said Victor Babin, being first duly sworn, testified as follows:-

Examination by the Commission.

- What is your name? A Victor Babin.  
Q How old are you? A Thirty three.  
Q Where do you live? A Pass Christian, Mississippi.  
Q How long have you lived in Mississippi? A Born and raised there.  
Q Never have lived anywhere else? A No sir.  
Q What was your father's name? A Victorien Babin.  
Q Is your father living? A Dead about sig years ago.  
Q Was your father a Choctaw Indian? A Yes sir, he was from what I learn from him, his mother was a pure Choctaw.  
Q How much Choctaw was your father? A Supposed to be a full blood same as my Aunt. His mother was a pure Choctaw. He belonged to same tribe that went to Arkansas City.  
Q Did your father speak the Choctaw language? A Yes sir.  
Q Can you speak the Choctaw language? A I used to speak it when I was young.  
Q What is your mother's name? A Nellie Baziel.  
Q Is your mother living? A Dead.  
Q Was your mother a Choctaw? A No sir, My mother's mother was a Creek Indian. Her father was a colored man because her mother bought him. That is what they told me.  
Q Were your father and mother ever slaves? A No sir.  
Q Was your father ever a slave? A No sir.  
Q Did your father and mother always live in the neighborhood of Pass Christian? A They lived where all those other Indians were at Bayou Felice.  
Q Were your mother and father ever married? A Yes sir, they was married.  
Q Do you know when they were married? A No sir.  
Q How long did they live together as man and wife? A I was the oldest child. They lived together until they both died.  
Q You claim your Choctaw blood through your father? A Yes sir.  
Q How much Choctaw blood do you claim? A I think I ought to be about half.  
Q You state that your mother was a half Creek Indian? A Yes sir.  
Q Where did she come from? A I don't know where my grandmother come from because I knew my mother was born in New Orleans.  
Q Did you ever hear anything about your grandmother, your mother's mother? A No sir, never did.  
Q How do you know that she was a Creek Indian? A She told us so.  
Q Did she come from Georgia? A I don't know where she come from.  
Q How much Creek blood have you? A Well, I guess I ought to have about a quarter.  
Q If you are half Choctaw and a quarter Creek, what is the other quarter? A Colored, I guess.  
Q Was your father ever recognized in any official manner as a citizen of the Choctaw Nation? A Yes sir, he used to be with the gang;

they come to the house and make baskets and he used to be with them all the time.

Q Did he ever receive any money or land from the Choctaws or from the United States Government? A No sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Catherine Babin.

Q Making a claim for her? A Yes sir.

Q She a Choctaw? A No sir, she is not a pure Choctaw. Her father was a Choctaw and her mother was Creole, mixed with white and Indian I guess.

Q How much Choctaw blood has your wife? A She has got about a quarter I guess.

Q How old is your wife? A About twenty-eight years old.

Q Has she always lived in Mississippi? A Yes sir, she was born at Bayou Felice.

Q What is your wife's father's name? A Joe Narcisse.

Q Is your wife's father living? A No sir, he is dead.

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

Q Is your wife's mother living? A Yes sir.

Q Through which one of her parents does she derive her Choctaw blood? A From her father.

Q Her mother was no Choctaw? A No sir.

Q Could your wife's father speak the Choctaw language? A Yes sir.

Q What relation was your wife's father to your ~~father's~~ father? A First cousin.

Q Then you and your wife claim through the same common ancestor? A Yes sir.

Q When were you and your wife married? A I don't know exactly the date.

Q About how long? A About sixteen years.

Q Married under a license? A Yes sir.

Q By a preacher? A By a Catholic priest.

Q Have you any children? A Two.

Q What are their names and ages? Otavie and the other is named Arthur Babin.

Q Those the only two children you have? A Yes sir.

Q How old is Otavie? A Five years old.

Q Arthur? A Eleven years old.

Q You the father of these children? A Yes sir.

Q Is Catherine Babin the mother of these children? A Yes sir.

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

Q Have you or your wife or your children ever been enrolled by the Choctaw Tribal authorities in the Indian Territory as citizens of that Nation? A No sir.

Q Never received any benefits as Choctaws? A No sir.

Q Did you ever make application for yourself, your wife or your children, before this time, to the Choctaw Tribal authorities in Indian Territory for citizenship in the Choctaw Nation? A No sir.

Q You never made application, nor anyone for you for citizenship in the Choctaw Nation, to the Choctaw Tribal authorities? A No sir.

Q Did you or did anyone for you or your children 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 your wife or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir, We haven't.

Q Have you ever made an application before this? 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 the identification of yourself, your wife and two children as Mississippi Choctaws? A Yes sir.

Victor Babin et al---3

Q Do you claim our rights as beneficiaries under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q You and your wife claim through the same common ancestor? A Yes sir.

Q Have you ever received any benefits as a Choctaw Indian? A No sir, I heard them say would give us some land and a little money.

Q Have any of your ancestors, or the ancestors of your wife, ever received any benefits as Choctaw Indians? A No sir.

Q What was the name of your ancestor who resided here in Mississippi in 1830 at the time the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Tribe of Indians?

A I couldn't tell you.

Q Your grandfather and your wife's grandfather would be the same, wouldn't they? A Yes sir.

Q What was his name? A Joseph Babin.

Q Was he a Choctaw Indian? A I don't know sir.

Q Was your father's mother a Choctaw? A Yes sir.

Q What was her name? A Annette something.

Q Did she always live here in Mississippi? A Yes sir, they lived at Bayou Felice. That was the same Tribe that went to Arkansas City. They took a few Indians put there and the Chief went there with them. That has been about 45 years ago.

Q Did you ever hear anything more from those Indians? A I heard they moved from one place to another.

Q Did you ever hear that they went to Indian Territory? A I don't know.

Q Who took them out there? A I couldn't tell. It was the Chief and an old white man.

Q What was their idea in going out there? A I think their idea was to get them from Pass Christian.

Q Why? A Well, to make room for other people. There was two tribes there. The first tribe they took them off on ships, that was before you and me was born. Then there was another Tribe on Bayou Felice. The first tribe was wild and they took them off to civilize them.

Q Did any of your ancestors move from Mississippi to the Indian Territory, to the Choctaw Nation in Indian Territory, when they moved the Choctaw Indians out there between the years 1833 and 1838?

A I don't think they went to Indian Territory at all. I think they went to Arkansas City.

Q Did any of your ancestors after the treaty of 1830 was ratified go to the Indian ~~Territory~~ Agent of the Choctaws here in Mississippi and signify their intention to remain in Mississippi, take land here and become citizens of the United States? A Well, I couldn't say.

Q Did any of your ancestors ever receive any land here in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A No sir, only what we bought.

Q You never received any grant from the Government? A No sir.

Q Is there any additional statement you want to make in support of your application? A How is it, does we get land?

Q You want to ask some questions yourself? A Yes sir.

Q Have you any documentary evidence, written testimony of any description, copies of ~~tax~~ records, deeds or patents or any proper papers that would show that any of your ancestors were recognized members of the Choctaw Tribe of Indians in Mississippi, that they ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A I haven't got any papers. Just what I heard they said. That is the only proof I can give you.



Victor Babin et al---4

Mr. L. P. Hudson, attorney for applicant, requests additional time in which to file written evidence in support of this application.

Permission is granted Mr. L. P. Hudson, attorney for applicant, to file written evidence in support of this application, provided the same is offered for filing with the Commission within thirty days from the date hereof.

The applicant in this case has some of the appearance and characteristics of a Choctaw Indian. His complexion is that of the Choctaws here in Mississippi. He has kinky black hair. The applicant is unable to speak the Choctaw language and has no knowledge of any compliance on the part of his ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your wife and two minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 14th article of the treaty of 1830. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

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Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 16th, 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 18th day of June, A.D. 1901, at Meridian, Mississippi.

  
  
Notary Public.

189  
C. W. L.

COPY.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Victor Babin, et al.  
for identification as Mississippi Choctaws, consolidating the  
applications of:

Victor Babin, et al.,	M.C.R. 2221
Julian Babine,	M.C.R. 2223
Mauise Babine,	M.C.R. 2224.

D E C I S I O N

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commis-  
sion by Victor Babin for himself, his wife, Catherine Babin, and  
for his two minor children, Otavie and Arthur Babin; by Julian  
Babine for himself; and by Mauise Babine 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 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 there-  
to 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 Joseph Babin (or Babine), who is alleged to have been an one-half blood Choctaw Indian, and Annette, who is alleged to have been possessed of some Choctaw Indian blood, degree thereof not stated.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that 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 Joseph Babin (or Babine), or Annette, 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 Victor Babin, Catherine Babin, Otavie Babin, Arthur Babin, Julian Babine and Mauise Babine 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,

*Tame Bixby.*

Acting Chairman.

*I. B. Needles.*

Commissioner.

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

FFP 9 1903

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COPY.

M.C.R. 2221.

Muskogee, Indian Territory, February 9, 1903.

Victor Babin,  
Pass Christian, Mississippi.

Dear Sir:

You are hereby advised that on the 9th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Victor Babin, et al., embracing the following applications for identification as Mississippi Choctaws:

Victor Babin, et al.,	M.C.R. 2221,
Julian Babine,	M.C.R. 2223,
Mauise Babine,	M.C.R. 2224.

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 Victor Babin, Catherine Babin, Otavie Babin, Arthur Babin, Julian Babine and Mauise Babine 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. B. # 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.

COPY.

M.C.R. 2221.

Muskogee, Indian Territory, February 9, 1903.

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

Gentlemen:

You are hereby advised that on the 9th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Victor Babin, et al., embracing the following applications for identification as Mississippi Choctaws:

Victor Babin, et al.,	M.C.R. 2221,
Julian Babine,	M.C.R. 2223,
Mauise Babine,	M.C.R. 2224.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Victor Babin, Catherine Babin, Otavie Babin, Arthur Babin, Julian Babine and Mauise Babine as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

SIGNED,

*Tame Bixby*

Acting Chairman.

Muskogee, Indian Territory, February 25, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Victor Babin, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 9, 1903.

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

Victor Babin, et al.,  
Julian Babine,  
Manise Babine,

M.C.R. 2221  
M.C.R. 2223  
M.C.R. 2224

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,

Chairman.

Through the  
Commissioner of Indian Affairs.  
2 inclosures: M.C.R. 2221



D.C. 9970

ITD.2816-1903.

DEPARTMENT OF THE INTERIOR.

EAF.

L.R.S.

WASHINGTON.

April 6, 1903.

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

Gentlemen:

February 25, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Victor Babin, his wife, Catherine Babin, and his minor children, Otavie and Arthur Babin; of Julian Babine, and of Mauise Babine. You denied the applications February 9, 1903.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Joseph Babin (or Babine), alleged to have been a half blood Choctaw Indian, and of Annette, alleged 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 said Joseph Babin, or Annette, or an ancestor less remote, 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).

Reporting March 13, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed. The Department has reviewed the whole record and hereby affirms the decision rendered.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

The office has examined its records in connection with this case and the names of Joseph Babin and Annette, his wife, do not appear in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. I have, therefore, to recommend that the decision of the Commission rejecting these applicants be approved.

Respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.H. H'R.

Land.

13871-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, March 12, 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 Victor Babin, for himself, his wife Catherine Babin and for his two minor children Otavie and Arthur Babin; Julian Babine and Maurice Babine, wherein a decision adverse to the applicants was rendered by the Commission on February 9, 1903.

It appears from an examination of the evidence in this case that the applicants claim identification by reason of their descent from Joseph Babin and Annette, his wife, who, it is alleged, were citizens of the Choctaw Nation and residents of Mississippi or Alabama in 1830.

The decision of the Commission rejecting these applicants states that its records do not show that Joseph Babin (or Babine), or Annette, or an ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

M.C.R. 2221

COPY.

Muskogee, Indian Territory, April 17, 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 April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Victor Babin, et al., of which decision you were advised by mail on the 9th day of February, 1903.

Respectfully,

SIGN

*James Bixby*  
Chairman.

M.C.R. 2221.

COPY.

Muskogee, Indian Territory, April 17, 1903.

Victor Babin,

Pass Christian, Mississippi.

Dear Sir:

You are hereby notified that on the 6th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Victor Babin, et al., of which decision you were advised by registered mail February 9, 1903.

Respectfully,

(SIGNED)

*Jams Bixby.*

Chairman.

Consolidated Case  
of  
Victor Babin et al.

REFER TO M. C. R. 5221

Card No.

NAME

RESIDENCE  
DISTRICT

POST OFFICE

AGE SEX

MR  
2221

Victor Babin 33- $\frac{1}{2}$

MR  
2221

Otarvie Babin 5

wife

Catherine Babin 28- $\frac{1}{4}$

" Arthur Babin 11

Victorien Babin

dead

wife

Nellie Baziel

dead

claims for his wife, who, he testifies is his cousin.  
Her father Joe Narcisse, dead: her mother was  
Angel LaBatte: claims thro' father.

Annette X

mar

Joseph Babin ( $\frac{1}{2}$ )  
(or Babine)

Louis Babine  $\frac{1}{2}$   
dead

MR  
2223

Julian Babine 31- $\frac{3}{8}$

wife

Julia Ann Babine  $\frac{1}{4}$  or  $\frac{1}{2}$

MR  
2224

\*  
Maurice Babine 23- $\frac{3}{8}$

x Ap. 2224 testifies that he don't think his father had any Choc.

No. 2221

For Identification as a Mississippi Choctaw.

Date MAY 16 1901

Name Victor Babin

Age 33. Blood 1/2.

Post Office Pass Christian, Miss

Father: Victorien Babin - dead.

Mother: Mellie Baziel - dead.

Claims through father

WIFE: Catherine Babin (1/4) 28.

FATHER: Joe Narcisse - dead.

MOTHER: Angelis Lu Batte - ✓

Claims through father

Children:

Otavié Babin 5

Arthur " 16

(Claims for self, wife and two children)

Stenographer

A. S. Miles



Choctaw MCR 2222

Bella King

MCR 2222

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

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In the matter of the application of Bella King, et al.,  
for identification as Mississippi Choctaws, M C R 2222.

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

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 16th, 1901.

In the matter of the application of Bella King for the identification of herself, and her three minor children as Mississippi Choctaws.

Said Bella King, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Bella King.  
Q How old are you? A Twenty-five.  
Q Where do you live? A Pass Christian, Mississippi.  
Q How long have you lived in Mississippi? A All my life.  
Q Born in Mississippi? A Yes sir, I don't stay there altogether.  
Q Where have you been most of your life? A In Houma, Louisiana.  
Q What is your father's name? A Zedar Saucier.  
Q Is your father living? No sir, he is dead.  
Q Is he a Choctaw Indian? A Three quarters.  
Q Did your father speak the Choctaw language? A No sir, spoke Creole.  
Q Can you speak the Choctaw language? A No sir.  
Q Can you speak Creole? A No sir, understand it a little.  
Q What is your mother's name? A Margaret Narcisse.  
Q Is your mother living? A Yes sir.  
Q Your mother a Choctaw Indian? A No sir, a colored woman.  
Q Was she ever a slave? A Yes sir.  
Q Was your father ever a slave? A No sir.  
Q Were your mother and father ever married? A Yes sir.  
Q When were they married? A Married in 1872.  
Q Were your mother and father married under a license? A I suppose so.  
Q Where were they married? A In Mississippi City.  
Q You claim your Choctaw blood entirely through your father? A Yes sir.  
Q How much Choctaw blood do you claim? A I think about three-eighths.  
Q Was your father ever recognized in any official manner as a citizen of the Choctaw Nation? A I don't know.  
Q Did he always live in Mississippi? A Yes sir.  
Q His ancestors always live in Mississippi? A My grandmother on my father's side has always lived here.  
Q Was she a Choctaw Indian? A My grandmother was a full blood Choctaw Indian.  
Q What was her name? A Daisy Saucier.  
Q She was born and lived in Mississippi? A I don't know.  
Q Did you ever see her? A No sir.  
Q Are you married? A ~~xx~~ Yes sir.  
Q What is your husband's name? A Joseph King.  
Q He a negro? A Yes sir.  
Q How old is he? A Twenty six.  
Q Are you making any claim for your husband? A No sir.  
Q Where did you marry him? A Pass Christian, Mississippi.  
Q When? A Seven years ago.  
Q Have you any children? A Yes sir.  
Q How many? A Three.  
Q What are their names and ages? A Joseph.

Bella King et al---2

Q How old? A Six.

Q Next one? A Leo.

Q How old? A Four.

Q All right? A Edward.

Q How old? A Two.

Q Are you the mother of these three children? A Yes sir.

Q Joseph King the father? A Yes sir.

Q Do these children all live with you at your home? 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 No sir.

Q Did you or did anyone for you ever make application to the Choctaw Tribal authorities in the Indian Territory to be enrolled as a citizen of that 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 under the Act of Congress of June 10, 1896? A No sir, I don't think so.

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 by the United States Court in Indian Territory? A No sir.

Q Is this the first application you have ever made of any description? A Yes sir.

Q You are now making application for the identification of yourself and your three children as Mississippi Choctaws? A Yes sir.

Q Do you claim your rights as beneficiaries under the provisions of the 14th 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, your foreparents, ever received any benefits as Choctaw Indians? A No sir.

Q What is the name of your Choctaw ~~ancestor~~ ancestor who resided here in Mississippi in 1830 and who was at that time a recognized member of the Choctaw Tribe of Indians? A I suppose it must have been my grandfather, Thomas Saucier.

Q Have you any evidence of the fact that he was a recognized member of the Choctaw Tribe of Indians in 1830? A No sir.

Q Did any of your ancestors remove from Mississippi to the Choctaw Nation in Indian Territory at the time of the removal of the other Choctaw Indians between the years 1833 and 1838? A No sir.

Q Did any of your ancestors after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaws in Mississippi their intention to remain in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A No sir.

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

Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents or any proper papers, that would show that any of your ancestors were recognized members of the Choctaw Tribe of Indians in Mississippi or that they ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? x

Here Mr. L. P. Hudson, attorney for applicant, asks for

Bella King et al---5

thirty days time in which to file written evidence in support of this application.

Permission is granted Mr. L. P. Hudson, attorney for applicant, to file written evidence in support of this application in support of this application, provided the same is offered for filing within thirty days from the date hereof.

The applicant is apparently a negro, is unable to speak the Choctaw language and has no knowledge of any compliance by her ancestors with the provisions of the 14th article of the treaty of 1830.

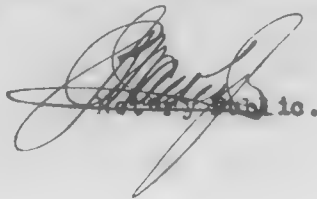
The decision of the Commission as to your application and the application you make on behalf of your three minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

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Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 16th, 1901, and that the above and preceding 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 12th day of June, A.D. 1901, at Meridian, Mississippi.



Notary Public.

*E.K.  
C.W.W.*

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

-----  
In the matter of the application of Bella King, et al.,  
for identification as Mississippi Choctaws, N. O. R. 2322.

-----  
----- DECISION -----  
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It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Bella King for herself and her three minor children, Joseph, Lee and Edward King, under the following provision of the act of Congress approved June 23, 1898 (30 Stat., 496):

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

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 Mary Slaughter, who is alleged to have been a full blood Choctaw

Indian, and Thomas Sancier, 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 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 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 Daisy Sancier, or Thomas Sancier, 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).

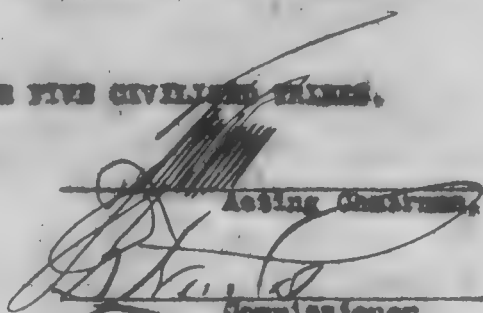

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John King, Joseph King, Lee King and Edward King as Choctaw Indians en-

1

-2-

titled to rights in the cession 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.  
  
T. R. Beechey,  
Commissioner.

Mustang, Indian Territory.

OCT 15 1902

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COPY.

Muskogee, Indian Territory, October 15, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Bella King, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 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 Bella King, Joseph King, Leo King and Edward King as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

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

M McK & C—3

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

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 15, 1902.

Bella King,

Pass Christian, Mississippi.

Dear Madam:

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Bella King, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 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 Bella King, Joseph King, Leo King and Edward King 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 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

B K---2

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*T. D. Morris.*

Commissioner in Charge

Registered.

Muskogee, Indian Territory, October 31, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Bella King, et al., applicants to the Commission for Identification as Mississippi Choctaws, including the decision of the Commission of October 15, 1902.

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

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 enclosure, M C R 2222.

-- COPY --

D.C. 2083

EAP.

ITD.260-1903.

L.R.S.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

January 20, 1903.

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

Gentlemen:

October 31, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Bella King and her minor children Joseph, Leo and Edward King.

The applicants claim to be descendants of one Daisy Saucier, alleged to have been a full blood Choctaw Indian, and one Thomas Saucier, who is said 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 Daisy Saucier or said Thomas Saucier, or a less remote ancestor, 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). You refused the application October 15, 1902. Forwarding the papers January 8, 1903, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

Having carefully reviewed the whole record in the case, the Department hereby affirms your decision.

Respectfully,

1 inclosure.

Thos. Ryan,  
Acting Secretary.

-- COPY --

Land.  
65,778-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Jan. 8. 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application for identification as Mississippi Choctaws of Bella King, for herself, and her three minor children, Joseph, Leo and Edward King, wherein a decision adverse to the applicants was rendered by the Commission on October 15, 1902.

The testimony in this case shows that the applicants base their claims to identification as Mississippi Choctaws under this application because of their descent from Daisy Sancier.

They claim that their ancestor was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the name of the party through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the

additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to Daisy Sancier and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

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

Very respectfully,

W. A. Jones,  
Commissioner.

(E.B.H.)

P.



OPY.

Muskogee, Indian Territory, January 31, 1903.

Hansfield, Melturray & Cornish,

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

Gentlemen:

You are hereby advised that on the 30th day of January, 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 Bella King, et al., of which decision you were advised by mail on the 15th day of October, 1902.

Respectfully,

*James Dixie*  
Acting Chairman.

COPY.

Muskogee, Indian Territory, January 31, 1903.

Fella King,

Pass Christian, Mississippi.

Dear Madam:

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 application for identification as Mississippi Choctaws of the several persons included in the case of Fella King, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

*Tame Dixby.*  
Acting Chairman.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

R. 2222

*Bella King et al*  
*R. 2222*  
REFUSED

NOTICE OF DECISION MAILED APPLICANT.

OCT 15 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 15 1902

RECORD FORWARDED DEPARTMENT.

OCT 31 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN 20 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARD APPLICANT.

JAN 31 1903

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

JAN 31 1903

618

No. 2322

For Identification as a Mississippi Choctaw.

Date MAY 16 1901

Name Bella King.

Age 25 Blood 3/8

Post Office Pass Christian, Miss

Father: Gedar Saucier - dead.

Mother: Margaret Narcisse - ✓

Claims through father

HUSBAND: Joseph King 26  
(no claim for husband).

Children:

Joseph King,	6
Leo "	4
Edward "	2.

(Claims for self and three children)

Stenographer

A. I. Niles

Choctaw MCR 2223

Julian Babine

MCR 2223

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 16th, 1901.

In the matter of the application of Julian Babine for identification as a Mississippi Choctaw.

Said Julian Babine, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Julian Babine.  
Q How old are you? A Thirty one.  
Q Where do you live? A Mississippi.  
Q What is your postoffice address? A De Lisle, Mississippi.  
Q How long have you lived in Mississippi? A Been living there all my life.  
Q Born here? A Yes sir.  
Q Never have lived anywhere else? A No sir.  
Q What is your father's name? A Louis Babine.  
Q Is your father living? A No sir, been dead about fourteen years.  
Q Your father a Choctaw Indian? A He was a half Indian.  
Q You claim your Choctaw blood through your father? A No sir, I claim it on both sides.  
Q Through both your father and mother? A Yes sir.  
Q What is your mother's name? A Julia Ann Babine.  
Q Is your mother living? A Yes sir.  
Q How old is she? A Sixty four.  
Q How much Choctaw Indian was your father? A Claimed to be a quarter.  
Q What other blood did he have? A Spanish.  
Q Was he ever a slave? A No sir.  
Q How much Choctaw blood did your mother have? A Half.  
Q Did your mother speak the Choctaw language? A No sir.  
Q Could your father? A Yes sir.  
Q Can you speak Choctaw? A No sir.  
Q Was your mother ever a slave? A No sir.  
Q Your mother and father always lived here in Mississippi? A Yes sir.  
Q Were they considered as Choctaw Indians by the Choctaws here in Mississippi? A Yes sir. The Indians visited them. They always stepped around the house and made baskets.  
Q How much Choctaw blood do you claim? A Three eighths.  
Q Are you married? A I have been married.  
Q Your wife living? A Yes sir.  
Q Separated from her? A Yes sir.  
Q Did you have any children by her? A No sir.  
Q Have you any children? A No sir.  
Q Just making application for yourself at this time? A Yes sir.  
Q Have you ever been enrolled by the Choctaw Tribal authorities in Indian Territory as a citizen of the Choctaw Nation? A No sir.  
Q Did you or did anyone for you ever make application to the Choctaw Tribal authorities in the Indian Territory to be enrolled as a citizen of the Choctaw Nation? A No sir.  
Q Did you or did anyone for you make application to the Commission to the Five Civilized Tribes, in 1896, for citizenship in the Choctaw Nation, under the Act of Congress of June 10, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civil-

Julian Babine---2

ized Tribes or by the United States Court in Indian Territory?

A No sir.

Q Is this the first application you have ever made of any description? A Yes sir.

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

Q Do you claim your rights as a beneficiary under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Have you ever received any benefits as a Choctaw Indian? A No sir.

Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A No sir.

Q What is the name of your Choctaw ancestor who resided in Mississippi in 1830, at the time the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Tribe of Indians and who was at that time a recognized member of that Tribe? A I was quite small at that time. I couldn't say. I wasn't born yet.

Q What was the name of your Choctaw ancestor who lived here then?

A I don't know, sir.

Q What is your father's mother and father's names? A My father's father was named Joseph Babine.

Q Was he a Choctaw Indian? A He was half Indian.

Q Do you know anything about your mother's people? A No sir.

Q Did any of your Choctaw ancestors remove from Mississippi to the Choctaw Nation in Indian Territory when the other members of the Choctaw Tribe were moved out there between the years 1833 and 1838?

A No sir, I couldn't say.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaws in Mississippi their intention to remain in Mississippi and become citizens of the United States? A No sir, I don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A No sir.

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

Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents or any proper papers, showing that your ancestors were ever recognized members of the Choctaw Tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of the 14th article of the Treaty of 1830, or that they ever received any benefits under that article of that treaty? A No sir.

L. P. Hudson, attorney for applicant, requests additional time in which to file documentary evidence in support of this application.

Permission is granted Mr. L. P. Hudson, attorney for applicant, to file written evidence in support of this application, provided the same is offered for filing within thirty days from the date hereof.

The applicant in this case is apparently a negro, although having some slight characteristics of a Choctaw Indian. His hair, while not being straight, is not kinky and is black. He also has a trace of either French or Spanish blood. He does not speak the Choctaw language and has no knowledge of any compliance by his ancestors with the

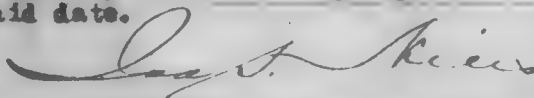
Julian Babine---

provisions of the 14th article of the treaty of 1830.


The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given ~~xxxx~~ in your testimony at this time.

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Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 16th, 1901, and that the above and preceding 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 12th day of June, A.D. 1901 at Meridian, Mississippi.



Notary Public.



COPY

M.C.R. 2223.

Muskogee, Indian Territory, February 9, 1903.

Julian Babine,  
Delisle, Mississippi.

Dear Sir:

You are hereby advised that on the 9th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Victor Babin, et al., embracing the following applications for identification as Mississippi Choctaws:

Victor Babin, et al.,	M.C.R. 2221,
Julian Babine,	M.C.R. 2223,
Mauise Babine,	M.C.R. 2224.

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

J. B. # 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 Dixey.*  
Acting Chairman.

Registered.

M.C.R. 2233.

Y.  
Muskogee, Indian Territory, April 17, 1903.

Julian Babine,

Delisle, Mississippi.

Dear Sir:

You are hereby notified that on the 6th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Victor Babin, et al., of which decision you were advised by registered mail on the 9th day of February, 1903.

Respectfully,

SIGNED.

*Tams Bixby*  
Chairman.

619

No. 2-33

For Identification as a Mississippi Choctaw.

Date MAY 16 1901

Name Julian Babine

Age 31. Blood  $\frac{3}{8}$

Post Office Melisle, Miss

Father: Louis Babine - dead.

Mother: Julia Ann Babine - ✓

Claims through both parents.

~~Children:~~

(Claims for himself alone).

Stenographer

J. S. Mills

FOR  
A MISSISSIPPI CHOCTAW. R.

**REFUSED.**

*Julian Babine*

**REFUSED**

DECISION MADE FEB 9 1903  
NOTICE OF DECISION MAILED APPLICANT.

FEB - 9 1903

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB - 9 1903

RECORD FORWARDED DEPARTMENT.

FEB 25 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR - 6 1903

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

APR 17 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

APR 17 1903

**REFER TO M. C. R.**

DECISION PREPARED

Choctaw MCR 2224

Manise Babine

MCR 2224

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 16th, 1901.

In the matter of the application of Mauise Babine for identification as a Mississippi Choctaw.

Said Mauise Babine, being first duly sworn, testified as follows.

Examination by the Commission.

- Q What is your name? A Mauise Babine.  
Q How old are you? A Twenty three.  
Q Where do you live? A Wolf Town.  
Q Where is that? A Near DeLisle, Harrison County.  
Q What State? A Mississippi.  
Q How long have you lived in Mississippi? A Twenty three years.  
Q Born here? A Yes sir.  
Q Never have lived anywhere else? A ~~Yes sir~~. No sir.  
Q What is your father's name? A Louis Babine.  
Q Your father living? A No sir.  
Q Your father a Choctaw Indian? A Well, I don't know about him being a Choctaw; I don't think he was.  
Q You claim your Choctaw blood through which one of your parents?  
Q Through my mother; I think he had some Indian blood.  
Q What was your mother's name? A Julia Ann Babine.  
Q You claim your Choctaw blood entirely through your mother, do you? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q How much Choctaw is your mother? A Half.  
Q Can she speak the Choctaw language? A No sir.  
Q Can you speak the Choctaw language? A No sir.  
Q Was your father ever a slave? A Not as I knows of.  
Q Was your mother ever a slave? A No sir.  
Q Was your mother ever recognized in any official manner as a citizen of the Choctaw Nation? A Not as I knows of.  
Q How much Choctaw blood do you claim? A Three eighths.  
Q Are you married? A No sir.  
Q Have you ever been married? A No sir.  
Q Making application for anyone beside yourself? A No sir, just for myself.  
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 of that 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 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 by the United States Court in Indian Territory?  
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 Do you claim your rights as a beneficiary under the provisions of the 14th 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.

Q What is the name of your Choctaw ancestor who resided in Mississippi in 1830 at the time the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Tribe of Indians? A I couldn't tell; I don't know.

Q What was your mother's father and mother's names? A I don't know.

Q Do you know anything about the? A No sir, they died before I was born.

Q Did your mother's parents always live in Mississippi? A I couldn't tell. I know they buried them in Mississippi.

Q Did any of your ancestors after the ratification of the treaty and within six months, signify to the United States Indian Agent of the Choctaws in Mississippi their intention to remain in Mississippi and become citizens of the United States? A I don't know sir.

Q Did any of your ancestors remove from Mississippi to the Choctaw Nation in the Indian Territory at the time of the removal of the other Choctaw Indians between the years 1833 and 1838? A I couldn't tell you.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A Not as I know of.

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

Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents, or any proper papers, that would show that your ancestors were ever recognized members of the Choctaw Tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that they ever received any benefits under that article of that treaty?

Here Mr. L. P. Hudson, attorney for applicant, requests additional time in which to file documentary evidence in support of this application.

Permission is granted Mr. L. P. Hudson, attorney for applicant, to file written evidence in support of this application, provided the same is offered for filing within thirty days from the date hereof.

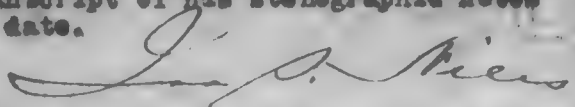
The applicant in this case is apparently a negro, has none of the appearance or characteristics of a Choctaw Indian. He is unable to speak the Choctaw language and has no knowledge of any compliance by his ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

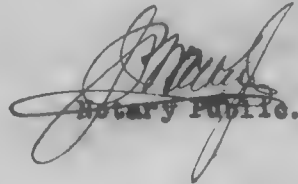


Maxine Babine---

Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 16th, 1901, and that the above and preceding 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 12th day of June, A.D. 1901, at Meridian, Mississippi.



Notary Public.

COPY.

Muskogee, Indian Territory, February 9, 1903.

Mauise Babine,

Delisle, Mississippi.

Dear Sir:

You are hereby advised that on the 9th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Victor Babin, et al., embracing the following applications for identification as Mississippi Choctaws:

Victor Babin, et al.,	M.C.R. 2221,
Julian Babine,	M.C.R. 2223,
Mauise Babine,	M.C.R. 2224.

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

M. B. # 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 Bixby.*

Acting Chairman.

Registered.

H.C.R. 2224.

COPY.

Muskogee, Indian Territory, April 17, 1903.

Mauise Babine,

Delisle, Mississippi.

Dear Madam:

You are hereby notified that on the 6th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Victor Babin, et al., of which decision you were advised by registered mail on the 9th day of February, 1903.

Respectfully,

Yours

*Tams Bixby.*  
Chairman.

620

No. 2734

For Identification as a Mississippi Choctaw.

Date MAY 16 1901

Name *Mauise Babrie*

Age *23.* Blood *3/8.*

Post Office *Delisle, Miss*

Father: *Louis Babrie - dead.*

Mother: *Julia Ann Babrie - ✓*

Claims through *mother.*

~~Children:~~

*(Claims for himself alone).*

Stenographer

*A. S. Niles*

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 222

REFUSED.

*Marise Babine*

REFUSED

DECISION RENDERED. FEB 9 1903  
NOTICE OF DECISION MAILED APPLICANT.

FEB - 9 1903

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB - 9 1903

RECORD FORWARDED DEPARTMENT.

FEB 25 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR - 6 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED AT TORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

APR 17 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

1. . . ?

REFER TO M. C. R.

DECISION PREPARED

Choctaw MCR 2225

John Benoit

MCR 2225

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

-----

In the matter of the application of John Benoit, et al.,  
for identification as Mississippi Choctaws, M C R 2235.

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

	Page.
Original application of John Benoit, et al., to the Commission for identification as Mississippi Choctaws .....	1
Decision of the Commission refusing the application of John Benoit, et al., for identification as Mississippi Choctaws .....	6



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 16th, 1901.

In the matter of the application of John Benoit for the identification of himself and his five minor children as Mississippi Choctaws.

Said John Benoit, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A John Benoit.  
Q How old are you? A Forty four.  
Q Where do you live? A Harrison County, Mississippi.  
Q What is your postoffice address? A DeLisle.  
Q How long have you lived in Mississippi? A Been living in Mississippi all my life? X  
Q Never have lived anywhere else? A Well, I have been backward and forward at work in Louisiana sometimes.  
Q Born in Mississippi? A Yes sir.  
Q What is your father's name? A John Benoit.  
Q Is your father living? A No sir, dead.  
Q Was your father a Choctaw Indian? A He was a quarter Choctaw.  
Q Do you claim your Choctaw blood through your father? A My father was a quarter and my mother was a half.  
Q What is your mother's name? A Rosa Thomas.  
Q Is she living? A No sir.  
Q You derive your Choctaw blood through both your parents? A Yes sir.  
Q How much Choctaw blood do you claim? A I claim three eighths.  
Q Did your father always live in Mississippi? A Yes sir, so far as I know.  
Q Did he speak the Choctaw language? A No sir.  
Q What other blood did he have beside Choctaw? A Well, he had Creole mixed with Choctaw.  
Q Was your father ever a slave? A No sir, and my mother wasn't.  
Q Did she speak the Choctaw language? A No sir.  
Q Did she always live in Mississippi? A Yes sir.  
Q Do you know anything about your mother's and father's ancestors?  
A No sir, only what I heard them speak.  
Q Were your father and mother ever recognized in any official manner or receive any benefits as citizens of the Choctaw Nation? A No sir.  
Q Are you married? A No sir, I was married.  
Q Is your wife living? A No sir.  
Q What was her name? A Malvina Benoit.  
Q Was she the mother of your children? A Yes sir.  
Q Did she have any Choctaw blood? A No, I don't think she did.  
Q What race did she belong to? A She was more Spanish than anything else.  
Q None of her people had any negro blood? A Not as I know of.  
Q Never heard of any of them being slaves? A No sir.  
Q You say you have five children living with you under 21 years of age and unmarried? A Yes sir.  
Q What are their names? A Oldest one was Centennial Benoit.  
Q How old is he? A Nineteen.

John Benoit et al---2

- Q Next one? A Georgiana Benoit.  
Q How old? A Fifteen.  
Q Next one? A Silvina Benoit.  
Q How old? A Thirteen.  
Q Next one? A Closier Benoit.  
Q How old? A Ten.  
Q Next one? A George Joseph Benoit.  
Q How old? A Five.  
Q That all of them? A Yes sir.  
Q Are you the father of all these five children? A Yes sir.  
Q Was Malvina Benoit the mother of all of them? A Yes sir.  
Q Are these children living with you at your home? A Yes sir.  
Q Have you or your children ever been enrolled by the tribal authorities of the Choctaw Nation in the Indian Territory as citizens of that Nation? A No sir.  
Q Have you or anyone for you or your children made application to the Choctaw Tribal authorities in the Indian Territory to be admitted to citizenship in the Choctaw Nation? A No sir.  
Q Did you or did anyone for you or for your children, 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 or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.  
Q Have you ever made an application before this? A No sir.  
Q Has anyone ever applied for you? 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 the identification of yourself and your five children as Mississippi Choctaws? A Yes sir.  
Q Do you claim your rights as beneficiaries under the provisions of the 14th 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.  
Q What is the name of your ancestor who resided in Mississippi in 1830 at the time the treaty of Dancing Rabbit Creek was entered into between the Choctaw Tribe of Indians and the United States? A I don't know, sir.  
Q Did any of your ancestors remove from Mississippi to the Choctaw Nation in Indian Territory when the other Choctaw Indians moved over there between the years 1833 and 1838? A I don't know.  
Q Did you ever hear of any of them ever removed to the Indian Territory? A Not that I know, sir.  
Q Did any of your ancestors, after the ratification of the treaty of 1830, and within six months, signify to the United States Indian Agent of the Choctaws in Mississippi their intention to remain in Mississippi and become citizens of the United States? A I don't know, sir.  
Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A No sir.  
Q Do you know anything about your Choctaw ancestors who were residents here in Mississippi in 1830? A No sir, I don't know anything about that. I was too young.  
Q Is there any additional statement that you desire to make in support of this application? A No sir.

John Benoit et al---3

Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents, or any proper papers, that would show that your ancestors were ever recognized members of the Choctaw Tribe of Indians in Mississippi, that they ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that they ever received any benefits under that article of that treaty?

Here Mr. L. P. Hudson, attorney for applicants, requests additional time in which to file documentary evidence in support of this application.

P Permission is granted Mr. L. P. Hudson, attorney for applicant, to file written evidence in support of this application, provided the same is offered for filing with the Commission within thirty days from the date hereof.

The applicant in this case has some of the appearance and characteristics of a Choctaw Indian. His hair is black but kinky and there is some indication of negro blood, as his complexion is darker than the Choctaw Indians who have presented themselves before the Commission at this appointment. There also seems to be a prominent admixture of what is known as Creole blood, the applicant speaking with a pronounced French accent. He is unable to speak the Choctaw language and has no knowledge of any compliance by his ancestors with the provisions of article 14 of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your five minor children for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

-----

Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 16th, 1901, and that the above and preceding is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Niles*

Subscribed and sworn to before me this the 12th day of June, A.D. 1901, at Meridian, Mississippi.

*[Signature]*  
Notary Public.

E.K.  
C.V.W.

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

-----

In the matter of the application of John Benoit, et al.,  
for identification as Mississippi Choctaws, M C R 2225.

-----

DECISION.

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by John Benoit for himself and his five minor children, Centennial, Georgiana, Silvinia, Gleesier, and George Joseph Benoit, 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 John Benoit and one Rosa Thomas, the former of

whom is alleged to have been an one-fourth blood Choctaw Indian, the latter of whom is alleged to have been an one-half blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that 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 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 John Benoit or the said Rosa Thomas 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., 189), 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 John Benoit, Centennial Benoit, Georgiana Benoit, Silvinia Benoit, Clester Benoit, and George Joseph Benoit as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

OCT 18 1902

Muskogee, Indian Territory, October 18, 1903.

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 October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of John Benoit, et al., applicants to the Commission for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Benoit, Centennial Benoit, Georgiana Benoit, Silvinia Benoit, Clozier Benoit, and George Joseph Benoit 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 McH & O—3

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

Respectfully,

Acting Chairman.



COPY.

N O R 2225

Muskogee, Indian Territory, October 18, 1902.

John Benoit,

Delisle, Mississippi.

Dear Sir:

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

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Benoit, Centennial Benoit, Georgiana Benoit, Silvinia Benoit, Clozier Benoit, and George Joseph Benoit 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 days from the date hereof within which to file arguments in this

J B ---2

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,

(C. C. S.)

*John C. S.*

Acting Chairman.

Registered.

Muskogee, Indian Territory, November 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir;

There is transmitted herewith the record in the case of John Benoit, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 18, 1902.

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

Respectfully,

*James Kirby*  
Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 enclosure, M O R 2225.

(COPY)

D.C. 4516-1903.

DEPARTMENT OF THE INTERIOR.

RAF.

ITD.1026-1903.

Washington.

L R S

February 9, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 3, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of John Benoit and his minor children, Centennial, Georgiana, Silvina, Glasier and George Joseph Benoit, including your decision of October 18, 1902, adverse to the applicants.

The applicants claim rights in Choctaw lands by reason of being descendants of one John Benoit, an alleged one-fourth blood Choctaw Indian, and one Rosa Thomas who is said to have been a half blood Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said John Benoit or said Rosa Thomas 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).

-2-

Reporting January 24, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department has carefully considered the record in this case and hereby affirms your decision.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

(COPY)

Land.

DEPARTMENT OF THE INTERIOR,

67,796-1902.

Office of Indian Affairs,

Washington, Jan. 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the five Civilized Tribes, in the matter of the application for identification as Mississippi Choctaws of the following parties: John Benoit for himself and his five minor children, Centennial, Georgiana, Silvinia, Closier and George Benoit, wherein a decision adverse to the applicants was rendered by the commission on October 18, 1902.

The testimony in this case shows that the parties base their claims to identification as Mississippi Choctaws through their parents, John Benoit and Rosa Thomas. They are unable to give the names of their ancestors who resided in Mississippi in 1830.

The commission rejected them because the names of the ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason

that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of the parties from whom these applicants claim descent, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

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

Very respectfully,

(E.B.H.)

Commissioner.

P.

COPY

Muskogee, Indian Territory, February 21, 1903.

Mansfield, Mc Murray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 9th 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 John Benoit, et al., of which decision you were advised by mail on the 18th day of October, 1902.

Respectfully,

(SIGNED).

*Tamie Dixby.*

Chairman.



COPY

Muskogee, Indian Territory, February 21, 1903.

John Benoit,

Delisle, Mississippi.

Dear Sir:

You are hereby notified that on the 9th 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 John Benoit, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

(SIGNED)

*Tamc Pixby.*

Acting Chairman.

621

No. 2225

For Identification as a Mississippi Choctaw.

Date MAY 16 1901

Name John Benoit.

Age 44 Blood 3/8

Post Office Delisle, Miss

Father: John Benoit - dead.

Mother: Rosa Thomas - dead

Claims through both parents

WIFE:

Malvina Benoit - dead.

(mother of children).

Children:

Centennial Benoit 19

Georgianna " 15

Selvinia " 13.

Clavier " 10.

Geo. Joseph " 5

(Claims for self and five children)

Stenographer

G. S. Niles

A MISSISSIPPI

CHOCALAW.

**REFUSED.**

R. 2225

*John Benoit, et al.*

DECISION FILED. OCT 1 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 1 1902

NOTICE OF DECISION BY ATTORNEYS  
FOR CHICKASAW AND CHOCALAW NATIONS.

1902

**RECORD FORWARDED DEPARTMENT.**

NOV - 5 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

FEB 9 1903

NOTICE OF DECISION ACTION  
FORWARDED APPLICANT.

FEB 21 1903

NOTICE OF DECISION ACTION  
FORWARDED APPLICANT BY CHOCALAW  
AND CHICKASAW NATIONS.

3

Choctaw MCR 2226

Alexander Anderson

MCR 2226

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

\*\*\*\*\*

In the matter of the application of Alexander Anderson  
for identification as a Mississippi Choctaw, H O B 2226.

Original application of Alexander Anderson for identification as a Mississippi Choctaw.	Page. 1
Oral testimony of General Lew Wallace.	3
Final decision of the Commission in the case of Alexander Anderson, an applicant for identifi- cation as a Mississippi Choctaw.	6

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I. T. MAY 18, 1901.

#2226

In the matter of the application of Alexander Anderson for identification as a Mississippi Choctaw.

Alexander Anderson, having been duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Alexander Anderson.
- Q What is your age? A Thirty-nine
- Q What is your post-office address? A Its here.
- Q Atoka, Indian Territory? A Yes.
- Q How long have you been here? A I will be living here now about two months.
- Q Where did you live before you came here? A At Ardmore a while.
- Q How long? A I came from Ardmore when I came here.
- Q How long did you live in Ardmore? A About five months.
- Q How long have you lived in the Territory? A About three years.
- Q Where did you live before you came to the Territory? A Well, in Arkansas.
- Q How long in Arkansas? A Well, I cant say-just moving around-
- Q Born in Arkansas? A No.
- Q Where were you born? A In Mississippi; I was raised there.
- Q How old were you when you left Mississippi? A Twenty-five years.
- Q Where did you go to? A Arkansas.
- Q Did you live in Arkansas until you came to the Territory? A Yes, I came to the Territory and then went to Texas.
- Q How long ago did you go to Texas? A That's been about, I think, two years I stayed in Texas.
- Q Did you come from Texas to the Territory? A Yes.
- Q You sid a while ago, when I asked you how long you have lived in the Territory this last time, you said three years, and you said you came to Texas three years ago. A I said three years in Territory
- Q How long have you been in the Territory this last time? A I aint been in the Territory this last time quite a year; I have been here about two months and I stayed in Ardmore about five months.
- Q How long did you live in Arkansas before you came to the Territory?
- A I cant exactly tell you-I stayed in Arkansas when I came from ~~Texas~~ Mississippi.
- Q About how many years? A Well, when I came from Mississippi-about a year and a half.
- Q Then you came to the Indian Territory and stayed three years?
- A. Yes
- Q Then you went back to Arkansas and stayed how long? A As near as I can tell I stayed about a year-more than a year-about two years-three I reckon.
- Q Then you went to Texas and that was two years ago? A Yes, I went to Texas and stayed two years
- Q Then you came here and have been in the Territory seven months this last time? A Yes.
- Q What is your father's name? A Rafe Anderson.
- Q Is he living? A No, he is dead.
- Q What is your mother's name? A Hamah Anderson.
- Q Is he living? A No she is dead.
- Q Through which one of these parents do you derive your Choctaw blood? A My mother.
- Q How much Choctaw blood do you claim? A I claim one quarter.
- Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians either by

- either the Choctaw tribal authorities or the authorities of the United States? A I don't know whether she was or not, I think she said before she died, said that she was enrolled once.
- Q By the Choctaw tribal authorities? A Yes.
- Q By the Choctaw tribal authorities here in the Indian Territory? A Yes.
- Q On what roll? A I don't know what roll it was but I think I understood her to say she was enrolled once, well, I don't know whether she enrolled or what, - but she said she was with them near in '61, I believe it was.
- Q When did your mother die? A In the year '81.
- Q Are you married? A Yes.
- Q What is your wife's name? A Caroline.
- Q Do you make application for her? A No, I don't.
- Q Have you any children in your family under twenty-one years of age and unmarried for whom you desire to make application? A No, I haven't no children at all.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't think it is; this is the first time I have come before the rolls.
- 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.
- Q Did you, or did any one for you in 1896, make application to the Commission to the Five Civilized tribes for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.
- 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 by judgment of the United States Court in Indian Territory? A No.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
- Q Is this the first application of any description that you have ever made? A Yes.
- Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.
- Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes.
- Q Do you understand that article of that treaty? A 1430-1830? I don't exactly understand it but I think that's Choctaw.
- Q Article fourteen of the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become 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 may be living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvements of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Do you claim under that article? A Yes.

3---- Alexander Anderson

- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.
- Q What is the name of your ancestor or ancestors who were residents of the old Choctaw nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Nation? A I don't know-my mother's mother was named Polly Ann.
- Q Was she full-blood Choctaw? A Yes.
- Q And what was her husband? A I don't know.
- Q I mean what color was he? A He was colored man she said.
- Q And your mother was one half negro? A Yes.
- Q What was your father? A He was a colored man.
- Q Was he a slave? A Yes, I think he was.
- Q Was your mother a slave? A She was born amongst the Choctaws, but I reckon she was slave.
- Q Were you ever a slave? A Yes, I must have been born slave-I reckon I was born in slavery times--
- Q Have you any evidence showing that this grand-mother, Polly Ann, was a recognized member of the Choctaw tribe of Indians at that time? A No I haven't no evidence, but I was young then-I don't know only what she told me, you know.
- Q Did this ancestor, if a Choctaw Indian remove from the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in the Indian Territory, at the time of the removal of the other members of the tribe, from 1833 to 1838? A I don't know whether she did or not.
- Q Well, if she did not remove with the other members of the tribe did she within six months after the ratification of the treaty of 1830 signify to the Agent to the Choctaw tribe in Mississippi, her intention to remain in Mississippi and become citizen of the United States? A Yes, it was her intention to remain-
- Q Did she go to the Indian Agent there and tell him that it was her intention to remain there and become a citizen of the United States? A I don't know whether she did that or not.
- Q Have 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? A I don't know whether she did or not.
- Q Are there any additional statements you desire to make in support of this application? A It is my desire to say that she told me that she was with the Indians in 1830 and of course they tried to make a slave of her but the Indians would not let them do it, but who she was with-I believe it was McWhorter-
- Q Have you any documentary evidence, affidavits, written evidence of any kind, copies of records, deeds or patents, or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of the treaty? A No, they aint got no benefits-
- Q Have you any evidence that you want to file now? A No, I haven't no papers at all.

General Lew Wallace, being called and sworn testified as follows in behalf of the applicant:

- Q What is your name? A General Lew Wallace.
- Q What is your age? A I am about fifty-five or six long there, more or less I may be sixty-between fifty and sixty anyway.
- Q What is your post-office address? A Now?
- A Yes. A Atoka, Indian Territory.
- Q Are you acquainted with Alexander Anderson? A I reckon so; I have know him since he was a kid.



4--- Alexander Anderson

- Q How long have you known him? A A good while-thirty years.  
Q Did you know his mother, Hannah Anderson? A Yes.  
Q What was she? A She was half.  
Q Half blood Choctaw? A Yes; and his grand-mother was whole Choctaw  
Q What was her name? A I can't think of her name.  
Q Did you know her personally, his grand-mother? A Yes, I have seen her.  
Q Do you know that she was full-blood Choctaw? A That's what she said  
Q Did she go to the Indian Agent within six months from the ratification of the treaty of 1830 and tell him that she intended to remain in Mississippi and become a citizen of the United States?  
A I don't know about that about part of it.  
Q Do you know what the Indian name of this grandmother was? A No, I don't.  
Q Did she have an Indian name? A I disremember.  
Q Could she talk Choctaw? A His grand-ma could talk Choctaw some-a good deal of it.  
Q Is there any thing further that you know about his grandmother's having been Choctaw Indian and recognized as such in Mississippi?  
A Well, they visited us sometime.  
Q But you don't know whether she took any land under the provisions of the fourteenth article of the treaty of 1830? A No.  
Q Did she come to the Indian Territory when the other Indians came?  
A Well, she passed back and forth, but to say where she was going to I couldn't tell you now.  
Q Did she come to the Indian Territory in the years from 1833 to 1838 when the other Indians came West? A I can't say.  
Q When did you know her in Mississippi? A Well, they was moving round and I can't say for certain when she left.  
Q Do you know when she died-were you in that country then? A No, I don't know when she died.  
Q You don't know then whether she ever owned land in Mississippi or not? A No, I don't think she did.

Witness excused and applicant recalled:

- Q Can you talk Choctaw? A I can some.  
Q How much? A A little, not much.  
Q About how many Choctaw words? A Well, about three, four, five or six, I reckon.  
Q You couldn't talk then to a Choctaw Indian? A A little, I could ask them for some things in Choctaw; tell them good-morning, how-de-do and how's his health in Choctaw.

The decision of the Commission as to this application you make for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the fourteenth article of the Act of Congress of June 28, 1898, and a copy of the same mailed to you at your post-office as given in your testimony by you.

.. ..

This applicant appears to be almost full-blood negro with very slight, if any, Indian characteristics, and states that he can talk the Choctaw language a little.

.....

Henry G. Haine being duly sworn, on his oath, states that as stenographer to the Commission to the Five Civilized Tribes he re-

5----Alexander Anderson

ported in full all proceedings had in the above entitled cause on  
May 18, 1901, and that the above and foregoing is a full, true and  
correct transcript of his stenographic notes in said proceedings on  
said date.

Henry G. Hains

Subscribed and sworn to before me this & 15 day of July 1901.

D. H. Linbaugh.

Notary Public.

L & P.  
C. W.

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

-----

In the matter of the application of Alexander Anderson  
for identification as a Mississippi Choctaw, M. C. R. 2226.

DECISION.

It appears from the record herein that application for  
identification as a Mississippi Choctaw was made to this Commission  
by Alexander Anderson for himself under the following provision  
of the act of Congress approved June 23, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may  
administer oaths, examine witnesses, and perform all other  
acts necessary thereto and make 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 de-  
scendant of one Polly Ann, who is alleged to have been a full blood  
Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 331).

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 Polly Ann, 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 25, 1842, (5 Stat., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alexander Anderson 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) James Bixby.  
~~ACTING COMMISSIONER.~~

(SIGNED) T. B. Needles.  
~~COMMISSIONER.~~

(SIGNED) C. R. Breckinridge.  
~~COMMISSIONER.~~  
Mustangs, Indian Territory,

OCT 31 1902

COPY.

Muskogee, Indian Territory, October 31, 1902.

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

Gentlemen:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Alexander Anderson an applicant to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 23, 1892, (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 Alexander Anderson 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 applicant in this case has been allowed fifteen days from the date hereof within which

M. MoM. & C. ---2

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 H. Smith*

Acting Chairman.

COPY.

Muskogee, Indian Territory, October 31, 1902.

Alexander Anderson,  
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Alexander Anderson an applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1896, (30 Stat., 495) which is as follows:

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

Said decision concludes as follows:

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



A.A.---2

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED



Acting Chairman.

Registered.

COPY.

Muskagee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Alexander Anderson, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 31, 1902.

The Commission has the honor to report that the 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,

AM-220

*Tama Birby.*  
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 2226

(COPY)

Land.

69,857-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Territory,

Washington, Feb. 11, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application of Alexander Anderson for identification as a Mississippi Choctaw, wherein a decision adverse to the applicant was rendered by the Commission on October 31, 1902.

The testimony in this case shows that the applicant bases his claim to identification as a Mississippi Choctaw under this application because of his descent from Polly Ann, who, it is alleged, was a Choctaw Indian and a resident of the Choctaw Nation at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicant because the name of the ancestor, through whom he claims, did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicant had never been enrolled as a citizen of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Polly Ann, and it is discovered that

(COPY)

DEPARTMENT OF THE INTERIOR.

D.C. 7257.

W A S H I N G T O N .

EAP.

ITD.1618-1903.

March 12, 1903.

L.R.S.

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

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification of Alexander Anderson as a Mississippi Choctaw, including your decision of October 31, 1902, adverse to the applicant.

He claims to be a descendant of one Polly Ann, who is alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Polly Ann, or an ancestor less remote, 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 11, 1903, the Acting Commissioner of Indian Affairs recommends your decision be approved. A copy of his letter is inclosed. Finding no reason to modify your decision, it is hereby affirmed.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

-:- 2 -:-

her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

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

Very respectfully,

A.C. Tonner,

Acting Commissioner.

(W.C.B.)

P.

M.C.B. 2285

Muskogee, Indian Territory, March 24, 1903.

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

Gentlemen:

You are hereby notified that on the 12th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaw of Alexander Anderson, of which decision you were advised by mail on the 31st day of October, 1902.

Respectfully,

*James Dixie.*  
Chairman.

M.C.R.2226

Muskogee, Indian Territory, March 24, 1903.

Alexander Andersen,  
Atoka, I. T.

Dear Sir:

You are hereby notified that on the 12th 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 31st day of October, 1902.

Respectfully,

*James E. Kirby*  
Chairman.

**REFUSED**

*Alexander Anderson*

DECISION RENDERED. OCT 28 1902

NOTICE OF DECISION MAILED APPLICANT.

2226 OCT 31 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 31 1902

RECORD FORWARDED DEPARTMENT.

NOV 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 12 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 24 1903

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

MAR 24 1903



No. 2426

For Identification as a Mississippi Choctaw.

Date MAY 18 1901.

Name Alexander Anderson

Age 39 Blood 1/4

Post Office, Atoka L. T.

Father: Rafe Anderson dead

Mother: Hannah " "

Claims through mother

Wife: Caroline Anderson

Children:

Claims for self alone

Stenographer

Henry G. Harris

Choctaw MCR 2227

Daisy Watson

MCR 2227

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

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In the matter of the application of Daisy Watson, et al.,  
for identification as Mississippi Choctaws, M C R 2227.

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

	Page.
Original application of Daisy Watson, et al., to the Commission for identification as Mississippi Choctaws .....	2
Affidavit of Frank Brown and Ramon Crawford .....	4
Decision of the Commission refusing the application of Daisy Watson, et al., for identification as Mississippi Choctaws .....	5

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, May 17, 1901.

In the matter of the application of Daisy Watson for the identification of herself and two minor children as Mississippi Choctaws.

Daisy Watson, having been first duly sworn, upon her oath states as follows:

Examination by the Commission:

- Q What is your name? A Daisy Watson.
- Q What is your age? A Twenty one.
- Q What is your post office address? A Kemper County, Mississippi.
- Q What is your post office address? A Kemper Springs.
- Q How long have you lived in Mississippi? A Twenty one years.
- Q Born here? A Born in Arkansas and moved here the same year.
- Q Were your parents living in Arkansas? A Yes.
- Q How long had they been living there? A I don't know, but they moved here when I was a baby.
- Q Your parents were living in Arkansas when you were born---how long had they been living there before that? A I don't know.
- Q Did any of your ancestors ever live in Mississippi before you moved here? A Yes.
- Q Lived here in 1830? A Yes sir.
- Q Which one of your ancestors lived here in Mississippi? A My mother.
- Q Was your mother born in Mississippi? A Yes.
- Q When did she go to Arkansas? A She went there on a visit to see her kin folks when I was born.
- Q You said your mother and father were living there and you did not know how long--were they living in Arkansas? A No, he was preaching there.
- Q Where was his home? A Kemper Springs.
- Q When you was born your mother was on a visit to ~~Kem~~ Arkansas? A Yes.
- Q Where did they live at that time? A Kemper County.
- Q Had they always lived in Mississippi? A Yes.
- Q What is your father's name? A Jacob Sloan.
- Q Is your father living? A My father is dead.
- Q Was he a Choctaw Indian? A Yes.
- Q How much Choctaw was your father? A Half.
- Q Did he speak the Choctaw language? A No sir.
- Q Was he born in Mississippi? A Yes.
- Q Where was he born---What part of Mississippi? A I couldn't tell you.
- Q You claim your Choctaw blood through your father? A Yes.
- Q Have you any knowledge of your father's parents? A My mother had.
- Q I want to know if your have any knowledge of your father's parents A He was an Indian.
- Q Who were his parents? A I don't know. An Indian---I think his name was Bill Sloan.
- Q Is that your father's father? A Yes.
- Q Did your father ever have a Choctaw name? A Yes.
- Q What was his Choctaw name? A I don't know whether he had one or not.
- Q Do you claim your Choctaw blood entirely through your father? A Yes.
- Q What was your mother's name? A Anna or Anne.

Daisy Watson---2.

- Q Is she living? A No.
- Q Choctaw Indian? A No a nigger.
- Q Was she ever a slave? A Yes.
- Q Was your father ever a slave? A I don't know---I reckon he was.
- Q What other blood did he have besides Choctaw blood? A Negro.
- Q How much Choctaw blood do you claim? A One quarter.
- Q Was your father generally considered by the Choctaw s--the full blood Choctaws here in Mississippi as a Choctaw? A Yes.
- Q Was he ever officially recognized by the Choctaw tribal authorities or the government of the United States as a citizen of the Choctaw Nation? A Yes.
- Q How? A He went with them.
- Q Did the United States government or the Choctaw Nation by any official act ever recognize him as a citizen of the Choctaw Nation-- Did he ever get any benefits as a Choctaw Indian? A No.
- Q Are you married? A Yes.
- Q What is your husband's name? A Noah Watson.
- Q Is your husband living? A Yes.
- Q Is he a negro? A Yes.
- Q Making application for him? A No.
- Q When did you marry him? A Kemper County.
- Q When? A About three years ago.
- Q Have you any children? A Yes.
- Q How many? A Two.
- Q What is the name of the oldest? A Hallie.
- Q How old? A Two years.
- Q Next? A Minnie;
- Q How old? A Eight months.
- Q Are you the mother of both these children? A Yes.
- Q Noah Watson the father? A Yes.
- Q You and your husband living together as man and wife? A Yes.
- Q These children both live with you? A Yes.
- Q Have you ever been enrolled by the Choctaw tribal authorities in Indian Territory as a citizen of the Choctaw Nation? A No.
- Q Ever make application to the Choctaw tribal authorities in the Indian Territory? A No.
- Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No.
- 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 by the United States Court in Indian Territory? A No.
- Q This is the first application you have ever made? A Yes.
- Q Did any one ever make application for you before this? A No.
- Q You are now making application for identification of yourself and your children as Mississippi Choctaws? A Yes.
- Q You claim under the fourteenth article of the treaty of 1830? A Yes.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Any of your ancestors ever receive any benefits as Choctaw Indians? A No.
- Q What is the name of ~~the~~ your Choctaw ancestor who resided in Mississippi in 1830 at the time the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Indians? A I don't know.
- Q Did any of your ancestors remove from Mississippi to the Choctaw Nation in Indian Territory when the Choctaw tribe was moved out there between 1833 and 1838? A No.
- Q Did any of your ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent for the Choctaws in Mississippi their intention to remain in Mississippi? A No.

Daisy Watson---3.

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

Q Are there any additional statements you want to make in support of your application? A No.

Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents, showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830?

Here L.P.Hudson, attorney for applicant, requests thirty days in which to file documentary evidence in support of this application.

Permission is granted attorney for applicant to file written testimony in support of this application provided the same is offered for filing with the Commission within thirty days from the date hereof.

The applicant in this case claims to be a quarter blood Choctaw Indian. Her appearance would indicate that she is at least possessed of that much Choctaw blood. She is unable to speak the Choctaw language and has no knowledge of any compliance by her ancestors with the provisions of the fourteenth article of the treaty of 1830.

The decision of the Commission as to your application and ~~and~~ the application you make on behalf of your two minor children for identification as Mississippi Choctaws will be determined at the earliest possible date and report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898. You will be furnished with a copy of such decision mailed to you at your post office address as given in your testimony at this time.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 17th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 6th day of June, 1901.

*[Signature]*

Notary Public.

*copy*

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

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In the matter of the application of Daisy Watson, et al.,  
for identification as Mississippi Choctaws, M.C.R. 2227

--: 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 Daisy Watson for herself and her two minor children, Hallie and Minnie Watson, under the following provision of the act of Congress approved June 26, 1898 (30 Stats., 495):

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

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

seventh, eighteen hundred and thirty, by reason of being descendants of Bill Sloan, who is alleged to have been possessed of some Choctaw Indian blood (degree thereof not stated).

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that 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 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 Sloan 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 (8 Stats., 513).

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



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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tam. Dixby.

Acting Chairman.

(SIGNED)

T. D. Neasie.

Commissioner.

(SIGNED)

C. R. Dreshinridge.

Commissioner.

Muskogee, Indian Territory,

DEC 4 1902

COPY

Muskogee, Indian Territory, December 4, 1902.

Daisy Watson,

Kemper Springs, Mississippi.

Dear Madam:-

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Daisy Watson, 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 Daisy Watson, Hallie Watson and Minnie Watson 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 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

D. W. #2.

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tame Bixby*

Acting Chairman.

Registered.

OPY.

K.C.R. 2227.

Muskogee, Indian Territory, December 4, 1902.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Daisy Watson, 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).

Said decision concludes as follows:

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

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

Respectfully,

(SIGNED)

*Tamoc Dixby.*

Acting Chairman.

Muskogee, Indian Territory, December 30, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Daisy Watson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 4, 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).

John E. Long,  
Acting Chairman

Through the  
Commissioner of Indian Affairs.  
Enc. M.C.R. 2227.

D.C. 6997-1903.

(COPY)

E.A.F.

L.R.S.

I.T.D. 1674-1903 DEPARTMENT OF THE INTERIOR,

Washington.

March 10, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

December 20, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Daisy Watson and her minor children, Hallie and Minnie Watson, including your decision of December 4, 1902, refusing application.

The applicants claim to be descendants of one Bill Sloan, who is alleged to have been a Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Bill Sloan, or an ancestor less remote, 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).

The Acting Commissioner of Indian Affairs reporting February 13, 1903, recommends approval of your decision.

A copy of his letter is inclosed.

-2-

The Department has reviewed the whole record, and finds no reason to change your decision; it is, therefore, affirmed.

Respectfully,

(Signed) F. L. CAMPBELL,

Acting Secretary.

1 inclosure.

Land.  
76,177-1902.

Copy.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, Feb. 13, 1903.

The Honorable  
The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration the record of the Commission to the Five Civilized Tribes, in the matter of the application of Daisy Watson for the identification of herself and her two minor children, Hallie and Minnie Watson, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission December 4, 1902.

The testimony in this case shows that the parties base their claim to identification as Mississippi Choctaws under this application because of their descent from Bill Sloan.

The applicants are unable to say that Bill Sloan, their ancestor, was a recognized citizen of the Choctaw tribe in Mississippi in 1830, or that he received benefits under the 14th article.

The Commission rejected these parties because the name of their ancestor, through whom they claim, did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled



as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Bill Sloan from whom these applicants claim descent, and it is discovered that his name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

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

Very respectfully,

(Signed) A. C. TONNER,

Acting Commissioner.

(E.B.H.)  
P.

M.C.R. 2227

COPY

Muskogee, Indian Territory, March 21, 1903.

Daisy Watson,

Kemper Springs, Mississippi.

Dear Madam:

You are hereby notified that on the 10th 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 Daisy Watson et al., of which decision you were advised by registered mail on the 4th day of December, 1902.

Respectfully,

RECEIVED

Y. J. ...

Chairman.

M.C.R. 2227

COPIE

Muskogee, Indian Territory, March 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 10th 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 Daisy Watson, et al., of which decision you were advised by mail on the 4th day of December, 1902.

Respectfully,

TO BE

*Y. J. D. D.*

Chairman.

For Identification as a Mississippi Choctaw.

Date MAY 17 1901

Name Daisy Watson.

Age 21. Blood 1/4.

Post Office Kemper Springs, Miss.

Father: Jacob Stow - dead.

Mother: Anica " - ✓

Claims through father

HUSBAND:

Noah Watson. -

(no claim for husband)

Children:

Hallie Watson 2.

Minnie " 8 mo.

(Claims for self and two children)

Stenographer

H. C. Risteen

Daisy Watson et al.

REFUSED

DECISION MADE.

NOTICE OF DECISION MAILED APPLICANT.

2227 DEC 4 - 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

DEC 4 - 1902

RECORD FORWARDED DEPARTMENT.

DEC 20 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 10 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 21 1903

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

MAR 21 1903

Choctaw MCR 2228

Zeb Hagerby

MCR 2228

DEPARTMENT OF THE INTERIOR:  
COMMISSION TO THE FIVE CIVILIZED TRIBES:  
Meridian, Mississippi, May 17, 1901.

In the matter of the application of Zeb Hagervy for the identification of himself and one minor child as Mississippi Choctaws:

Zeb Hagervy, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Zeb Hagervy.  
Q How old are you? A Twenty nine.  
Q Where do you live? A Kemper County.  
Q What state? A Mississippi.  
Q What is your post office address? A Fowler.  
Q How long have you lived in Mississippi? A Twenty nine years.  
Q Born here? A Yes.  
Q Never have lived anywhere else? A No.  
Q What is your father's name? A Alex Hagervy.  
Q Is your father living? A No.  
Q Was your father a Choctaw Indian? A Yes.  
Q How much Choctaw blood did your father have? A He was full blood  
Q Did he speak the Choctaw language? A Yes.  
Q Did you ever hear him speak the Choctaw language? A Yes.  
Q Can you speak the Choctaw language? A No.  
Q Did he always live in Mississippi? A Yes.  
Q Did his parents always live here? A I don't know.  
Q Was your father ever a slave? A No.  
Q What was your mother's name? A Sarah Hagervy -- Sarah Wilson before she was married.  
Q Is your mother living? A No.  
Q Did your mother have any Choctaw blood? A No.  
Q What nationality was she? A She was nearly a whole African.  
Q Was she ever a slave? A I reckon so.  
Q You claim Choctaw blood through your father? A Yes.  
Q How much Choctaw blood do you claim? A Half.  
Q Was your father and mother married? A Yes.  
Q When? A I say they were married. All the people around there-- Bill Clay said Jack Lee married them. Mr Jack Lee is dead.  
Q When were they married? A About thirty years ago.  
Q Are you the oldest child? A Yes.  
Q How long did they live together as man and wife? A Until They died--I don't know how long.  
Q Did they raise a family of children? A Yes; I was not the oldest child--Frank was older than me.  
Q Was your father ever recognized in any manner as a citizen of the Choctaw Nation? A He was considered a Choctaw here in the state of Mississippi by these Choctaws.  
Q By the people he associated with? A Yes.  
Q Did the United States government or the Choctaw Nation in any official manner recognize him as a citizen? A No sir, not that I know of.  
Q Are you married? A Yes.  
Q What is your wife's name? A Susan.  
Q Is she a negro? A Yes.  
Q Has no Indian blood? A No.  
Q Making any claim for your wife? A No.  
Q How old is she? A Twenty five.  
Q Where did you marry her? A In Kemper County, Mississippi.

Zeb Hagervy---2.

- Q When? A Year before last.  
Q Obtain a license to marry? A Yes.  
Q Married by a minister? A Yes.  
Q Have you your marriage license and certificate with you? A No.  
Q Have you any children? A Yes.  
Q How many? A One.  
Q What is the name? A Vada Lee Velma Hagervy.  
Q How old? A Eighteen months.  
Q Is this all the child you have? A Yes.  
Q You are the father? A Yes.  
Q Susan Hagervy the mother? A Yes.  
Q Child living with you at your home? A Yes.  
Q You and your wife living together? A Yes.

It will be necessary that evidence of the marriage of yourself and wife be supplied in the matter of the application for the identification of your child.

- Q Have you ever been enrolled by the Choctaw tribal authorities in Indian Territory as a citizen of that nation? A No.  
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a citizen? A No, only I have been before the Commission once.  
Q Where? A Philadelphia.  
Q When? A Two years ago, I believe.  
Q That was an application you made to this Commission? A Yes sir.  
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for citizenship in the Choctaw Nation? A No.  
Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No.  
Q Where did you make that application to the Commission? A At Philadelphia.

The applicant herein is the identical person who made application before the Commission to the Five Civilized Tribes at Philadelphia, Mississippi, January 30, 1899, for the identification of himself as a Mississippi Choctaw under the name of Zeb Haggaby, his name appearing as Zeb Hagaby on Mississippi Choctaw Card, Field No. D-68. The following is a copy of the testimony of this applicant at that time:

- "Zeb Haggaby, (or Wilson), the applicant, after being duly sworn, states: I am not a full blood. My father was an Indian and my mother was a negro. I have not the marriage license of my father and mother. I am 26 years old.  
"You will have to show that your father and mother were married according to law. They must have been married according to law if you have any marriage license or record. Have you a wife?  
"A Yes sir.  
"Q Is she an Indian? Answer No sir.  
"Q Is she a colored woman? Answer? Yes sir.  
"Q Were you married according to law? Answer Yes sir.  
"Q Have you the license? Answer: Yes sir.  
"Q Have you the license? A No sir, I was married in Kemper county, Miss.  
"Q You must have a certified copy of the record of your marriage, or if you have the license you can either bring or send it to me. What is your wife's name?  
"A Susan.  
"Q How old is she? Answer: 21.  
"Q Have you any children? Answer: No, sir."



Zeb Hagervy---3.

Q You made application then before the Commission to the Five Civilized Tribes in 1899? A Yes, at Philadelphia.

Q You are now making application for identification as Mississippi Choctaws? A Yes.

Q You claim your rights as beneficiaries 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.

Q Did any of your ancestors? A No.

Q Did any of your ancestors after the ratification of the treaty of 1830 remove from the state in Mississippi or Alabama to the present Choctaw nation in Indian Territory? A No.

Q Did any of your ancestors signify to the United States Indian Agent of the Choctaw Indians within six months after the ratification of the treaty their intention to remain in Mississippi and become citizens of the United States? A No sir.

Q What was the name of ~~the~~ your Choctaw ancestor who lived here in 1830 at the time of the treaty of Dancing Rabbit Creek? A I dont know.

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

Q Are there any additional statements you want to make in support of this application? A No sir.

Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents or any other proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A No.

The applicant in this case has some of the appearance of a Choctaw Indian, but there is evidently a prominent mixture of negro blood. His hair while not that of a negro is curly. He is unable to speak the Choctaw language and has no knowledge of any compliance by his ancestors with the provisions of the fourteenth article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your child for identification as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898. You will be furnished with a copy of the decision mailed to you at your post office address as given in your testimony at this time.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 17th day of May, 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 6th day of June 1901.

*[Signature]*  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
(Meridian, Mississippi, July 29, 1901.

In the matter of the application of Frank Hagerby for Identification as a Mississippi Choctaw.

In the matter of the application of Zeb Hagerby, et al., for identification as a Mississippi Choctaws.

Charles B. Tinsley, having been sworn, upon his oath testified in behalf of the above named applicants, as follows:

Examination by the Commission.

- Q What is your name? A Charles B. Tinsley.  
Q How old are you Mr. Tinsley? A Sixty eight years old.  
Q What is your post office address? A Toles,  
Q What county? A Kemper.  
Q How long have you lived in Kemper County, Mississippi? A Well, I lived there since I was thirteen years old.  
Q Where did you live before that? A I was born in Alabama.  
Q What is your occupation? A Farming.  
Q Are you any relation to either of the applicants in whose behalf you are about to testify? A No sir.  
Q Have you any interest whatever in either of their claims?  
A No sir.  
Q Are you acquainted with the applicant, Frank Hagerby? A Yes sir.  
Q How long have you known him? A I have known him ever since he was a boy.  
Q About how old a man is he? A I reckon he is thirty three or a little younger.  
Q Is he a married man or single man? A Married man.  
Q Has he any children? A Yes sir, but I don't know how many.  
Q Frank has? A I thought so; I don't know whether he has or not. He lives about four miles from me, and I have never been in his house and never asked him about it; he was here before the Commission; he married a negro.  
Q Do you know the name of his mother? A No sir, I forget her name; I used to know it, and it seems to me that it was Patsy.  
Q Did she have any Choctaw blood? A No sir.  
Q What was she? A She was a negro.  
Q A slave? A I don't know who she belonged to.  
Q Is she living? A No sir.  
Q Is his father living? A No sir.  
Q What was his father's name? A Alex.  
Q Did he have any other name? A Well, his Indian name was E-mab-ba.  
Q Did he have any Choctaw blood? A Yes sir, he was a full blood Choctaw; we raised him when a little boy; he lived with us until he was about thirty five years old.  
Q Is he living now? A No sir, dead.  
Q How old would he be if he was living at this time? A Well, sir, he would be about seventy five, I reckon.  
Q He was older than you considerably? A Yes sir; I guess he was about as old as my oldest brother, and he is about seventy six, and I suppose if he was living now, he would be about 75, or 4 or 5.

In re Frank and Zeb Hagerby, et al., 2.

- Q You remember him distinctly? A Yes sir.
- Q Could he speak and understand the English language? A Yes sir.
- Q Did he speak and understand Choctaw? A Yes sir.
- Q You are sure he was a full blood Choctaw Indian? A Yes sir, I am sure. I have seen him and know both them well.
- Q What were his parents name? A One of them they always called Ha-bubbee, and his mammy Silvia.
- Q Full blood Choctaws? A Yes sir; and didn't have any hair on him, only eye brows; his head was as naked as the palm of my hand.
- Q Where did his parents live? A Lived adjoining land to us.
- Q Did they ever go to the Indian Territory? A His father never went but his mother did.
- Q When did she go? A I don't know when it was; when Cooper and Bridges emigrated the Choctaws to the Territory, I reckon, about 1820.
- Q You remember it, do you? A Yes sir.
- Q How long did she stay out there? A Well, I don't know; but it seems to me about six or eight months
- Q And come back and died here? A Yes sir.
- Q Did Alex ever go out there? A Yes sir.
- Q Did he go at the same time his mother did? A Yes sir.
- Q And came back with her? A Yes sir.
- Q So far as you know, have all of the Indian ancestors of this applicant always lived in the State of Mississippi, and been full blood Choctaw Indians? A Yes sir.
- Q With the exception of your mother? A Yes sir.
- Q Do you know whether Alex or the mother of this applicant were married? A No sir, they just took up together like negroes and lived together in slave time.
- Q How long did they live together? A Well, sir, I couldn't tell you; she was a slave about seven or eight miles from there, and he was backwards and forwards there, I reckon for eighteen years, a long while - until she died. She died first. She died a long time before he died.
- Q They just took up together after the fashion of slaves? A Yes sir.
- Q Do you think they lived together for as much as ten years, Mr. Tinsley? A I wouldn't be certain about that, but I think it was eight or ten years. A good long time; he stayed and lived there at our house and she stayed with her master.
- Q He was not a slave? A No sir, but we raised him from a little boy and he just worked for us and stayed there and made that his home.
- Q You know that the applicant, Frank, is the son of this man Alex and this woman do you? A Yes sir, I know he was; he always was claimed as his child, and the family always claimed him as Alex's child, and the woman he claimed for a wife was the mammy of the child.
- Q They were living together at the time the child was born? A Yes sir, and they were living together at the time of her death. They didn't live regularly together, you know, like white people did, but you know how slaves - go once a week or twice a week, and stay around just like slaves did. A Man had a slave you know living off on another plantation, some times he would just go to see her on the Saturday night and some times it would be two weeks and

- Q that way; they lived just together as man and wife like negroes do.
- Q Are you acquainted with the applicant, Zeb Hagerby? A Yes sir.
- Q How long have you known him? A Ever since he was born, he was born right on my place.
- Q How old a man is he? A About twenty eight years old.
- Q Is his mother living? A No sir.
- Q What was her name? A Tobe Wilson.
- Q Did she have any Choctaw blood? A No sir, a black negro.
- Q Was she a slave of yours? A She wasn't a slave of mine, but she was a slave of Hugh Wilson.
- Q You say this boy was born in your house? A In our cook house; in our kitchen.
- Q Do you know who his father was? A Yes sir, I am satisfied Alex was his father.
- Q The same Alex you testified as being the father of Frank? A Yes sir; I am satisfied he of that.
- Q Did Alex and the mother of Zeb ever live together as man and wife? A yes sir.
- Q How long? A I don't know - six or seven years.
- Q Were they ever married legally? A If they was I don't know it; I don't think they was.
- Q This was after the slavery days that they lived with you and this boy was born? A Yes sir, after his other wife died and after the surrender he took up with this woman.
- Q They were living on your place? During this entire time, seven or eight years? A Yes sir, and they lived with Mr. Culberson and myself until he was a big boy - big enough to work.
- Q Did they actually live together as man and wife? A Yes sir, they lived together as man and wife, and she was claimed as his wife by everybody, negroes and white folks, and he stayed on my place and worked for them, and supported she and the child made them work, and he always claimed she had two children and he always claimed them.
- Q Is the other living? A Yes sir. She is a girl, her name is Eliza; she is living in Meridian, married.
- Q Eliza what? A Eliza Hagerby; she was always called Eliza Wilson.
- Q But she married? A Some negro here in town; she is living here any way.
- Q Do you know whether Alex or any of his ancestors were living here in the old Choctaw nation on Mississippi and Acabaama in 1830, when the treaty of Dancing Rabbit Creek was made? A No sir, I don't know whether they was in 1830, or not, but I know they was here the first of my recollection; the first Choctaws I ever recollect of knowing, by their being close to our place; I knew them in my early boyhood.
- Q Do you remember the Indian name of Alex mother? A No sir, she always went by the name of Silvia.
- Q Do you know the Indian name of Alex's father? A No sir, he went by the name of Ha-cubbee; I don't know whether he had any other Indian name or not.

In re Frank and Zeb Hagarby, et al., 4

Q Do you know whether any of the ancestors of Alex owned an improvement in the old Choctaw Nation here in Mississippi and Alabama in 1830, when the treaty of Dancing Rabbit Creek was made?

A His mother owned land there adjoining us.

Q Where was that? A Section 10 she owned; they was living on it the first I recollect of it, and she died there.

Q That's Alex's mother? A Yes sir.

Q How much land did she have there? A I think they claimed 160 acres.

Q Do you know where they got that land? A They got it from the Government in my understanding; they had a patent to it. I don't recollect, ~~but~~ I have saw it.

Q You never saw it? A If I did, I don't recollect it now, but I know they lived on it, and claimed, it and worked it and was living on it until she died.

Q Who owns it now? A Mr. Calvert claims it now, and before that, one of her daughters that married John Willis, she got in possession of it, and John Willis and his family lived on it until she died; they mortgaged it off, and Calvert took it away from them.

Q It is generally understood that that is land they got from the Government in an early day here? A Yes sir.

Q You have no idea where that patent is? A John Willis said before the Commission the other day, I don't know whether he told that before the Commission or not; he told me he ~~has~~ kept it until a few years ago, and the rats got in on it and eat it up.

Q Do you know whether that patent was for land given to one of the ancestors of Alex under the 14th article or some other article of that treaty? A No sir, I don't know, but I suppose it was the 14th article.

Q You are familiar with the 14th article of the treaty are you now? A Yes sir.

Q Do you know whether Alex or any of his ancestors ever appeared before the commission appointed under the Act of Congress approved March 3, 1837 or the commission appointed under the Act of Congress approved August 23, 1842, and attempted to establish their rights under the provisions of the 14th article of the treaty? A They did in 1842, I think, all of them. The commission was there, in about eight miles of our house.

Q At what place? A Yazoo.

Q Yazoo village? A Yes sir, the Indian village; the Indians called it Yazoo; there is a creek runs there and it is known as the old Yazoo down there.

Q You think the father and mother of this man Alex appeared before the Commission? A Yes sir, I think they did.

Q Have you any evidence that they did, Mr. Tinsley? A Nothing only hearing my father talk; he was with the Indians; I heard him talk a good deal about it.

Q Did you ever hear him say these people were before the Commission? A They went there and camped you know, and go and stay a week at a time.

Q Did they get their land before they went before the Commission at that time, or after the went before the commission? A I couldn't state; I think, I wouldn't be positive about it, but I am satisfied in my own mind that they got it afterwards; I know a good many of them did.

Q Good many of the Indians? A Yes sir.

Q Do you know whether any of the ancestors of this man Alex got any

scrip from the Government under the Act of Congress of August 23, 1841 1842? A I think his mother did.

Q What do you know about that, Mr. Tinsley? A I don't know, only I think when she went there they paid her scrip, and I think I heard Alex and my father talk about it.

Q You know what it is, of course? A Well, I know that it is some kind of an obligation for the payment of money; I don't recollect that I ever saw any scrip.

Q No, the scrip was simply certificates issued to them which would entitle them to select land elsewhere; of course at that time the people bought it up, and it amounted practically to cash at that time? A I was a boy at that time, but then, talking about the scrip, I am satisfied that they got scrip, because I heard Mr. Culberson; he went with them to the territory and I was associated with him a good deal, and I heard him talk about the scrip; about the Indians who got the scrip.

Q Did you ever hear him say that these particular Indians got it? A Yes sir, he married Alex's sister, and lived with her until she died, and I heard him talk about the scrip, about their land, and about their trip to the Territory, and he went with them to the Territory when they went.

Q Now, how long was it after this commission was here in the early forties before they went to the Territory? A Well, sir, I couldn't tell you; I don't think it was long.

Q Do you know whether that scrip was given to them here before they left this country, or whether it was given to them out west - after they got out west? A I don't know, but I think - I think it was paid to her after she came back. I think it was paid to them here.

Q You never saw any of that scrip? A If I saw it, I don't recollect it.

Q Do you know whether any of them got any lands from the Government under the provisions of any other article than the 14th? A No sir, I don't think they did.

Q Or under the supplement? A No sir, I don't think they did; I wouldn't be positive about it; if they have I never have heard anything about it.

Q Did Alex have any brothers or sisters? A Yes sir.

Q How many brothers? A Well, his oldest brother was Willis; I believe that is all the brother he had; he had another one but he got killed; I forget his name.

Q Did he have any sisters? A Yes sir, the oldest sister was named Lila; that's the one Culberson married.

Q Was she a full blood too? A Yes sir, all of them were full bloods. The next one was named Sophia; she married a Choctaw; and the next one was named Sookey; that's four.

Q Is that all of them? A Yes sir, I think that's all.

Q Are any of them living now? A No sir, they are all dead.

Q Are any of the children of any of them living now? A Yes sir.

Q Well, now, whose children are living? A Some of Lila's children living. One was named Rena Billey and John Willis married Sookey and he has got several children, and Sookey has got several children living.

Q Give us the names of them, if you can? A Wallace Willis, Charley Willis and Wiley Willis.

Q The next? A That's all that is living.

Q Are any other children living? A No sir,, his brother went to the territory when he went there and he never come back.

Q Has Alex any other children than the three you have named, living? A Got a brother up about DeKalb, somewhere.

Q What is his name? A Alex, he is named after his daddy.

Q Alex what? A Lyle.

Q How does he get the surname of Lyle? A I don't know sir, I asked Frank and Frank said he got that because his mammy used to belong to a Lyle, and after the surrender he took Lyle's name.

Q Had he been before the Commission? A He said after his daddy died, he lived with Tom Lyle's family here, and he grewed up and took the name of Lyle.

Q Has he been before the Commission yet? A No, I don't know whether he has or nota.

Does he have the appearance of being possessed of Indian blood? A Yes sir, he resembles Alex a heap more than Frank.

Q Are any of the brothers of Alex ~~living?~~ mother living? A No sir.

Q Did she ever have any brothers? A Never had any that I saw.

Q Did she ever have any sisters? A Yes sir, she had a sister living out there where old Harmah Fish lived; she went to the Territory.

Q Did she ever come back? A No sir.

Q Are any of her children living? A No sir, she has got a grand daughter; that old lady Phillips that was here; Sallie Phillips, she is the grand daughter.

Q Did Ha-cubbee have any brothers? A No sir, I never say any of his people; I don't know anything about his people; he was living there when I first come up; I was a boy when I knowed him; he was buried over there.

Q This piece of land you are speaking about over there in Kemper that this family had ~~was~~ that land given by the Government to Ha-cubbee himself? A I don't know, but I think it was patented to Silvia, his wife. I think she got it ~~from Ha-cubbee~~ after Ha-cubbee died.

Q He died then before this commission was here in the early forties? A No sir, he died afterwards, but he died before they went to the Territory.

Q You think he didn't get the land before he died? A No sir, I think he got it afterwards; that's always been my understanding, that the patent was to her and in her name; somehow that's patent to that land is very often made to the wife, I don't know why.

R.S.Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 29th day of July, 1901, and that the above and foregoing is a full true and correct translation of his stenographic notes in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 17th day of August, 1901.

*R. S. Streit*  
*[Signature]*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, September 25th, 1901

In the matter of the application of Zeb Hagerby for the identification of himself and his minor child, Vada L. V. Hagerby, as Mississippi Choctaws, M.C.R. 2228.

Van Davis, called as a witness on behalf of applicant, having been first duly sworn, upon his oath testifies as follows:-

Applicant represented by Alex. W. Trotter Esq.,

By the Commission.

- Q What is your name? A Van Davis.  
Q What is your age? A Thirty-eight.  
Q Where do you live? A Meridian, Mississippi.  
Q How long have you lived in Mississippi? A Thirty-eight years.  
Q Born here? A Yes sir.  
Q Do you know a man by the name of Zeb Hagerby, who is an applicant before the Commission for identification as a Mississippi Choctaw? A Yes sir.  
Q Is he any relation to you? A No sir.  
Q Have you any interest in the prosecution of his claim for identification? A No sir, none whatever.

By Mr. Trotter.

- Q State what you know about his Indian ancestors? A His father was Aleck Hagerby, a full blood Indian.  
Q Full blood Choctaw Indian? A Yes sir.  
Q Was he a recognized member of the Mississippi Tribe of Choctaw Indians? A Yes sir.  
Q State who Zeb Hagerby's mother was? A Tobe, I don't know whether she went by the name of Hagerby or Wilson. I think her given name was Tobe; that was the common name she was called by.  
Q Did Aleck Hagerby and this woman you speak of, the mother of Zeb Hagerby, live together as man and wife? A Yes sir.  
Q Were they married according to the customs of the country then prevailing? A Yes sir.

Q  
By the Commission.

- Q How old is Zeb Hagerby? A I suppose he is about thirty, I suppose about that age; twenty-eight or thirty.  
Q How old was you when you first knew Aleck Hagerby, his father? A I was just a little kid; I can remember the old Indian all my life.  
Q He was living with this negre woman when you first knew him? A Yes sir.  
Q Did they live together as man and wife? A Yes sir.  
Q Are they living? A No sir, they are both dead, Aleck and Tobe both.  
Q Did they live together ~~not~~ as man and wife to all appearances and general repute up until the time they died? A Yes sir, that is my understanding, until he died.  
Q You never heard it questioned that Zeb Hagerby was the child of any other man than Aleck Hagerby? A No sir, never did.



Zeb Hagerby et al--2

Q What was the appearance, general appearance of Aleck Hagerby?

A He was pretty red and had a blad head; he always wore a big shawl over his head and made a kind of cap of it.

Q Did he have the appearance of a Choctaw Indian? A Yes sir.

Q You lived all your life in Neshoba and Newton Counties? A Yes sir, until two years ago.

Q There are a great many full blood Choctaws living in that neighborhood, are there not? A Yes sir.

Q Did you ever hear him speak the Choctaw language with the Indians in that neighborhood? A Yes sir.

Q How was Aleck Hagerby considered by the Choctaws themselves in that locality? A He was recognized as a full blood Choctaw.

Q He spoke the Choctaw language? A yes sir.

Q You have heard him talk with the other Indians? A Yes sir.

Q Do you understand the Choctaw language? A No sir.

By Mr. Trotter.

Q You have heard it spoken? A Yes sir.

Q And you know when you hear anybody speak it-you know whether it was Choctaw or not? A Yes sir.

Witness excused.

-----

H. C. Risteen, 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 cause, heard at Meridian, Mississippi, September 25th, 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.

*H. C. Risteen*

Subscribed and sworn to before me this the 26th day of September, 1901, at Meridian, Mississippi.

*[Signature]*  
Notary Public.

COPY.

Muskogee, Indian Territory, April 13, 1903.

Zeb Hagerby,

Fowler, Mississippi.

Dear Sir:

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

Frank Hagerby,	M.C.R.1760;
Zeb Hagerby, et al.,	M.C.R.2228;
Washington A. Hagerby, et al.,	M.C.R.2874;
Eliza Ramsey, et al.,	M.C.R.2936;
Betty Pollock, et al.,	M.C.R.3151.

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 Frank Hagerby, Zeb Hagerby, Vada Lee Velma Hagerby, Washington A. Hagerby, George W. Hagerby, Eliza

Z. H., 2.

Ramsey, Lula White, Chaney White, Betty Pollock, Delia Land, Melvin Pollock, Ella Pollock, Arthur Pollock, George Pollock, Lela Pollock, Roxanna Pollock, Shelley Pollock and Frank Pollock as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

Registered.

Muskogee, Indian Territory, September 24, 1903.

Zeb Hagerby,  
Fowler, Mississippi.

Dear Sir:

The Secretary of the Interior in his letter of August 31, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Frank Hagerby, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony in support of their claims.

The Secretary of the Interior in his letter states:

"The applicants base their claims to a right to identification as Mississippi Choctaw Indians, on their descent from Ha-cubbee and his wife, Sylvia, through their son, Alex Hagerby, whose Indian name was E-mab-ba, it being alleged that said ancestors were Choctaw Indians and residents of Mississippi in 1830. Patsy (or Jinnie) Hagerby, the mother of Frank Hagerby, is also considered by the Commission as a Choctaw ancestor.

In your decision you state that the names, Ha-cubbee and Ha-cub-bi, appear upon the records in your possession.

Reporting May 26, 1903, the Acting Commissioner of Indian Affairs states that the records of the Indian Office show the names of a number of persons by the name of Ha-cubbee who were citizens of the Choctaw Nation in Mississippi in 1830, some of whom were applicants for land under the provisions of the 14th article of the Choctaw treaty. He further states that there was a citizen of the Choctaw Nation in 1830 who resided in the vicinity of the present residence of the applicants in this case, who had a son named E-mam-be, whose age would seem to be about the same as E-mab-ba, through whom the applicants claim.

The Acting Commissioner also submits copies of depositions relative to persons who complied or attempted to comply with

Z H 2

the provisions of the fourteenth article of the Choctaw treaty, whose names are identical with the names of the applicants' ancestors, and recommends that the case be returned to you for further investigation."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make appearance on account of old age

E H 3

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, October 26, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep  
Registered

M C R 2228

Muskogee, Indian Territory, October 20, 1903.

Zeb Hagerby,  
o/o C. B. Tinsley,  
Rio, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter, without date, enclosing the joint affidavit of F. J. Tinsley and C. B. Tinsley, offered in support of your application for identification as a Mississippi Choctaw. The same will be forwarded with the record in your case to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

MM

M.C.R.2228

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

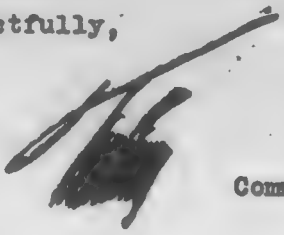
Muskogee, Indian Territory, March 14, 1907.

Zeb Hagerby,  
Fowler, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of April 13, 1903, refusing to identify as Mississippi Choctaws the several applicants in the consolidated Mississippi Choctaw case of Frank Hagerby et al, of which the application for the identification of yourself and child is a part.

Respectfully,



Commissioner.



## For Identification as a Mississippi Choctaw.

Date MAY 17 1901

Name

Geo Hagerby.

Age

29.

Blood

1/2

Post Office

Fowler, Miss.

Father:

Alex. Hagerby - dead.

Mother:

Sarah Hagerby - dead.

Claims through

father

WIFE:

Susan Hagerby 25

(no claim for wife)

Children:

Vado L. V. Hagerby 1/2

(Claims for self and mother's child)

Stenographer

H. C. Risteen.

Geb. Hagerby et al.

2228

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APR 19 1903

RECORDED

INVESTIGATION

REFER TO M.C.R.

DECISION PREPARED

ACTION APPROVED BY SECRETARY OF INTERIOR

FEB 25 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 14 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT:

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

MEM

K. CITY & MEMPHIS  
TENN. 3-21-1967  
O. P. R.

MEMPHIS, TENN.  
MAR 21 1967

STAINCROVE  
MAR 21 1967

DEPARTMENT OF  
Commissioner to the

FILE

MAR 21 1967



Commissioner.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Zeb Hagerby,

Fowler, Mississippi.

Choctaw MCR 2229

Louis Johnson

MCR 2229

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Louis Johnson et al.,  
for identification as Mississippi Choctaws, M.C.R. 2229

I N D E X

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C.W.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Louis Johnson, et al., for identification as Mississippi Choctaws, M.C.R. 2229.

-----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 May 17, 1901, by Louis Johnson for himself and his wife, Mettie Johnson, 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:

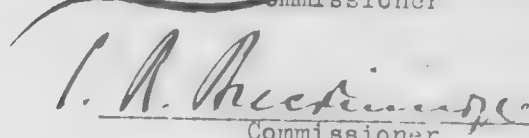
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement, and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants 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 Louis Johnson and Mettie Johnson 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. 2229.

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

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In the matter of the application for the identification of  
Jesse Porter Johnson as a Mississippi Choctaw.

.....D E C I S I O N.....

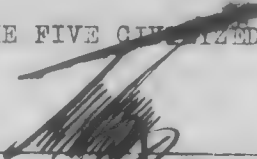
It appears from the record herein that application has been  
made to this Commission for the identification as a Mississippi  
Choctaw of Jesse Porter Johnson, born August 23, 1902, under the  
following provision of the act of Congress approved June 28, 1898,  
(30 Stats., 495):

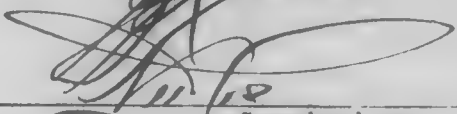
"Said Commission shall have authority to determine  
the identity of Choctaw Indians claiming rights in the  
Choctaw lands under article fourteen of the treaty be-  
tween the United States and the Choctaw Nation, concluded  
September twenty-seventh, eighteen hundred and thirty,  
and to that end may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

It further appears from the records of the Commission that  
the said Jesse Porter Johnson is the legitimate child of Louis  
Johnson and Mettie (or Mattie Hall) Johnson, both of whom are full-  
blood Mississippi Choctaw Indians and have been identified as such  
by the Commission to the Five Civilized Tribes, under the provisions  
of section 41 of the act of Congress approved July 1, 1902, (32  
Stats., 641), and ratified by the citizens of the Choctaw and  
Chickasaw Nations September 25, 1902.

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

*C. R. Brehminger*  
Commissioner.

*W. E. Stanley*  
Commissioner.

Muskogee, Indian Territory,  
MAY 28 1903

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, May 17, 1901.

In the matter of the application of Louis Johnson for the identification of himself and wife as Mississippi Choctaws.

Louis Johnson, having been first duly sworn, upon his oath testifies as follows, through Isham Johnston, official interpreter:

Examination by the Commission:

- Q What is your name? A Louis Johnson.  
Q How old are you? A Twenty.  
Q Where do you live? A Jasper County, Mississippi.  
Q What is your post office address? A Stringer.  
Q How long have you lived in Mississippi? A All my life.  
Q Born here? A Yes.  
Q Never have lived anywhere else? A No.  
Q What is your father's name? A Johnson.  
Q Is that all the name he had? A Yes.  
Q Was your father a full blood Choctaw? A Yes.  
Q Is he living? A Yes.  
Q Has he ever been before the Commission? A Don't know.  
Q Has he been here in Meridian since April 1? A No.  
Q Do you live near your father? A Yes.  
Q Did you ever hear him say whether he had made any application?  
A No.  
Q Does your father speak the Choctaw language? A Yes.  
Q Can he speak English? A Yes.  
Q Did your father always live in Mississippi? A Yes.  
Q Do you know your father's mother and father---your grandparents on your father's side? A No, don't know.  
Q Did your father's people always live here in Mississippi? A Don't know.  
Q What is your mother's name? A Sallie.  
Q Is your mother living? A Yes.  
Q Is your mother a full blood Choctaw? A Yes.  
Q Did she always live in Mississippi? A Yes.  
Q Does she speak the Choctaw language? A Yes.  
Q Can she speak English? A Yes.  
Q Do your father and mother speak very much English either one of them? A Yes.  
Q You are a full blood Choctaw are you? A Yes.  
Q Do you know anything about your mother's people? A No.  
Q Was your mother and father ever recognized in any manner as citizens of the Choctaw Nation? A No.  
Q Are you married? A Yes.  
Q What is your wife's name? A Mettie.  
Q Making application for your wife? A Yes.  
Q Is she a full blood Choctaw? A Yes.  
Q How old is she? A I don't know.  
Q About how old is she? A About eighteen.  
Q Did your wife always live here in Mississippi? A Yes.  
Q Can she speak the English language? A Yes.  
Q Can you speak English? A No, not much.  
Q Your wife speaks Choctaw, does she? A Yes.  
Q What is your wife's father's name? A John Hall.

- Q Is your wife's father living? A Yes.
- Q Is he a full blood Choctaw? A Yes.
- Q Has he always lived here in Mississippi? A Yes.
- Q Do you know anything about your wife's father's people? A Her grandfather Tom Parker.
- Q Did he live here in Mississippi? A Yes.
- Q What is your wife's mother's name? A Don't know.
- Q Is your wife's mother living? A No.
- Q Was she a full blood Choctaw? A Yes.
- Q Did she always live in Mississippi? A Yes.
- Q Did all of her people always live here? A Yes.
- Q When were you and Mettie Johnson married? A Pretty near a year.
- Q Married under license? A No.
- Q How was you married? A Choctaw custom.
- Q Have you any children? A No.
- Q Just applying for yourself and your wife, are you? A Yes.
- Q Is your wife here with you? A No.
- Q Have your wife's parents ever been recognized in any manner as citizens of the Choctaw Nation? A Don't know.
- Q Have you or your wife ever been enrolled by the Choctaw tribal authorities in Indian Territory as citizens of the Choctaw Nation? A No.
- Q Did you, your wife or any one in your behalf ever make application to the Choctaw tribal authorities in Indian Territory to be admitted to citizenship in that nation? A No.
- Q Did you or any one in your behalf or in behalf of your wife in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
- Q Have you 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 by the United States Court in Indian Territory? A No.
- Q Have you ever made application or has your wife or any one for you prior to this time to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q This is the first application you have ever made of any description? A Yes.
- Q You are now making application for identification of your wife and yourself as Mississippi Choctaws? A Yes.
- Q Do you claim your rights as beneficiaries under the fourteenth article of the treaty of 1830? A Yes.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Did your wife ever receive such benefits? A No.
- Q Did any of your ancestors or your wife's ancestors ever receive any benefits as Choctaw Indians? A No.
- Q What was the name of your Choctaw ancestor who resided in Mississippi in 1830? A I don't know none of them but my wife's grandfather---Tom Parker.
- Q Did any of your ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaws in Mississippi their intention to remain in Mississippi and become citizens of the United States? A Don't know.
- Q Did any of your ancestors remove from Mississippi to the Choctaw Nation in Indian Territory at the time of the removal of the Choctaw tribe in 1833 to 1838? A Don't know.
- Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A Don't know.

Louis Johnson---3.

Q What was the name of your wife's ancestor who resided here in 1830? A Don't know.

Q Did any of your wife's ancestors move from Mississippi to the Indian Territory at the time of the removal of the Choctaw tribe in 1833 to 1838? A Don't know.

Q Did any of your wife's ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaws in Mississippi their intention to remain here and become citizens of the United States? A Don't know.

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

Q As far as you know have all of your ancestors and your wife's ancestors always resided in Mississippi? A Don't know.

Q Did you ever hear of any of your ancestors or your wife's ancestors removing from Mississippi to Indian Territory? A No.

Q Are there any additional statements you desire to make in support of this application? A No.

Q Have you any documentary evidence, written testimony of any description, affidavits, copies of records, deeds or patents, or any other proper papers showing that your ancestors or your wife's ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they have ever received any benefits under that article of that treaty? A No.

The applicant in this case is to all appearances a full blood Choctaw Indian. He is unable to speak the English language the examination having been conducted in Choctaw through a sworn interpreter. The applicant applies for himself and wife and from his testimony it appears that his wife is also a full blood Choctaw and both applicant and his wife and their ancestors have always resided in the state of Mississippi and have never received any benefits as Choctaw Indians from either the Choctaw tribal authorities or the authorities of the United States. He has no knowledge of any compliance by his ancestors or his wife's ancestors with the provisions of the fourteenth article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your wife for identification as Mississippi Choctaws will be determined at the earliest possible date and report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898. You will be furnished with a copy of such decision mailed to you at your post office address as given in your testimony at this time.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 17th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 6th day of June, 1901.

*H.C. Risteen*  
Notary Public.

Muskogee, Indian Territory, January 27, 1903.

Ed Byrd,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st inst., in which you ask to be advised if Joshua John of Stringer, Mississippi, Austin, Victoria, Sydney H., Mary and Oscar Lefontain of Dillville, Mississippi, Joe and Lucy Hobson of Engine, Mississippi, and Louis and Mattie Johnson of Stringer, Mississippi, appear upon the "register" as full blood Choctaw Indians.

Replying to your letter you are informed that the several persons above named are applicants to this Commission for identification as Mississippi Choctaws. The Commission has not, up to the present time reached any opinion or decision relative to their rights to be identified as such Mississippi Choctaws, but is now considering their applications, and it is probable a decision will be rendered in the near future. The several applicants 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, 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 Louis Johnson and his wife Mettie Johnson 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 Louis Johnson and his wife Mettie Johnson 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,

*Tame Bixby.*

Acting Chairman.

Register.  
GR-encl-21-12.



K.C.R. 2229.

2229  
Muskogee, Indian Territory, March 11, 1903.

Louis Johnson.

*Remitted Ravia J. J. July 2, 1903*  
Stringer, 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 wife, Nettie Johnson, as Mississippian 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,

*Tams Bixby.*  
Chairman.

Registered.

Enc.: 2229.

C O P Y

Ravia, I, T.

March 31/03

Commission to the Five Civilized Tribes

Muskogee I. T.

Gentlemen

Your letter of 26th inst received in regard to affidavit of Jesse Porter Sampson. This was a mistake of the Indians and myself. It should have been Jesse Porter Johnson child of Louie and Mattie Hall Johnson. Louie Johnson applied to the Commission for identification at Meridian Miss in company with Albert James, and is a son of Johnson Sampson of Jasper County Mississippi. His wife is a daughter of John Hall of Rose Hill Jasper Co Mississippi and his parents are at present living at Ravia I. T. Please see if Billie Shumaker, Willie Shumaker and Wash James are on the rolls and oblige

Yours truly

G. S. McFarland

P.S.

The above named parties applied for identification in Mississippi.

McF

Muskogee, Indian Territory, April 6, 1903.

G. S. McFarland,

Ravia, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 31st ultimo, explaining errors in the affidavits of the mother, Mattie Hall Sampson, and midwife, Caroline Davis, to the birth of Jesse Porter Sampson, infant child of Louie and Mattie Hall Sampson. You ask if Billie Shoemaker, Willie Shoemaker and Wash James are on the rolls.

In reply to your letter you are advised that the affidavits forwarded by you are herewith returned in order that affidavits, properly executed, relative to the birth of said child, may be submitted.

You are further advised that the Commission, on March 14, 1903, rendered its decision identifying Bill Shoemaker and his wife Eliza; Willie Shoemaker, his wife Lucy, and minor children, Joe, Amie, Dock, Fannie and Dan Shoemaker; and Wash James, his wife Easter, and minor child, Harbar James as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations, Indian Territory. On March 11, 1903, they were notified by

McF 2

registered mail of the action of the Commission and a copy of said decision was mailed to them at their last known post office address.

Respectfully,

McK 46

Muskogee, Indian Territory, April 11, 1903.

G. S. McFarland,

Ravia, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, enclosing the affidavit of the mother, Mattie Hall Johnson, and that of the midwife, Sallie Sampson, relative to the birth of Jesse Porter Johnson, infant child of Louie and Mattie Hall Johnson, August 23, 1902, affidavits to the birth of this child, improperly executed, having been first received at this office March 20, 1903. The affidavits now forwarded by you have been filed with the record in the Mississippi Choctaw case of Louis Johnson, et al.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, June 2, 1903.

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission rendered May 28, 1903, identifying Jesse Porter Johnson, minor child of Louis and Mettie (or Mattie Hall) Johnson, 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 Jesse Porter Johnson 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).

*T. B. Needles.*

Rno. 2229.  
Registered.

Commissioner in Charge.

M.C.R. 2229

COPY:

Muskogee, Indian Territory, June 2, 1903.

Louis Johnson,

~~Stranger~~, Mississippi.

*Remailed. Raira. S. T. July 2 1903.*

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes rendered May 28, 1903, identifying your minor child, Jesse Porter Johnson, as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

Enc. 2229.

**M C R 2229**  
20

*Given to March 27 1903.*  
**IN RE**

*Application for Enrollment of*  
**INFANT CHILD**

*as a citizen of the*  
**FOR IDENTIFICATION AS**  
**A MISSISSIPPI CHOCTAW Nation.**

*Approved* \_\_\_\_\_ **190** \_\_\_\_\_

\_\_\_\_\_  
*Commissioner.*

Affidavits to the birth of the  
within named child first received  
March 20, 1903.

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 applica-  
tion of its parents for identifica-  
tion as Mississippi Choctaws, but  
it is not to be considered as an  
application for its enrollment as  
a citizen of the Choctaw Nation.

  
Chairman.

M C R 2229



DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee-Chickasaw Nation,  
 of Jesse Porter Johnson, born on the 23 day of August, 1902  
(Here insert name of child.)  
 Name of Father: Jesse Porter Johnson, a citizen of the Mississippi Choctaw Nation.  
 Name of Mother: Mattie Hall Johnson, a citizen of the Mississippi Choctaw Nation.  
 Post-Office: Vernon Jasper Co. Miss  
where child was born

AFFIDAVIT OF MOTHER.

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

I, Mattie Hall Johnson, on oath state that I am 19  
 years of age and a citizen, by birth, of the Mississippi Choctaw Nation;  
 that I am the lawful wife of Louis Johnson, who is a citizen, by  
birth, of the Mississippi Choctaw Nation, that a male child was  
(Male or female.)  
 born to me on the 23<sup>rd</sup> day of August, 1902, that said child has been  
 named Jesse Porter Johnson, and is now living. her

WITNESSES TO MARK: Mattie Hall Johnson mark

(Must be Two Witnesses) } G. C. Kelvey  
S. C. Cunningham

Subscribed and sworn to before me this 8<sup>th</sup> day of April, 1903  
H. H. Pettman  
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

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

I, Sallie Sampson, a midwife, on oath state that I  
 attended on Mrs. Mattie Hall Johnson, wife of Louis Johnson,  
 on the 23<sup>rd</sup> day of August, 1902; that there was born to her on said  
 date a male child; that said child is now living and is said to have been  
(Male or female.)  
 named Jesse Porter Johnson. her

WITNESSES TO MARK: Sallie Sampson mark

(Must be Two Witnesses) } G. C. Kelvey  
S. C. Cunningham

Subscribed and sworn to before me this 8<sup>th</sup> day of April, 1903  
H. H. Pettman  
 Notary Public.

~~For Identification as a Mississippi Choctaw.~~

Date MAY 17 1901

Name Louis Johnson.

Age 20. Blood full.

Post Office Stringer, Miss.

Father: Johnson - ✓

Mother: Sallie Johnson - ✓

Claims through both parents

WIFE: Nettie Johnson (full) 18

FATHER: John Hall - ✓

MOTHER: --- Hall - dead.

Claims through both parents.  
Children:

(Claims in full in 1901)

Stenographer

H. C. Risteen.

*Louis John Clark*

*7-1-1903*

*R. 2220*

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

*5-1-1903*  
*Identify*

*Porter*

~~9551-1901, Wm. F. Warren,~~  
Berwyn, I.T.  
June 19, 1901.

MCR 2229, Louis Johnson, et  
al.

On May 17, 1901, Louis Johnson, full blood, applied at Meridian, Mississippi, for identification of himself and wife, Nettie Johnson, also full blood, as Mississippi Choctaws. No decision has been rendered in this case.

July 19, 1901, Alooka, I.T.

AB

Choctaw MCR 2230

Minnie Thompson

MCR 2230

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

In the matter of the application of Minnie Thompson, et al., for identification as Mississippi Choctaws, M.C.R. 2230.

I N D E X .

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.	(Page)
Original application of Minnie Thompson, et al., before the Commission to the Five Civilized Tribes for identification as Mississippi Choctaws,	1
Decision of the Commission refusing the application of Minnie Thompson, et al., for identification as Mississippi Choctaws,	5

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Minnie Thompson, et al., for identification as Mississippi Choctaws, M.C.R. 2230.

D E C I S I O N .

It appears from the record herein that application was made to this Commission for identification as Mississippi Choctaws by Minnie Thompson for herself and her seven minor children, Lucilia, Richard, Nathan, Della, Sue, Vada and May Etta Thompson, 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 Sallie Thomas, nee Johnson, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the

Commission, that none of said applicant has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commissioner 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 is found that the name Sally Johnson, alias Ma-ha-o-na, appears on page 140, Volume I., Claimant's Brief and Evidence, in the case of the Choctaw Nation vs. United States before the Court of Claims, No. 12742, in "a list of Choctaw heads of families claiming land under the fourteenth article of the treaty", but it does not appear from the evidence submitted by the applicants herein that the Sallie Thomas, nee Johnson, through whom these applicants claim, is the identical Sally Johnson, alias Ma-ha-o-na, whose name appears in the record above cited.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commissioner 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 Sallie Thomas, nee Johnson, through whom these applicants claim, 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 Minnie Thompson, Lucilia Thompson, Richard Thompson, Nathan Thompson, Della Thompson, Sue Thompson, Vada Thompson and May Etta Thompson, 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.

*Tame Bixby.*

CHAIRMAN.

*I. B. Needles.*

COMMISSIONER.

*C. R. Breckinridge.*

COMMISSIONER.

*W. A. Mackay.*

COMMISSIONER.

Muskogee, Indian Territory,

AUG 1 1903

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, May 17, 1901.

In the matter of the application of Minnie Thompson for the identification of herself and seven minor children as Mississippi Choctaws:

Minnie Thompson, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Minnie Thompson.  
Q How old are you? A I am twenty eight years old.  
Q Where do you live? A Laurel.  
Q Where is that? A Down here in Jasper County, Mississippi.  
Q How long have you lived in Mississippi? A All my life.  
Q Born here? A Yes.  
Q Never have lived anywhere else? A No.  
Q What is your father's name? A Wash Thomas.  
Q Is your father living? A No.  
Q Was your father a Choctaw Indian? A No sir.  
Q What blood did he have? A Colored blood.  
Q Was he a negro? A Yes.  
Q Was he ever a slave? A I guess he was.  
Q What was your mother's name? A Sallie.  
Q Sallie what? A Sallie Johnson.  
Q Is your mother living? A No sir, she is dead.  
Q Was your mother a Choctaw Indian? A Yes.  
Q How much Choctaw was your mother? A Whole, full-blooded Choctaw  
Q Did she speak the Choctaw language? A Yes sir.  
Q Can you speak the Choctaw language? A Yes.

Conversation is carried on between applicant and Isham Johnston official interpreter for the Commission in the Choctaw language.

- Q Did your mother always live in Mississippi? A Always lived in Mississippi.  
Q What was her father's and mother's names? A I couldn't tell you I never did hear her call their names. They were dead long before I was born. Her mother and father died when she was a little girl.  
Q You claim your Choctaw blood through your mother entirely? A Yes  
Q How much Choctaw blood do you claim? A Half.  
Q Was your mother ever recognized in any official manner as a citizen of the Choctaw Nation? A Yes sir, I think she was.  
Q How was she recognized? A I don't exactly understand.  
Q Was your mother ever recognized in any official manner as a citizen of the Choctaw Nation? A Yes sir.  
Q How? A She went with them all the time.  
Q Did she ever receive benefits as a Choctaw Indian in the way of money or land? A Yes.  
Q Are you married? A Been married.  
Q Is your husband dead? A No we parted.  
Q What was his name? A Fred Thompson.  
Q Is he the father of your children? A Yes.  
Q All of them? A Every one of them.  
Q When did you marry him? A Married him thirteen years ago.  
Q Where did you marry him? A Clarke County.  
Q Mississippi? A Yes sir.  
Q How many children have you under twenty one years of age and unmarried? A They are all small.

Minnie Thompson----2.

- Q How many have you? A Seven.
- Q What are their names and ages? A Lucilla, thirteen; Richard twelve, Nathan ten; Della, 8; Sue, 6; Vada, 4, May Etta, two.
- Q Is that all? A Yes sir.
- Q Are you the mother of these seven children? A Yes.
- Q Is Fred Thompson the father? A Yes.
- Q These seven children all live with you? A Yes.
- Q Does the father support them or have anything to do with them? A No.
- Q Why did you separate? A We have been separated two years.
- Q Why? A Just couldn't get along. He was mean and wouldn't work none.
- Q Did he support the children? A No.
- Q Did he support you? A No, I have been a mother and father for my children ever since they have been born.
- Q Have you or your children ever been enrolled as citizens of the Choctaw Nation? A No sir.
- Q Did you or any one for you or for your children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that nation? A No.
- Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No.
- Q Have you ever made application before this? A No.
- Q Has any one ever applied for you? A No.
- Q This is the first application you have ever made of any description? A Yes.
- Q You are now making application for the identification of yourself and minor children as Mississippi Choctaws? A Yes.
- Q Do you claim your rights for yourself and children under the fourteenth article of the treaty of 1830? A Yes.
- Q Have you ever received any benefits as a Choctaw Indian? A No sir.
- Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A No sir.
- Q What was the name of your Choctaw ancestor who resided in Mississippi in 1830 at the time the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Indians? A I don't know sir.
- Q Did any of your ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaws in Mississippi their intention to remain in Mississippi and become citizens of the United States? A Yes sir.
- Q Who? A I don't exactly understand.
- Q Did any of your ancestors seventy years ago in 1830 go to the Indian Agent for the Choctaw Indians in Mississippi and tell him they wanted to become citizens of the United States instead of removing to the Indian Territory? A I don't know.
- Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.
- Q What was Fred Thompson---a negro? A Yes.
- Q Were his people---father and mother--slaves? A Yes.
- Q How much Choctaw blood has your children? A I am only half--that throws them just quarter.
- Q Are there any additional statements you want to make in support of this application? A No.

Minnie Thompson---3.

Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that your ancestors were in any manner ever recognized as citizens of the Choctaw Nation or that they have ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830? A No.

Albert James, called as a witness for applicant, having been first duly sworn, upon his oath testifies as follows:

Examination by L.P. Hudson, attorney for applicant:

Q State your name, age and tell us where you live? A Albert James.  
Q How old are you? A Twenty nine.  
Q Where do you live? A Stringer, Mississippi.  
Q Are you a full blood Choctaw Indian? A Yes.  
Q Do you know this woman, Minnie Thompson, who is making this application? A Yes.  
Q Did you know her mother? A Yes.  
Q State whether or not her mother was a full blood Choctaw Indian?  
Q Yes sir, she was a full blood.  
Q How long have you known the mother of this woman? A Ever since I was big enough to recollect anything.  
Q Are you acquainted with her brother who also appeared a few minutes ago? A Yes.  
Q Is he a half brother of this woman? A Yes.  
Q Is Will Johnson who appeared here a few minutes ago the half brother of this woman? A Yes.  
Q Did they grow up in the same family? A Yes.  
Q How long have you known Will Johnson? A I have known him ever since he was a boy.  
Q Did you know the father of this woman? A Yes.  
Q What was he? A A colored man.  
(Witness excused)

Will Johnson, called as a witness for applicant, having been first duly sworn, upon his oath testifies as follows:

Examination by L.P. Hudson, attorney for applicant:

Q What is your name? A Will Johnson.  
Q How old are you? A Twenty five.  
Q Where do you live? A Live in Jasper.  
Q Jasper County, Mississippi? A Yes.  
Q Do you know Minnie Thompson? A Yes.  
Q Is she your sister? A Yes.  
Q Half sister or whole sister? A Claims half.  
Q Was your mother and her mother the same woman? A Yes.  
Q Her father was a different man from your father? A Yes.  
Q What was her father, Choctaw or negro? A I don't know anything about her father.  
Q Don't you know him? A I never have seen him.  
Q But you know she is your mother's child? A Yes.  
(Witness Excused)

Applicant, Minnie Johnson, re-called:

By the Commission:

The applicant in this case has the general appearance and characteristics of a negro; some slight trace of Choctaw blood. Her

Minnie Thompson----4.

hair is that of a negro; but she is able to speak the Choctaw language. She has no knowledge of any compliance by her ancestors with the provisions of the fourteenth article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your seven minor children as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898. A copy of the decision will be mailed to you at your post office address as given in your testimony at this time.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 17th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 6th day of May June, 1901.

*[Signature]*

Notary Public.

COPY.

Muskogee, Indian Territory, August, 7 1903.

Minnie Thompson,  
Laurel, Mississippi.

Dear Madam:

You are hereby advised that on the 1st day of August 1903 the Commission to the Five Civilized Tribes rendered a decision on the case of Minnie Thompson et al., applicants for identification as Mississippi Choctawa.

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 Minnie Thompson, Lucilia Thompson, Richard Thompson, Nathan Thompson, Della Thompson, Sue Thompson, Vada Thompson and May Etta Thompson, 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 days from the date hereof within which to file arguments in this

M T 2

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

Respectfully,

(SIGNED)

*T. B. Needles.*

Registered.

Commissioner in Charge.

COPY.

H C R 2230

Muskogee, Indian Territory, August 1, 1903.

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

Gentlemen:

You are hereby advised that on the 1st day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of Minnie Thompson 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):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Minnie Thompson, Lucille Thompson, Richard Thompson, Nathan Thompson, Della Thompson, Sue Thompson, Vada Thompson and May Etta Thompson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

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

Respectfully,

*T. B. Needles.*

Commissioner in Charge.



COPY.

Muskogee, Indian Territory, August 17, 1903.

The Honorable

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Winnie Thompson, et al., applicants to the Commission for identification as Mississippi Choctaws including the decision of the Commission of August 1, 1903.

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,

*T. B. Bradley*  
Commissioner in Charge.

Through the

Commissioner of Indian Affairs,

2 enclosures M C R. 2230

(COPY).

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

EAF.

November 16, 1903.

D.C. 32231,  
ITD. 8000-1903.  
LRS.

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

Gentlemen:

August 17, 1903, you transmitted the record in the matter of the application for identification of Minnie Thompson and her minor children, Lucilia, Richard, Nathan, Della, Sue, Vada and May Etta Thompson, as Mississippi Choctaw Indians. By decision rendered August 1, 1903, you refused the application.

The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Sallie Thomas, nee Johnson, mother of the principal applicant, it being alleged that Sallie Thomas was a full-blood Choctaw Indian. The principal applicant was unable to state the name of her grandmother or grandfather, of Choctaw blood.

You state that the name of Sally Johnson, alias Ma-ha-o-na, appears in volume 1, Claimant's Brief and Evidence, in the case of the Choctaw Nation vs. United States before the Court of Claims, No. 12742, in "a list of Choctaw heads of families claiming land under the fourteenth article of the treaty," but that it does not

appear that the Sallie Thomas, nee Johnson, through whom these applicants claim, is the identical Sally Johnson, alias Ma-ha-o-na, whose name appears in said record.

Reporting November 7, 1903, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

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

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

(COPY).

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, November 7, 1903.

Land.  
53507-1903.

The Honorable,  
The Secretary of the Interior.

Sir:-

There is transmitted herewith, for your consideration, the record and proceedings of the Commission to the Five Civilized Tribes, in the matter of the application of Minnie Thompson, for herself and her seven minor children, Lucila, Richard, Nathan, Della, Sue, Vada and May Etta Thompson, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the fourteenth article of the Choctaw treaty of 1830.

The record, <sup>testimony</sup> in this case shows that the applicants base their claim for identification, under this application, on their descent from Sallie Thomas, nee, Johnson, mother of the principal applicant, it being claimed that she was a Choctaw Indian, but who it is not claimed was a resident of Mississippi or Alabama at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants August 1, 1903, because the evidence was deemed insufficient to establish the identity of

-2-

this Sallie Thomas, nee Johnson, with the only party of that name that appeared on their record, which is as follows:

"Page 140, Vol. 1, Claimant's brief and evidence "in the case of the Choctaw Nation vs. the United States, "before the Court of Claims, No. 12742, in the list of Choctaw heads of families claiming land under the fourteenth "article of the treaty, the name Sallie Johnson, alias Ma-"ha-o-na appears."

for this reason and the additional fact that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made in reference to the name of Sallie Thomas, nee Johnson, the alleged ancestor of the applicants herein, and it is discovered that the only record of Sallie Johnson is the one above quoted, of claimant's brief and evidence, and there is no connection whatever in this case between this party and the party claimed under.

It is not shown that their alleged ancestor resided in Mississippi or Alabama in 1830, nor is it thought that she could have been the head of a family at that date, as this list indicates the Sallie Johnson mentioned was. The records, however, show that there Johnsons, heads of families, who received land under the provisions of the fourteenth article of said treaty, as follows: Mary Johnson, who had two children under ten years of age at the date of the treaty, whose names do not appear: George Johnson, who had four children over and four children under ten years of age at the date of the treaty. The only name of the children that appears is Silas D. Johnson, who was a son of George, and received land.

From a carefull consideration of the record evidence in this case, it is thought that the applicants could not strengthen this case, as they are totally ignorant of any ancestor more remote than this mother of the principal applicant, nor do they know of any compliance or attempted compliance on her part with the provisions of the fourteenth article of said treaty, nor of any witnesses who could testify to said facts.

It is therefore the opinion of this office that the decision of the Commission rejecting the applicants is correct, and I concur in that finding and recommend its approval.

Very respectfully,

W. A. Jones,

Commissioner.

CTC-O.

COMMISSIONERS

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

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

REFER IN REPLY TO THE FOLLOWING

M C R 2230

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

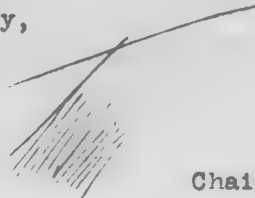
Muskogee, Indian Territory, November 30, 1903.

Minnie Thompson,  
Laurel, Mississippi.

Dear Madam:

You are hereby notified that on the 16th day of November, 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 Minnie Thompson, et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,



Chairman.

M C R 2230.

COPY.

Muskogee, Indian Territory, November 30, 1903.

Mansfield, McMurray & Corrish,

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

Gentlemen:

You are hereby notified that on the 16th day of November, 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 Minnie Thompson, et al., of which decision you were advised by mail on the 1st day of August, 1903.

Respectfully,

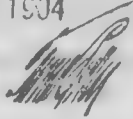
*Tamo Dixby.*  
Chairman.





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

**FILED**  
JAN 22 1904



CHAIRMAN



230  
file

*[Handwritten scribble]*

~~Minnie Thompson,~~

~~Meridian, Mississippi~~

MOSKOGEE, TER  
DEC 3 - P  
1903

Department of the Interior.

Commission to the Five Civilized Tribes,

MOSKOGEE, IND, TER

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Minnie Thompson et al

R. 2230

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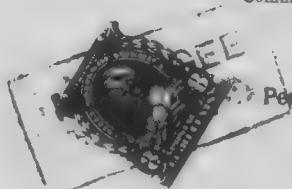
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Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Mississippi.

SEP 16 1903

Choctaw MCR 2231

MCR 2231

Will Johnson

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The within record is in the matter of the  
application of Will Johnson for identification as a Mississippi  
Choctaw-----M.C.R. 2231



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Will Johnson for  
identification as a Mississippi Choctaw, M.C.R. 2231

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

	Page
Original application of Will Johnson to the Dawes Commission for identification as a Mississippi Choctaw	1
Decision of the Commission identifying Will Johnson as a Mississippi Choctaw	4

DEPARTMENT OF THE INTERIOR.  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.  
 Meridian, Mississippi, May 17, 1901.

In the matter of the application of Will Johnson for identification as a Mississippi Choctaw.

Will Johnson, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Will Johnson.  
 Q What is your age? A Twenty four or twenty five.  
 Q Where do you live? A Jasper County, Mississippi.  
 Q What is your post office address? A Hosey.  
 Q How long have you lived in Mississippi? A I have been living here pretty good while.  
 Q What do you mean by good while? A I have been living in there about I don't know how long.  
 Q Where was you born? A When I was first born, I was born in Clarke.  
 Q Clarke County, Mississippi? A Yes.  
 Q Have you ever lived anywhere else besides the state of Mississippi  
 A No, never been nowhere else.  
 Q What was your father's name? A I can't tell you. My mother told me he was named Sapp.  
 Q Sapp Johnson? A Yes.  
 Q Is your father living? A No sir, he is dead.  
 Q Was he a Choctaw Indian? A Yes sir.  
 Q How much Choctaw was he? A He was whole.  
 Q Full blood? A Yes.  
 Q Did he speak the Choctaw language? A Yes.  
 Q Can you speak the Choctaw language? A Yes, I can speak a little right along.

(Conversation is carried on between the official interpreter of the Commission and the applicant in the Choctaw language.)

- Q Did your father always live in Mississippi? A I don't know sir, he lived here in Clarke.  
 Q Did he ever live anywhere else than in the state of Mississippi that you ever heard of? A No sir.  
 Q What was your mother's name? A Sallie.  
 Q Sallie John? A Yes sir.  
 Q Was your mother a full blood Choctaw? A Yes.  
 Q Did she speak the Choctaw language? A Yes.  
 Q Is your mother living? A, No sir, she is dead.  
 Q When did she die? A She died Christmas.  
 Q Was your mother ever before the Commission as an applicant for identification as a Mississippi Choctaw? A I don't know sir.  
 Q Did you live with her? A Yes.  
 Q Did you ever hear of her going before the Commission within the last two years at Philadelphia, Carthage or Secatur in 1899, or at Hattiesburg in December of last year? A No sir.  
 Q Was your mother and father ever recognized in any official manner as members of the Choctaw tribe of Indians? A Yes.  
 Q Did they ever receive any benefits as members of the Choctaw tribe of Indians? A Yes sir.  
 Q How and when? A I can't hardly tell you now.  
 Q Did your father and mother ever receive any money from the Choctaw government or the United States? A No.  
 Q Did they ever receive land? A No, never have.

Wall Johnson---2.

- Q Did they always live in Mississippi? A Yes.
- Q How much Choctaw blood do you claim? A I am whole----full blood-  
ed
- Q Are you married? A No sir.
- Q Have you ever been married? A No, I have never been married---I  
am single.
- Q You are just making application for yourself alone? A Yes sir,  
I have been sick for almost a year Have lot fever now every nine  
days.

(From this point, examination is conducted through Isham John-  
ston, official interpreter)

- Q Have you ever been enrolled by the Choctaw tribal authorities in  
Indian Territory as a citizen of the Choctaw nation? A No sir.
- Q Have you ever made application to the Choctaw tribal authorities  
in Indian Territory to be enrolled as a citizen of that nation? A No
- Q Did you or any one for you in 1896 make application to the Commis-  
sion to the Five Civilized Tribes for citizenship in the Choctaw Na-  
tion under the act of Congress of June 10, 1896? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation  
by the Choctaw tribal authorities, the Commission to the Five Civ-  
ilized Tribes or by the United States Court in Indian Territory?  
A No.
- Q Have you ever made application to be admitted or enrolled as a  
citizen of the Choctaw Nation to the Choctaw tribal author ities or  
to the authorities of the United States before this time? A No.
- Q Is this the first application you have ever made? A Yes.
- Q You are now making application for identification as a Mississippi  
Choctaw? A Yes.
- Q Do you claim your rights as a beneficiary under the fourteenth  
article of the treaty of 1830? A Yes.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Did any of your ancestors ever receive any benefits as Choctaw  
Indians? A No.
- Q What was the name of your Choctaw ancestor who resided here in  
Mississippi in 1830, seventy years ago at the time of the treaty  
between the United States and the Choctaw Indians? A Don't know.
- Q Do you know whether any of your ancestors removed from Mississippi  
to the Indian Territory at the time of the removal of the Choctaw  
tribe in 1833 to 1838? A Don't know.
- Q Did any of your ancestors within six months after the ratifica-  
tion of the treaty of 1830 signify to the United States Indian Agent  
of the Choctaws in Mississippi their intention to remain in Mississ-  
ippi and become citizens of the United States? A Don't know.
- Q Did any of your ancestors ever receive or claim any land in Miss-  
issippi as beneficiaries under the fourteenth article of the treaty  
of 1830? A No.
- Q Do you know anything about your Choctaw ancestors, your father's  
and mother's people? A No sir.
- Q Do you know what your father's mother's and father's names were?  
A Don't know.
- Q Did you ever hear whether any of your people ever moved from  
Mississippi to Indian Territory? A No.
- Q Are there any additional statements you desire to make in support  
of this application? A No.
- Q Have you any documentary evidence, any copies of records, deeds o  
papers or written testimony of any description, showing that your  
ancestors were ever recognized members of the Choctaw tribe of In-  
dians in Mississippi or that they ever complied or attempted to comply  
with the provisions of the fourteenth article of the treaty of 1830?  
A No.

Will Johnson---3.

The applicant in this case is to all appearances a full blood Choctaw Indian. He speaks the Choctaw language. It appears from his testimony that his ancestors have always resided in Mississippi, but he has not knowledge of any compliance by such ancestors with the provisions of the fourteenth article of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the twenty first section of the act of Congress of June 28, 1898, and you will be furnished with a copy of the decision mailed to you at your post office address as given in your testimony at this time.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 17th day of May, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C.Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 5th day of May, 1901.

*[Signature]*  
Notary Public.

*C.W.*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Will Johnson for  
identification as a Mississippi Choctaw, M.C.R. 2231

-----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 May 17, 1901, by Will Johnson 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."

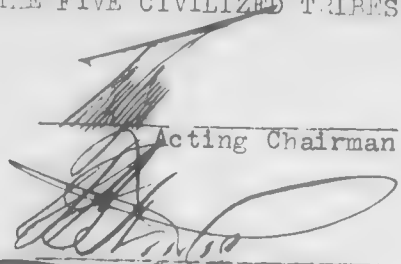
From the evidence submitted in support of said applica-  
tion it appears that the applicant is a full blood Mississippi  
Choctaw Indian.

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 Will Johnson should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Acting Chairman

  
Commissioner

Muskogee, Indian Territory

FEB 14 1903

COPY,

M C R 2231

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 Will Johnson 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 Will Johnson 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,

*Tamc Dinky.*

Acting Chairman.

Register.  
GR-encl-21-22

F.C.R.2231.

copy.  
Muskogee, Indian Territory, March 11, 1903.

Will Johnson,

*Remailed to Ardmore 25*  
Hoscy, Mississippi. *Sept. 17-03*

Dear Sir:

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

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

Respectfully,

SIGNED

*James Dixby,*  
Chairman.

Registered.

Enc.: 2231.



M C R 2182  
M C R 2231

Muskogee, Indian Territory, April 20, 1903.

Bryant S. Herrington, P. M.,  
Hosey, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, wherein you state "The letter registered here to this office from your P O March 14 Reg No 4557 and 4538 addressed to Will Johnson and one to John Thomas are here in this P O unclaimed. What disposition shall I make of them.

In reply you are informed that you may return said letters to this Commission.

Respectfully,

Chairman.

Ardmore, I. T. May 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 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:

J. H. Pitt  
Frank Stidling

<sup>his</sup>  
Will x Johnson - 702131  
mark

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

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M C R 2251

ALLISON L. AYLESWORTH,  
SECRETARY

ACCEPTED FOR THE  
MAILS

Muskogee, Indian Territory, September 17, 1903.

Will Johnson,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you state that J. E. Arnold has taken all your land away from you and that you now have no place to stay.

In reply you are informed that it appears from our records that on February 14, 1903, the Commission rendered its decision identifying you as a Mississippi Choctaw entitled to allotment in the lands of the Choctaw and Chickasaw Nations, of which action you were duly advised on March 11, 1903, by registered mail, at Hosey, Mississippi, your last known post office address. Said letter was returned to this office marked "unclaimed" and is this day remailed you at Ardmore.


Relative to J. E. Arnold taking land away from you, your attention is invited to the following provision of the Act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"Allotment certificates issued by the Commission to the Five Civilized Tribes shall be conclusive evidence of the right of any allottee to the tract of land described therein; and the United States Indian agent at the Union Agency shall,

V J 2

upon the application of the allottee, place him in possession of his allotment, and shall remove therefrom all persons objectionable to such allottee and the acts of the Indian agent hereunder shall not be controlled by the writ or process of any court."

Respectfully,

A handwritten signature consisting of several overlapping, slanted lines, likely representing the name of the Chairman.

Chairman.

No. 2251

For Identification as a Mississippi Choctaw.

Date MAY 17 1901

Name *Will Johnson.*

Age *24* Blood *full.*

Post Office *Hoxey, Miss.*

Father: *Sapp Johnson - dead.*

Mother: *Sallie Johnson - dead*

Claims through *both parents.*

~~Children:~~

*Winn*

Stenographer

*H. C. Risteen*

Johnson  
2231

IDENTIFICATION

2231

DECISION MADE BY

**COPY OF DECISION FORWARDED  
APPLICANT**

MAR 11 1903

2231



2231



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

OCT 29 1903

CHIEF

Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER. P

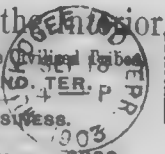
OFFICIAL BUSINESS.

Penalty for private use, \$300.

Return to writer unclaimed

Will Johnson,

~~Anderson Indian Territory.~~





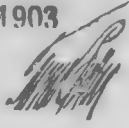
FROM  
NOV 28  
A. D.  
DRENTON, I.

RDIA  
NOV 28  
M  
C.I.

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

**FILED**

DEC 30 1903



CHAIRMAN

REPS NO  
AM  
1893



General Office

M. C. R.

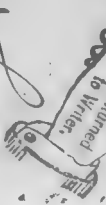
2231

*File*

Inviting attention to act of Congress approved July 1, 1902.

*Will Johnson*

*Johnson*



OFFICIAL BUSINESS  
Penalty for private use

Commission to the Live

MUSKOGEE, INC

General Office

M. C. R.

2231

*File*

Inviting attention to act of Congress approved July 1, 1902.

*Will Johnson*

*Johnson*



OFFICIAL BUSINESS  
Penalty for private use

Advertisement for the First

MUSKOGEE, INC.

Choctaw MCR 2232

Anna Journagan

MCR  
2232

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
. ATOKA, I.T. MAY 20, 1901/

# 2232

In the matter of the application of Anna Journagan for the identification of herself and her minor children as Mississippi Choctaws.

Anna Journagan having been duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Anna Journagan.
- Q What is your age? A Thirty-two.
- Q What is your post-office address? A Wallville, Chickasaw Nation, Indian Territory.
- Q How long have you lived there? A I have lived in the Chickasaw Nation sixteen years, but that place only two years.
- Q Where did you live before you lived in the Chickasaw Nation?  
A In Texas.
- Q How long did you live in Texas? A Oh, for some time.
- Q Born there? A Yes.
- Q What place in Texas? A Williamson County, Texas.
- Q What is your father's name? A Martin Palmer.
- Q Is he living? A Yes.
- Q What is your mother's name? A Matilda Palmer.
- Q Is she living? A No.
- Q Through which one of your parents do you derive your Choctaw blood? A From my mother:
- Q How much Choctaw blood do you claim? A I cannot truthfully say just how much, but I guess we are about one-eighth.
- Q Has your mother, through whom you claim your right to identification as Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No, she has not that I know of.
- Q Are you married? A Yes.
- Q What is your husband's name? A R.E. Journagan.
- Q Do you make application for him? A No, he is a white man; I have two children.
- Q You have two children, minors, that you wish to make application for? A Yes; two little ones.
- Q What are their names and ages? A A girl named Eddie-she is six; and a boy named Huley-he is three.
- Q These are all the children? A Yes; all I have living.
- Q You are the mother? A Yes.
- Q And R.E. Journagan is the father? A Yes.
- Q When and where were you married to R.E. Journagan? A I was married in Cook County, it will be nine years the 13th of June.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, it is not.
- Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled either you or your children as members of that tribe? A A Once my mother had some papers fixed up and aimed to do something, but the papers never were put before them--
- Q She never put in an application? A No.
- Q Did you, or did any one for you or these children, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.
- Q Have you or these children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the

the Commission to the Five Civilized Tribes, or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application before this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizen of the Choctaw Nation?

Q No, I have never appeared before now.

Q Is this the first application of any description of you have ever made? A Yes.

Q Is it now your purpose to make application for identification as Mississippi Choctaws? A Yes.

Q Do you claim your right as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Well, I will tell you; I am ignorant; I don't know anything about the laws.

Q You don't know it; you are not familiar with article fourteen?

A No, I am not.

Q Article fourteen reads as follows:

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

Do you claim under this article of this treaty?

A I suppose that my grand-father knew he was a Mississippi Choctaw—that was what he always claimed to be; I suppose that would be right—I am ignorant on the subject.

Q Have you ever received any benefits as a Choctaw Indian? A Nothing except the land I am holding; I am recognized as a citizen by my neighbors.

Q But not by the Choctaw tribal authorities? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A They may have—I don't know but little about my people.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama, and recognized members of the Choctaw tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A The name of my ancestors was Donaho.

Q What was the given name? A William Donaho.

Q Have you any evidence showing that such ancestor was a recognized member of that tribe of Indians at that time? A Yes.

Q What relation was he to you? A He was my great-grand-father; he was my mother's grand-father.

Q Did this ancestor, William Donaho, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Indian Territory, at the time of the removal of the other members of the Choctaw tribe, from 1833 to 1838? A I don't think he did.

Q If he did not remove, did he within six months after the ratification of the treaty of 1830, signify his intention to the agent to the Choctaw tribe of Indians in Mississippi to remain and become a citizen of the United States? A I am told that grand-father had his name enrolled there as a Mississippi Choctaw.

2--- Anna Journagan

- Q On what roll? A I don't know; its some old roll-they, tell me he did not remove-but-
- Q Did he receive any land in Mississippi as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A I think not.
- Q Did he go to the Indian Agent and tell him that he wanted to stay there? A Yes, I think he objected to going--
- Q Did he go to the Indian agent and tell him that he intended to stay there and become a citizen of the United States? A No, he never claimed that; he always claimed that he was a Choctaw citizen.
- Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries- A Nothing I know of.
- Q Are there any additional statements you desire to make in support of your application? A None that I know of.
- Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty?
- A I have none unless this paper here would be that.

Affidavit of B.B. Donaho offered in evidence by applicant, marked Exhibit "A", filed and made a part of the record in this case.

Applicant apparently white.

The decision of the Commission as to your application for identification as Mississippi Choctaws for your self and your two minor children will be determined at the earliest possible date, and report of same made to the Secretary of the Interior, conformable to the provisions of the twenty-first Section of the Act of Congress of June 28, 1898, and a copy of the same mailed to you at your post-office address as given by you in your testimony.

\*\*\*\*\*

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 20, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 15 day of <sup>July</sup>~~May~~, 1901.

D. H. Linbaugh

Notary Public.

Muskogee, Indian Territory, January 31, 1902.

Anna Journagan,  
Wallsville, Indian Territory.

Dear Madam:

In the matter of the applications for identification as Mississippi Choctaws of Isaac E. Denaho et al. and Robert E. Denaho et al., you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses.

It appears from our records that at Atoka, Indian Territory, on May 20, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and two minor children, claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at nine o'clock A. M., there will be heard



A. J.--2.

the testimony of such witnesses as present themselves in person  
in support of your application.

Yours truly,

M.C. 2232

Acting Chairman.

Muskogee, Indian Territory, March 8, 1902.

Anna Journagan,

Coalgate, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the sixth instant, in which you state that as you have removed from Wallville to Coalgate you did not receive notice of the date set for the re-hearing of the consolidated case of which your application for identification as a Mississippi Choctaw has been made a part in sufficient time for you to get your witnesses to Muskogee on March 10, 1902, and that your own health is such that you cannot appear in person at that time, and you ask that an extension of time be granted you in which to offer evidence in this case.

In reply to your letter you are advised that no application for a continuance of your case can be considered except upon motion duly made in writing and sworn to, stating the reason you were unable to appear on the date already fixed for the hearing of your case, and affidavits setting forth the materiality of the evidence you expect to introduce in support of your claim. Your change in post office address has been made a matter of record.

Yours truly,

Commissioner in Charge.

M.C.R. 2232  
" 2233  
" 2234  
" 2235

Muskogee, Indian Territory, November 26, 1902.

Martin Palmer,  
Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, asking for the present status of the following Mississippi Choctaw cases:

James W. Palmer, et al.,  
Anna Journagan, et al.,  
Martin W. Palmer, et al.,  
Will Palmer.

In reply you are informed that no opinion or decision has yet been reached in these cases, but the Commission is now considering the right of these persons to be identified as Mississippi Choctaws, and it is probable that a decision will be rendered in the near future when the several applicants will be duly notified of the action of the Commission and the forwarding of the records to the Secretary of the Interior for review.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 19, 1903.

Anna Journagan,  
Coalgate, Indian Territory.

Dear Madam:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaac E. Donaho, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaac E. Donaho, et al.,	M.C.R. 271
Robert E. Donaho, et al.,	M.C.R. 273
John E. Donaho,	M.C.R. 275
Anna Journagan, et al.,	M.C.R. 2232
Martin W. Palmer, et al.,	M.C.R. 2233
Will Palmer,	M.C.R. 2234
James W. Palmer, et al.,	M.C.R. 2235
Florence Malderine Ward, et al.,	M.C.R. 570
George W. Donaho,	M.C.R. 571
Walter Lee Donaho,	M.C.R. 573
Lena J. Clampitt, et al.,	M.C.R. 614
Thomas T. Doncho,	M.C.R. 841
Blackstone B. Donaho, et al.,	M.C.R. 986
T.M. Donaho, et al.,	M.C.R. 4468
William Donaho, et al.,	M.C.R. 4608
Joseph T. Young, et al.,	M.C.R. 4609
Frances Ann Young,	M.C.R. 4610
Paralee L. Searcy, et al.,	M.C.R. 4611
Mellie Martin, et al.,	M.C.R. 5147
Lula Watson, et al.,	M.C.R. 5148
William L. Donaho, et al.,	M.C.R. 5149
Charlie Donaho, et al.,	M.C.R. 5150
Sallie Martin, et al.,	M.C.R. 5151
Sarah Katherine Peters, et al.,	M.C.R. 6197

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 Isaac E. Donaho, James Owen Donaho, Lucinda C. Donaho, Jerry S. Donaho, Evin J. Donaho, Robert E. Donaho, William Rufus Donaho, John E. Donaho, Anna Journagan, Eddie Journagan, Huley Journagan, Martin W. Palmer, Alice Palmer, Will Palmer, James W. Palmer, Harvey I. Palmer, Fay Palmer, Mary Palmer, Florence Malderine Ward, Annie May Ward, George W. Donaho, Walter Lee Donaho, Lena J. Clampitt, Clare Lilly Clampitt, Thomas T. Donaho, Blackstone B. Donaho, Ada Donaho, Annie Fay Donaho, T. F. Donaho, David Donaho, William Donaho, Arthur Clayton Donaho, Lizzie B. Donaho, William Lee Donaho, Walter Robert Donaho, Joseph T. Young, Henry Young, Frances Ann Young, Paralee L. Searcy, Annie Searcy, Mollie Martin, Stella Martin, Joseph Martin, Della Martin, Allen Martin, Ethel Martin, Elmer Martin, Lula Watson, Sadie Watson, Eddie Watson, Calvin Watson, Bobbie Watson, William L. Donaho, Mamie Donaho, Ollie Donaho, Nora Donaho, Margie Donaho, Charlie Donaho, Mabel Donaho, Eddie Donaho, Gladys Belle Donaho, Sallie Martin, Jessie Martin, Travis Wesley Martin, Arthur Martin, Sarah Katherine Peters, Syble Peters, Travis D. Peters, Charles Peters, Luther Peters, Nannie Ann Lott, Ola Lott, Homer Lott and Oscar Thomas Lott - as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

*T. A.*

Commissioner in Charge.

Registered.

M.C.R. 2232.

COPY.

Muskogee, Indian Territory, July 30, 1903.

Anna Journagan,  
Wallville, Indian Territory.

Dear Madam:-

You are hereby notified that on the 14th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheetaws of the several persons included in the consolidated case of Isaac E. Denahé et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,

(SIGNATURE)

*T. B. Needles.*  
Commissioner in Charge.

No. 2332

For Identification as a Mississippi Choctaw

Date MAY 20 1901

Name Anna Journagan

Age 32 Blood 1/8

Post Office, Wallsville, D.T.

Father: Martin Palmer L

Mother: Matilda Palmer (dead)

Claims through mother

Husband: R.E. Journagan  
(no claim for him)

Children:

Eddie (girl) 6

Huley (boy) 3

Claims for herself and  
two minor children

Stenographer

Henry G. Harris

*Anna Journeaux*

DECISION RENDERED. JAN 19 1903

2232

271



Choctaw MCR 2233

Martin W. Palmer

MCR 2233

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Atoka, Indian Territory, May 20, 1901.

#2233

In the matter of the application of Martin W. Palmer for the identification of himself and his minor child as Mississippi Choctaws. Martin W. Palmer having been duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Martin W. Palmer.  
Q What is your age? A Thirty.  
Q What is your post-office address? A Coalgate, Indian Territory.  
Q How long have you lived there? A 'Bout eight months  
Q Where did you live before that? A Out in the Chickasaw country, about 25 or 40 miles West.  
Q How long have you lived in the Indian Territory? A Sixteen years  
Q Where did you live before you came to the Territory? A In Texas.  
Q How long did you live in Texas? A I was born and raised there.  
Q Never lived anywhere but in Texas and the Territory? A Never did.  
Q What is your father's name? A Martin Palmer.  
Q Is he living? A Yes  
Q What is your mother's name? A Matilda Palmer.  
Q Is she living? A No; she is dead.  
Q Through which one of these parents do you derive your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A I cant say; dont know.  
Q Haven't you been taught how much Choctaw blood you claim? A I suppose it is about a half-I think that's what she always told me.  
Q Was she a full-blood? A No.  
Q How much Choctaw blood have you been taught that you claim? A I don't know exactly.  
Q How much Choctaw blood did your mother have? A I can't say truthfully how much for I don't know.  
How much did she say she had? A I suppose she claimed about 1/4.  
How much then, if your mother claimed a quarter, how much would you have? A I can't say.  
Q Would it be one-half of a quarter? A I suppose so.  
Q How much is that? A That would be--I don't know whether I can run it down- I don't know that I could answer the question properly.  
Q Can't you tell about how much it would be? A (No answer.)  
Q Has your mother, thorough whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Are you married? A Yes.  
Q What is your wife's name? A Daisy Palmer.  
Q Do you make application on behalf of your wife? A No she is a white woman.  
Q When were you married? A In '93.  
Q What is your wife's age? A Twenty  
Q Have you any children in your family ~~xxxxxx~~ for whom you wish to make application? A Yes, I have one.  
Q What is its name? A Alice Palmer.  
Q How old is Alice? A Its nine months old.  
Q You are the father of this child? A Yes  
Q What is the name of its mother? A Daisy Palmer.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.  
Q Have you the marriage license and certificate? A U I have not the

3----Martin W? Palmer

certificate along with me.

- Q Do you desire to offer it in evidence? A Yes.
- Q Is your name or the name of this child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- 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.
- Q Did you or any one for you 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, I suppose not.
- 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 by judgment of the United States Court in Indian Territory? A No.
- Q Have you ever made application prior to this time for yourself or this child, to either the Choctaw tribal authorities or the authorities of the United States, to be admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application you have ever made of any description? A Yes.
- Q Is it now your purpose to make application for identification as Mississippi Choctaws? A Yes.
- Q Do you claim your right as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I don't know about that.
- Q Article fourteen of the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months 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 may be living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvements of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Do you claim under this article of this treaty? A Well, I suppose so.

- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.
- Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and acknowledged members of the Choctaw tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Nation? A Donaho.
- Q What was his other name? A William.
- Q His full name was William Donaho? A Yes.
- Q What relation was he to you? A Great-grand-father.
- Q Have you any evidence showing that such ancestor, William Donaho, was a recognized member of the Choctaw tribe of Indians at that time? A Yes, I suppose his name was on the roll.
- Q Well, have you any evidence showing this? A Yes.
- Q Did this ancestor, if a Choctaw Indian, remove from the

3--Martin W. Palmer

territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in the Indian Territory, at the time of the removal of the other members of the Choctaw tribe, in the years 1833 to 1838? A If I understand the question right- did he come from there to the Indian Territory-I think not.

- Q If William Donaho did not remove with the other members of the tribe did he, within six months after the ratification of the treaty of 1830, signify to the United States agent to the Choctaw Nation in Mississippi his intention remain and become a citizen of the United States? A I can't say.
- Q Have any of your ancestors ever received or claimed any lands in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.
- Q You say your grand-father was enrolled what roll was he placed on? A I can't say.
- Q You have no evidence of that fact? A No.
- Q Are there any additional statements that you desire to make in support of this application? A No.
- Q Have you any documentary evidence, affidavits, written evidence of any kind, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A No, I haven't got the papers.
- Q Do you want time to file any such papers or your marriage license or certificate? A Well, if it is necessary to show my marriage license and certificate, of course I will have to have time to get them here.

Thirty days time is allowed applicant in which to file such evidence as he may desire in support of his application; also marriage license and certificate and/or certified copies of the same.

Applicant appears to be white.

The decision of the Commission as to the application you make for identification as Mississippi Choctaws for yourself and your minor child, will be determined at the earliest possible date, and report of same made to the Secretary of the Interior conformable to the provisions of the twenty-first section of the Act of Congress of June 28, 1898, and a copy of the same mailed to you at your post-office address as given in your testimony.

\*\*\*\*\*

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 20, 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 15 day of July 1901.

W. H. Liebaugh

Notary Public.

Muskogee, Indian Territory, January 31, 1902.

Martin W. Palmer,  
Coalgate, Indian Territory.

Dear Sir:

In the matter of the applications for identification as Mississippi Choctaws of Isaac E. Donahoe et al. and Robert E. Donahoe et al., you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses.

It appears from our records that at Atoka, Indian Territory, on May 20, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and minor child, claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at nine o'clock A. M., there will be heard

M. W. P.--2.

the testimony of such witnesses as present themselves in person  
in support of your application.

Yours truly,

M.C. 2233

Acting Chairman.

Muskogee, Indian Territory, February 25, 1902.

M. W. Palmer,

Box 120, Coalgate, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twentieth instant, in which you ask when your application for identification as a Mississippi Choctaw will be heard. You state that your sister, Anna Journagan, who applied for identification as a Mississippi Choctaw at the same time you did, has been advised that her case has been set for hearing on March 10, 1902. You state that you claim through William Donaho, and not through Isaac E. and Robert E. Donaho, named in the Commission's letter to Anna Journagan.

In reply to your letter you are advised that under date of January 31, 1902, the Commission addressed a letter to Martin W. Palmer, Coalgate, Indian Territory, advising him that the consolidated case of which his application had been made a part, would be heard at the office of the Commission at Muskogee, Indian Territory, March 10, 1902. You are advised that Isaac R. Donaho and Robert E. Donaho claim their Choctaw blood from the same common ancestor as yourself and your sister, Anna Journagan, and your two cases have

M.W.P. 2

been consolidated with theirs and other applicants claiming from the same ancestor, and this consolidated case will come up for re-hearing at the office of the Commission at Muskogee, Indian Territory, March 10, 1902. At that time you will be given an opportunity to present the testimony of such witnesses as you may desire to introduce in person in support of your application.

Yours truly,

Commissioner in Charge.



M.C.R. 2232  
" 2233  
" 2234  
" 2235

Muskogee, Indian Territory, November 26, 1902.

Martin Palmer,

Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, asking for the present status of the following Mississippi Choctaw cases:

James W. Palmer, et al.,  
Anna Journagan, et al.,  
Martin W. Palmer, et al.,  
Will Palmer.

In reply you are informed that no opinion or decision has yet been reached in these cases, but the Commission is now considering the right of these persons to be identified as Mississippi Choctaws, and it is probable that a decision will be rendered in the near future when the several applicants will be duly notified of the action of the Commission and the forwarding of the records to the Secretary of the Interior for review.

Respectfully,

Acting Chairman.

COPY,

M.C.R. 2233

Muskogee, Indian Territory, January 19, 1903.

Martin W. Palmer,

Coalgate, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaac E. Donaho, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaac E. Donaho, et al.,	M.C.R. 271
Robert E. Donaho, et al.,	M.C.R. 273
John E. Donaho,	M.C.R. 275
Anna Journagan, et al.,	M.C.R. 2232
Martin W. Palmer, et al.,	M.C.R. 2233
Will Palmer,	M.C.R. 2234
James W. Palmer, et al.,	M.C.R. 2235
Florence Malderins Ward, et al.,	M.C.R. 570
George W. Donaho,	M.C.R. 571
Walter Lee Donaho,	M.C.R. 573
Lena J. Clappitt, et al.,	M.C.R. 614
Thomas T. Donaho,	M.C.R. 841
Blackstone B. Donaho, et al.,	M.C.R. 986
T.F. Donaho, et al.,	M.C.R. 4468
William Donaho, et al.,	M.C.R. 4608
Joseph T. Young, et al.,	M.C.R. 4609
Frances Ann Young,	M.C.R. 4610
Paralee L. Searcy, et al.,	M.C.R. 4611
Mollie Martin, et al.,	M.C.R. 5147
Lula Watson, et al.,	M.C.R. 5148
William L. Donaho, et al.,	M.C.R. 5149
Charlie Donaho, et al.,	M.C.R. 5150
Sallie Martin, et al.,	M.C.R. 5151
Sarah Katherine Peters, et al.,	M.C.R. 6197

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 Isaac E. Donaho, James Owen Donaho, Lucinda C. Donaho, Jerry S. Donaho, Evin J. Donaho, Robert E. Donaho, William Rufus Donaho, John E. Donaho, Anna Journagan, Eddie Journagan, Huley Journagan, Martin W. Palmer, Alice Palmer, Will Palmer, James W. Palmer, Harvey I. Palmer, Fay Palmer, Mary Palmer, Florence Malderine Ward, Annie May Ward, George W. Donaho, Walter Lee Donaho, Lena J. Clampitt, Clare Lilly Clampitt, Thomas T. Donaho, Blackstone B. Donaho, Ada Donaho, Annie May Donaho, T.F. Donaho, David Donaho, William Donaho, Arthur Clayton Donaho, Lizzie B. Donaho, William Lee Donaho, Walter Robert Donaho, Joseph T. Young, Henry Young, Frances Ann Young, Paralee L. Searcy, Annie Searcy, Mollie Martin, Stella Martin, Joseph Martin, Della Martin, Allen Martin, Ethel Martin, Elmer Martin, Lula Watson, Sadie Watson, Eddie Watson, Calvin Watson, Bobbie Watson, William L. Donaho, Mamie Donaho, Ollie Donaho, Nora Donaho, Maggie Donaho, Charlie Donaho, Mabel Donaho, Eddie Donaho, Gladys Belle Donaho, Sallie Martin, Jessie Martin, Travis Wesley Martin, Arthur Martin, Sarah Katherine Peters, Syble Peters, Travis D. Peters, Charles Peters, Luther Peters, Nannie Ann Lott, Ola Lott, Homer Lott and Oscar Thomas Lott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Commissioner in Charge.

Respectfully,

Registered.

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

ALLISON L. AYLESWORTH,  
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2233.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 30, 1903.

Martin W. Palmer,  
Gealgate, Indian Territory.

Dear Sir:-

You are hereby notified that on the 14th 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 Isaac E. Denahé et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,



Commissioner in Charge.

No. 2121

For Identification as a Mississippi Choctaw.

Date MAY 20 1901

Name Martin A. Palmer

Age 30 Blood (don't know)

Post Office, Coalgate, I. T.

Father: Martin Palmer

Mother: Matilda Palmer (dead)

Claims through mother

Wife:

Daisy Palmer 20  
(no claim for her)

Children:

Alice Palmer 9 mos.

Claims for himself and  
one child.

Stenographer

Henry H. Harris

*Martin A. Palmer, et al*

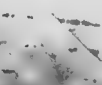
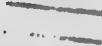
DECISION RENDERED. JAN 19 1903

2233

271

2233

*File*



General Office W. C. R.

Advising that a ce. of fut has affirmed  
Commission's decision.

Meritt W. Palmer

COALCASH  
SEP 11 1903  
INDIAN TERRITORY

Indian Territory.

MUSKOGEE  
JUL 3 11 - A.M.  
1903

Penalty for private use, \$300.

Department of the Interior  
Commission to the Five Civilized Tribes  
MUSKOGEE INDIAN TERRITORY  
Official Business

COALCASH  
SEP 11 1903  
INDIAN TERRITORY



General Office U. S. R.

Advising that a ce. of det. has affirmed  
Commission's decision.

Marvin W. Palmer

*Handwritten signature*

Coal Creek, Indian Territory.

COAL CREEK  
SEP 20  
1903  
IND. T.

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

Choctaw MCR 2234

Will Palmer

MCR

2234

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I.T. MAY 20, 1901.

#2234

In the matter of the application of Will Palmer for identification as a Mississippi Choctaw.

Will Palmer having been duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Will Palmer.
- Q What is your age? A Twenty-three
- Q What is your post-office address? A Coalgate, Indian Territory.
- Q How long have you lived there? A About eight months.
- Q Where did you live before that? A Downhere in Chickasaw Nation, on Caddo Creek.
- Q How long did you live in the Chickasaw Nation? A About sixteen years.
- Q Where did you live before that? A In Texas.
- Q How long did you live in Texas? A Born and raised there.
- Q Never lived in Mississippi? A No.
- Q What is your father's name? A Martin Palmer.
- Q Is he living? A Yes.
- Q What is your mother's name? A Matilda Palmer; she is 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 can't tell you.
- Q How much did your mother claim? A About one quarter.
- Q Don't you know how much you would be? A No.
- Q Has your mother through whom you claim the right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A No.
- Q You are making this application merely for yourself? A Yes.
- Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No.
- 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.
- Q Did you, or any one for you, in 1896, make application to the Commission to the Five Civilized Tribes, for citizenship in the Choctaw Nation, under Act of Congress of June 10, 1896? A Not that I know of.
- Q You would know if you had would you not? A Yes; I didn't.
- Q Did you authorize any one to do it for you? A No.
- 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 by judgment of the United States Court in Indian Territory? A No.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or to the authorities of the United States, to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
- Q Is this the first application of any description you have ever made? A Yes.
- Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.
- Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes
- Q You have heard that article read? A Yes.

2---Will Palmer

- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.
- Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw nation? A William Donaho.
- Q What relation was he to you? A My great-grand-father.
- Q Your mother's grand-father? A Yes.
- Q Have you any evidence showing that such ancestor was a recognized member of the tribe at that time? A No.
- Q Did this ancestor, William Donaho, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in the Indian Territory, at the time of the removal of the other members of the Choctaw tribe, from the years 1833 to 1838? A Not that I know of.
- Q If he did not remove with the other members of the tribe did he, within six months after the ratification of the treaty of 1830, signify to the United States Agent to the Choctaw tribe of Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I don't know whether he did or not.
- Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know.
- Q Are there any additional statements you desire to make? A Not that I know of--in support of this application.
- Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the treaty of 1830, or that they ever received any benefits under the fourteenth article of that treaty? A No.
- Q Do you wish time in which to file any affidavits? A Yes I do.

Thirty days time is allowed applicant in which to file such evidence as he may desire in support of his application.

Applicant appears to be white.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date, and report of same made to the Secretary of the Interior, conformable to the provisions of the twenty-first Section of the Act of Congress of June 28, 1898, and a copy of the same mailed to you at your post-office address as given by you in your testimony.

\*\*\*\*\*

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 20, 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 15 day of July 1901.

*Henry G. Hains*

*R. H. Lanebaugh*  
Notary Public.

COMMISSIONERS

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

ALLISON L. AYLESWORTH,  
SECRETARY

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

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31, 1902.

Will Palmer,  
Coalgate, Indian Territory.

Dear Sir:

In the matter of the applications for identification as Mississippi Choctaws of Isaac E. Donaho et al. and Robert E. Donaho et al., you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses.

It appears from our records that at Atoka, Indian Territory, on May 20, 1901, you made personal application to this Commission for identification as a Mississippi Choctaw, claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person

W. P.--2.

in support of your application.

Yours truly,

A handwritten signature in dark ink, appearing to be "W. P. ...", written over a horizontal line.

M.C. 2224

Acting Chairman.

M.C.R. 2232  
" 2233  
" 2234  
" 2235

Muskogee, Indian Territory, November 26, 1902.

Martin Palmer,  
Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, asking for the present status of the following Mississippi Choctaw cases:

James W. Palmer, et al.,  
Anna Journagan, et al.,  
Martin W. Palmer, et al.,  
Will Palmer.

In reply you are informed that no opinion or decision has yet been reached in these cases, but the Commission is now considering the right of these persons to be identified as Mississippi Choctaws, and it is probable that a decision will be rendered in the near future when the several applicants will be duly notified of the action of the Commission and the forwarding of the records to the Secretary of the Interior for review.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 19, 1903.

Will Palmer,

Coalgate, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaac E. Donaho, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaac E. Donaho, et al.,	M.C.R. 271
Robert E. Donaho, et al.,	M.C.R. 273
John E. Donaho,	M.C.R. 275
Anna Journagan, et al.,	M.C.R. 2232
Martin W. Palmer, et al.,	M.C.R. 2233
Will Palmer,	M.C.R. 2234
James W. Palmer, et al.,	M.C.R. 2235
Florence Malderine Ward, et al.,	M.C.R. 370
George W. Donaho,	M.C.R. 371
Walter Lee Donaho,	M.C.R. 373
Lena J. Clappitt, et al.,	M.C.R. 614
Thomas T. Donoho,	M.C.R. 841
Blackstone B. Donaho, et al.,	M.C.R. 986
T.F. Donaho, et al.,	M.C.R. 4468
William Donaho, et al.,	M.C.R. 4608
Joseph T. Young, et al.,	M.C.R. 4609
Frances Ann Young,	M.C.R. 4610
Paralee L. Searcy, et al.,	M.C.R. 4611
Mollie Martin, et al.,	M.C.R. 5147
Lula Watson, et al.,	M.C.R. 5148
William L. Donaho, et al.,	M.C.R. 5149
Charlie Donaho, et al.,	M.C.R. 5150
Sallie Martin, et al.,	M.C.R. 5151
Sarah Katherine Peters, et al.,	M.C.R. 6197

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 hereina is insufficient to determine the identity of Isaac B. Donaho, James Owen Donaho, Lucinda C. Donaho, Jerry S. Donaho, Evin J. Donaho, Robert E. Donaho, William Rufus Donaho, John E. Donaho, Anna Journagan, Eddie Journagan, Huley Journagan, Martin W. Palmer, Alice Palmer, Will Palmer, James W. Palmer, Harvey I. Palmer, Fay Palmer, Mary Palmer, Florence Milderine Ward, Annie May Ward, George W. Donaho, Walter Lee Donaho, Lena J. Clampitt, Clare Lilly Clampitt, Thomas T. Donoho, Blackstone B. Donaho, Ada Donaho, Annie May Donaho, T.F. Donaho, David Donaho, William Donaho, Arthur Clayton Donaho, Lizzie B. Donaho, William Lee Donaho, Walter Robert Donaho, Joseph T. Young, Henry Young, Frances Ann Young, Paralee L. Searcy, Annie Searcy, Mollie Martin, Stella Martin, Joseph Martin, Della Martin, Allen Martin, Ethel Martin, Elmer Martin, Lula Watson, Sadie Watson, Eddie Watson, Calvin Watson, Bobbie Watson, William L. Donaho, Mamie Donaho, Ollie Donaho, Nora Donaho, Maggie Donaho, Charlie Donaho, Mabel Donaho, Eddie Donaho, Gladys Belle Donaho, Sallie Martin, Jessie Martin, Travis Wesley Martin, Arthur Martin, Sarah Katherine Peters, Syble Peters, Travis D. Peters, Charles Peters, Luther Peters, Nannie Ann Lott, Ola Lott, Homer Lott and Oscar Thomas Lott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Commissioner in Charge.

Registered.

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

ALLISON L. AYLESWORTH,  
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2234.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 30, 1903.

Will Palmer,

Gealgate, Indian Territory.

Dear Sir:-

You are hereby notified that on the 14th 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 Isaac E. Demaho et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,



Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

WCR 2234

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

Muskegee, Indian Territory, October 30, 1905.

Will Palmer,  
Maysville, Indian Territory.

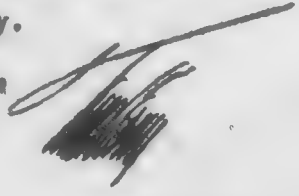
Dear Sir:

Receipt is hereby acknowledged of your letter dated September 16, 1905, asking to be informed as to the present status of your claim to citizenship in the Choctaw Nation.

You are informed it appears from the records of this office that the decision of the Commission to the Five Civilized Tribes of January 19, 1903, refusing your application for identification as a Mississippi Choctaw, was approved by the Secretary of the Interior on July 14, 1903.

As it does not appear that you have any application pending before this office as a citizen by blood of the Choctaw Nation, you are not at this time entitled to share in the distribution of the Choctaw and Chickasaw tribal property.

Respectfully,



Commissioner.

M. S. P. 2234

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Department of the Interior.

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

FILED

DEC 4 - 1905

*[Handwritten signature]*

Will Palmer,

Maysville, Indian Territory.

*[Handwritten signature]*

INDIAN TERRITORY  
MUSKOGEE  
OCT 31  
12 - AM  
1905



Department of the Interior.

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

Ms. A. 9. 2. 34

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

PAID

NOV 1905



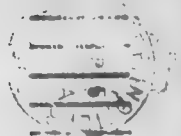
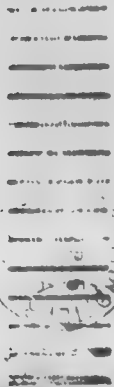
Will Palmer,

Mapsville, Indian Territory.



2234

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General Office MCR

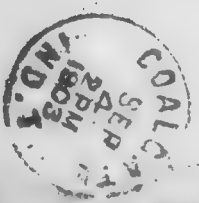
Advising that Sec. of Int. has affirmed  
Commission's decision

Will Palmer



Indian Territory.

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



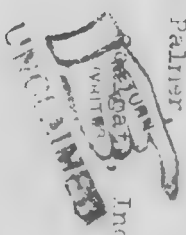
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General Office

MCR

Advising that Sec. of Int. has affirmed  
Commission's decision

WILL PALMER



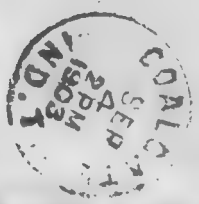
Indian Territory

Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.





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

**FILED**

MAR 5 1902



ACTING CHAIRMAN

R. 2234

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



~~Will Rogers,~~

~~Carters,~~

~~Carters, Muskogee, Ind. Ter.~~

No.

2381

For Identification as a Mississippi Choctaw

Date MAY 20 1901

Name Will Palmer

Age 23 Blood (not known)

Post Office, Coalgate, I. T.

Father: Martin Palmer

Mother: Matilda .. (dead)

Claims through mother.

~~Children.~~

Claims for himself  
alone.

Stenographer

Henry G. Hains.

Will Palmer

DECISION RENDERED JAN 15 1903

2234

271

Choctaw MCR 2235

James W. Palmer

MCR 2235

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I.T. MAY 20, 1901.

#2255

In the matter of the application of Martin Palmer for the identification of his minor children as Mississippi Choctaws.

Martin Palmer being first duly sworn on his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Martin Palmer.
- Q What is your age? A Sixty-eight.
- Q What is your post-office address? A Tishomingo, Indian Territory
- Q How long have you lived in the Indian Territory? A Sixteen years
- Q Where did you live before that time? A In Texas.
- Q How long did you live in Texas? A All my life before I moved to the Territory.
- Q Born in Texas? A Yes.
- Q You wish to make application for minor children? A Yes.
- How many? A I have four.
- Q Give their names and ages? A James W, Sixteen; Harvey I., fourteen; Pay Palmer, (girl), twelve; and Mary, she is seven.
- Q Is that all? A Yes.
- Q Who is the mother of these children? A Matilda Palmer.
- Q Is she dead? A Yes.
- Q And you are the father? A Yes.
- Q Through which one of their parents do the children derive their Choctaw blood? A Their mother.
- Q How much Choctaw blood do you claim they have? A Choctaw blood-well, I claim one eighth-its more than that, because their grandmother was Choctaw also.
- Q Has their mother, through whom they claim their right to identification as Mississippi Choctaws, ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
- Q When and where were you married to Matilda Palmer? A In Williamson County, Texas, July 5, 1867.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A I was married by an official and an Indian at that.
- Q Was he a minister or a Justice of the Peace? A Justice of Peace.
- Q Have you your marriage license and certificate and do you desire to offer same in evidence? A I have not got them they are on record in Williamson County; they don't do there as here where they return the license after it is recorded.
- Q Do you wish to offer them in evidence? A I don't think it hardly necessary.
- Q It will be necessary for the Commission to be supplied with evidence of your marriage in support of the claim you make for your minor children. A I don't know of a living witness; it seems that the Court house was burned twice and the record may have been destroyed, but we can try to get it.
- Q Are the name of the mother or of these children's names on any of the rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to have them enrolled as members of that tribe? A No.
- Q Did you, or any one for you or these children, in 1896, make application to the Commission to the Five Civilized Tribes to have them admitted to citizenship in the Choctaw Nation, under Act of

- Congress of June 10, 1896? A No, not that I know of.
- Q Have they ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by judgment of the United States Court in Indian Territory? A Not as yet, they have not.
- Q Have you ever made application for them prior to this time to have them, to the Choctaw tribal authorities or the authorities of the United States, to have them admitted or enrolled as citizens of the Choctaw Nation? A I have not.
- Q Is this the first application of any description that you have ever made for them? A Yes; I don't know that I understand that-
- Q Is this the first time you have been before the Commission to have them enrolled? A Yes.
- Q Is it now your purpose to have them identified as Mississippi Choctaws? A Yes.
- Q Do you claim your rights for them as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Yes.
- Q Have they ever received any benefits as Choctaw Indians, these children of yours? A No.
- Q Have any of their ancestors ever received any benefits as Choctaw Indians? A Not, so far as I know.
- Q What was the name of the ancestor or ancestors of these children who were residents of the old Choctaw Nation in Mississippi and Alabama, and recognized members of the Choctaw tribe of Indians in 1830 at the time the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians?
- A William Donaho.
- Q What relation was he to these children? A Great-grand-father.
- Q Their mother's grand-father? A Yes.
- Q Have you any evidence showing that this ancestor of your children was a recognized member of the Choctaw tribe at that time? A I have not with me.
- Q Did this ancestor, William Donaho, remove, if a Choctaw Indian, from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Indian Territory, at the time of the removal of the other members of the tribe, from 1833 to 1838?
- A Now, I don't know whether he came with them or not; he was in the Choctaw Nation, but then went from there to Texas and was backward and forward making his home more in Texas than he did in the Territory, and died in Texas, I suppose.
- Q If this ancestor did not remove with the other members of the tribe did he within six months after the ratification of the treaty of 1830, signify to the United States Agent to the Choctaw tribe of Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I don't know but I don't think he did, for my understanding from the old gentleman was that he claimed his citizenship in this present Choctaw Nation and not in Mississippi.
- Q Have any of these children's ancestors ever claimed or received any lands in Mississippi under the fourteenth article of the treaty of 1830? A Not that I have any knowledge of.
- Q Are there any additional statements that you desire to make in support of your application for these children? A Not that I know of.
- Q Have you any documentary evidence, affidavits, written evidence of any kind, copies of records, deeds or patents, or any proper papers showing that any of their ancestors ever were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A They never have.
- Q Have you any evidence that you want to file in regard to that?
- A No I have not.

3---- Martin Palmer

Q Do you want time in which to file evidence in support of this application? A Yes.

Thirty days time is allowed applicant in which to file certified copy of marriage license and certificate and such other evidence as he may desire in support of this application on behalf of his minor children.

The decision of the Commission as to the application you make for your minor children for identification as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the ~~in~~ twenty first section of the Act of Congress of June 10; 1902, and a copy of the same mailed to you at your post-office address as given in your testimony.

\*\*\*\*\*

Henry G. Hains being duly sworn, on his oath, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 20, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 15 day of ~~May~~ <sup>July</sup> 1901.

*R. H. Lumbaught*

Notary Public.



Muskogee, Indian Territory, January 31, 1902.

Martin Palmer,

Tishomingo, Indian Territory.

Dear Sir:

In the matter of the applications for identification as Mississippi Choctaws of Isaac E. Donaho et al. and Robert H. Donaho et al., you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses.

It appears from our records that at Ateka, Indian Territory, on May 20, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of your minor children, James W., Harvey I., Fay and Mary Palmer, claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at nine o'clock A. M., there will be heard

M. P.--2.

the testimony of such witnesses as present themselves in person  
in support of your application.

Yours truly,

M.C. 2235

Acting Chairman.

M.C.2235

Muskogee, Indian Territory, March 5, 1902.

Martin Palmer,  
Wallville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant in the matter of your application for the identification of your four minor children, James W. Palmer, Harvey I. Palmer, Fay Palmer, and Mary Palmer as Mississippi Choctaws, stating that you cannot appear before the Commission on account of ill health and submitting their case to the Commission.

You ask to be advised what decision was rendered in their case.

In reply you are informed that as soon as a decision is rendered in this case you will be notified of the action taken by the Commission.

Yours truly,

Commissioner in Charge.

M.C.R. 2232  
" 2233  
" 2234  
" 2235

Muskogee, Indian Territory, November 26, 1902.

Martin Palmer,

Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, asking for the present status of the following Mississippi Choctaw cases:

James W. Palmer, et al.,  
Anna Journagan, et al.,  
Martin W. Palmer, et al.,  
Will Palmer.

In reply you are informed that no opinion or decision has yet been reached in these cases, but the Commission is now considering the right of these persons to be identified as Mississippi Choctaws, and it is probable that a decision will be rendered in the near future when the several applicants will be duly notified of the action of the Commission and the forwarding of the records to the Secretary of the Interior for review.

Respectfully,

Acting Chairman.

COPY.

M.C.R. 2235

Muskogee, Indian Territory, January 19, 1903.

James W. Palmer,

Wallville, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaac E. Donaho, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaac E. Donaho, et al.,	M.C.R. 271
Robert E. Donaho, et al.,	M.C.R. 273
John E. Donaho,	M.C.R. 275
Anna Journagan, et al.,	M.C.R. 2232
Martin W. Palmer, et al.,	M.C.R. 2233
Will Palmer,	M.C.R. 2234
James W. Palmer, et al.,	M.C.R. 2235
Florence Malderine Ward, et al.,	M.C.R. 570
George W. Donaho,	M.C.R. 571
Walter Lee Donaho,	M.C.R. 573
Lena J. Clampitt, et al.,	M.C.R. 614
Thomas T. Donoho,	M.C.R. 841
Blackstone B. Donaho, et al.,	M.C.R. 986
T.F. Donaho, et al.,	M.C.R. 4468
William Donaho, et al.,	M.C.R. 4608
Joseph T. Young, et al.,	M.C.R. 4609
Frances Ann Young,	M.C.R. 4610
Paralee L. Searoy, et al.,	M.C.R. 4611
Mollie Martin, et al.,	M.C.R. 5147
Lula Watson, et al.,	M.C.R. 5148
William L. Donaho, et al.,	M.C.R. 5149
Charlie Donaho, et al.,	M.C.R. 5150
Sallie Martin, et al.,	M.C.R. 5151
Sarah Katherine Peters, et al.,	M.C.R. 6197

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 Isaac B. Donaho, James Owen Donaho, Lucinda C. Donaho, Jerry S. Donaho, Evin J. Donaho, Robert E. Donaho, William Rufus Donaho, John E. Donaho, Anna Journagan, Eddie Journagan, Huley Journagan, Martin W. Palmer, Alice Palmer, Will Palmer, James W. Palmer, Harvey I. Palmer, Fay Palmer, Mary Palmer, Florence Malcerine Ward, Annie May Ward, George W. Donaho, Walter Lee Donaho, Lena J. Clampitt, Clare Lilly Clampitt, Thomas T. Donoho, Blackstone B. Donaho, Ada Donaho, Annie May Donaho, T.F. Donaho, David Donaho, William Donaho, Arthur Clayton Donaho, Lizzie B. Donaho, William Lee Donaho, Walter Robert Donaho, Joseph T. Young, Henry Young, Frances Ann Young, Paralee L. Searcy, Annie Searcy, Mollie Martin, Stella Martin, Joseph Martin, Della Martin, Allen Martin, Ethel Martin, Elmer Martin, Lula Watson, Sadie Watson, Eddie Watson, Calvin Watson, Bobbie Watson, William L. Donaho, Namie Donaho, Ollie Donaho, Nora Donaho, Maggie Donaho, Charlie Donaho, Mabel Donaho, Eddie Donaho, Gladys Belle Donaho, Sallie Martin, Jessie Martin, Travis Wesley Martin Arthur Martin, Sarah Katherine Peters, Syble Peters, Travis D. Peters, Charles Peters, Luther Peters, Nannie Ann Lott, Ola Lott, Homer Lott and Oscar Thomas Lott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Registered.

Commissioner in Charge.

COMMISSIONERS

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

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 2255.

ALLISON L. AYLESWORTH,  
SECRETARY

ATTORNEY AT LAW  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 30, 1903.

James W. Palmer,  
Wallville, Indian Territory.

Dear Sir:-

You are hereby notified that on the 14th 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 Isaac E. Denaho et al., of which decision you were advised by registered mail on the 19th day of July, 1903.

Respectfully,



Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date MAY 20 1901

Name Martin Palmer

Age 68 Blood 1/8 (for children)

Post Office, Tishomingo, I.T.

Father of children Martin Palmer

Mother of children Matilda Palmer

Children  
Claims through mother

Children:

- James ~~White~~ Palmer 16
- Harvey D " 14
- Fay (F) " 12
- Mary " 7

Application is made for children by Martin Palmer.

Stenographer

Henry G. Hains.



DECISION RENDERED. JAN 19 1903

*James H. Colmes, et al*  
*2235*

*271*

2235

*Fig*



RECEIVED  

General Office M. C. R.  
Advising that Sec. of Int has  
affirmed Commission's decision

Thomas W. Palmer,



Department of the Interior  
Penalty for private use, \$300.  
Permissions to the Five Civilized Tribes  
Must O.C.E.E., IND. TER.  
OFFICIAL BUSINESS.

~~Washington, D.C. 20540~~



Handwritten notes and scribbles on the left side of the document, including the word 'RECEIVED' and other illegible markings.

General Office W. R.  
Advising that e. of Int has  
affirmed Commission's decision

UNCLAIMED  
RETURN TO  
MAILING  
AGENCY

Thomas W. Adams,

INDIANAPOLIS, IND.

UNCLAIMED  
RETURN TO  
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AGENCY

MUSKOGEE, IND.  
JUL 31  
A. S. U.

Department of the Interior  
Muskogee, Ind. Ter.  
Official Business.

Penalty for private use, \$300.

COALCASH  
IND. 7 PM  
1903A

Choctaw MCR 2236

John Manning

MCR 2236

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

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In the matter of the application of James Manning for  
identification as a Mississippi Choctaw. M C R 2236.

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

	Page
Original application of James Manning to the Commission for identification as a Mississ- ippi Choctaw.....	1
Decision of the Commission refusing the application of James Manning for iden- tification as a Mississippi Choctaw.....	4

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I.T. MAY 20, 1901.

#2236

In the matter of the application of James Manning for identification as a Mississippi Choctaw.

James Manning being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A James Manning.  
Q What is your age? A Twenty-nine  
Q What is your post-office address? A South McAlister, I.T.  
Q How long have you lived there? A Over eighteen months.  
Q Where did you live before you lived there? A In other parts of the Indian Territory and in Mississippi.  
Q How long have you lived in the Indian Territory altogether? A  
A Close on to four years.  
Q Where did you live before you came to the Territory? A In Mississippi and Missouri.  
Q How long did you live in Mississippi? A I can't tell you exactly about eleven or twelve years.  
Q Did you come direct from Mississippi? A No, from Missouri.  
Q How long were you in Missouri? A I can't tell exactly at all.  
Q Where were you born? A In Mississippi.  
Q Born in Mississippi and lived there eleven or twelve years and then came to Missouri and lived there until you came to the Indian Territory four years ago? A Yes.  
Q What is your father's name? A John Manning.  
Q Is he living? A No.  
Q What is your mother's name? A Ann Manning.  
Q Is she living? A No.  
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 One eighth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States?  
A Not as I know of.  
Q Are you married? A No.  
Q You are making application for yourself alone? A Yes.  
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 Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe?  
A I have not.  
Q Did you, or any one for you in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under the Act of Congress of June 10, 1896? A Not as I know of.  
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 by judgment of the United States Court in Indian Territory? A No.  
Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizen of the Choctaw Nation?  
A No, I have not.  
Q Is the first application of any description you have ever made?  
A Yes.  
Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

2---James Manning

- Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A I think so, yes.
- Q Are you familiar with that article? A Do you mean have I ever got any benefits from it?
- Q No I mean do you understand that article; have you ever read it?
- A No, I never got anything-
- Q Do you understand what it provides? A I believe not.
- Q Article fourteen of the treaty of 1830 is as follows:

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

- Do you claim under this article? A Yes.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not as I know of.
- Q What was the name of your ancestor or ancestors who were residents of the old Choctaw nation in Mississippi and Alabama and recognized members of the Choctaw tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw nation? A That I don't know nothing about.
- Q You don't know the name of your ancestor, your grand-father or-
- A Duffreys was the name.
- Q What was the first name? A Martha Duffreys it was; not, it was John
- Q What relation was he to you? A My mother was his daughter.
- Q He was your grand-father then? A Yes.
- Q Have you any evidence showing that such ancestor was a recognized member of the Choctaw tribe at that time? A No, but I suppose I could get people that has known my people if it is necessary.
- Q Did this ancestor, if a Choctaw Indian, remove from the territory occupied by the old Choctaw nation in Mississippi and Alabama to present Choctaw Nation in the Indian Territory, at the time of the removal of the other members of the tribe, from 1833 to 1838?
- A I don't know as I understand.
- Q Did this John Duffreys remove from the territory occupied by the old Choctaw nation in Mississippi or Alabama to the present Choctaw Nation in the Indian Territory at the time of the removal of the other Indians, from 1833 to 1838? A I don't know; my mother and father said they went away from where my uncle was-I don't know what became of them--
- Q Your mother and father did not bring you up then? A Yes, but I wasn't there all the time.
- Q If this ancestor, John Duffreys did not remove with the other members of the tribe, did he within six months from the ratification of the treaty of 1830, signify to the United States Agent to the Choctaw Tribe of Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States?
- A I don't know anything about that.
- Q Have any of your ancestors ever claimed or received any land in Mississippi under the fourteenth article of the treaty of 1830?
- A Not as I know of.



3---James Warming

- Q Are there any additional statements you desire to make in support of this application? A Not as I know of.
- Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits from that article of that treaty? A Not with me.

Hudson & Arnold, attorneys for applicant, ask for thirty days time for applicant to file necessary evidence in support of his claim. Motion granted.

(Applicant apparently white)

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date, and report of same made to the Secretary of the Interior, conformable to the provisions of the twenty-first section of the Act of Congress of June 28, 1898, and a copy of the same mailed to you at your post-office address as given by you in your testimony.

.....

Henry G. Hains, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 20, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 15 day of July 1901.

*R. H. Linebaugh*

Notary Public.

J.W.L.  
C.W.

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

-----

In the matter of the application of James Manning for identification as a Mississippi Choctaw, M C R 2256.

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It appears from the record herein that an application for identification as a Mississippi Choctaw was made to this Commission by James Manning for himself, under the following provision of the act of Congress approved June 22, 1890, (30 Stats., 493):

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

It also appears that 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 John Daffrays (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 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 John Duffreys, 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, 1848, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Manning as a Choctaw Indian entitled to rights in the

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Onestaw 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)

Tame Dixby.

Acting Chairman.

(SIGNED)

I. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory.

OCT 31 1907

COPY

Muskogee, Indian Territory, October 31, 1902.

James Manning,  
South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of James Manning, an applicant to the Commission 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 James Manning 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 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 M 2

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 P. [unclear]*

Acting Chairman.

Registered.

Y.

Muskegee, Indian Territory, October 31, 1902.

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

Gentlemen:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of James Manning, an applicant to the Commission 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 James Manning 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 applicant in this case

H M M & C R

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)

Acting Chairman.



Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of James Manning, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 31, 1902.

The Commission has the honor to report that the 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,

  
Acting Chairman.

Through the  
Commissioner of Indian Affairs.  
Enc. M C R 2236

C O P Y

D.C. 4804

DEPARTMENT OF THE INTERIOR

EAF.

I.T.D. 1166-1903

February 16, 1903

L.R.S.

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

Gentlemen:-

November 17, 1902, you transmitted the record in the matter of the application for identification of James Manning as a Mississippi Choctaw, including your decision of October 31, 1902, adverse to the applicant.

The applicant claims rights in Choctaw lands by reason of being a descendant of one John Duffreys, who is alleged to have been a member of the Choctaw tribe of Indians in Mississippi in 1830.

The records fail to show that applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said John Duffreys or a less remote ancestor of the applicant 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. 53.)

Reporting January 31, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision; a copy of his letter is inclosed.

-2-

The Department has reviewed the whole record and hereby affirms the decision rendered.

Respectfully

(Signed) Thos Ryan

Acting Secretary

1 inclosure

C O P Y

DEPARTMENT OF THE INTERIOR

Land

OFFICE OF INDIAN AFFAIRS

69856-1902

Washington, January 31, 1903

The Honorable

The Secretary of the Interior.

Sir:-

I have the honor to transmit, herewith, for your consideration, the application of James Manning, for identification as a Mississippi Choctaw, wherein a decision adverse to him was rendered by the Commission October 31, 1902.

The testimony in this case shows that the applicant claims rights to identification because of his descent from John Duffrey, who is alleged to have been a member of the Choctaw tribe of Indians in Mississippi in 1830, through Ann Manning, his daughter.

The Commission rejected the applicant because it did not appear from its records that the ancestor claimed under 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 himself has 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 John Duffrey or Ann Manning, nee Duffrey, do not appear among the names of those Choctaw Indians who complied

or attempted to comply with the provisions of the 14th article of the treaty of 1830, nor does it appear that they applied to the commissions appointed under the Acts of March 3, 1837 and August 23, 1842. These being the facts it is respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully

A. C. Tonner

Acting Commissioner

C.T.C. (E)

COMMISSIONERS  
HENRY I. DAWT  
TAMM BIXBY  
THOMAS B. NEEDLES  
C. R. DEVEREAUX

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

M.C.R. 2236

ARTHUR H. AYLESWORTH  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 28, 1903.

James Manning,

South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that on the 16th day of February, 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 31st day of October, 1902.

Respectfully,



Chairman.

M.C.R. 2236

COPY.

Muskogee, Indian Territory, February 28, 1903.

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

Gentlemen:

You are hereby notified that on the 16th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of James Manning, of which decision you were advised by mail on the 31st day of October, 1902.

Respectfully,

*Tame Bixby.*  
Chairman.

2236

No. 2236

For Identification as a Mississippi Choctaw.

Date MAY 20 1901

Name James Manning  
(CLANNEY.)

Age 29 Blood 1/8

Post Office, Dorith McAllester S.T.

Father: John Manning (dead)

Mother: Ann Manning (dead)

Claims through mother

Children:

Claims for himself alone.

Stenographer

Henry G. Hains



FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R.

*John Manning*

REFUSED

DECISION NUMBERED. OCT 31 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 31 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 31 1902

RECORD FORWARDED DEPARTMENT:

NOV 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR:

FEB 16 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

FEB 28 1903

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

FEB 28 1903

2236

File

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE CIVILIZED TRIBES.

FILED

APR 7 1902



CHAIRMAN



SOUTH McALESTER  
AFF  
7 PM



Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

James Manning,

~~South McAlester, Indian Territory~~

MUSKOGEE  
7. 2. 1907



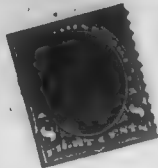
DEPARTMENT OF THE  
COMMISSION TO THE FIVE  
**FILED**

DEC 13 1902

*[Handwritten Signature]*  
ACTING CHAIRMAN



2nd Notice  
Nov 13 1902



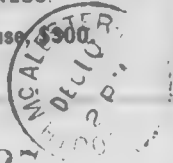
Department of the Interior

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



743

~~James Manning,~~

~~South McAlester,~~

~~Indian Territory.~~

Choctaw MCR 2237

Mary L. Underwood

See MCR 2238, 1745

MCR 2237

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

*Mary L. Underwood et al.,*

RECEIVED

NOTICE OF...

NOTICE OF...  
FOR CHOCTAW...

RECORDS...

ACTION APPROVED...

NOTICE OF...  
FORWARD...  
AN... ORIGINAL...

NOTICE OF...  
FORWARD...

REFER TO M.C.R. 2238, 1746

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

In the matter of the application of Mary L. Underwood, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

Mary L. Underwood, et al.,       M.C.R. 2237  
Sydney T. Underwood,       M.C.R. 2238  
David F. Underwood, et al.,   M.C.R. 1745

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

	(Page)
Original application of Mary L. Underwood, et al., to the Dawes Commission for identification as Miss- issippi Choctaws-----	1
Original application of Sydney T. Underwood to the Dawes Commission for identification as Miss- issippi Choctaw-----	4
Original application of David F. Underwood, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	7
Copy of the marriage record of D. F. Underwood and Ruth Halsell-----	10
Birth certificate as to Estell Underwood-----	11
Decision of the Commission refusing the ap- plications in the consolidated case of Mary L. Underwood, et al., for identification as Mississippi Choctaws-----	12



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I.T. May 20, 1901.

#2237

In the matter of the application of Mary L. Underwood for the identification of herself and her three minor children as Mississippi Choctaws.

Mary L. Underwood having been first duly sworn testified as follows:

Examination by the Commission .

- Q What is your name? A Mary L. Underwood.  
Q What is your age? A Forty-seven.  
Q What is your post-office address? A Troy, Indian Territory.  
Q How long have you lived at Troy? A A short while; this year.  
Q Where did you live before? A Hoxbar, I.T.  
Q How long have you lived in the Indian Territory? A Thirteen years.  
Q Where did you live before you came to the Territory? A I was raised in Missouri, I travel right smart; have been in several states.  
Q Born in Missouri? A No, born in Kentucky.  
Q How old were you when you left Kentucky? A Four years old.  
Q And went from there to-? A To Missouri.  
Q And lived in Missouri how long? A About two years.  
Q And then you went to what State? A Back to Kentucky.  
Q And stayed in Kentucky how long? A About two years.  
Q And went from there to Texas? A Yes.  
Q How long did you stay in Texas? A Six years.  
Q And you went from Texas to what place? A To Indian Territory.  
Q You never lived in Mississippi? A My parents lived in Mississippi but I never did.  
Q What is your father's name? A Jim Meadows.  
Q Is he living? A No.  
Q What is your mother's name? A Sarah Meadows.  
Q Is she living? A No.  
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 One third.  
Q Has your father through whom you claim the right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States?  
A Well, I think not.  
Q How much Choctaw blood had your father? A He was, I reckon, about a full-blood.  
Q Are you married? A Yes.  
Q What is your husband's name? A J.A. Underwood.  
Q Do you make application on behalf of your husband? A No.  
Q When and where were you married to J.A. Underwood? A In, it has been twenty-nine years ago.  
Q Have you any children in your family under twenty-one years of age and unmarried for whom you wish to make application? A I have three.  
Q Give their names and ages. A Nora, thirteen; Tobitha, nine; and Alice Florence, six.  
Q Is that all? A Yes.  
Q You are the mother of these children? A Yes.  
Q And J.A. Underwood is the father? A Yes.  
Q Is your name or are the names of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?

- A No, I reckon not; I can't say for sure.
- Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory, either for yourself or these children, to ~~enrolled as members of that tribe?~~ A No.
- Q Did you, or any one for your or these children, in 1896, make application to the Commission to the Five Civilized Tribes, for citizenship in the Choctaw Nation, under the Act of Congress of June 10, 1896? A No.
- Q Have you or these children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.
- Q Have you ever made application prior to this time to either the tribal authorities or the authorities of the United States for yourself or these children, to be admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application of any description you have ever made? A Yes.
- Q Is it now your purpose to make application for identification as Mississippi Choctaws? A Yes.
- Q Do you claim your right as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Yes.
- Q Do you understand that article of that treaty? A Yes.
- Q Have you ever received any benefits as Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.
- Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in Mississippi in 1830, when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A My grand-mother's name was Lucy Payne.
- Q Have you any evidence showing that your grand-mother was a recognized member of the Choctaw tribe at that time? A Not at present.
- Q Did your grand-mother, if a Choctaw Indian, remove from the territory occupied by the Choctaw Nation in Mississippi to the present Choctaw Nation in Indian Territory, at the time of the removal of the other members of the tribe of Choctaw Indians, from 1833 to 1838? A I suppose so-no, I just don't know.
- Q If she did not remove with the other members of the tribe, did she within six months after the ratification of the treaty of 1830 signify to the United States Agent to the old Choctaw tribe of Indians in Mississippi her intention to remain and become a citizen of the State of Mississippi? A Yes.
- Q Have you any evidence of that fact? A Not at present.
- Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830 A I suppose so- I don't know- I don't think they did.
- Q Are there any additional statements you desire to make in support of this application? A No.
- Q Have you any documentary evidence, affidavits, written evidence of any kind, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits as under that article of that treaty?

Counsel for applicant, Hudson & Arnold, ask for thirty days.  
On motion of counsel for applicant, thirty days time is allowed applicant in which to introduce such evidence as she may desire in

3--- Mary J. Underwood

support of this application.

Applicant appears to be white.

The decision of the Commission as to your application for identification as Mississippi Choctaws which you make for yourself and your minor children will be determined at the earliest possible date, and report of the same made to the Secretary of the Interior, conformable to the provisions of the twenty-first section of the Act of Congress of June 26, 1898, and a copy of the same mailed to you at your post-office address as given by you in your testimony.

\*\*\*\*\*

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 20, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 15 day of July 1901.

*D. H. Linbaugh*

Notary Public.

GA. L.  
C. W.

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

In the matter of the application of Mary L. Underwood, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

Mary L. Underwood, et al.,	M.C.R. 2237
Sydney T. Underwood,	M.C.R. 2238
David F. Underwood, et al.,	M.C.R. 1745

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

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Mary L. Underwood for herself and her three minor children, Nora,  
Tobitha and Alice Florence Underwood; by Sydney T. Underwood for him-  
self, and by David F. Underwood for himself and his three minor chil-  
dren, Jasper, Irene and Estell Underwood, under the following provis-  
ion 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  
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 Lucy Payne, who is alleged to have been a Choctaw Indian (degree of blood not stated) and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 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 Lucy Payne, 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 (5 Stats., 513).

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

L. Underwood, Nora Underwood, Tobitha Underwood, Alice Florence Underwood, Sydney T. Underwood, David F. Underwood, Jasper Underwood, Irene Underwood and Estell Underwood 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)

*James D. ...*

Acting Chairman.

(SIGNED)

*T. D. ...*

Commissioner.

(SIGNED)

*C. R. Breckinridge*

Commissioner.

Muskogee, Indian Territory,

OCT 29 1902

COPY.

Muskogee, Indian Territory, October 29, 1902.

Mary L. Underwood,  
Troy, Indian Territory.

Dear Madam:

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

Mary L. Underwood, et al., M C R 2257  
Sydney T. Underwood, " 2258  
David F. Underwood, et al., " 1745.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary L. Underwood, Nora Underwood, Tebitha Underwood, Alice

M L U 2

Florence Underwood, Sydney T. Underwood, David F. Underwood, Jasper Underwood, Irene Underwood and Estell Underwood as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.\*

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

Respectfully,

Acting Chairman.

Registered.



COPY

Muskogee, Indian Territory, October 29, 1902.

Mansfield, McMurray & Carnish,

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 consolidated case of Mary L. Underwood, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary L. Underwood, et al.,	M C R 2237
Sydney T. Underwood,	" 2238
David F. Underwood, et al.,	" 1745.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary L. Underwood, Nora Underwood, Tobitha Underwood, Alice

M M&C 2

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

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

Respectfully,

Florence Underwood,

Acting Chairman.

COPY.

Maskogee, Indian Territory, November 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mary L. Underwood, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 29, 1902.

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

Mary L. Underwood, et al.,	M.C.R. 2237
Sydney T. Underwood,	M.C.R. 2238
David F. Underwood, et al.,	M.C.R. 1745

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

Respectfully,

(SIGNED)

*Tamc Kirby*

Acting Chairman.

Through the  
Commissioner of Indian Affairs.  
Enc. M.C.R. 2237

COPI.

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

THE

I.T.D. 3154-1903.  
D. C. 10454  
L R S

April 9, 1903.

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

November 14, 1902, you transmitted the record in the consolidated case embracing the application for identification as Mississippi Choctaws of Mary L. Underwood (M.C.R. 2237), for herself and her three minor children, Nora, Tobitha and Alice Florence Underwood; of Sydney T. Underwood for himself, and of David F. Underwood for himself and his three minor children, Jasper, Irene and Estell Underwood, including your decision of October 29, 1902, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Lucy Payne, who is alleged to have been a Choctaw Indian (degree of blood not stated), and to have resided in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestor ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter March 21, 1903, 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.

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

Land  
68833-1902.

March 21, 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 Mary L. Underwood for the identification of herself and her three minor children, Nora Tobitha and Alice Florence Underwood; the application of Sidney T. Underwood for the identification of himself; and that of David F. Underwood for the identification of himself and his three minor children, Jasper, Irene and Estell Underwood---all as Mississippi Choctaws.

On October 19, 1902, the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Choctaw Indians entitled to rights in the lands of the Choctaw Nation under the provisions of article fourteen of the treaty of 1830, and that their applications for such identification should be refused.

An examination of the record evidence in this case shows that the applicants all claim to have derived their Choctaw blood from a common ancestor named Lucy Payne; but neither the record evidence nor an examination of the records in this

office shows that any person by the name of Lucy Payne ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, or secured a patent for land thereunder. The evidence does show that none of the applicants herein is a Choctaw Indian of the full blood.

By reason of the premises the office considers said decision of the Commission correct and recommends that the same be approved by the Department.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

W.C.B. (S)

CONF.

Kuskogee, Indian Territory, April 23, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 9th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary L. Underwood, et al., of which decision you were advised by mail on the 29th day of October, 1902.

Respectfully,

*Tame Bixby.*

Chairman.



K.O.R.2237

COPY.

Muskogee, Indian Territory, April 23, 1903.

Mary L. Underwood,

Troy, Indian Territory.

Dear Madam:

You are hereby notified that on the 9th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary L. Underwood, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

*Tame Bixby.*  
Chairman.

M C R 2237

Muskegee, Indian Territory, December 29, 1904.

Mary Underwood,  
Stringtown, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 21st instant, by reference from the Secretary of the Interior. Therein you ask what you should do in the matter of your application for identification as a Mississippi Choctaw.

In reply you are informed that on April 9, 1903, the Secretary of the Interior approved the decision of the Commission of October 29, 1902, refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which departmental action you were notified on April 23, 1903.

The Commission now considers your case closed and is without authority to receive or consider any further evidence in support thereof.

You are further advised that it is not believed that you and your minor children are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Chairman.

C O P Y

J.F. Jr.

Com'r No. 8277-1906.

DEPARTMENT OF THE INTERIOR, LLB  
Washington.  
I.T.D. 1379-1906. February 27, 1906.

L R S

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

Sir:

Referring to departmental letter of April 9, 1903, you are advised that a motion for reopening the Mississippi Choctaw case of Mary L. Meador Underwood et al. has been filed with the Department.

Respectfully,

THOS RYAN

First Assistant Secretary.

C O P Y

DEPARTMENT OF THE INTERIOR,  
Washington.

LLB

I.T.D. 3154-1903.  
1379-1906.  
5896- "

April 14, 1906.

L. R. S.

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

Sir:

February 2, 1906, there was filed with the Department a motion for rehearing in the matter of the consolidated applications of Mary L. Underwood et al., M.C.R. 2237 et al., for identification as Mississippi Choctaws, wherein on October 29, 1902, the Commission to the Five Civilized Tribes<sup>^</sup> refused to identify applicants as Mississippi Choctaws, and said decision was affirmed by the Department April 9, 1903 (I.T.D. 3154).

Said applicants in their motion for a rehearing trace their descent through their father, Juble Heador, instead of Jim Heador, as stated in the original application, and through said father to their grandmother, Ollie Payne, instead of Lucy Payne, as stated in the original application, alleging that said Ollie Payne was a full-blood Mississippi Choctaw Indian. It is not positively stated that Ollie Payne, alias Lucy Payne, complied, or attempted to comply, with the provisions of article 14 of the treaty of Sep-

(2)

tember 27, 1830, or that she was in anywise a beneficiary under subsequent acts passed in pursuance of said treaty.

A close examination of the records of the Department and the Indian Office fail to reveal that any such person as Ollie Payne, or Lucy Payne, or Juble Meador, or Jim Meador complied, or attempted to comply, with the provisions of article 14 of the treaty of September 27, 1830, or became, under subsequent acts passed in pursuance of said treaty, beneficiaries under said provision.

Claimants having failed to trace descent to an ancestor who complied, or attempted to comply, with the provisions of article 14 of said treaty, or became a beneficiary thereunder, said motion for a rehearing is hereby denied and the Department adheres to its decision of April 9, 1903, affirming the decision of the Commission to the Five Civilized Tribes of October 29, 1902, refusing to identify applicants as Mississippi Choctaws.

You will so notify R. B. Coleman, of McAlester, Ind. T., attorney of record for moving parties herein.

Respectfully,

(Signed) THOS RYAN

First Assistant Secretary.

M C R 2237

Muskogee, Indian Territory, April 26, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

For your information there is herewith enclosed copy of Departmental letter of April 14, 1906 (I T D 3154-1903, 1379-1906, 5896-1906), denying a motion filed with the Department February 2, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Mary L. Underwood, et al., M. C. R. 2237.

Respectfully,

Commissioner.

McM 26/2

M C R 2237

Muskogee, Indian Territory, April 26, 1906.

R. B. Coleman,  
McAlester, Indian Territory.

Dear Sir:

For your information there is herewith enclosed copy of Departmental letter of April 14, 1906 (I T D 3154-1903, 1379-1906, 5896-1906), denying the motion heretofore filed by you for a re-hearing in the consolidated Mississippi Choctaw case of Mary L. Underwood, et al., M. C. R. 2237.

Respectfully,

Commissioner.

McM 26/1

MCR-2237

Muskogee, Indian Territory, March 25, 1907.

Mary L. Underwood,  
Reagan, Indian Territory.

Dear Madam:-

Receipt is hereby acknowledged of your letter of March 10, 1907, addressed to the Secretary of the Interior and by him referred to this office for consideration and appropriate action. Therein you ask relative to your right to enrollment.

In reply thereto you are advised that the Secretary of the Interior, on April 9, 1903, affirmed the decision of the Commission to the Five Civilized Tribes of October 29, 1902, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary L. Underwood et al.

You are further advised that, on April 14, 1906, the Secretary of the Interior denied a motion filed with the Department by R. B. Coleman, McAlester, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Mary L. Underwood et al. This case is considered closed.

Your attention is invited to the following provision



M L U

-2-

of the Act of Congress approved April 26, 1906:

"Provided, That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

Respectfully,

Acting Commissioner.

# CHEROKEE NATION.

CH  
(NOT INCL)

BLOOD	TRIBAL ENROLLMENT			TRIBAL ENROLLMENT OF PARENTS		
	YEAR	DISTRICT	No.	NAME OF FATHER	YEAR	DISTRICT

Consolidated Case  
of  
Mary L. Underwood et al  
2237

Lucy Payne

Jim Meadows

dead

wife

Sarah Meadows

dead

mcr  
2237

Mary L. Meadows 47- $\frac{1}{3}$

married

J. A. Underwood

(or Jasper A.)  
(or Jasper E.)

mcr  
2237

Nora Underwood 13

Tobitha " 9

"Alice Florence" 6

mcr  
2238

Sydney J. Underwood 22- $\frac{1}{8}$

wife

Attie L. Underwood

mcr  
1745

David F. Underwood 27- $\frac{1}{8}$

wife

Ruth Underwood

Jasper Underwood 3

Irene " son

For Identification as a Mississippi Choctaw.

Date MAY 20 1901

Name Mary Underwood

Age 17 7/8 Blood 1/3

Post Office, Troy, I. T.

Father: Jim Meadows (dead)

Mother: Sarah Meadows "

Claims through father.

Husband: A Underwood  
(no claim for him)

Children:

- Nora Underwood 13
- Tabitha " 9
- Alice Florence 6

Claims for herself and three minor children

Stenographer

Henry S. Hains

Choctaw MCR 2238

Sydney T. Underwood

MCR 2238

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I.T. May 20, 1901.

#2238

In the matter of the application of Sydney T. Underwood for identification as a Mississippi Choctaw.

Sydney T. Underwood having been duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Sydney T. Underwood.
- Q What is your age? A Twenty-two.
- Q What is your post-office address? A Ravia, Indian Territory.
- Q How long have you lived there? A About six months.
- Q Where did you live before you came there? A Hoxbar, IT.
- Q How long have you been living in the Indian Territory? A Thirteen years.
- Q Where did you live before that? A About six years in Texas.
- Q And before that? A Born in Kentucky and lived there about four-three or four years, and then went to Texas and have been in Texas raised there until I came to the Territory.
- Q What is your father's name? A Jasper A. Underwood.
- Q Is he living? A Yes.
- Q What is your mother's name? A Mary L. Underwood.
- Q She is living? A yes.
- 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 One eighth.
- Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No; not until at present.
- Q Are you married? A Yes.
- Q What is your wife's name? A Attie L. Underwood.
- Q Do you make application on behalf of your wife? A No.
- Q Have you any children in your family for whom you wish to make application? A No.
- Q You are making application for yourself alone? A Yes.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- ~~Q Have you ever made application to the tribal authorities of the Choctaw Nation in the Indian Territory to be enrolled as a citizen of that tribe? A No.~~
- Q Have you ever made application to the tribal authorities of the Choctaw Nation in the Indian Territory to be enrolled as a citizen of that tribe? A No.
- Q Did you or did any one for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under Act of Congress of June 10, 1896? A No.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
- 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 by judgment of the United States Court in Indian Territory? No.

2---Sydney T. Underwood

- Q Is this the first application of any description you have ever made? A Yes.
- Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.
- Q Do you claim yo7r right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A I do.
- Q Do you understand that article of that treaty? A Yes.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No; I don't know.
- Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama, and recognized members of the Choctaw tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Nation? A The Paynes.
- Q What was the given name? A Lucy Payne, my great-grand-mother.
- Q Did this ancestor, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in the Indian Territory at the time of the removal of the other members of the Choctaw tribe, from 1833 to 1838? A I don't know.
- Q If she did not remove with the other members of the tribe, did she within six months from the ratification of the treaty of 1830 signify to the United States Agent to the Choctaw tribe of Indians in Mississippi her intention to remain in Mississippi and become a citizen of the United States? A I don't know.
- Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No.
- Q Are there any additional statements you desire to make now in support of your application? A Not at present.
- Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty?

Counsel for applicant, Hudson & Arnold, ask for thirty days.

On motion of counsel, applicant is allowed thirty days time in which to introduce such documentary evidence as he may desire in support of his application.

Applicant apparently white.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date, and report of same made to the Secretary of the Interior conformable to the provisions of the twenty-first section of the Act of Congress of June 28, 1898, and a copy of the same mailed to you at your post-office address as given by you in your testimony.

\*\*\*\*\*

Henry G. Hains, being duly sworn, on his oath, states that as stenographer to the Commission he reported in full all proceedings had in the above entitled cause on May 20, 1901, and that the above and foregoing is a full, true and correct transcript of his steno-

3--- Sydney T. Underwood

graphic notes in said cause on said date.

*Henry G. Haine*

Subscribed and sworn to before me this 15 day of July 1901.

*R. H. Linbaugh*

Notary Public.



Muskogee, Indian Territory, October 29, 1902.

Sydney T. Underwood,  
Ravia, Indian Territory.

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 consolidated case of Mary L. Underwood, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary L. Underwood, et al.,	M C R 2237
Sydney T. Underwood,	* 2238
David F. Underwood, et al.,	* 1745.

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-seven, eighteen hundred and thirty, and 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 Mary L. Underwood, Nora Underwood, Jobitha Underwood, Alice

S T U 2

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

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

Respectfully,

SIGNED:

*Samuel D. Dickey*  
Acting Chairman.

Registered.

Muskogee, Indian Territory, January 8, 1903.

Joiner & Pierce,  
Attorneys at Law,  
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th instant, in which you ask to be advised if S. T. Underwood has been enrolled or is on the list of court claimants.

In reply to your letter you are informed that it appears from the records of the Commission that Sydney T. Underwood, age twenty-two years, son of Jasper A. and Mary L. Underwood, residence Ravia, Indian Territory, made application to this Commission for identification as a Mississippi Choctaw.

On October 29, 1902, the Commission rendered its decision refusing his application and on the same date he was notified by registered mail of the action of the Commission and that he was granted fifteen days from the date of said decision within which to file arguments in support of his claim to be forwarded to the Secretary of the Interior. The fifteen days from October 29, 1902, heretofore granted in this case, expired on November 13, 1902, and on November 14, 1902, the record in the case was forward-

J. & P.--2

ed to the Secretary of the Interior. The applicant will be duly notified of such action as may be taken by him.

Respectfully,

COMMISSIONER IN CHARGE.  
Acting Chairman.

Muskogee, Indian Territory, January 13, 1903.

Joiner & Pierce,

Admore, Indian Territory.

Sir:

Receipt is hereby acknowledged of your letter of the 3d inst., in which you ask to be advised if S.T. Underwood is enrolled as a Choctaw or Chickasaw Indian.

In reply, you are informed that the Commission on the 8th inst., addressed you a communication fully advising the present status of the application made by Sydney T. Underwood for identification as a Mississippi Choctaw.

It does not appear from the records of the Commission that any person by the name of S.T. Underwood is listed for enrollment either as a citizen or free man of the Choctaw or Chickasaw Nation.

Respectfully,

Acting Chairman.

M.C.R.2238

Muskogee, Indian Territory, April 23, 1903.

Sydney T. Underwood,  
Ravia, Indian Territory.

Dear Sir:

You are hereby notified that on the 9th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary L. Underwood, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

*Tame Bixby.*  
Chairman.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 2238

**REFUSED**

*Sydney Underwood*

NOTICE OF DECISION MAILED APPLICANT.

OCT 24 1902

NOTICE OF DECISION MAILED APPLICANT  
FOR CHOCTAW AND CHICKASAW

OCT 29 1902

RECORD FORWARDED DEPARTMENT

NOV 1 1902

ACTION APPROVED BY SECRETARY

APR 1 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS SECTION  
OKASAW NATION

APR 25 1903

NOTICE OF DEPARTMENTAL  
FORWARDED APPLICANT.

APR 30 1903

REFER TO M. C. R.

No. 215

For Identification as a Mississippi Choctaw.

Date MAY 20 1901

Name Sydney T. Underwood

Age 22 Blood 1/8

Post Office, Ravia, L. T.

Father: Jasper U. Underwood ✓

Mother: Mary L Underwood ✓

Claims through mother

Wife: Attie L Underwood  
(no claim for her)

Children:

Claims for herself alone.

Stenographer

Henry G. Harris



Choctaw MCR 2239

Edmund Porier

MCR 2239

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Atoka, I.T. May 21, 1901.

42230

In the matter of the application of Edmund Porier for the identification of himself and his two minor children as Mississippi Choctaws Edmund Porier being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Edmund Porier.  
Q What is your age? A Forty nine.  
Q What is your post-office address? A Presently? -Ravia, IT.  
Q How long have you lived there? A About ten years.  
Q Where did you live before you lived there? A I went from Texas to Ravia.  
Q How long did you live in Texas? A Came to Texas in '74; it has been about sixteen years I guess.  
Q Where did you live before that? A Louisiana-Cadde Parish.  
Q Where were you born? A In Louisiana.  
Q And lived there until you came to Texas in '74? A Yes.  
Q And then you came to Territory? A Yes.  
Q What part of Texas did you live in? A Delta County.  
Q What is your father's name? A Tom Porier.  
Q Is he living? A No.  
Q What is your mother's name? A Mary D. Porier.  
Q Is she living? A No.  
Q Through which one of your parents do you derive your Choctaw blood? A My mother.  
Q How much do you claim? A One eighth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.  
Q Are you married? A Yes.  
Q What is your wife's name? A Texanna Porier.  
Q Do you make application for her? A No.  
Q She is a white woman-has no Indian blood? A Yes.  
Q Have you any children in your family under twenty-one years of age and unmarried for whom you desire to make application at this time?  
A Yes, I have two.  
Q Give their names and ages? A Winnie Porier, sixteen and Annie Bell Porier, ten.  
Q You are the father of these children? A Yes.  
Q And the mother is Texanna Porier? A Yes.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A An official.  
Q Justice of the Peace? A Yes.  
Q Have you your marriage license and certificate and do you wish to offer same in evidence? A No.  
Q It will be necessary that you furnish the Commission with these or certified copies in support of the application you make in behalf of your minor children. A I will have to write back to Texas-in Texas they dont give them back after recording.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
Q Are the names of either of these children? A No.  
Q Have you ever made application for yourself or these children to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No.  
Q Did you, or any one for you or for these children, in 1896, make application to the Commission to the Five Civilized Tribes for

citizenship in the Choctaw Nation, under Act of Congress of June 10, 1896,? A I don't understand the first part of the question.

- Q Did you, or any one for you or these children, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under Act of Congress of June 10, 1896? A No.
- Q Have you or these children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the commission to the Five Civilized Tribes, or by judgment of the United States Court? A No.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No never have.
- Q Neither for yourself nor these children? A No.
- Q Is this the first application of any description you have ever made? A Yes.
- Q Is it now your purpose to make application for identification as Mississippi Choctaws? A Yes.
- Q Do you claim your rights as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Yes.
- Q Are you familiar with that article of that treaty? A I think I am.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.
- Q What is the name of your ancestor or ancestors who were residents of the old Choctaw nation in Mississippi or Alabama and recognized members of the Choctaw tribe of Indians in 1830, at the time of the treaty of Dancing rabbit Creek was entered into between the United States and the Choctaw nation? A My grandmother was a Robleau.
- Q What was the first name? A I don't know.
- Q Your mother's mother? A Yes.
- Q Have you any evidence that such ancestor was a recognized member of the tribe at that time? A Yes, I think I have.
- Q Did your grand-mother, if a Choctaw Indian, remove from the territory occupied by the old Choctaw nation in Mississippi or Alabama to the present Choctaw nation in the Indian Territory, at the time of the removal of the other members of the Choctaw tribe of Indians from 1833 to 1838? A No, she did not remove.
- Q If she did not remove, did she within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent to the Choctaw tribe in Mississippi her intention to remain in Mississippi and become a citizen of the United States? A I don't know whether she did or not.
- Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A Not that I know of.
- Q Are there any additional statements you desire to make now in support of this application? A No.
- Q Have you any documentary evidence, affidavits, written evidence or any description copies of records, deeds or patents, or any proper papers showing that any of your ancestors were ever recognized members of the Choctaw nation in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A

Counsel for applicant ask for thirty days to furnish such proof as applicant may be able to give. Motion granted allowing applicant thirty days to furnish marriage license and certificate or certified copies thereof and any other evidence he may desire in support of this application. (Hudson & Arnold-for applicant)

Applicant is apparently a white man.

3-- Edmund perier

The decision of the Commission as to your application for identification as Mississippi Choctaw for yourself and your minor children will be determined at the earliest possible date, and copy report of same made to the Secretary of the Interior, conformable to the provisions of the twenty-first Section of the Act of Congress of June 28, 1898, and a copy of the same mailed to you at your post-office address as given by you in your testimony.

.....

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to be fore me this 15 day of July 1901.

*R. W. Linebaugh*

Notary Public.

Muskogee, Indian Territory, July 24, 1901.

Messrs Hudson & Arnold,  
Attorneys at Law,  
Ardmore, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of June 24, inclosing affidavit of Tamas Dupre offered by you for filing in support of the application of Edward Grumbles et al. for identification as Mississippi Choctaws.

Also the affidavits of Tamas Dupre and Amile Trudhomme, offered for filing in the matter of the application for identification as Mississippi Choctaws of Edmund Perier et al.

Also inclosing the affidavit of Tamas Dupre offered for filing in the matter of the application for identification as Mississippi Choctaws of Charley B. McCause et al.

Also inclosing the affidavit of Tamas Dupre offered for filing in support of the application of Robert J. Dupre et al.

These affidavits, being in proper form, have been accepted and filed with the records of the Commission.

Yours truly,

MC 2239  
2240  
2241  
2242

Commissioner in Charge.

Miss. Choctaw  
2239, 2240, 2241.

Muskogee, Indian Territory, April 23, 1902.

E. D. Parier,  
E. L. Grumbles,  
R. J. Dupre,

Troy, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of April 21, asking if any evidence has been filed in support of your applications for identification as Mississippi Choctaws. You also state that if any evidence is lacking in your cases you desire to be advised of that fact.

In reply to your letter you are advised that it appears from our records that the following evidence has been offered in support of the application for identification of Bob Dupre, et al.: Oral testimony of Bob Dupre; oral testimony of Tamas L. Dupre and Emile Proudhomme, taken at Atoka, Indian Territory, October 9, 1901; affidavits of Tamas Dupre and W. T. Dupre and certified copy of marriage license and certificate between R. J. Dupre and Emily Howls.

In the application of Edward L. Grumbles, et al., the following evidence has been received and filed: Oral testimony of Edward L. Grumbles; oral testimony of Tamas L. Dupre and Emile

E.D.P. 2

Proudhomme, taken at Atoka, Indian Territory, October 9, 1901; affidavits of Tamas Dupre and M. T. Dupre and certified copy of marriage license and certificate between E. L. Grumbles and Mrs. Nancy Shiner.

In the matter of the application for identification as Mississippi Choctaws of Edmund Porier, et al., the following evidence has been filed: Oral testimony of Edmund Porier; oral testimony of Tamas L. Dupre and Emile Proudhomme, taken at Atoka, Indian Territory, October 9, 1901; affidavits of Tamas Dupre and Emil Prudhomme and certified copy of marriage license and certificate between E. Porier and Texanner Rudder.

No decisions have yet been reached nor opinions rendered relative to the rights of the above named applicants as Mississippi Choctaws. As soon as a decision is reached you will be notified of the action of the Commission.

You are advised that the Commission cannot take up the evidence filed in support of applications for identification as Mississippi Choctaws and pass upon the sufficiency of the same until the cases are taken up for consideration and determination.

Yours truly,

Commissioner in Charge.

OFFICE

Muskegee, Indian Territory, September 2, 1902.

Edmund Porier,

Ravia, Indian Territory,

Dear Sir:

You are hereby advised that on the 2nd day of September, 1902, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Roselia Wallette, et al., embracing the following applications for identification as Mississippi Choctaws:

Roselia Wallette,	M C R 4895
Zelia Laurent, et al.,	" 4896
Angele Laurent,	" 4898
Olevia Wallette, et al.,	" 4897
John B. Wallette, et al.,	" 4478
Louis L. Wallette, et al.,	" 4329
Joe Clanton, et al.,	" 3101
Mere Flores, et al.,	" 3467
Mary E. Roach, et al.,	" 3098
John Brashier, et al.,	" 2887
Joseph O. Flores, et al.,	" 2886
Joe D. Laffitte,	" 3100
Leon Laffitte,	" 3102
Napoleon Laffitte,	" 3097
Sam Laffitte,	" 3099
A. Dupas, et al.,	" 3103
Minnie Hesser,	" 3949
James Flores, et al.,	" 3714
Sylvester Rambin, et al.,	" 3712
Joseph L. Rambin, et al.,	" 3951
Della Rambin, et al.,	" 3931
Carrie L. Rambin, et al.,	" 3953
Clara Legrand, et al.,	" 3713
Boney Rambin, et al.,	" 3952
Edmund Porier, et al.,	" 2239
Sterling Porier,	" 2244



Blunetta Deaton, et al.,	M C R 2392
Bob Dupre, et al.,	" 2241
Len Dupre,	" 2243
Edward L. Grumbles, et al.,	" 2240
Annie Flores, et al.,	" 3950
Charley B. McCause, et al.,	" 2242

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 Roselia Walette, Zelia Laurent, Jonce Olivie Laurent, Alexis Laurent, Frank Laurent, Steve Laurent, William Bernard Laurent, Ivan Lee Laurent, Sam Clyde Laurent, Preston Laurent, John Wilma Laurent, Sydney Laurent, Angele Laurent, Olevia Walette, Baranot Walette, Edwin Walette, Leo Walette, Eva Walette, John B. Walette, Gertrude Walette, Eugenia Walette, John Steven Walette, Louis L. Walette, Lambert Walette, Joe Clanton, Dan Clanton, Mero Flores, Angele Flores, Mary E. Roach, Robert Roach, Willie Roach, John Brashier, Jones Brashier, Oscar Brashier, Louis Brashier, Joseph O. Flores, Slean Flores, Ben Flores, Oscar Flores, Mary Flores, Clayton Flores, Joe D. Laffitte, Leon Laffitte, Napoleon Laffitte, Sam Laffitte, A. Dubax, Joe Dubax, John Dubax, Napoleon Dubax, Minnie Hesser, James Flores, William Flores, Walter Flores, Lavinia Flores, May Flores, Sylvester Ramin, Sydney Ramin, Samuel Ramin, Mattie Ramin, Pearl Ramin, Birdie Ramin, Zada Ramin, Joseph L. Ramin, Mary E. Ramin, Della Ramin, Joseph Arnold Ramin, Carrie L. Ramin, Myrtle L. Ramin, Lawrence L. Ramin, Clara Legrand, Andrew Augustin Legrand, Joseph Napoleon Legrand, Mary E. Legrand, Joseph W. Legrand, George M. Legrand, Emma Lucy Legrand, John A. Legrand, Mary Celeste Legrand, Boney Ramin, Joseph O. Ramin, Arthur Ramin, Lula Ramin, Joseph McQ. Ramin, Johnnie Ramin, Edmund Porier, Winnie Porier, Annie Bell

E P-3.

Porier, Sterling Porier, Blunetta Deaton, Eddie Lee Deaton, Bob Dupre, Robert Dupre, Elijah Dupre, Vessie D. Dupre, Lula Dupre, Clipper Dupre, Beatrice Dupre, Lem Dupre, Edward L. Grumbles, Leonard Grumbles, John Grumbles, Robert Grumbles, Mary Grumbles, Ed Grumbles, Dan Grumbles, Willie Grumbles, Bagus Grumbles, Annie Flores, William Flores, Lillie M. Flores, Philip Flores, Hartwell Flores, Charley B. McCause, Fletcher D. McCause, Minnie B. McCause, Katie V. McCause, Eddie McCause, Mabel McCause, Pearl McCause and Birdie McCause, 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,

*James B. Pate*  
Acting Chairman.

Registered.

M.C.R. 2239

COPY.

Muskogee, Indian Territory, February 25, 1903.

Edmund perier,

Navia, Indian Territory.

Dear Sir:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed, the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rozelia Walette, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

*Tame Pinku.*  
Chairman.

M.C.R. 2239.

COPY

Muskogee, Indian Territory, November 12, 1906.

Edmund Porier,

Ravia, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on October 30, 1906, denied the request of E. L. Grumble of Pauls Valley, Indian Territory, of June 20, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Rozelia Walette, et al., of which the application for the identification of yourself and two minor children is a part.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

MCR-2239

Muskogee, Indian Territory, March 2, 1907.

Edmund Porier,  
Bavia, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied a motion, filed by Patchell & Henderson, attorneys at law, Pauls Valley, Indian Territory, for a reconsideration of Departmental action of October 30, 1906, denying a request filed by E. L. Grumble June 22, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Roselia Wallette et al.

Respectfully,

Commissioner.

A MISSISSIPPI CHOCTAW.

P. 2 183

Edmund Poirer et al.

R 2230

RECEIVED

DECISION MADE BY

2 1902

REPUBLICAN.

SEP 2 1902

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FEB 11 1903

MENTAL ACTION

F 1902

FEB 25 1903

REFER TO M. C. R. 4-095

No. 2239

For Identification as a Mississippi Choctaw

Date MAY 21 1921

Name Edmund Pories.

Age 49 Blood 1/8

Post Office, Ravin, L. T.

Father: Tom Pories (dead)

Mother: Mary D Pories ..

Claims through mother

Wife: Texanna Pories  
(no claim for her)

Children:

Winnie Pories	16
Annie Bell "	10

Claims for himself and  
2 minor children

Stenographer

Henry G. Hains.

Choctaw MCR 2240

Edward L. Grumbles.

MCR

2240



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I.T. MAY 21, 1901.

# 22 40

In the matter of the application of Edward L. Grumbles for the identification of himself and his minor children as Mississippi Choctaws.

Edward L. Grumbles being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Edward L. Grumbles.  
Q What is your age? A Thirty-nine.  
Q What is your post-office address? A Troy, Indian Territory.  
Q How long have you lived at Troy? A Seven years.  
Q Where did you live before that? A I lived three years South of Tishomingo; moved from Texas there.  
Q How long did you live in Texas? A Moved there in 1874 and lived there till ten years ago.  
Q Where did you come from to Texas? A Louisiana.  
Q Born in Louisiana? A Yes.  
Q What part of Louisiana? A Caddo Parish.  
Q What was the name of your father? A William Grumbles.  
Q Is he living? A No.  
Q What is your mother's name? A Mary Grumbles.  
Q Is she living? A No.  
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 One sixteenth.  
Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.  
Q Are you married? A Yes.  
Q What is your wife's name? A I have been married twice; my first wife's name was Mollie.  
Q What is the name of your present wife? A Nannie Grumbles.  
Q Do you make any claim for her? A No.  
Q Have you any children in your family under twenty-one years of age and unmarried for whom you wish to make application now? A Yes.  
Q Give their names and ages? A Leonard Grumbles, seventeen; John Grumbles, fifteen; Robert Grumbles, thirteen.  
Q The mother of these children was Mollie Grumbles? A Yes.  
Q Is Mollie dead? A Yes.  
Q Give the names of your children by your second wife? A Mary Grumbles, eleven; Ed Grumbles, eight; Dan Grumbles, seven; Willie Grumbles (boy), three; and Bagus Grumbles, eight months.  
Q Your present wife, Nannie Grumbles is the mother of these children?  
A Yes.  
Q You are their father? A Yes.  
Q Did you obtain a license to marry? A Not from the Choctaw country; I was married in Texas.  
Q Did you obtain a license from the authorities there? A Yes.  
Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.  
Q Have you your marriage license and certificate and do you wish to offer same in evidence? A No, they are in Texas.  
Q It will be necessary for the Commission to be supplied with them or certified copies of the same, in support of the application you make?  
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 Have you ever made application for yourself or these children to the Choctaw tribal authorities or the authorities of the United States for citizenship in the Choctaw Nation? A No.
- Q Did you or anyone for your inx or these children, in 1896, make application to the Commission to the Five Civilized Tribes, for citizenship in the Choctaw Nation, under Act of Congress of June 10, 1896? A No.
- Q Have you or these children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.
- Q Have you ever made application prior to this time for yourself or these children to the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as members or citizens of the Choctaw Nation? A No.
- Q Is this the first application you have ever made of any description  
A Yes.
- Q Is it now your purpose to make application for identification as Mississippi Choctaws? A Yes.
- Q Do you claim your rights as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Yes.
- Q Do you understand the provisions of that article? A I think I do.
- Q Have you ever received, you or your children, any benefits as Choctaw Indians? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.
- Q What was the name of your ancestor or ancestors who were recognized members of the Choctaw tribe of Indians in Mississippi or Alabama in 1830 at the time the Treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Nation A My Grand-mother, Mary Porier.
- Q Your mother's mother? A Yes.
- Q Have you any evidence showing that such ancestor was a recognized member of the Choctaw tribe at that time? A Yes, I haven't it with me though.
- Q Did your grand-mother, if a Choctaw Indian, remove from the territory occupied by the Choctaw tribe of Indians in Mississippi or Alabama to the present Choctaw nation in Indian territory at the time of the removal of the other members of the Choctaw tribe, from 1833 to 1838? A I don't know.
- Q If she did not remove, did she within six months after the ratification of the treaty of 1830 signify to the United States Agent to the Choctaw tribe of Indians in Mississippi her intention to remain in Mississippi and become a citizen of the United States?  
A I don't know.
- Q Have any of your ancestors ever received or claimed any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A I don't know.
- Q Are there any additional statements you desire to make in support of this application? A I don't understand.
- Q Is there anything further you want to say? A No.
- Q Have you any documentary evidence, affidavits, or written evidence of any kind, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A

On motion of counsel for applicant, (Hudson & Arnold), thirty days time is allowed applicant in which to procure and file such

documentary evidence as he may desire in support of his application and also marriage license and certificate or certified copies of same.

(Examination by J.A. Arnold):

- Q Are you acquainted with Ed Porier? A Yes.  
Q What relation is he to you? A My uncle.  
Q Your grand-mother was Mary Porier? A Yes.  
Q How was your grand-mother and his grandmother related? A Well, his grandmother was my grand-mother's mother.  
Q Do you know what his grand-mother's name was? A Yes, Robleau.  
Q His grand-mother, now, was your grand-mother's mother? A Yes.

The decision of the Commission as to your application for identification for yourself and your minor children as Mississippi Choc-taws will be determined at the earliest possible date, and report of same made to the Secretary of the Interior, conformable to the provisions of the twenty-first section of the Act of Congress of June 28, 1898, and a copy of the same mailed to you at your post-office address as given by you in your testimony?

(Applicant is apparently white.)

\*\*\*\*\*

Henry G. Hains being duly sworn, on his oath, states that as stenographer to the Commission to the Five civilized Tribes he reported in full all proceedings had in the above entitled cause on May 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 15 day of July 1901.

*R. W. Linebaugh*

Notary Public.

Muskogee, Indian Territory, July 24, 1901.

Yessers Hudson & Arnold,

Attorneys at Law,

Armore, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of June 24, inclosing affidavit of Tamas Dupre offered by you for filing in support of the application of Edward Grumbles et al. for identification as Mississippi Choctaws.

Also the affidavits of Tamas Dupre and Amile Trudhomme, offered for filing in the matter of the application for identification as Mississippi Choctaws of Edmund Perier et al.

Also inclosing the affidavit of Tamas Dupre offered for filing in the matter of the application for identification as Mississippi Choctaws of Charley B. McCause et al.

Also inclosing the affidavit of Tamas Dupre offered for filing in support of the application of Robert J. Dupre et al.

These affidavits, being in proper form, have been accepted and filed with the records of the Commission.

Yours truly,

MC 2259  
2240  
2241  
2242

Commissioner in Charge.

Muskogee, Indian Territory, July 27, 1901.

Hudson & Arnold,  
Attorneys at Law,  
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of July 19th, enclosing affidavit of M. T. Dupre, and certified copy of marriage license and certificate between E. L. Grumble and M. A. Price, offered by you for filing in support of the application of Edward L. Grumble et al. for identification as Mississippi Choctaws.

Also, the affidavit of M. T. Dupre and Emily Boles offered by you for filing in the matter of the application for identification as Mississippi Choctaws of Bob Dupre et al.

Also, affidavit of M. T. Dupre and marriage license and certificate between G. B. McCause and Sarah A. Smith, offered by you for filing with the records in the application of Charley B. McCause et al. for identification as Mississippi Choctaws. The same have been duly made a part of the records and will receive the consideration of the Commission in determining the rights of these applicants to identification as Mississippi Choctaws.

Yours truly,

MD-2240  
MD-2241  
MD-2242

Commissioner in charge.

Muskogee, Indian Territory, September 9, 1901.

Mr. J. H. Arnold,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 23rd, with which you enclose certified copy of marriage license and certificate between E. L. Grumbles and Mrs. Nancy Shiner, which you offer for filing in support of the application for the identification as Mississippi Choctaws of Edward L. Grumbles et al., The same has been duly filed and made a part of the record in this case and will receive consideration in determining the right of these applicants to identification as Mississippi Choctaws.

Yours truly,

M.C. 2240

Miss. Cheetaw  
2239, 2240, 2241.

Muskogee, Indian Territory, April 23, 1902.

E. D. Parier,  
W. L. Grumbles,  
R. J. Dupre,

Troy, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of April 21, asking if any evidence has been filed in support of your applications for identification as Mississippi Cheetaws. You also state that if any evidence is lacking in your cases you desire to be advised of that fact.

In reply to your letter you are advised that it appears from our records that the following evidence has been offered in support of the application for identification of Bob Dupre, et al.: Oral testimony of Bob Dupre; oral testimony of Tansas L. Dupre and Emile Proudhomme, taken at Atoka, Indian Territory, October 9, 1901; affidavits of Tansas Dupre and W. T. Dupre and certified copy of marriage license and certificate between R. J. Dupre and Emily Bowls.

In the application of Edward L. Grumbles, et al., the following evidence has been received and filed: Oral testimony of Edward L. Grumbles; oral testimony of Tansas L. Dupre and Emile

E.D.P. 2

Proudhomme, taken at Atoka, Indian Territory, October 9, 1901; affidavits of Tamas Dupre and W. T. Dupre and certified copy of marriage license and certificate between E. L. Grumbles and Mrs. Nancy Shiner.

In the matter of the application for identification as Mississippi Choctaws of Edmund Porier, et al., the following evidence has been filed: Oral testimony of Edmund Porier; oral testimony of Tamas L. Dupre and Emile Proudhomme, taken at Atoka, Indian Territory, October 9, 1901; affidavits of Tamas Dupre and Emil Prudhomme and certified copy of marriage license and certificate between E. Porier and Maxaner Rudder.

No decisions have yet been reached nor opinions rendered relative to the rights of the above named applicants as Mississippi Choctaws. As soon as a decision is reached you will be notified of the action of the Commission.

You are advised that the Commission cannot take up the evidence filed in support of applications for identification as Mississippi Choctaws and pass upon the sufficiency of the same until the cases are taken up for consideration and determination.

Yours truly,

Commissioner in Charge.



Muskogee, Indian Territory, September 2, 1902.

Edward E. Grumbler,  
Troy, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of September, 1902, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Rozelia Waillette, et al., embracing the following applications for identification as Mississippi

Choctaws:

Rozelia Waillette,	M C R 4895
Zelia Laurent, et al.,	" 4896
Angela Laurent,	" 4898
Olevia Waillette, et al.,	" 4897
John B. Waillette, et al.,	" 4478
Louis L. Waillette, et al.,	" 4329
Joe Clanton, et al.,	" 3101
Mero Flores, et al.,	" 3467
Mary E. Roach, et al.,	" 3098
John Brasher, et al.,	" 2887
Joseph O. Flores, et al.,	" 2886
Joe D. Laffitte,	" 3100
Leon Laffitte,	" 3102
Napoleon Laffitte,	" 3097
Sam Laffitte,	" 3099
A. Dubaz, et al.,	" 3103
Minnie Hesser,	" 3949
James Flores, et al.,	" 3714
Sylvester Rambin, et al.,	" 3712
Joseph L. Rambin, et al.,	" 3951
Della Rambin, et al.,	" 3931
Carrie L. Rambin, et al.,	" 3953
Clara Legrand, et al.,	" 3713
Boney Rambin, et al.,	" 3952
Edmund Perier, et al.,	" 2239
Sterling Perier,	" 2244

B L C-2.

Blunetta Deaton, et al.,	M C R 2392
Bob Dupre, et al.,	" 2241
Len Dupre,	" 2243
Edward L. Grumbles, et al.,	" 2240
Annie Flores, et al.,	" 3950
Charley B. McCauso, et al.,	" 2242

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 Roselia Walette, Zelia Laurent, Jonce Olive Laurent, Alexis Laurent, Frank Laurent, Steve Laurent, William Bernard Laurent, Ivan Lee Laurent, Sam Clyde Laurent, Preston Laurent, John Wilma Laurent, Sydney Laurent, Angele Laurent, Olevia Walette, Earnest Walette, Edwin Walette, Leo Walette, Eva Walette, John B. Walette, Gertrude Walette, Eugenia Walette, John Steven Walette, Louis L. Walette, Lambert Walette, Joe Clanton, Dan Clanton, Merc Flores, Angela Flores, Mary E. Roach, Robert Roach, Willie Roach, John Brashier, Jones Brashier, Oscar Brashier, Louis Brashier, Joseph O. Flores, Sloan Flores, Ben Flores, Oscar Flores, Mary Flores, Clayton Flores, Joe D. Laffitte, Leon Laffitte, Napoleon Laffitte, Sam Laffitte, A. Dubaz, Joe Dubaz, John Dubaz, Napoleon Dubaz, Minnie Fesser, James Flores, William Flores, Walter Flores, Lavinia Flores, May Flores, Sylvester Ramin, Sydney Ramin, Samuel Ramin, Mattie Ramin, Pearl Ramin, Birdie Ramin, Zada Ramin, Joseph L. Ramin, Mary Z. Ramin, Della Ramin, Joseph Arnold Ramin, Carrie L. Ramin, Myrtle L. Ramin, Lawrence L. Ramin, Clara Legrand, Andrew Augustin Legrand, Joseph Napoleon Legrand, Mary E. Legrand, Joseph W. Legrand, George M. Legrand, Emma Lucy Legrand, John A. Legrand, Mary Celeste Legrand, Boney Ramin, Joseph O. Ramin, Arthur Ramin, Lula Ramin, Joseph McQ. Ramin, Johnnie Ramin, Edmund Porier, Winnie Porier, Annie Bell Porier, Sterli

ing, Perier, Blunetta Deaton, Eddie Lee Deaton, Bob Dupre, Robert Dupre, Elijah Dupre, Vessie D. Dupre, Lula Dupre, Clipper Dupre, Beatrice Dupre, Lem Dupre, Edward L. Grumbles, Leonard Grumbles, John Grumbles, Robert Grumbles, Mary Grumbles, Ed Grumbles, Dan Grumbles, Willie Grumbles, Bagus Grumbles, Annie Flores, William Flores, Lillie M. Flores, Philip Flores, Hartwell Flores, Charley B. McCause, Fletcher D. McCause, Minnie B. McCause, Katie V. McCause, Eddie McCause, Mabel McCause, Pearl McCause, and Birdie McCause, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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 Dinky*  
Acting Chairman.

Registered.

M.C.R. 2440.

COPY.

Muskogee, Indian Territory, February 25, 1903.

Edward L. Grumbles,  
Troy, Indian Territory.

Dear Sir:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rozelia Waillette, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

*Tame Bixby.*  
Chairman.

M.C.R. 2240

COPY

Muskogee, Indian Territory, November 12, 1906.

Edward L. Grumble,

Pauls Valley, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on October 30, 1906, denied your request of June 20, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Rozelia Walette, et al.

Respectfully,

SIGNED *Tams Bixby.*  
Commissioner.

LBA 12-1.

MCR-  
4895-2240

CCF

Muskogee, Indian Territory, December 20, 1906.

Patchell & Henderson,  
Attorneys at Law,  
Pauls Valley, Indian Territory.

Gentlemen :--

Receipt is hereby acknowledged of your letter of November 20, 1906, transmitting the affidavits of Edward J. Grumbles, Joe Jamison, Indian McDonald and V. J. Olliver, also copy of patent signed by President James K. Polk, conveying to one Un-la-hi-o-che, certain land in the state of Mississippi, under the 14th article of the treaty of 1830, which you request be considered in connection with a letter of E. J. Grumble of June 20, 1906, in which Mr. Grumble asks for a rehearing of the consolidated Mississippi Choctaw case of Roxelia Walette, et al.

The records of this office show that on October 30, 1906, (I.T.D. 20676-1906), the Secretary of the Interior denied a rehearing in the consolidated case of Roxelia Walette, et al. However, the papers enclosed with your letter of the 20th ultimo were on December 18 forwarded to the Secretary of the Interior.

Respectfully,

SIGNED *Wm. O. Bout.*  
Acting Commissioner.

MCR-2240

Muskogee, Indian Territory, March 2, 1907.

Edward L. Grumble,  
Pauls Valley, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied a motion, filed by Patchell & Henderson, attorneys at law, Pauls Valley, Indian Territory, for a reconsideration of Departmental action of October 30, 1906, denying a request filed by E. L. Grumble June 22, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Roselia Walette et al.

Respectfully,

Commissioner.

## For Identification as a Mississippi Choctaw

Date MAY 21 1901

Name Edward L. Grumbles

Age 39 Blood 1/16

Post Office, Troy, D. I.

Father: William Grumbles (dead)

Mother: Mary Grumbles (dead)

Claims through mother

Wife: Nannie Grumbles  
(No claim for her)Claims for himself and 8  
minor children.

Children:

Leonard Grumbles 17

John " 15

Robert " 13

Mother: Mollie Grumbles (dead)

Mary Grumbles 11

Ed " 8

Dan " 7

M. Willie " 3

M. Bague 8 mo.  
Mother: Nannie Grumbles

Stenographer

Henry G. Hains.



FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 2210

*Edward L. Grumbles et al.*

REFUSED

REFERRED

MAILED APPLICANTS

FORWARDED  
APPLICANTS.

EXHIBIT

1908

GENERAL AGENTS

AGENTS

ACTION  
MISSISSIPPI

MCR 2241

Choctaw MCR 2241

Bob Dupre

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I.T. May 21, 1901,

# 2241

In the matter of the application of Bob Dupre for the identification of himself and his six minor children as Mississippi Choctaws. Bob Dupre having been first duly sworn testified as follows:

(Examination by the Commission).

- Q What is your name? A Bob Dupre.  
Q What is your age? A Forty-six  
Q What is your post-office address? A Troy, Indian Territory.  
Q How long have you lived there? A Three years.  
Q Where did you live before that? A Well, I lived-you mean in the Territory.  
Q How long have you lived in the Indian Territory altogether?  
A Ten years.  
Q Where did you live before you came to the Territory? A Texas.  
Q What part of Texas? A Hopkins County.  
Q How long did you live in Texas? A From '74 up to ten years ago, sixteen years about.  
Q Where did you live before your went to Texas? A Caddo Parish, La.  
A Were you born and raised there? A Born and raised there, yes.  
Q What is your father's name? A Lamar Dupre.  
Q Is he living? A No.  
Q What is your mother's name? A Mary P. Dupre.  
Q Is she living? A No.  
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 One sixteenth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.  
Q Are you married? A Yes.  
Q What is your wife's name? A Emily Dupre.  
Q Making any claim in her behalf? A No.  
Q She is a white woman? A Yes.  
Q Have you any children in your family under twenty-one years of age and unmarried for whom you wish to make application? A Yes.  
Q Give their names and ages? A Robert Dupre, fifteen; Elijah Dupre, twelve; Vessie D., ten; Lula Dupre, seven; Clipper (girl), five, and Beatrice Dupre, two.  
Q These are all of the children? A Yes.  
Q What is the name of their mother? A Emily Dupre.  
Q Did you obtain a license to marry? A Yes.  
Q You are the father of these children? A Yes.  
Q Were you married by and ordained minister or by official authorized to perform the marriage ceremony? A Ordained minister.  
Q Have you your marriage license and certificate and do you desire to offer same in evidence? A I haven't them with me ;they are in the Clerk's office  
Q It will be necessary for the Commission to be supplied with such evidence of your marriage to Emily Dupre in support of the application you make for your minor children.  
Q Is your name or any of the names of these children 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 authorities in Indian Territory for your self or these children to be enrolled as members of that tribe? A No.

- Q Did you or did anyone for you or for these children, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation, under Act of Congress of June 10, 1897? A Not that I know of.
- Q Have either you or these children been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by judgment of the United States Court in Indian Territory? A No.
- Q Have you ever made application prior to this time for yourself or these children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw nation? A No.
- Q Is the first application you have ever made of any kind? A Yes.
- Q Is it now your purpose to make application for identification as Mississippi Choctaws? A Yes.
- Q Do you claim your rights as beneficiaryes under the provisions of the fourteenth article of the treaty of 1830? A Yes.
- Q Do you understand that article? A I think I do.
- Q Have you or these children ever received any benefits as Choctaw Indians? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.
- Q What was the name of your ancestor or ancestors who were residents of the old Choctaw nation in Mississippi or Alabama and acknowledge members of the Choctaw tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Nation? A Porier.
- Q What was the Christian name? A My mother or grandmother? It must have been Robleau then.
- Q What was her Christian name? A I don't know.
- Q Have you any evidence showing that such ancestor was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A No.
- Q Did this ancestor, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in Indian Territory, at the time of the removal of the other members of the tribe of Choctaw Indians, from 1833 to 1838? A Not that I know of.
- Q If your grandmother did not remove, with the other members of the tribe, did she, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw tribe in Mississippi her intention to remain and become a citizen of the United States? A Not that I know of.
- Q Have any of your ancestors ever claimed or received any benefits under the fourteenth article of the treaty of 1830? A I don't know.
- Q Are there any additional statements your desire to make in support of this application? A No.
- Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? Dont-

Hudson & Arnold, att'ys for applicant, ask for time.

On motion of counsel for applicant, thirty days time is allowed applicant in which to file marriage license and certificate or certified copy of same and other evidence he may desire in support of his application.

By Att'y Arnold)

- Q You are acquainted with Edmund Porier and Edward Brumbles? A Yes.
- Q What relation are they to you? A Porier is my uncle and Brumbles is my half-brother.

3---Bob Dupre

(Applicant apparently is white man)

The decision of the Commission as to your application for identification as Mississippi Choctaws for yourself and your minor children will be determined at the earliest possible date, and report of same made to the Secretary of the Interior, conformable to the provisions of the twenty-first section of the Act of Congress of June 28, 1898, and a copy of the same mailed to you at your post-office address as given by you in your testimony.

.....

Henry G. Hains, being duly sworn, on his oath, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 15 day of July 1901.

*D. W. Linebaugh*

Notary Public.

Muskegee, Indian Territory, July 24, 1901.

Messrs Hudson & Arnold,  
Attorneys at Law,  
Ardmore, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of June 24, inclosing affidavit of Tamas Dupre offered by you for filing in support of the application of Edward Grumbles et al. for identification as Mississippi Choctaws.

Also the affidavits of Tamas Dupre and Amile Trudhomme, offered for filing in the matter of the application for identification as Mississippi Choctaws of Edmund Perier et al.

Also inclosing the affidavit of Tamas Dupre offered for filing in the matter of the application for identification as Mississippi Choctaws of Charley B. McCause et al.

Also inclosing the affidavit of Tamas Dupre offered for filing in support of the application of Robert J. Dupre et al.

These affidavits, being in proper form, have been accepted and filed with the records of the Commission.

Yours truly,

MC 2239  
2240  
2241  
2242

Commissioner in Charge.

Waukegee, Indian Territory, July 27, 1901.

Hudson & Arnold,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of July 19th, enclosing affidavit of M. T. Dupre, and certified copy of marriage license and certificate between E. L. Grumble and M. A. Price, offered by you for filing in support of the application of Edward L. Grumble et al. for identification as Mississippi Choctaws.

Also, the affidavit of M. T. Dupre and Emily Holes offered by you for filing in the matter of the application for identification as Mississippi Choctaws of Bob Dupre et al.

Also, affidavit of M. T. Dupre and marriage license and certificate between C. B. McCause and Sarah A. Smith, offered by you for filing with the records in the application of Charley P. McCause et al. for identification as Mississippi Choctaws. The same have been duly made a part of the records and will receive the consideration of the Commission in determining the rights of these applicants to identification as Mississippi Choctaws.

Yours truly,

HC-2240  
HC-2241  
HC-2242

Commissioner in charge.

Miss. Choctaw  
2239, 2240, 2241.

Muskogee, Indian Territory, April 23, 1902.

E. D. Porter,  
E. L. Grumbles,  
R. J. Dupre,

Troy, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of April 21, asking if any evidence has been filed in support of your applications for identification as Mississippi Choctaws. You also state that if any evidence is lacking in your cases you desire to be advised of that fact.

In reply to your letter you are advised that it appears from our records that the following evidence has been offered in support of the application for identification of Bob Dupre, et al.: Oral testimony of Bob Dupre; oral testimony of Tansas L. Dupre and Emile Proudhomme, taken at Atoka, Indian Territory, October 9, 1901; affidavits of Tansas Dupre and W. T. Dupre and certified copy of marriage license and certificate between R. J. Dupre and Emily Rowle.

In the application of Edward L. Grumbles, et al., the following evidence has been received and filed: Oral testimony of Edward L. Grumbles; oral testimony of Tansas L. Dupre and Emile



B.D.P. 2

Proudhomme, taken at Atoka, Indian Territory, October 9, 1901; affidavits of Tamas Dupre and M. T. Dupre and certified copy of marriage license and certificate between E. L. Grumbles and Mrs. Nancy Shiner.

In the matter of the application for identification as Mississippi Choctaws of Edmund Porier, et al., the following evidence has been filed: Oral testimony of Edmund Porier; oral testimony of Tamas L. Dupre and Emile proudhomme, taken at Atoka, Indian Territory, October 9, 1901; affidavits of Tamas Dupre and Emil Prudhomme and certified copy of marriage license and certificate between E. Porier and Texanner Rudder.

No decisions have yet been reached nor opinions rendered relative to the rights of the above named applicants as Mississippi Choctaws. As soon as a decision is reached you will be notified of the action of the Commission.

You are advised that the Commission cannot take up the evidence filed in support of applications for identification as Mississippi Choctaws and pass upon the sufficiency of the same until the cases are taken up for consideration and determination.

Yours truly,

Commissioner in Charge.

Miss. Choctaw 2241

Muskogee, Indian Territory, May 1, 1908.

R. J. Dupree,

Troy, Indian Territory,

Dear Sir:

Your letter of April 21, addressed to the Secretary of the Interior, has been referred to this Commission for consideration and appropriate action. You state therein that you appeared before the Dawes Commission and made application for identification as a Mississippi Choctaw, and ask to be informed the status of your case. You also wish to know if persons who have applied for identification as Mississippi Choctaws have a right to improve or fence land in the Choctaw nation.

In reply to your letter you are advised that no decision has yet been reached nor opinion rendered relative to your rights as a Mississippi Choctaw. As soon as a decision is reached you will be notified of the action of the Commission.

Relative to that portion of your letter in which you ask concerning the right of applicants for identification as Mississippi Choctaws to hold land in the Choctaw Nation, your attention is invited to the following provision of the act of Congress of May 31, 1900:

R.J.D. 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 Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

It is not believed that the benefits of this legislation would accrue to applicants until after they had been identified by this Commission as Choctaw Indians entitled to rights in the Choctaw lands under the fourteenth article of the treaty of 1830.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, September 2, 1902.

Bob Dupre,

Troy, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Roselia Wallette, et al., embracing the following applications for identification as Mississippi

Choctaws:

Roselia Wallette,	M C R 4895
Zelia Laurent, et al.,	" 4896
Angele Laurent,	" 4898
Olevia Wallette, et al.,	" 4897
John B. Wallette, et al.,	" 4478
Louis L. Wallette, et al.,	" 4329
Joe Clanton, et al.,	" 3101
Mero Flores, et al.,	" 3467
Mary E. Roach, et al.,	" 3098
John Brashier, et al.,	" 2887
Joseph O. Flores, et al.,	" 2886
Joe D. Laffitte,	" 3100
Leon Laffitte,	" 3102
Napoleon Laffitte,	" 3097
Sam Laffitte,	" 3099
A. Dubaz, et al.,	" 3103
Minnie Hesser,	" 3949
James Flores, et al.,	" 3714
Sylvester Rambin, et al.,	" 3712
Joseph L. Rambin, et al.,	" 3951
Della Rambin, et al.,	" 3931
Carrie L. Rambin, et al.,	" 3953
Clara Legrand, et al.,	" 3713
Boney Rambin, et al.,	" 3952
Edmund Porier, et al.,	" 2239
Sterling Porier,	" 2244

Blunetta Deaton, et al.,	M C R 2392
Bob Dupre, et al.,	" 2341
Lem Dupre,	" 2243
Edward L. Grumbles, et al.,	" 2240
Annie Flores, et al.,	" 3950
Charley B. McCause, et al.,	" 2242

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 of Rozelia Walette, Zelia Laurent, Jonce Olive Laurent, Alexis Laurent, Frank Laurent, Steve Laurent, William Bernard Laurent, Ivan Lee Laurent, Sam Clyde Laurent, Preston Laurent, John Wilma Laurent, Sydney Laurent, Angele Laurent, Olevia Walette, Earnest Walette, Edwin Walette, Leo Walette, Eva Walette, John B. Walette, Gertrude Walette, Eugenia Walette, John Steven Walette, Louis L. Walette, Lambert, Walette, Joe Clanton, Dan Clanton, Mero Flores, Angela Flores, Mary E. Roach, Robert Roach, Willie Roach, John Brashier, Jones Brashier, Oscar Brashier, Louis Brashier, Joseph O. Flores, Sloan Flores, Ben Flores, Oscar Flores, Mary Flores, Clayton Flores, Joe D. Laffitte, Leon Laffitte, Napoleon Laffitte, Sam Laffitte, A. Dubaz, Joe Dubaz, John Dubaz, Napoleon Dubaz, Minnie Hesser, James Flores, William Flores, Walter Flores, Lavinia Flores, May Flores, Sylvester Ramin, Sydney Ramin, Samuel Ramin, Mattie Ramin, Pearl Ramin, Birdie Ramin, Zada Ramin, Joseph L. Ramin, Mary Z. Ramin, Della Ramin, Joseph Arnold Ramin, Carrie L. Ramin, Myrtle L. Ramin, Lawrence L. Ramin, Clara Legrand, Andrew Augustin Legrand, Joseph Napoleon Legrand, Mary E. Legrand, Joseph W. Legrand, George L. Legrand, Emma Lucy Legrand, John A. Legrand, Mary Celeste Legrand, Honey Ramin, Joseph O. Ramin, Arthur Ramin, Lula Ramin, Joseph McG. Ramin, Johnnie Ramin, Edmund Porier, Winnie Porier, Annie Bell Porier, Sterling Porier, Blunetta Deaton, Eddie Lee Deaton, Bob Dupre, Robert Dupre, Elijah Dupre, Vessie D. Dupre, Lula Dupre, Clipper

B D-3.

Dupre, Beatrice Dupre, Lem Dupre, Edward L. Grumbles, Leonard Grumbles, John Grumbles, Robert Grumbles, Mary Grumbles, Ed Grumbles, Dan Grumbles, Willie Grumbles, Bagus Grumbles, Annie Flores, William Flores, Lillie M. Flores, Philip Flores, Hartwell Flores, Charley B. McCause, Fletcher D. McCause, Winnie B. McCause, Katie V. McCause, Eddie McCause, Mabel McCause, Pearl McCause, and Birdie McCause, 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,

*Tamm Dinty*  
Acting Chairman.

Registered.

M.C.R. 2241.

COPY.

Muskogee, Indian Territory, February 25, 1903.

Bob Dupre,

Troy, Indian Territory.

Dear Sir:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identifications as Mississippi Choctaws of the several persons included in the consolidated case of Rozelia Walette, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

*Wm. S. Murray*  
Chairman.

M.C.R. 2241.

COPY

Muskogee, Indian Territory, November 12, 1906.

Bob Dupre,

Troy, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on October 30, 1906, denied the request of E. L. Grumble of Pauls Valley, Indian Territory, of June 20, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Rozelia Walette, et al.

Respectfully,

SIGNED *Tams Bixby.*  
Commissioner.



MOR-2241

Muskogee, Indian Territory, March 2, 1907.

Bob Dupre,  
Troy, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied a motion, filed by Patchell & Henderson, attorneys at law, Pauls Valley, Indian Territory, for a reconsideration of Departmental action of October 30, 1906, denying a request filed by E. L. Grumble June 22, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Roselia Wallette et al.

Respectfully,

Commissioner.

## For Identification as a Mississippi Choctaw.

Date MAY 21 1901

Name Bob Dupre

Age 46 Blood 1/16

Post Office, Troy L.T.

Father: Lamar Dupre (dead)

Mother: Mary P. Dupre (dead)

Claims through mother

Wife: Emily Dupre ✓  
(No claim for her)Claims for himself and  
6 minor children.

Children:

Robert Dupre 5

Elijah " 12

Vessie D " 10

Lula " 7

Clipper [?] " 5

Beatrice " 2

Stenographer

Henry D. Jones

Bob Dupa ...

...

Choctaw MCR 2242

Charley B. McCause

MCR 2242

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I. T. May 21, 1901,

#2242

In the matter of the application of Charley B. McCause for the identification of himself and his seven minor children as Mississippi Choctaws.

Charley B. McCause being first duly sworn testified as follows:

(Examination by the Commission)

- Q What is your name? A Charley B. McCause  
Q What is your age? A Forty.  
Q What is your post-office address? A Trey, Indian Territory.  
Q How long have you lived there? A Four years going on five.  
Q Where did you live before that? A Texas.  
Q What place in Texas? A Well, I lived in Fannin County, Hunt, Delton and Cherokee.  
Q How long did you live in Texas? A Well, I came in '74-84 to '94- that would be twenty- about twenty-three, four or five years I reckon.  
Q Where did you live before you moved to Texas? A Louisiana.  
Q What part? A Caddo Parish.  
Q Born there? A Yes.  
Q And lived there until you came to Texas and lived in Texas until you came to the Territory? A yes.  
Q What is your father's name? A John McCause.  
Q Is he living? A No.  
Q What is your mother's name? A Mary Razier.  
Q Is she living? A No.  
Q Through which one your parents do you derive your Choctaw blood?  
A My mother.  
Q How much do you claim of Choctaw blood? A One sixteenth.  
Q Has your parent, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States?  
A No.  
Q Are you married? A Yes.  
Q What is your wife's name? A Sarah McCause.  
Q Do you make application on behalf of your wife? A No; she is a white woman.  
Q Has no Indian blood? A No.  
Q Have you any children in your family under twenty-one years of age and unmarried for whom you desire to make application? A Yes.  
Q Give their names and ages. A Fletcher D.-13; Minnie B.-11; Katie V.- 10; & Eddie-he is 8; Mabel- 6; Pearl- 3; and Birdie, she is 1 year old.  
Q You are the father of these children? A Yes.  
Q What is their mother's name? A Sarah McCause.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.  
Q Have you your marriage license and certificate and do you wish to offer same in evidence? A No, they are in Greenville Texas.  
Q It will be necessary that the Commission be furnished with proof of your marriage in support of the application you make for your children.  
Q Is your name, or are the names of any of these children, on any of the tribal rolls of the Choctaw Nation in the Indian Territory?  
A No.  
Q Have you ever made application for yourself or these children to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No, I never did.

2--- Charley B. McCause

- Q Did you or any one for you or these children, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under Act of Congress of June 10, 1896?
- A Not that I know of.
- Q You would know if you had wouldn't you? A Yes.
- Q Did you authorize any one to do it for you? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by judgment of the United States Court in Indian Territory? A No.
- Q Have you ever made application prior to this time, for yourself or these children, to the Choctaw tribal authorities or the authorities of the United States, to be admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application of any description you have ever made? A Yes.
- Q Is it now your purpose to make application for identification as Mississippi Choctaws? A Yes.
- Q Do you claim your rights as beneficiaries under the fourteenth article of the treaty of 1830? A Yes.
- Q Do you understand that article? A I think I do.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.
- Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama in 1830, and recognized members of the Choctaw tribe of Indians in 1830, at the time the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Nation? A Well, porier-no, I guess it was Robleau!
- Q What was the first name? A I don't know.
- Q What relation was this ancestor to you? A She was my great-grand-mother.
- Q Your mother's grand-mother? A My mother's grand-mother.
- Q Have you any evidence showing that such ancestor was a recognized member of the Choctaw tribe at that time? A I haven't here but I think I can produce it.
- Q Did this ancestor, your grand-mother of your mother, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians from 1833 to 1838? A Not that I know of.
- Q If she did not remove with the other members of the tribe, did she within six months after the ratification of the treaty of 1830, signify to the United States Agent to the Choctaw tribe of Indians in Mississippi her intention to remain in Mississippi and become a citizen of the United States? A I don't know.
- Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A 1430?
- Q No, the fourteenth article of the treaty of 1830? A I don't know.
- Q You don't know? A That is the one I claim under.
- Q The question is did she, or any of your ancestors ever claim or receive any land in Mississippi under that article of that treaty?
- A I don't know.
- Q Are there any additional statements you desire to make in support of this application? A No.
- Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty?

3---Charley B. McCause

A I haven't got them now.

Hudson & Arnold, Att'ys for applicant ask for time to procure evidence. On motion of counsel for applicant, thirty days time from the date hereof, is allowed in which to file marriage license and certificate or certified copy thereof, and other evidence in support of his application.

(This applicant is apparently a white man)

The decision of the Commission as to your application for identification as Mississippi Choctaws for yourself and your minor children will be determined at the earliest possible date and report of same made to the Secretary of the Interior, conformable to the provisions of the twenty-first section of the Act of Congress of June 28, 1898, and a copy of the same mailed to you at your post-office address as given by you in your testimony.

\*\*\*\*\*

Henry G. Hains, being duly sworn, on his oath, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 15<sup>th</sup> day of July 1901.

*R. W. Linebaugh*

Notary Public.

Muskogee, Indian Territory, July 24, 1901.

Messrs Hudson & Arnold,  
Attorneys at Law,  
Ardmore, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of June 24, inclosing affidavit of Tamas Dupre offered by you for filing in support of the application of Edward Grumbles et al. for identification as Mississippi Choctaws.

Also the affidavits of Tamas Dupre and Amile Trudhomme, offered for filing in the matter of the application for identification as Mississippi Choctaws of Edmund Porier et al.

Also inclosing the affidavit of Tamas Dupre offered for filing in the matter of the application for identification as Mississippi Choctaws of Charley B. McCause et al.

Also inclosing the affidavit of Tamas Dupre offered for filing in support of the application of Robert J. Dupre et al.

These affidavits, being in proper form, have been accepted and filed with the records of the Commission.

Yours truly,

MC 2239  
2240  
2241  
2242

Commissioner in Charge.



Muskogee, Indian Territory, July 27, 1901.

Hudson & Arnold,  
Attorneys at Law,  
Arkmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of July 19th, enclosing affidavit of M. T. Dupre, and certified copy of marriage license and certificate between E. L. Grumble and M. A. Price, offered by you for filing in support of the application of Edward L. Grumble et al. for identification as Mississippi Choctaws.

Also, the affidavit of M. T. Dupre and Emily Boles offered by you for filing in the matter of the application for identification as Mississippi Choctaws of Bob Dupre et al.

Also, affidavit of M. T. Dupre and marriage license and certificate between G. B. McCause and Sarah A. Smith, offered by you for filing with the records in the application of Charley B. McCause et al. for identification as Mississippi Choctaws. The same have been duly made a part of the records and will receive the consideration of the Commission in determining the rights of these applicants to identification as Mississippi Choctaws.

Yours truly,

MO-2240  
MO-2241  
MO-2242

Commissioner in charge.

Muskogee, Indian Territory, September 2, 1902.

Charley B. McCause,  
Troy, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rozelia Walette, et al., embracing the following applications for identification as Mississippi Cheetaws:

Rozelia Walette,	M C R 4895
Zelia Laurent, et al.,	" 4896
Angele Laurent,	" 4898
Olevia Walette, et al.,	" 4897
John P. Walette, et al.,	" 4478
Louis L. Walette, et al.,	" 4329
Joe Clanton, et al.,	" 3101
Lero Flores, et al.,	" 3467
Mary E. Roach, et al.,	" 3098
John Brashier, et al.,	" 2847
Joseph O. Flores, et al.,	" 2886
Joe D. Laffitte,	" 3100
Leon Laffitte,	" 3102
Napoleon Laffitte,	" 3097
Sam Laffitte,	" 3099
A. Dubaz, et al.,	" 3103
Minnie Fesser,	" 3089
James Flores, et al.,	" 3714
Sylvester Ramin, et al.,	" 3712
Joseph L. Ramin, et al.,	" 3951
Della Ramin, et al.,	" 3931
Carrie L. Ramin, et al.,	" 3953
Clara Legrand, et al.,	" 3713
Boney Ramin, et al.,	" 3952
Edmund Porier, et al.,	" 2939
Sterling Porier,	" 2944

C B McC(2)

Blunetta Deaton, et al.,	K C R 2392
Bob Dupre, et al.,	" 2241
Lem Dupre,	" 2243
Edward L. Grumbles, et al.,	" 2240
Annie Flores, et al.,	" 3950
Charley B. McCause, et al.,	" 2242

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 Rozelia Walette, Zelia Laurent, Jonce Olive Laurent, Alexis Laurent, Frank Laurent, Steve Laurent, William Bernard Laurent, Ivan Lee Laurent, Sam Clyde Laurent, Preston Laurent, John Wilma Laurent, Sydney Laurent, Anzele Laurent, Olevia Walette, Earnest Walette, Edwin Walette, Leo Walette, Eva Walette, John B. Walette, Gertrude Walette, Eugenia Walette, John Steven Walette, Louis E. Walette, Lambert Walette, Joe Clanton, Dan Clanton, Mero Flores, Angela Flores, Mary E. Roach, Robert Roach, Willie Roach, John Brashier, Jones Brashier, Oscar Brashier, Louis Brashier, Joseph O. Flores, Sloan Flores, Ben Flores, Oscar Flores, Mary Flores, Clayton Flores, Joe D. Laffitte, Leon Laffitte, Napoleon Laffitte, Sam Laffitte, A. Dubaz, Joe Dubaz, John Dubaz, Mandelon Dubaz, Minnie Messer, James Flores, William Flores, Walter Flores, Lavinia Flores, Max Flores, Sylvester Rabin, Sydney Rabin, Samuel Rabin, Mattie Rabin, Pearl Rabin, Birdie Rabin, Luda Rabin, Joseph L. Rabin, Mary E. Rabin, Della Rabin, Joseph Arnold Rabin, Carrie L. Rabin, Myrtle L. Rabin, Lawrence L. Rabin, Lara Legrand, Andrew Augustin Legrand, Joseph Napoleon Legrand, Mary E. Legrand, Joseph E. Legrand, George E. Legrand, Emma Lucy Legrand, John A. Legrand, Mary Celeste Legrand, Boney Rabin, Joseph O. Rabin,

C. B. McG-3.

Arthur Ramin, Lula Ramin, Joseph McQ. Ramin, Johnnie Ramin, Edmund Porier, Winnie Porier, Annie Bell Porier, Sterling Porier, Blunetta Neaton, Eddie Lee Deaton, Bob Dupre, Robert Dupre, Elijah Dupre, Vessie E. Dupre, Lula Dupre, Clipper Dupre, Beatrice Dupre, Lem Dupre, Edward L. Grumbles, Leonard Grumbles, John Grumbles, Robert Grumbles, Mary Grumbles, Ed Grumbles, Ben Grumbles, Willia Grumbles, Bagus Grumbles, Annie Flores, William Flores, Lillie M. Flores, Philip Flores, Hartwell Flores, Charley E. McCause, Fletcher D. McCause, Minnie S. McCause, Katie V. McCause, Eddie McCause, Mabel McCause, Pearl McCause and Ardie McCause, 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,

SECRET

*Tame Ditty.*

Acting Chairman.

Registered.

Miss. Choctaw R2242

Muskogee, Indian Territory, September 26, 1902.

C. T. McCause,

Troy, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 10, asking what has been done with your application for the identification of yourself and your minor children as Mississippi Choctaws, and stating that you have not heard from your case for a long time.

In reply to your letter you are advised that on September 2, 1902, the Commission rendered its decision refusing your application for the identification of yourself and your minor children as Mississippi Choctaws, and on the same date you were advised by registered mail, at Troy, Indian Territory, of the decision of the Commission and the forwarding of the record in your case to the Secretary of the Interior.

We can render you no further information in regard to this matter than to advise you that the Commission has refused your application for the identification of yourself and your children as Mississippi Choctaws and the record in the case is now before the Secretary of the Interior for his review.

C.P.NoC. 2

As soon as we are advised of the action of the Secretary of the Interior thereon, you will be duly notified thereof.

Respectfully,

Acting Chairman.

M.C.R. 2342.

Muskogee, Indian Territory, February 25, 1903.

Charley B. McCause,  
Troy, Indian Territory.

Dear Sir:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rozelia Walette, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

*Tamm D. Bishop*  
Chairman.

M.C.R. 2242.

COPY

Muskogee, Indian Territory, November 12, 1906.

Charley B. McCause,  
Troy, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on October 30, 1906, denied the request of E. L. Grumble of Pauls Valley, Indian Territory, of June 20, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Rozelia Walette, et al.

Respectfully,

SIGNED *Wm. S. ...*  
Commissioner.



MCR-2242

Muskogee, Indian Territory, March 2, 1907.

Charley B. McCause,  
Troy, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied a motion, filed by Patchell & Henderson, attorneys at law, Pauls Valley, Indian Territory, for a reconsideration of Departmental action of October 30, 1906, denying a request filed by E. L. Grumble June 22, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Roselia Walette et al.

Respectfully,

Commissioner.

## For Identification as a Mississippi Choctaw.

Date MAY 21 1901

Name Charley B McCause

Age 40 Blood  $\frac{1}{16}$ 

Post Office, Troy, D. T.

Father: John McCause (dead)

Mother: Mary Razier (dead)

Claims through mother

Wife: Sarah McCause  
(no claim for her)Claims for himself and 7  
Children

Children:

Fletcher D. McCause	13
Minnie B	11
Katie V.	9
Eddie	8
Mabel	6
Pearl	3
Bridie	1

Stenographer

Henry S. Larns

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 2242

*Charles J. Mc Cause et al*  
RETIRED

DECISION RENDERED.

NOTICE OF ACTION MAILED APPLICANT:

SEP 9 1902

NOTICE OF ACTION MAILED ATTORNEYS  
FOR CHOCOTAW AND CHOCTAW NATIONS.

7

U. S. DEPARTMENT OF THE INTERIOR

SEP 11 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

FEB 2 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

FEB 25 1903

NOTICE OF DEPARTMENTAL ACTION  
FOR ATTORNEYS FOR CHOCTAW  
AND NATIONS.

FEB 27 1903

RECORDED IN B. B. 1075

MCR 2243

Choctaw MCR 2243

Lem Dupre

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I. T. May 21, 1901.

42243

In the matter of the application of Lem Dupre for identification as a Mississippi Choctaw.

Lem Dupre being first duly sworn testified as follows:

(Examination by the Commission).

- Q What is your name? A Lem Dupre.  
Q What is your age? A Twenty-one.  
Q What is your post-office address? A Troy, Indian Territory.  
Q How long have you lived there? A Three years; I have been in the Territory ten years.  
Q Where did you live before you came to the Territory? A Texas.  
Q Were you born in Texas? A Yes.  
Q And lived there until you came to the Territory? A Yes.  
Q What is your father's name? A Robert Dupre.  
Q Is he living? A Yes.  
Q What is your mother's name? A Emily Dupre.  
Q Is she living? A Yes.  
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 One thirty-second.  
Q Has your father, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States? A No.  
Q Are you married? A No.  
Q Making this application for yourself alone? A Yes.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
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.  
Q Did you, or did any one for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under Act of Congress of June 10, 1896? A No.  
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 by judgment of the United States Court in Indian Territory? A No.  
Q Have you ever made application prior to this time to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.  
Q This is the first application of any kind you have ever made? A Yes.  
Q Is it now your purpose to apply for identification as a Mississippi Choctaw? A Yes.  
Q Do you claim your rights as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes.  
Q Do you understand that article? A I think I do.  
Q Have you ever received any benefits as a Choctaw Indian? A No.  
Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.  
Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and recognized members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A Well, that is my great-grandfather Robleau-or Porier-I don't know any first name.

2---Lem Dupre

- Q What was that last name? A Perier.
- Q What relation was Perier to you? A My great-grand-mother.
- Q Have you any evidence showing that such ancestor was a recognized member of the Choctaw tribe of Indians at that time? A No, not here.
- Q Did your great-grand-mother, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw Tribe, from 1833 to 1838? A I don't know.
- Q If she did not remove, did she, within six months after the ratification of the treaty of 1830, signify to the United States Agent to the Choctaw Indians in Mississippi, her intention to remain in Mississippi and become a citizen of the United States? A I don't know.
- Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A Not that I know of.
- Q Are there any additional statements you desire to make in support of this application? A No.
- Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever ~~was~~ complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty?
- A No.

Hudson & Arnold, for applicant, ask for thirty days time in which to furnish such evidence as they may be able to. Granted.

(By Att'y Arnold):

- Q Robleau was your great-grand-mother was it? A Yes.
- Q Perier was your great-grand-father was it? A Yes.
- Q Then you were mistaken when you said Robleau-Perier? A Yes sir.
- Q What is your father's name? A Dupre.
- Q You heard him testify a while ago? A Yes.
- Q Well, your great-grand-mother would be his grand-mother, wouldn't it? A Yes.

(Applicant apparently is white man.)

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date, and report of same made to the Secretary of the Interior, conformable to the provisions of the 21st Section of the Act of Congress of June 28, 1898, and a copy of the same mailed to you at your post-office address as given by you in your testimony.

\*\*\*\*

Henry G. Mains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 21, 1901, and that the above and foregoing is a full, true and cor-

3 Len Dupre

rect transcript of his stenographic notes in said cause on said date.

*Henry G. Haines*

Subscribed and sworn to before me this 15 day of July 1901.

*R. H. Linebaugh*

Notary Public.

Muskogee, Indian Territory, September 2, 1902.

Lem Dupre,

Troy, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rozelia Walette, et al., embracing the following applications for identification as Mississippi Choctaws:

Rozelia Walette,	M C R	4895
Zelia Laurent, et al.,	" 4	4896
Angele Laurent,	"	4898
Olevia Walette, et al.,	"	4897
John B. Walette, et al.,	"	4478
Louis L. Walette, et al.,	"	4329
Joe Clanton, et al.,	"	3101
Hero Flores, et al.,	"	3467
Mary E. Roach, et al.,	"	3098
John Brashier, et al.,	"	2887
Joseph O. Flores, et al.,	"	2886
Joe D. Laffitte,	"	3100
Leon Laffitte,	"	3102
Napeleon Laffitte,	"	3097
Sam Laffitte,	"	3099
A. Dubas, et al.,	"	3103
Minnie Messer,	"	3949
James Flores, et al.,	"	3714
Sylvester Rambin, et al.,	"	3712
Joseph L. Rambin, et al.,	"	3951
Della Rambin, et al.,	"	3931
Carrie L. Rambin, et al.,	"	3953
Clara Legrand, et al.,	"	3713
Boney Rambin, et al.,	"	3952
Edmund Perier, et al.,	"	2239
Sterling Perier,	"	2244



Blunetta Beaton, et al.,	M C R 2392
Bob Dupre, et al.,	" 2241
Lon Dupre,	" 2243
Edward L. Crumbles, et al.,	" 2240
Annie Flores, et al.,	" 3950
Charley McCause, et al.,	" 2242

These applications were made under the provision of the act of Congress of June 28, 1838 (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 Rozelia Walette, Selia Laurent, Jonee Olivie Laurent, Alexis Laurent, Frank Laurent, Steve Laurent, William Bernard Laurent, Ivan Lee Laurent, Sam Clyde Laurent, Preston Laurent, John Wilma Laurent, Sydney Laurent, Angele Laurent, Olevia Walette, Earnest Walette, Edwin Walette, Leo Walette, Eva Walette, John B. Walette, Gertrude Walette, Eugenia Walette, John Steven Walette, Louis L. Walette, Lambert Walette, Joe Clanton, Dan Clanton, Mero Flores, Angela Flores, Mary E. Roach, Robert Roach, Willie Roach, John Brashier, Jones Brashier, Oscar Brashier, Louis Brashier, Joseph G. Flores, Sloan Flores, Ben Flores, Oscar Flores, Mary Flores, Clayton Flores, Joe D. Laffitte, Leon Laffitte, Napoleon Laffitte, Sam Laffitte, A. Dubas, Joe Dubas, John Dubas, Napoleon Dubas, Minnie Hesser, James Flores, William Flores, Walter Flores, Lavinia Flores, May Flores, Sylvester Rabin, Sydney Rabin, Samuel Rabin, Mattie Rabin, Pearl Rabin, Birdie Rabin, Zada Rabin, Joseph L. Rabin, Mary E. Rabin, Della Rabin, Joseph Arnold Rabin, Carrie L. Rabin, Myrtle L. Rabin, Lawrence L. Rabin, Clara Legrand, Andrew Augustin Legrand, Joseph Napoleon Legrand, Mary E. Legrand, Joseph W. Legrand, George M. Legrand, Emma Lucy Legrand, John A. Legrand, Mary Celeste Legrand, Boney Rabin, Joseph O. Rabin, Arthur Rabin, Lula Rabin, Joseph McQ. Rabin, Johnnie Rabin, Edmund Porier, Winnie Porier, Annie Bell Porier, Sterling

L 7-3.

Porier, Plumetta Deaton, Eddie Lee Deaton, Bob Dupre, Robert Dupre, Elijah Dupre, Vessie D. Dupre, Lula Dupre, Clipper Dupre, Beatrice Dupre, Lem Dupre, Edward L. Grumbles, Leonard Grumbles, John Grumbles, Robert Grumbles, Mary Grumbles, Ed Grumbles, Dan Grumbles, Willie Grumbles, Bagus Grumbles, Annie Flores, William Flores, Lillie W. Flores, Philip Flores, Hartwell Flores, Charley B. McCause, Fletcher D. McCause, Minnie B. McCause, Katie V. McCause, Eddie McCause, Mabel McCause, Pearl McCause, and Birdie McCause, 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,

*Tamie Dixby*

Acting Chairman.

Registered.

M.C.R. 2243.

CONF.

Muskogee, Indian Territory, February 25, 1903.

Len Dupre,  
Troy, Indian Territory.

Dear Sir:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rozalia Walette, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

Yours,

*John H. ...*  
Chairman.

M.C.R. 2243.

COPY

Muskogee, Indian Territory, November 12, 1906.

Lem Dupre,

Troy, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on October 30, 1906, denied the request of E. L. Grumble of Pauls Valley, Indian Territory, of June 20, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Rozelia Walette, et al.

Respectfully,

SIGNED

Commissioner.

MCR-2243

Muskogee, Indian Territory, March 2, 1907.

Lem Dupre,  
Troy, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied a motion, filed by Patchell & Henderson, attorneys at law, Pauls Valley, Indian Territory, for a reconsideration of Departmental action of October 30, 1906, denying a request filed by B. L. Grumble June 22, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Roselia Walleto et al.

Respectfully,

Commissioner.

No. 2213

For Identification as a Mississippian Choctaw.

Date MAY 21 1901

Name *Lein Dupre*

Age 21 Blood  $\frac{1}{32}$

Post Office, *Troy, Q. T.*

Father: *Robert Dupre*

Mother: *Emily Dupre*

Claims through *father.*

Children:

*Claims for himself alone.*

Stenographer

*Henry G. Hains*



Choctaw MCR 2244

Sterling Porier

MCR 2244



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, May 21, 1901. I. T.

#2244

In the matter of the application of Sterling Porier for identification as a Mississippi Choctaw.

Sterling Porier having been first duly sworn testified as follows:

(Examination by the Commission).

- Q What is your name? A Sterling Porier.  
Q What is your age? A Twenty-three.  
Q What is your post-office address? A Ravia, Indian Territory.  
Q How long have you lived there? A Ten years.  
Q Where did you live before that? A Texas.  
Q What part? A Panin County.  
Q Were you born in Texas? A Yes.  
Q And lived there until you came to the Territory ten years ago?  
A Yes.  
Q What is your father's name? A Ed Porier.  
Q Is he living? A Yes.  
Q What is your mother's name? A Texama Porier.  
Q Is she living? A Yes.  
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 One sixteenth.  
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States?  
A Not as I know of.  
Q Are you married? A No.  
Q Making this application for yourself alone? A Yes.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
Q Have you ever made application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No.  
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, under Act of Congress of June 10, 1896? A No.  
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 by judgment of the United States Court in Indian Territory? A No.  
Q Have you ever made application to the authorities of the United States or the Choctaw tribal authorities to be admitted or enrolled as a citizen of the Choctaw Nation? A No.  
Q Is this the first application of any description you have ever made?  
A Yes.  
Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.  
Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes.  
Q Do you understand that article? A I think I do.  
Q Have you ever received any benefits as a Choctaw Indian? A No.  
Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not as I know of.  
Q What was the name of the ancestor or ancestors who were residents of the old Choctaw nation in Mississippi or Alabama and recognized members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A I can't think of her name now- Robleau.

2--- Sterling Porier

- Q What was the other name-the given or Christian name? A I don't know.
- Q What relation was this Robleau to you? A She was my father's great-grand-mother or his grand-mother-I don't know which-grand-mother I believe.
- Q Have you any evidence showing that such ancestor was a recognized member of the Choctaw tribe of Indians at that time? A I think I can get it.
- Q Did this ancestor, if a Choctaw Indian, remove from the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in the Indian Territory, at the time of the removal of the other members of the Choctaw tribe a from 1833 to 1838? A I don't think she did.
- Q If she did not remove with the other members of the tribe, did she within six months after the ratification of the treaty of 1830 signify to the United States Agent to the Choctaw tribe of Indians in Mississippi her intention to remain in Mississippi and become a citizen of the United States? A I don't know.
- Q Have any of your ancestors ever received or claimed any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A Not as I know of.
- Q Are there any additional statements you desire to make in support of your claim? A No.
- Q Have you any documentary evidence, affidavits, written evidence of any kind, copies of records, deeds or patents or any proper papers showing that any of your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? ANo.

Hudson & Arnold, for applicant, ask for thirty days time in which to introduce any testimony he may wish in support of this claim. Motion granted.(Applicant is apparently a white man).

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date, and report of same made to the Secretary of the Interior, conformable to the provisions of the twenty-first section of the Act of Congress of June 28, 1898, and a copy of the same mailed to you at your post-office address as given by you in your testimony.

\*\*\*\*\*

Henry G. Hains, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains.

Subscribed and sworn to before me this 15 day of July 1901.

A. H. Lenebaugh

Notary Public.

Muskogee, Indian Territory, September 2, 1902.

Sterling Porier,

Ravia, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rozelia Walette, et al., embracing the following applications for identification as Mississippi

Choctaws:

Rozelia Walette,	M C R 4895
Zelia Laurent, et al.,	" 4896
Angele Laurent,	" 4898
Olevia Walette, et al.,	" 4897
John B. Walette, et al.,	" 4478
Louis L. Walette, et al.,	" 4329
Joe Clanton, et al.,	" 3101
Mero Flores, et al.,	" 3467
Mary E. Roach, et al.,	" 3098
John Brashier, et al.,	" 2887
Joseph O. Flores, et al.,	" 2886
Joe D. Laffitte,	" 3100
Leon Laffitte,	" 3102
Napoleon Laffitte,	" 3097
Sam Laffitte,	" 3099
A. Dubas, et al.,	" 3103
Minnie Hesser,	" 3949
James Flores, et al.,	" 3714
Sylvester Rambin, et al.,	" 3712
Joseph L. Rambin, et al.,	" 3951
Della Rambin, et al.,	" 3951
Carrie L. Rambin, et al.,	" 3953
Clara Legrand, et al.,	" 3713
Boney Rambin, et al.,	" 3952
Edmund Porier, et al.,	" 2239
Sterling Porier,	" 2244

Blunetta Deaton, et al.,	M C R 2392
Bob Dupre, et al.,	" 2241
Lem Dupre,	" 2243
Edward L. Grumbles, et al.,	" 2240
Annie Flores, et al.,	" 3960
Charley P. McCause, et al.,	" 2242

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 Roselia Walette, Zelia Laurent, Jonce Olive Laurent, Alexis Laurent, Frank Laurent, Steve Laurent, William Bernard-Laurent, Ivan Lee Laurent, Sam Clyde Laurent, Preston Laurent, John Wilma Laurent, Sydney Laurent, Angele Laurent, Clevia Walette, Earnest Walette, Edwin Walette, Leo Walette, Eva Walette, John B. Walette, Gertrude Walette, Eugenia Walette, John Steven Walette, Louis L. Walette, Lambert Walette, Joe Clanton, Dan Clanton, Mero Flores, Angela Flores, Mary E. Roach, Robert Roach, Willie Roach, John Brashier, Jones Brashier, Oscar Brashier, Louis Brashier, Joseph O. Flores, Sloan Flores, Ben Flores, Oscar Flores, Mary Flores, Clayton Flores, Joe D. Laffitte, Leon Laffitte, Napoleon Laffitte, Sam Laffitte, A. Dubas, Joe Dubas, John Dubas, Napoleon Dubas, Minnie Hesser, James Flores, William Flores, Walter Flores, Lavinia Flores, May Flores, Sylvester Rambin, Sydney Rambin, Samuel Rambin, Mattie Rambin, Pearl Rambin, Birdie Rambin, Zada Rambin, Joseph L. Rambin, Mary E. Rambin, Della Rambin, Joseph Arnold Rambin, Carrie L. Rambin, Myrtle L. Rambin, Lawrence L. Rambin, Clara Legrand, Andrew Augustin Legrand, Joseph Napoleon Legrand, Mary E. Legrand, Joseph W. Legrand, George E. Legrand, Emma Lucy Legrand, John A. Legrand, Mary Celeste Legrand, Boney Rambin, Joseph O. Rambin, Arthur Rambin, Lula Rambin, Joseph McQ. Rambin, Johnnie Rambin, Edmund Perier, Winnie Perier, Annie Bell Perier, Sterling Perier, Blunetta Deaton, Eddie Lee Deaton,

S P-8.

Bob Dupre, Robert Dupre, Elijah Dupre, Vessie D. Dupre, Lula Dupre, Clipper Dupre, Beatrice Dupre, Lem Dupre, Edward I. Grumbles, Leonard Grumbles, John Grumbles, Robert Grumbles, Robert Grumbles, Mary Grumbles, Ed Grumbles, Dan Grumbles, Willie Grumbles, Bagus Grumbles, Annie Flores, William Flores, Lillie M. Flores, Philip Flores, Hartwell Flores, Charley B. McCause, Fletcher D. McCause, Minnie B. McCause, Katie V. McCause, Eddie McCause, Habel McCause, Pearl McCause and Birdie McCause, 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,

*Tamm Dixby.*

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 25, 1903.

Sterling Porier,

Ravia, Indian Territory.

Dear Sir:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rozelia Walette, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

*Tamm Dink*  
Chairman.

M.C.R. 2244.

COPY

Muskogee, Indian Territory, November 12, 1906.

Sterling Porier,  
Ravia, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on October 30, 1906, denied the request of E. L. Grumble of Pauls Valley, Indian Territory, of June 20, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Rozelia Walette, et al.

Respectfully,

SIGNED *Thomas S.oby.*  
Commissioner.

MCR--2244

Muskogee, Indian Territory, March 2, 1907.

Sterling Porier,  
Ravia, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied a motion, filed by Patchell & Henderson, Attorneys at law, Pauls Valley, Indian Territory, for a reconsideration of Departmental action of October 30, 1906, denying a request filed by E. L. Grumble June 22, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Roselia Walette et al.

Respectfully,

Commissioner.



No.

2214

For Identification as a Mississippi Choctaw.

Date MAY 21 1901

Name Sterling Prier

Age 23 Blood 1/6

Post Office, Ravin, L. G.

Father: Ed Prier

Mother: Texanna Prier

Claims through father

Children:

Claims for himself alone.

Stenographer

Henry G. Haine.

*Sterling Power*

REFUSED

DECISION ... SEP 2 1902

SEP 2 1902

1902

1902

FEB 7 1903

FOR DEPARTMENTAL ACTION

FEB 25 1903

1903

DEPARTMENT  
OF THE INTERIOR  
BUREAU OF LANDS

1903

A.T.M.C.R. 4895

Choctaw MCR 2245

Robert F. Williams

See MCR 203

MCR 2245

APPLICATION AS  
A MISSISSIPPI CHOCTAW R. 2215

*Robert F. Williams et al*

REFUSED

DECISION RENDERED: APR 11 1902

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NOTICE OF DEPARTMENTAL ACTION  
FORWARDED BY THE ATTORNEY GENERAL  
NOV 1 1902

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FORWARDED BY THE ATTORNEY GENERAL

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FILED IN THE OFFICE OF THE  
RECORDS AND DEEDS 203

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I. T. May 21, 1901.

# 2245

In the matter of the application of Robert F. Williams for the identification of himself and his three minor children as Mississippi Choctaws.

Robert F. Williams having been first duly sworn testified as follows:

(Examination by the Commission).

- Q What is your name? A Robert F. Williams  
Q What is your age? A Thirty-three.  
Q What is your post-office address? A Douglasville, Texas.  
Q How long have you lived there? A Thirty years.  
Q Where were you born? A In Alabama.  
Q And lived there until you moved to Texas? A Yes.  
Q What is your father's name? A Richard H. Williams.  
Q Is he living? A Yes.  
Q What is your mother's name? A Mary J. Williams.  
Q Is she living? A No.  
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 One sixteenth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians, by either the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Are you married? A Yes.  
Q What is your wife's name? A Fannie Williams.  
Q Do you make application for her? A No.  
Q Have you any children in your family for whom you wish to make application? A Yes.  
Q Give their names and ages? A Lucy, 4; Janie, two; and Robert four months.  
Q You are the father of these children? A Yes.  
Q What is the name of their mother? A Fannie Williams.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.  
Q Have you your marriage license and certificate and do you desire to offer same in evidence? A No.  
Q It will be necessary that the Commission be furnished with proof of your marriage to Fannie in support of the application in behalf of your minor children.  
Q Is your name or are the names of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?  
A No.  
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe?  
A No.  
Q Did you, or did any one for you or these children, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under act of Congress of 1896, June 10, A No.  
Q Have you or these children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by judgment of the United States Court in Indian Territory? A No.

2---- Robert F. Williams

- Q Have you ever made application prior to this time for yourself or these children, to either the Choctaw tribal authorities or the authorities of the United States, to be admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application of any description you have ever made? A Yes.
- Q Is it now your purpose to make application for identification as Mississippi Choctaws? A Yes.
- Q Do you claim your rights as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Yes.
- Q Do you understand that article? A I think I do.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.
- Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama in 1870, and recognized members of the Choctaw tribe of Indians in 1830, at the time the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A Moore.
- Q What was the first name? A Martha.
- Q What relation was she to you? A Great-grand-mother.
- Q Your mother's grand-mother? A Yes.
- Q Did this ancestor, if a Choctaw Indian, remove from the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in the Indian Territory at the time of the removal of the other members of the Choctaw tribe, from 1833 to 1838? A No.
- Q If she did not remove with the other members of the tribe, did she within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent to the Choctaw tribe in Mississippi, her intention to remain in Mississippi and become a citizen of the United States? A Not that I have ever heard of.
- Q Have any of your ancestors ever claimed or received any benefits as beneficiaries under the fourteenth article of the treaty of 1830 any land in Mississippi? A Not that I have ever heard of.
- Q Are there any additional statements you desire to make? A No.
- Q Have you any documentary evidence, affidavits, written evidence of any kind, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A Yes, but I haven't them ready.

Hudson & Arnold, for applicant, ask for thirty days to file marriage license and certificate and such papers as they may be able to secure in support of this application. Granted.

(Examination by Mr. Arnold).

- Q Did you ever hear what Martha Moore's father's name was? A Yes.
- Q Did you ever hear that his name was John Moore? A Yes.
- .....

The decision of the Commission as to your application for identification as Mississippi Choctaws for yourself and your minor children will be determined at the earliest possible date, and report of same made to the Secretary of the Interior, conformable to the provisions of the 21st Section of the Act of Congress of June 28, 1898, and a copy of the same mailed to you at your post-office address as given by you in your testimony.

(This applicant is apparently white.)

3-- Robert F. Williams

Henry G. Hains, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 15 day of July, 1901.

*A. H. Linebaugh*

Notary Public.

Muskogee, Indian Territory, June 5, 1901.

Messrs Hudson & Arnold,

Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of May 31, inclosing the following papers for filing in support of Mississippi Choctaw applications:

Marriage license and certificate between Frank Williams and Fannie Hendricks, to be filed in Mississippi Choctaw case 2245, Robert F. Williams, et al.

Marriage license and certificate between W. H. Williams and Miss Willie McCoy, to be filed in support of the application of William H. Williams for identification as a Mississippi Choctaw, Mississippi Choctaw case 2246.

The same have been made a part of the records in these two cases.

Yours truly,

Acting Chairman.



COPY.

COMMISSIONERS

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

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

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH  
SECRETARY

Muskogee, Indian Territory, April 21, 1902.

Robert F. Williams,  
Douglasville, Texas.

Dear Sir:

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

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

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

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

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

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

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

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

"It is the further opinion of the Commission that under the provision of law above  
quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that  
the application made by Susan J. Tippit for the identification of her husband, James A. Tippit,  
the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the  
application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-  
ried Mississippi Choctaws, should be refused, and it is so ordered."

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

Yours truly,

(SIGNED). *Tame Dixby.*

Registered.

Acting Chairman.

Muskogee, Indian Territory, November 12, 1902.

Robert F. Williams,  
Douglasville, Texas.

Dear Sir:

You are hereby advised that on the 1st day of November 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippit, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

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

Respectfully,

SIGNED

*Tame Birby.*  
Acting Chairman.

Muskogee, Indian Territory, December 21, 1903.

Robert F. Williams,  
Douglasville, Texas.

Dear Sir:

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

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

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

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

R.F.W.,-2-

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

Respectfully,

Chairman.

M C R 2245

Muskogee, Indian Territory, January 6, 1905.

Robert F. Williams,  
Douglasville, Texas.

Dear Sir:

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

Respectfully,

Chairman.

COPY

MCR-2245

Muskogee, Indian Territory, January 17, 1907.

Robert F. Williams,  
Douglasville, Texas.

Dear Sir:-

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

Respectfully,

SIGN )

*Gams Bixby.*

Commissioner.



For Identification as a Mississippi Choctaw.

Date MAY 21 1901

Name Robert F. Williams

Age 33 Blood 1/16

Post Office, Douglasville, Texas

Father: Richard L. Williams

Mother: Mary J. Williams (dead)

Claims through mother

Wife: Fannie Williams  
(no claim for her)

Children:

- Lacey Williams 4
- Jarvis " 2
- Robert " 4 mos.

Claims for himself and 3 minor children.

Stenographer

Henry P. [unclear]

Choctaw MCR 2246

MCR 2246

William H. Williams

See MCR 203

APPLICATION  
A MISSISSIPPI CHOCTAW

*William H. Williams*

REFUSED

DECISION FILED APR 21 1902

NOTICE BY MAIL TO APPLICANT.

APR 21 1902

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT

NOTICE OF DECISION BY ATTORNEYS  
FOR CHOCTAW AND CHICKSAW NATIONS.

APR 21 1902

REC'D BY ATTORNEY GENERAL.

APR 21 1902

ACT OF MARCH 3 1875

NOV 1 1902

NOTICE OF DECISION  
FORWARDING

NOV 1 1902

NOTICE OF DECISION  
FORWARDING TO APPLICANT

NOTICE OF DECISION  
FORWARDING TO ATTORNEY  
AND ATTORNEY GENERAL

NOV 1 1902

REFER TO W. O. R. 203

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I. T. May 21, 1901.

#2246

In the matter of the application of William H. Williams for identification as a Mississippi Choctaw.

William H. Williams having been duly sworn testified as follows:

(Examination by the Commission.)

- Q What is your name? A William H. Williams.  
Q What is your age? A Twenty-eight.  
Q What is your post-office address? A Douglasville, Texas.  
Q How long have you lived there? A All my life.  
Q Were you born there? A I was born in Texas.  
Q And lived in Texas all your life? A Yes.  
Q What is your father's name? A Richard H. Williams.  
Q Is he living? A Yes.  
Q What is your mother's name? A Mary Jane Williams.  
Q Is she living? A No.  
Q Through which one of these parents do you claim to derive your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your mother through you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States?  
A Not that I know of.  
Q Are you married? A Yes.  
Q What is your wife's name? A Willie Williams.  
Q Do you make application in her behalf? A No.  
Q She is a white woman and has no Indian blood? A Yes.  
Q Have you any children in your family for whom you wish to make application? A No.  
Q You are making this application for yourself alone? A Yes.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
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.  
Q Did you, or did any one for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under Act of Congress of June 10, 1896? A No.  
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 by judgment of the United States Court in Indian Territory? A No.  
Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States ~~to~~ to be enrolled or admitted as a citizen of the Choctaw Nation? A No.  
Q Is this the first application of any kind you have ever made? A Yes.  
Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.  
Q Do you claim your rights as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes.  
Q Do you understand that article? A I think I do.  
Q Have you ever received any benefits as a Choctaw Indian? A No.  
Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.  
Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama in 1830, and recognized members of the Choctaw tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A Martha Moore.

2----Wm.H.Williams

- Q What relation was she to you? A Great-grand-mother.  
Q Your mother's grand-mother? A Yes.  
Q Have you any evidence showing that such ancestor was a recognized member of the Choctaw tribe of Indians at that time? A No.  
Q Did this ancestor, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in the Indian Territory, from 1833 to 1838, at the time of the removal of the other members of the Choctaw tribe of Indians? A Not that I know of.  
Q If she did not remove with the other members of the tribe, did she within six months after the ratification of the treaty of 1830, signify to the United States Agent to the Choctaw tribe of Indians in Mississippi her intention to remain in Mississippi and become a citizen of the United States? A I don't know.  
Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A Not that I know of.  
Q Are there any additional statements you desire to make in support of your application? A No.  
Q Have you any documentary evidence, affidavits, written evidence of any kind, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they received any benefits under that article of that treaty? A I have; not able to produce them now.

Hudson & Arnold, Counsel for applicant, ask for thirty days time in which to file evidence in support of this claim as a Mississippi Choctaw. Motion granted.

(By Mr. Arnold.)

- Q Did you ever hear what Martha Moore's father's name was—that it was John Moore? A Yes.  
Q Did you ever hear that John Moore was identified in Mississippi in 1830? A I have. ....

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date, and report of same made to the Secretary of the Interior, conformable to the provisions of the 21st, section of the Act of Congress of June 28, 1898, and a copy of the same mailed to you at your post-office address as given by you in your testimony.

\*\*\*\*\*

Henry G. Hains, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 15 day of July 1901.

D. H. Linebaugh.

Notary Public.

Muskogee, Indian Territory, June 5, 1901.

Messrs Hudson & Arnold,

Armore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of May 31, inclosing the following papers for filing in support of Mississippi Choctaw applications:

Marriage license and certificate between Frank Williams and Fannie Hendricks, to be filed in Mississippi Choctaw case 2246, Robert F. Williams, et al.

Marriage license and certificate between W. H. Williams and Miss Willie McCoy, to be filed in support of the application of William H. Williams for identification as a Mississippi Choctaw, Mississippi Choctaw case 2246.

The same have been made a part of the records in these two cases.

Yours truly,

Acting Chairman.

COPY

COMMISSIONERS

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

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

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH  
SECRETARY

Muskogee, Indian Territory, April 21, 1902.

William H. Williams,  
Douglasville, Texas.

Dear Sir:-

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

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

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

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

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

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

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



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

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermarried Mississippi Choctaws, should be refused, and it is so ordered."

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

Yours truly,

(SIGNED) *Tame Dixby.*

Registered.

Acting Chairman.

Muskogee, Indian Territory, November 12, 1902.

William H. Williams,  
Douglasville, Texas.

Dear Sir:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippit, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

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

Respectfully,

(SIGNED)

*Tame Dixby.*

Acting Chairman.

Muskogee, Indian Territory, December 21, 1903.

William H. Williams,  
Douglasville, Texas.

Dear Sir:

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

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

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

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

W.H.W., -2-

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

Respectfully,

Chairman.

M C R 2246

Muskogee, Indian territory, January 6, 1905.

William H. Williams,  
Douglasville, Texas.

Dear Sir:

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

Respectfully,

Chairman.

MCR-2246

COPY

Muskogee, Indian Territory, January 17, 1907.

William H. Williams,  
Douglasville, Texas.

Dear Sir:-

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

Respectfully,

SIGNED

*Wms Bixby.*

Commissioner.

For Identification as a Mississippi Choctaw.

Date MAY 21 1901

Name William H. Williams

Age 28 Blood 1/6

Post Office, Douglasville, Texas

Father: Richard H. Williams

Mother: Mary Jane Williams (dead)

Claims through mother

Wife: Millie Williams  
(no claim for her)

Children:

Claims for himself alone

Stenographer

Henry G. Hains.

Choctaw MCR 2247

Mollie Williams

See MCR 203

MCR 2247



IDENTIFICATION  
A MISSISSIPPI CHOCTAW

*Mollie Williams*

REFUSED

DECISION RENDERED: APR 11 1902  
NOTICE OF DEPARTMENTAL ACTION FOR APPLICANT.

APR 11 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED  
ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION FORWARDED  
FOR ATTORNEYS FOR APPLICANT.

AP

NOTICE OF DEPARTMENTAL ACTION FORWARDED.

AP

NOTICE OF DEPARTMENTAL ACTION FORWARDED.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED FOR APPLICANT.

M

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED FOR MISSISSIPPI CHOCTAW  
AND OTHER APPLICANTS.

REFER TO M. O. 203

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I. T. May 21, 1901.

#2247

In the matter of the application of Mollie Williams for identification as a Mississippi Choctaw.

Mollie Williams having been sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mollie Williams.
- Q What is your age? A Twenty-four.
- Q What is your post-office address? A Douglasville, Texas.
- Q How long have you lived there? A Born there-all my life.
- Q Never lived in Mississippi? A No.
- Q What is your father's name? A Richard H. Williams? .
- Q Is he living? A Yes.
- Q What is your mother's name? A Mary Jane Williams.
- Q Is she living? A No.
- 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 One sixteenth.
- Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States
- A Not that I know of.
- Q Are you married? A No.
- Q You are making this application for yourself alone? A Yes.
- Q Is your name on any of the Choctaw tribal rolls in the Indian Territory? A No.
- 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.
- Q Did you, or any one for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under Act of Congress of June 10, 1896? A Not that I know of.
- 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 by judgment of the United States Court in Indian Territory? A No.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw nation?
- A No.
- Q This is the first application you have ever made of any kind? A Yes
- Q Is it no your purpose to make application for identification as a Mississippi Choctaw? A Yes.
- Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes.
- Q Do you understand that article? A I think I do.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.
- Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and recognized members of the Choctaw tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw nation? A Martha Moore.
- Q What relation was she to you? A My great-grand-mother.
- Q Have you any evidence showing that she was a recognized member of the Choctaw tribe of Indians at that time? A No.

2--- Mollie Williams

Did she, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians, from 1833 to 1838? A Not that I ever heard of.

- Q If she did not remove with the other members of the tribe, did she within six months after the ratification of the treaty of 1830 signify to the United States Agent to the Choctaw Nation in Mississippi her intention to remain in Mississippi and become a citizen of the United States? A I don't know.
- Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A Not that I know of.
- Q Are there any additional statements you desire to make in support of your claim? A No.
- Q Have you any documentary evidence, affidavits, written evidence or any description, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A

Hudson & Arnold, counsel for applicant, ask for thirty days time in which to file any evidence that she may be able to secure in support of her application for identification as a Mississippi Choctaw. Motion is granted.

Examination by Mr. Arnold:

- Q Did you ever hear that John Moore was the father of Martha Moore?  
A Yes.
- Q Did you ever hear that he was identified in the State of Mississippi in 1830? A Yes.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date, and report of same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898, and a copy of the same mailed to you at your post-office address as given by you in your testimony.

(This applicant is apparently a white woman.)

\*\*\*\*\*

Henry G. Hains, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 15 day of July 1901.

R. H. Linebaugh

Notary Public.

COPY

COMMISSIONERS

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

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

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH  
SECRETARY

Muskogee, Indian Territory, April 21, 1902.

Mollie Williams,  
Douglasville, Texas.

Dear Madam:

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

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

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

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

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

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

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

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

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermarried Mississippi Choctaws, should be refused, and it is so ordered."

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

Yours truly,

(SIGNED), *Tame Dixby.*

Registered.

Acting Chairman.

M C R 2247

Muskogee, Indian Territory, November 12, 1902.

Mollie Williams,  
Douglasville, Texas.

Dear Madam:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippit, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

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

Respectfully,

SIGNED

*Tame Dixby.*  
Acting Chairman.

Muskogee, Indian Territory, December 21, 1903.

Mollie Williams,  
Douglasville, Texas.

Dear Madam:

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

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

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

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



K.W., -2-

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

Respectfully,

Chairman.

M C R 2247  
M C R 2248

Muskogee, Indian Territory, January 4, 1904.

R. H. Williams,  
Douglassville, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 24, 1903, in which you state that your daughters, Mollie and Maggie Williams, are in receipt of a letter from this office relative to a motion filed by W. M. Springer for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al. In said letter your daughters were notified that W. M. Springer had died since the above mentioned motion was filed, and that if they wished to take any further action in regard to this matter they would be allowed thirty days from December 21, 1903, for that purpose. You now state that you desire to take further action in the case in behalf of your daughters and ask if you can have a hearing any time between the 1st and 10th of January.

In reply to your letter you are informed that the Commission is now without authority to receive or consider any further evidence in support of said case, as its decision of April 21, 1902, refusing the several applications included in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al. was approved by the Secretary of the Interior on November 1, 1902, and

R H W 2

the case closed.

Our letter of December 21, 1903, was merely to inform the applicants in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al. that the Department would allow them thirty days to take further action relative to the motion filed in said case by W. M. Springer, who has since died.

As the record in this case is in the hands of the Secretary of the Interior, it is suggested that you correspond with him if you desire to take further action.

Respectfully,

Chairman.

M C R 2247

Muskogee, Indian Territory, January 6, 1906.

Mollie Williams,

Douglasville, Texas.

Dear Madam:

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

Respectfully,

Chairman.

COPY

MUR-2247

Muskogee, Indian Territory, January 17, 1907.

Mollie Williams,  
Douglasville, Texas.

Dear Madam:

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

Respectfully,

Signed

*Tams Bixby.*

Commissioner.

No. 2247

For Identification as a Mississippi Choctaw.

Date MAY 21 1901

Name Mollie Williams

Age 24 Blood  $\frac{1}{6}$

Post Office, Douglassville, Texas

Father: Richard S. Williams

Mother: Mary J. Williams (dead)

Claims through mother

Children:

Claims for herself alone

Stenographer

Henry G. Hains

Choctaw MCR 2248

Maggie Williams

MCR 2248

See MCR 203

2248

QUOTAW

Maggie Williams

# REFUSED

DECISION RENDERED. APR 21 1902

NOTICE OF DECISION MAILED APPLICANT.

APR 21 1902

NOTICE OF DECISION FORWARDED TO ATTORNEY FOR APPLICANTS

NOTICE OF DECISION MAILED TO ATTORNEYS FOR CHIEF AND CHIEF DEPUTY AGENTS.

APR 21 1902

RECORD FORWARDED TO ASST. AGENT.

ACTION APPROVED BY SPECIAL AGENT SUPERIOR;  
NOV 1 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

NOV 1 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED TO ATTORNEY FOR APPLICANT.

NOV 1 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED TO ATTORNEYS FOR QUOTAW AND CHICKASAW NATIONS.

NOV 1 1902

REFER TO C. R. 203



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I.T. May 21, 1901.

42248

In the matter of the application of Maggie Williams for identification as a Mississippi Choctaw.

Maggie Williams having been first duly sworn testified as follows.

Examination by the Commission:

- Q What is your name? A Maggie Williams.
- Q What is your age? A Twenty-two.
- Q What is your post-office address? A Douglasville, Texas.
- Q How long have you lived at that place? A All my life; 22 years.
- Q What is your father's name? A Richard H. Williams.
- Q Is he living? A Yes.
- Q What is your mother's name? A Mary J. Williams.
- Q Is she living? A No.
- Q Through which one of your parents do you derive your Choctaw blood? A My mother.
- Q How much do you claim? A One sixteenth.
- Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A I don't know.
- Q Are you married? A No.
- Q Claiming for yourself alone? A Yes.
- Q Is your name on any of the rolls of the Choctaw Nation in Indian Territory? A No.
- Q Have you ever made application to the Choctaw tribal in the Indian Territory to be enrolled as a member of that tribe? A No.
- Q Did you, or any one for you, in 1896, make application to the ~~Choctaw~~ Commission to the Five Civilized Tribes for citizenship in the Choctaw nation, under Act of Congress of June 10, 1896? A No.
- 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 by judgment of the United States court in Indian Territory? A No.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw nation? A No.
- Q Is this the first application of any kind you have ever made? Yes.
- Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.
- Q Do you claim your right under the provisions of the 14th article of the treaty of 1830? A Yes.
- Q Do you understand that article? A I think so, yes.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.
- Q What was the name of your ancestor or ancestors who were residents of the Choctaw Nation in Mississippi or Alabama and recognized members of the Choctaw tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw nation? A Martha Moore.
- Q What relation was she to you? A My great-grand-mother.
- Q Have you any evidence showing that your great-grand-mother, Martha Moore, was a recognized member of the Choctaw tribe of Indians in Mississippi at that time? A No.

2--- Maggie Williams

- Q Did this ancestor, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi or Alabama to the ~~present Choctaw Nation in the Indian Territory~~, at the time of the removal of the other members of the Choctaw tribe of Indians, from 1833 to 1838? A I don't know.
- Q If she did not remove with the other members of the tribe did she, within six months after the ratification of the treaty of 1830 signify to the United States Agent to the Choctaw tribe of Indians in Mississippi her intention to remain in Mississippi and become a citizen of the United States? A I don't know.
- Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A No--I don't know.
- Q Are there any additional statements you desire to make in support of this application? A No.
- Q Have you ~~examined~~ any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A

Hudson & Arnold, counsel, ask for thirty days in which applicant may furnish and file such evidence as she may desire in support of her application. Motion is granted.

By Mr. Arnold:

- Q Did you ever hear that John Moore was the father of your great-grandmother, Martha Moore? A I have
- Q Did you ever hear that he was identified in Mississippi in 1830 on the roll there? A Yes.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date, and report of same made to the Secretary of the Interior, conformable to the provisions of the 21st, Section of the Act of Congress of June 28, 1898, and a copy of the same mailed to you at your post-office address as given by you in your testimony.

(Applicant is apparently white)  
.....

Henry G. Hains, being first duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains.*

Subscribed and sworn to before me this 15 day of July 1901.

*R. H. Linebaugh*

Notary Public.

COPY.

COMMISSIONERS

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

ALLISON L. AYLESWORTH  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Maggie Williams,

Douglasville, Texas.

Dear Madam:

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

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

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

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

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

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

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

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

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermarried Mississippi Choctaws, should be refused, and it is so ordered."

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

Yours truly,

(SIGNED).

*Tama Dixby.*

Registered.

Acting Chairman.

Muskogee, Indian Territory, November 12, 1902.

Maggie Williams,

Douglasville, Texas.

Dear Madam:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippit, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

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

Respectfully,

SIGNED:

*Fame Birby.*  
Acting Chairman.

Muskogee, Indian Territory, December 21, 1903.

Maggie Williams,  
Douglasville, Texas.

Dear Madam:

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

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

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

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

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

Respectfully,

Chairman.



M C R 2247  
M C R 2248

Muskogee, Indian Territory, January 4, 1904.

R. H. Williams,  
Douglassville, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 24, 1903, in which you state that your daughters, Kollie and Maggie Williams, are in receipt of a letter from this office relative to a motion filed by W. M. Springer for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al. In said letter your daughters were notified that W. M. Springer had died since the above mentioned motion was filed, and that if they wished to take any further action in regard to this matter they would be allowed thirty days from December 21, 1903, for that purpose. You now state that you desire to take further action in the case in behalf of your daughters and ask if you can have a hearing any time between the 1st and 10th of January.

In reply to your letter you are informed that the Commission is now without authority to receive or consider any further evidence in support of said case, as its decision of April 21, 1902, refusing the several applications included in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al. was approved by the Secretary of the Interior on November 1, 1902, and

R H W 2

the case closed.

Our letter of December 21, 1903, was merely to inform the applicants in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al. that the Department would allow them thirty days to take further action relative to the motion filed in said case by W. M. Springer, who has since died.

As the record in this case is in the hands of the Secretary of the Interior, it is suggested that you correspond with him if you desire to take further action.

Respectfully,

Chairman.

M C R 2248

Muskogee, Indian Territory, January 6, 1906.

Maggie Williams,  
Douglasville, Texas.

Dear Madam:

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

Respectfully,

Chairman.

COPY

OCR-2248

Muskogee, Indian Territory, January 17, 1907.

Maggie Williams,  
Douglasville, Texas.

Dear Madam:-

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

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

## For Identification as a Mississippi Choctaw.

Date MAY 21 1901

Name Maggie Williams

Age 22 Blood 1/6

Post Office, Douglasville, Texas

Father: Richard H. Williams

Mother: Mary J. Williams (dead)

Claims through mother

(Children:

Claims for herself alone.

Stenographer

Henry G. Hains

Choctaw MCR 2249

~~Emma J. McCoy~~

MCR 2249

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I. T. May 21, 1901, H.

#2289

In the matter of the application of Emma J. McCoy for the identification of herself and her minor children as Mississippi Choctaws. Emma J. McCoy having been first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Emma J. McCoy.  
Q What is your age? A Thirty.  
Q What is your post-office address? A Douglasville, Texas.  
Q How long have you lived there? A All my life-born there.  
Q What is your father's name? A Richard H. Williams.  
Q Is he living? A Yes.  
Q What is your mother's name? A Mary J. Williams.  
Q Is she living? A No.  
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 One sixteenth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Are you married? A Yes.  
Q What is your husband's name? A Charley McCoy.  
Q Do you make application on behalf of your husband? A No.  
Q He is a white man and has no Indian blood? A Yes.  
Q Have you any children in your family for whom you desire to make application? A I have five.  
Q Give their names and ages? A Richard B., 11; Vista (boy) 8; Leo (boy) 6; Stafford, 4; and James 8 months.  
Q These are all your children? A Yes.  
Q What is the name of their father? A Charley McCoy.  
Q Is your name, or are the names of these children, on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
Q Have you ever made application for yourself or them to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.  
Q Did you, or did any one for you or them, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under Act of Congress of June 10, 1896?  
A No.  
Q Have either you or these children 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 by judgment of the United States Court in Indian Territory? A No.  
Q Have you ever made application prior to this time either for yourself or these children to the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.  
Q Is this the first application you have ever made of any description? A Yes.  
Q Is it now your purpose to make application for identification as Mississippi Choctaws? A Yes.  
Q Do you understand that article? A I think I do.  
Q Have you ever received any benefits as a Choctaw Indian? A No.  
Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.  
Q What is the name of your ancestor or ancestors who were residents of the old Choctaw nation in Mississippi or Alabama in 1830 at the time the treaty of Dancing Rabbit Creek was entered.

2--- Emma J. McCoy

into between the United States and the Choctaw Nation? A Martha Moore.

~~Q What relation was she to you? A Great-grand-mother.~~

Q Have you any evidence showing that she was a recognized member of the Choctaw tribe of Indians at that time? A No.

Q Did this ancestor if a Choctaw Indian, remove from the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in the Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians from 1833 to 1838? A I don't know.

Q If she did not remove, did she within six months after the ratification of the treaty of 1830, signify to the United States Agent to the Choctaw tribe of Indians in Mississippi her intention to remain in Mississippi and become a citizen of the United States? A I don't know.

Q Have any of your ancestors ever claimed or received any benefits, and land in Mississippi, as beneficiaries under the fourteenth article of the treaty of 1830? A No.

Q Are there any additional statements you desire to make in support of this application? A No.

Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article? A I don't know.

Hudson & Arnold ask for thirty days to file such evidence as she may be able to secure in support of her application. Granted

By Mr. Arnold:

Q You stated that Martha Moore was your great-grand-mother, did you ever hear that John Moore was her father? A Yes.

Q Did you ever hear that he was enrolled in Mississippi in 1830?

A Yes.

The decision of the Commission as to your application for yourself and minor children for identification as Mississippi Choctaws will be determined at the earliest possible date, and report of same made to the Secretary of the Interior conformable to the provisions of the 21st Section of the Act of Congress of June 28, 1898, and a copy of the same mailed to you at your post-office address as given by you in your testimony.

(Applicant apparently a white woman.)  
... ..

Henry G. Hains being duly sworn, on his oath, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on May 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 15 day of July, 1901.

A. H. Linebaugh

Notary Public.



Muskegee, Indian Territory, February 7, 1903.

Emma J. McCoy,

Douglasville, Texas.

Dear Madam:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Joe Williams, et al., embracing the following applications for identification as Mississippi Choctaws:

Joe Williams,	M.C.R. 1746
Mattie McCoy, et al.,	M.C.R. 2653
Emma J. McCoy, et al.,	M.C.R. 2249

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 Joe Williams, Mattie McCoy, Fannie H. McCoy, Richard W. McCoy, Emma J. McCoy, Richard B. McCoy, Vista McCoy, Lee McCoy, Stafford McCoy and James McCoy, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days

-2-

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 T. Dickson*  
Acting Chairman.

Registered.

Muskogee, Indian Territory, November 9, 1903.

Emma J. McCoy,  
Douglasville, Texas.

Dear Madam:

The Secretary of the Interior with his letter of October 29, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Joe Williams, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

The record in this consolidated case shows that the several applicants claim Choctaw descent from John Moore, through his daughter, Martha, who married Robert M. Martin, the line of descent being further traced through their daughter, Mary J. Martin, who married Richard H. Williams. The principal applicants in this case are the issue of Mary J and Richard H. Williams.

The Secretary of the Interior, in a letter to the Commission under date of May 22, 1903, stated as follows:

"From the report of the Commissioner of Indian Affairs of January 8, 1903, it appears that there was a John Moore who claimed land under the 14th article of the treaty of 1830, for himself and his children, in all aggregating 3 1/2 sections, and that this claim was approved by the President of the United States, and the following lands were set aside for him but never patented so far as the records of the land office show.

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All of section 11, T. 20, R. 11 E; all of section 13, T. 20, R. 11 E; all of section 14, T. 20, R. 11 E; N. half of section 23, T. 20, R. 11 E. in the State of Mississippi.

May 14, 1903, the Acting Commissioner furnished a supplemental report relating to this case, from which it appears 'that there was a John Moore who purchased the NE/4 of the NE/4 and the SW/4 of the NE/4 of Sec. 20, T. 5 N., R. 14 E. of the land district of Augusta, Mississippi, surrendering therefor as assignee a part of Choctaw scrip No. 178 B.' This piece of scrip was issued in behalf of Antambee, Istonoka and Hokaloché, children of Atanahato, over ten years of age, and was for 320 acres."

The fourteenth article of the Choctaw treaty of September 27, 1830, is as follows:

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

If a Choctaw decided, at the time the treaty of Dancing Rabbit Creek was made, that he wanted to stay in Mississippi and take advantage of the provisions of article 14, he was required to let the agent of the government in Mississippi know, within six months after the ratification of the treaty, that he wanted to stay there, take land, and become a citizen of the States. After he had done that he was entitled to a reservation of 640 acres of land.

E J McO 3

In like manner he was entitled to 320 acres for each child over 10 years of age, living with him at the date of the treaty; and 160 acres for each child under 10. If the Indian lived on said land for five years after the ratification of the treaty--February 24, 1831, the government would give him a deed to it. This article provided that persons who claimed under it should not, by reason of their having done so, lose the privilege of a Choctaw citizen, but if they ever moved out to the new Choctaw country they were not to be entitled to any portion of the money paid to the Indians each year by the government.

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
  - 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)
  - 3rd. Their Choctaw as well as their English names.
  - 4th. The names and number of the persons who composed their families.
  - 5th. The names of their neighbors and immediate associates,
- and that for the purpose of comparison, testimony of like character

E J McC 4

should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Wednesday, December 9, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

R & R Dep  
Registered

Commissioner in Charge.

Muskogee, Indian Territory, November 23, 1903.

Emma J. McCoy,  
Douglasville, Texas.

Dear Madam:

The Commission is this day in receipt of a letter from the attorneys for the Choctaw and Chickasaw Nations, in which they request that if it is your desire to introduce any testimony in support of the consolidated Mississippi Choctaw case of Joe Williams, et al., of which your application is a part, you first serve notice upon said attorneys in order that they may be present and cross-examine any witnesses that may be offered.

In accordance with the request contained in said letter, you are hereby notified that before offering any testimony in support of the above mentioned case, notice of the taking of the same must first be served upon Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

Chairman.

M.C.A. 2249

Muskogee, Indian Territory, March 9, 1904.

Emma J. McCoy,  
Douglassville, Texas.

Dear Madam:

You are hereby notified that on the 19th day of February, 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 Joe Williams, et al., of which decision you were advised by registered mail on the 7th day of February, 1903.

Respectfully,

Commissioner in Charge.



## For Identification as a Mississippi Choctaw.

Date MAY 21 1901

Name Emma J. McCoy

Age 30 Blood  $\frac{1}{6}$ 

Post Office, Douglasville, Texas

Father Richard H. Williams

Mother: Mary J. Williams (dead)

Claims through mother.

Husband: Charley McCoy  
(no claim for him)

## Children:

Richard B. McCoy 11

Vista " M 5

Leo " M 6

Stafford " 4

James " 8 mo.

Claims for herself and  
five minor children.

Stenographer

Henry S. Hairs.

FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW - R. 2249

*Emma J. McCoy et al.*

ACTION APPROVED BY

Choctaw MGR 2250

William W. Esque

MGR 2250

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I.T. May 21, 1901.

#2250

In the matter of the application of William W. Escue for the identification of himself and his four minor children as Mississippi Choctaws, and for his wife, as an inter-married Mississippi Choctaw.

William W. Escue having been first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William W. Escue.  
Q What is your age? A Fifty-six  
Q What is your post-office address? A Mulberry, Texas.  
Q How long have you lived there? A About four years.  
Q How long did you live in Texas? A About six years.  
Q Where were the other two years in Texas? A Ellis County.  
Q Where did you live before you came to Texas? A In Arkansas.  
Q How long did you live there? A About twenty-years.  
Q Where did you live before you went to Arkansas? A In Tennessee, that is my native country; born and raised there and lived there until I moved to Arkansas.  
Q What is your father's name? A John W. Escue.  
Q Is he living? A No, he is deceased.  
Q What is your mother's name? A Alpha Escue.  
Q Is she living? A No, she is dead.  
Q Through which one of your parents do you derive your Choctaw blood?  
A From my mother.  
Q How much Choctaw blood do you claim? A I don't know, myself, my great grand father was a full blood Choctaw, that was my information.  
Q How much have you been taught that you were? A About one eighth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Are you married? A Yes.  
Q What is your wife's name? A Sarah Ann Escue.  
Q Do you make application on behalf of your wife? A Yes.  
Q Is she a Mississippi Choctaw? A No, she is a white woman.  
Q How do you make application for her? A Well, I think it is necessary that I do that, but if I don't get it it is no harm.  
Q How do you claim for her? A By marriage.  
Q Do you claim then that she is an inter-married Mississippi Choctaw?  
A Yes.  
Q When were you married? A In '66; do you want the dates?  
Q What is your wife's age? A About fifty-three years of age.  
Q What is her father's name? A Her father's name is Thomas Bratton.  
Q Is he living? A No.  
Q What is her mother's name? A Louisa Bratton.  
Q Is she living? A Yes.  
Q Your wife has no Indian blood? A None that I have any record of.  
Q Her parents were both white people? A Yes.  
Q And made no claim to Indian Blood? A None that I know of.  
Q Have you any children in your family under twenty-one years of age and unmarried that you want to make application for? A Yes.  
Q Give their names and ages? A I have four- the oldest is named Oscar, he is twenty; now I can't give it exactly- Sally P., she is seventeen; Lola P., thirteen; and Bennie, he is twelve.  
Q These are all your children? A Yes, these are all the minors, the rest are grown.  
Q You are the father? A Yes.

2---William W Rescue

- Q What was the name of their mother? A Samantha Rescue.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.
- Q Have you your marriage license and certificate and do you desire to offer same in evidence? A No, I have not.
- Q It will be necessary that the Commission be furnished with proof of your marriage in support of your application on behalf of your children.
- A I can send away and get a copy of the marriage license.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Is the name of your wife or these children? A Enrolled? no, well our daughter there, Miss Lewis is enrolled.
- Q How is she enrolled? A Well, she just applied.
- Q Do you mean that she made application for identification as a Mississippi Choctaw? A Yes.
- Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for yourself, your wife, or these children to be enrolled as members of that tribe? A No-yes I did at Durant.
- Q Did you ever make application to the Choctaw tribal authorities?
- A Yes.
- Q When and where? A At Durant.
- Q To the Choctaw tribal authorities? A No, to the Commission.
- Q Did you or any one for you or for your wife or children, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under Act of Congress of June 10, 1896? A No.
- Q Have you or your wife or children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.
- Q Have you ever made application prior to this time for yourself, your wife or these children, to either the Choctaw tribal authorities or the authorities of the United States, to be admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application you have ever made of any description? A Yes.
- Q Did you not say that you made application at Durant? A Yes, but it was rejected.
- Q Did you make application at Durant for identification as a Mississippi Choctaw. A Yes.
- Q When? A I forget the dates of that hearing.
- Q About how long ago was that? A Well, that was last year sometime.
- Q In 1900? A I think so.
- Q Or was it in '99? A One or tother, I am not sure- it was the first Commission they had there.
- Q Are you sure that you made application for identification as Mississippi Choctaw? A I am not sure.
- Q If you did why do you come again? A I didn't think they gave me justice.
- Q You think by presenting the same case again now you would be more likely to get justice? A Yes.

The records of the Commission do not show that applicant ever appeared before as an applicant for identification as a Mississippi Choctaw.

- Q This then is not the first application you have ever made to the Commission? A No.
- Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

3---William W. Escue

Q Do you understand the provisions of that article? A I don't know that I do.

Q Article fourteen of the treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to 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 claiming under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Do you claim under this article? A I don't know.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A I really cannot tell.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama in 1830, and recognized members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A This last treaty?

Q The treaty of 1830. A I reckon grand-father was living then-William Praxier.

Q Have you any evidence showing that such ancestor was a recognized member of the Choctaw tribe of Indians at that time? A No, nothing only what my parents have told me.

Q Did this ancestor if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in the Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians from 1833 to 1838? A My understanding is that my grandfather died in Mississippi-his descendants were moved here.

Q If he did not remove, with the other members of the tribe, did he within six months after the ratification of the treaty of 1830 signify to the United States Agent to the Choctaw tribe of Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I cant tell you about that.

Q Have 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? A I don't know whether they did or not.

Q Are there any additional statements you desire to make in support of this application? A I don't know that they are.

Q Nothing further that you want to say now in regard to it?

A Nothing that I can think of.

Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they received any benefits under that article of that treaty? A Well,

I have some affidavits.

4--- W.W.Escue

Q Do you want to file them now? A I haven't any affidavits now.

Application and affidavit of W.W.Escue offered in evidence by applicant, marked Exhibit "A", filed and made a part of the record in this case.

B.S.Johnson, attorney for applicant, asks for twenty days in which to file marriage license and certificate, and additional evidence in support of this claim. Granted.

(Applicant is apparently white.)

The decision of the Commission as to your application for identification as Mississippi Choctaws for yourself and minor children, and for your wife as an inter-married Mississippi Choctaw, will be determined at the earliest possible date, and report of same made to the Secretary of the Interior, conformable to the provisions of the twenty-first section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

.....

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause in said date.

*Henry G. Hains*

Subscribed and sworn to before me this 15 day of July 1901.

*R.H. Linebaugh*

Notary Public.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In re application of William Eboe for enrollment as a Choc-

taw; being sworn and examined by Gen'r McKennon he testified:

Q What is your name? A William Eboe.

Q How old are you? 55

Q Where are you living? A I was living in Texas; I have been living here about four weeks.

Q You came over here to enroll, from Texas? A No sir, I came to locate somewhere and buy something; I came with the intention to locate somewhere.

Q How long have you been living in Texas? A I have been living in Texas about four years.

Q Where did you come from to Texas. A I came from Arkansas there.

Q How long did you live in Arkansas? A I lived there about twenty years before I left my native home and went to Texas.

Q You are not on the Choctaw rolls and never have been? A No sir your father and mother are not on these rolls. A No sir.

Gen'r McKennon: You are not on any of the rolls, and besides, you didn't come here before June 28th, 1898, and your enrollment will be refused.

-----  
Department of the Interior,

Commission to the Five Civilized Tribes.

A. K. H. B. ... my official copy as  
shown on the ... named Commission, that this  
... and correct transmission of  
my original ...

*M. E. H.*



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

In the matter of the application of William Escue for enrollment as a citizen of the Choctaw Nation.

D E C I S I O N .

The applicant, William Escue, appeared before the Commission at Durant, Indian Territory, during the month of August, 1899, and there made application for enrollment as a citizen of the Choctaw Nation.

From an examination of the records in possession of the Commission, and from the evidence in this case, it appears that the name of the applicant has never been upon any of the tribal rolls of the Choctaw Nation, and that the applicant was never admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation, by the Commission to the Five Civilized Tribes, acting under the Act of Congress of June 10, 1896, or by the United States Court in Indian Territory, on appeal from the decision of the Choctaw tribal authorities or from the decision of the said Commission.

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

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

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

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory, \_\_\_\_\_ 1901.

Muskogee, Indian Territory, June 11, 1901.

Messrs Johnson & Horton,  
Durant, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of June 8,  
inclosing the following papers for filing:

Affidavits of Eliza J. Hendrix and Samuel Escue offered in  
support of the claim of W. W. Escue et al. for identification as  
Mississippi Choctaws.

Affidavits of Eliza Hendrix and Samuel Escue offered in  
support of the claim of Ella Nealey et al. for identification as  
Mississippi Choctaws.

The same have been duly filed with the records of the  
Commission, and will receive consideration in determining the rights  
of these applicants.

Yours truly,

Acting Chairman.

MC 2250  
MC 2251

COPY.

Muskogee, Indian Territory, January 28, 1903.

William W. Rescue,  
Mulberry, Texas.

Dear Sir:

You are hereby advised that on the 28th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Dean Pace, et al., embracing the following applications for identification as Mississippi Choctaws:

James Dean Pace,	M.C.R. 4866
Mary Lewis, et al.,	M.C.R. 288
William W. Rescue, et al.,	M.C.R. 2250
Ella Healey, et al.,	M.C.R. 2251
Christopher Columbus Pace, et al.,	M.C.R. 4865
James F. Pace,	M.C.R. 4919
Lillie May Allen, et al.,	M.C.R. 4920
Robert P. Pace, et al.,	M.C.R. 5936
Albert S. Pace, et al.,	M.C.R. 6235
John S. Pace, et al.,	M.C.R. 6051
Thomas B. Pace, et al.,	M.C.R. 5849
General L. Pace, et al.,	M.C.R. 6195
Sarah Hendrix, et al.,	M.C.R. 6213
Martha Almira Guyll, et al.,	M.C.R. 6261
Thomas R. Guyll, et al.,	M.C.R. 6262
John S. Guyll, et al.,	M.C.R. 6263
Sarah Elizabeth Moore, et al.,	M.C.R. 6264
William T. Pace, et al.,	M.C.R. 6340.

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."

W. W. E. #2.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Dean Pace, Mary Lewis, Jesse Lewis, Montie Lewis, Homer Lewis, Bessie Lewis, William W. Escue, Oscar Escue, Sally P. Escue, Lola F. Escue, Bennie Escue, Ella Kealey, Dolphus Culpepper, Christopher Columbus Pace, Heber Russell Pace, James F. Pace, Lillie May Allen, Leslie Leroy Allen, Robert P. Pace, Ullie Pace, Verdie M. Pace, Nora A. Pace, Wilmina Pace, Lela T. Pace, Ernest D. Pace, Maurice F. Pace, Hannah E. Pace, Frederick O. Pace, Bruce O. Pace, Albert S. Pace, Ada Lee Pace, Evalena Pace, John S. Pace, Ora A. Pace, Josie Pace, John O. Pace, Thomas W. Pace, Mary W. Pace, Joseph R. Pace, Bella M. Pace, Katie L. Pace, Florence I. Pace, Minnie P. Pace, General L. Pace, Stella May Pace, Maud Florence Pace, Alice Pace, Jesse Lee Pace, Paul O. Pace, Sarah Hendrix, Willie Hendrix, Maggie Hendrix, Belle Hendrix, Martin Hendrix, Jefferson Hendrix, George Hendrix, John Hendrix, Martha Almira Guyll, Oscar Bennett Guyll, James Elmer Guyll, Sophia Etta Guyll, Newton Franklin Guyll, Thomas R. Guyll, Josie May Guyll, George Alvin Guyll, John S. Guyll, William Henry Guyll, Sarah Elizabeth Moore, Jesse Clyde Moore, William T. Pace, Mirttie May Pace, Alma F. Pace, Jeff R. Pace, Charlie L. Pace, Ezra M. C. Pace and Samuel O. Pace as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by William W. Escue for the identification of his wife, Sarah Ann Escue, 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

*Tama Dink*

Registered.

Acting Chairman.

M.C.R. 2250

COPY.

Muskogee, Indian Territory, May 11, 1903.

William W. Escue,  
Mulberry, Texas.

Dear Sir:

You are hereby notified that on the 2nd day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Dean Pace, et al., of which decision you were advised by registered mail on the 28th day of January, 1903.

Respectfully,

*B. Needles.*  
COMMISSIONER IN CHARGE  
[REDACTED]  
[REDACTED]

No. 2370

For Identification as a Mississippi Choctaw.

Date MAY 21 1901

Name William W. Escue

Age 56 Blood 1/8

Post Office, Mulberry, Texas

Father: John Escue (dead)

Mother: Alpha Escue (dead)

Claims through mother

Wife: Sarah Ann Escue 53

~~Father~~ Thomas Brutton (dead)

Mother Louisa " (dead)

Children:

Oscar Escue 20

Sally P Escue 17

Lola P Escue 13

Bennie Escue 12

Claims for himself and  
4 minor children and  
for wife as intermarried  
Miss. Choctaw

Stenographer

Henry G. Hains

A MISS.

CTAW

R. 2250

DECISION RENDERED, JAN 28 1903

*William A. Escue, et al.*

# REFUSED

NOTICE OF DECISION MAILED APPLICANT.

JAN 28 1903

NOTICE OF DECISION FORWARDED ATTORNEY FOR APPLICANTS.

NOTICE OF DECISION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.

FEB 13 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAY - 2 1903

NOTICE OF DECISION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

MAY 11 1903

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

MAY 11 1903

DECISION FILED

REFER TO M. C. R. 4826

Choctaw MCR 2251

Elle Nealey

MCR 2251



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I. T. May 21, 1901.

#2251

In the matter of the application of Ella Nealey for the identification of herself and her minor child as Mississippi Choctaws. Ella Nealey having been duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ella Nealey.  
Q What is your age? A Twenty-two.  
Q What is your post-office address? A Mulberry Texas.  
Q How long have you lived there? A Four years.  
Q Where did you live before that? A Ellis County, Texas.  
Q How long have you lived in Texas? A Six years.  
Q Where did you live before you moved to Texas? A Arkansas.  
Q How long did you live there? A Twenty years.  
Q Born there? A No, I was born in Texas; went to Arkansas when I was one year old.  
Q How long did you live in Arkansas? A We did not live in Arkansas twenty years; I don't think we lived there nearly eighteen years; - I think my father got that mixed up.  
Q Where were you born? A Born here in Texas.  
Q How old were you when you went from Texas to Arkansas? A One year.  
Q You never lived in Mississippi? A No.  
Q What is your father's name? A William W. Escue.  
Q Is he living? A Yes.  
Q What is your mother's name? A Sarah Ann Escue.  
Q Is she living? A Yes.  
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 One sixteenth.  
Q Has your father, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Are you married? A Yes.  
Q What is your husband's name? A J. T. Nealey.  
Q Do you make application on behalf of your husband? A Yes.  
Q How do you claim for him? A I don't recall- I don't either.  
Q Do you want to make application for your husband? A No.  
Q When and where were you married to J. T. Nealey? A In the country in Ellis County- I don't know exactly-  
Q When? A The 9th of May 1900.  
Q Have you any children in your family for whom you wish to make application? A One boy.  
Q What is that child's name? A Dolphus Culpepper.  
Q What is his age? A It will be two years old the 25th of this month.  
Q You are the mother of this child? A Yes.  
Q What is the name of its father? A Dolphus Culpepper.  
Q Is he living? A No.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, I don't think it is- if it is I don't know anything about it.  
Q Have you ever made application to the Choctaw tribal authorities in Indian Territory to be enrolled as member of that tribe? A No,- I don't know.  
Q Did you ever go to the Choctaw council and put, in application to be enrolled as a Choctaw citizen? A I think my husband did.

2--- Ella Nealey

Q When? A I don't know.

Q Did you, or your husband for you, go to the Choctaw council over here at the capitol, and put in an application to be enrolled as a citizen of the Choctaw Nation? A I don't think he did.

Q Did you, or any one for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under Act of Congress of June 10, 1896? A I don't know.

Q Did you ever make such application? A No.

Q But you don't know whether any one ever made such application for you? A I don't know.

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 by judgment of the United States Court in Indian Territory? A I don't know.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as member of the Choctaw Nation?

A No.

Q Is this the first application of any description you have ever made? A Yes.

Q Is it now your purpose to make application for identification as Mississippi Choctaws? A Yes.

Q Do you claim your rights as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I don't know.

Q You have heard that article read? A Yes, but I don't remember anything about it.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.

Q What was the name of your ancestor or ancestors who were residents of the Old Choctaw Nation in Mississippi or Alabama and recognized members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A I don't know.

Q You don't know that ancestor-your father or grand-father, your-  
A Yes, I know my grandfather.

Q What was his name? A William Frazier.

Q Was he a Choctaw? A Yes.

Q Have you any evidence showing that William Frazier was a recognized member of the Choctaw tribe of Indians at that time? A No.

Q Did William Frazier, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians, from 1833 to 1838? A I don't know.

Q If he did not remove with the other members of the tribe, did he, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw tribe in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I couldn't tell you.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know.

Q Are there any additional statements you desire to make in support of this application? A No.

Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty?

3--Ella Healey

Applicant offers written application and affidavit of Ella Healey in support of her claim, and same is marked Exhibit "A", filed and made a part of the record in this case.

B.S. Johnson, counsel for applicant, asks twenty days time in which to file such additional evidence as she may be able to introduce in support of her application. Motion granted.

(Applicant is apparently a white woman.)

The decision of the Commission as to your application for identification as Mississippi Choctaws for yourself and minor child will be determined at the earliest possible date, and report of same made to the Secretary of the Interior, conformable to the provisions of the ~~Act of Congress of June 28, 1898, and the twenty-first section of the~~ Act of Congress of June 28, 1898, and a copy of the same mailed to you at your post-office address as given by you in your testimony.

\*\*\*\*\*

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 15 day of July 1901.

R. H. Linebaugh.

Notary Public.

Muskogee, Indian Territory, June 11, 1901.

Dears Johnson & Horton,

Durant, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of June 8, inclosing the following papers for filing:

Affidavits of Eliza J. Hendrix and Samuel Escue offered in support of the claim of W. W. Escue et al. for identification as Mississippi Choctaws.

Affidavits of Eliza Hendrix and Samuel Escue offered in support of the claim of Ella Nealey et al. for identification as Mississippi Choctaws.

The same have been duly filed with the records of the Commission, and will receive consideration in determining the rights of these applicants.

Yours truly,

Acting Chairman.

MC 2250  
MC 2251

COPY.

Muskogee, Indian Territory, January 28, 1903.

Ella Nealey,  
Mulberry, Texas.

Dear Madam:

You are hereby advised that on the 28th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Dean Pace, et al., embracing the following applications for identification as Mississippi Choctaws:

James Dean Pace,	M.C.R. 4866
Mary Lewis, et al.,	M.C.R. 285
William W. Escue, et al.,	M.C.R. 2250
Ella Nealey, et al.,	M.C.R. 2251
Christopher Columbus Pace, et al.,	M.C.R. 4865
James F. Pace,	M.C.R. 4919
Lillie May Allen, et al.,	M.C.R. 4920
Robert P. Pace, et al.,	M.C.R. 5936
Albert S. pace, et al.,	M.C.R. 6235
John S. Pace, et al.,	M.C.R. 6051
Thomas R. Pace, et al.,	M.C.R. 5849
General L. Pace, et al.,	M.C.R. 6195
Sarah Hendrix, et al.,	M.C.R. 6213
Martha Almira Guyll, et al.,	M.C.R. 6261
Thomas R. Guyll, et al.,	M.C.R. 6262
John S. Guyll, et al.,	M.C.R. 6263
Sarah Elizabeth Moore, et al.,	M.C.R. 6264
William T. Pace, et al.,	M.C.R. 6340.

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."

E. 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 James Dean Pace, Mary Lewis, Jesse Lewis, Montie Lewis, Homer Lewis, Bessie Lewis, William W. Escue, Oscar Escue, Sally P. Escue, Lola P. Escue, Bessie Escue, Ella Nealey, Dolphus Culpepper, Christopher Columbus Pace, Heber Russell Pace, James F. Pace, Lillie May Allen, Leslie Leroy Allen, Robert P. Pace, Uthillis Pace, Verdie M. Pace, Nora A. Pace, Willmina Pace, Lela P. Pace, Ernest D. Pace, Maurice B. Pace, Hannah E. pace, Frederick O. Pace, Bruce O. Pace, Albert S. Pace, Ada Lee Pace, Evalena Pace, John S. Pace, Ora A. Pace, Josie Pace, John O. Pace, Thomas F. Pace, Mary M. Pace, Joseph R. Pace, Della M. Pace, Katie L. Pace, Florence I. Pace, Minnie P. Pace, General L. Pace, Stella May Pace, Maud Florence Pace, Alice Pace, Jesse Lee Pace, Paul O. Pace, Sarah Hendrix, Willie Hendrix, Maggie Hendrix, Belle Hendrix, Martin Hendrix, Jefferson Hendrix, George Hendrix, John Hendrix, Martha Almira Guyll, Oscar Bennett Guyll, James Elmer Guyll, Sophia Etta Guyll, Newton Franklin Guyll, Thomas R. Guyll, Josie May Guyll, George Alvin Guyll, John C. Guyll, William Henry Guyll, Sarah Elizabeth Moore, Jesse Clyde Moore, William T. Pace, Mirttie May Pace, Alma F. Pace, Jeff R. Pace, Charlie L. Pace, Ezra M. C. Pace and Samuel O. Pace as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by William W. Escue for the identification of his wife, Sarah Ann Escue, 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 D. ...*

Registered.

Acting Chairman.

M.C.R. 2251

COPY.

Muskogee, Indian Territory, May 11, 1903.

Ella Wealey,  
Mulberry, Texas.

Dear Madam:

You are hereby notified that on the 2nd day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Dean Pace, et al., of which decision you were advised by registered mail on the 28th day of January, 1903.

Respectfully,

(SIGNED)

*T. B. Needles*  
COMMISSIONER IN CHARGE

~~Commissioner~~

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 2351

REGISTERED JAN 28 1903

*Celler, Haley et al.*

USED

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

JAN 28 1903

NOTICE OF DEPARTMENTAL ACTION FORWARDED  
ATTORNEY FOR APPLICANT.

JAN 30 1903

NOTICE OF DEPARTMENTAL ACTION FORWARDED  
FOR CHOCTAW AND CHICKASAW NATIONS.

JAN 28 1903

RECORD FORWARDED DEPARTMENT.

FEB 13 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAY - 2 1903

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

MAY 11 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAY 11 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

DECISION PREPARED

REFER TO M. C. R. *H.*



For Identification as a Mississippi Choctaw.

Date MAY 21 1901

Name Ella Nealey

Age 22 Blood 1/16

Post Office, Mulberry, Texas

Father: W. A. Escue

Mother: Sarah A. Escue

Claims through father

Husband: J. T. Nealey  
(no claim for him)

Children:

Dolphus Culpepper 2

Father: Dolphus Culpepper (dead)

Claims for herself and minor child

Stenographer

Henry G. Hains

Choctaw MCR 2252

Jacob J. Jackson

MCR 2252

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I. T. May 21, 1901.

#2252

In the matter of the application of Jacob J. Jackson for the identification of himself and his minor children as Mississippi Choctaws.

Jacob J. Jackson having been first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jacob J. Jackson.
- Q What is your age? A Fifty.
- Q What is your post-office address? A Wida, Indian Territory.
- Q How long have you lived there? A About something like 16 months.
- Q Where did you live before that? A In Texas.
- Q How long did you live in Texas? A Twenty years.
- Q Where did you live before you went to Texas? A In Missouri.
- Q How long did you live in Missouri? A Nine years.
- Q Where did you live before you moved to Missouri? A In Alabama.
- Q How long were you in Alabama? A I must have lived there somewhere about 16 or 17 years.
- Q Were you born in Alabama? A No, in Georgia.
- Q How long did you live in Georgia? A Well, now, I was too young to know anything about that-O, yes, I lived there two years.
- Q You moved from Georgia to Alabama when you were about two years old? A Yes.
- Q You never lived in Mississippi? A No.
- Q What is your father's name? A Isaac Jackson.
- Q Is he living? A No.
- Q What is your mother's name? A Eveline Jackson.
- Q Is she living? A No.
- Q Through which one of your parents do you derive your Choctaw blood? A Jackson.
- Q Your father? A Yes.
- Q How much Choctaw blood do you claim? A I claim to be 1/4, no I claim to be about 1/8 or something near it.
- Q Has your father, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No, I don't think he was.
- Q Are you married? A Yes.
- Q What is your wife's name? A Missouri Jackson.
- Q Do you make application on behalf of your wife? A No, she is dead.
- Q Was she a white woman? A She claimed to be part Choctaw.
- Q How much? A About one eighth Choctaw; her father was a fourth.
- Q Through which one of your wife's parents did she claim her Choctaw blood? A Her father.
- Q What was his name? A John Miller.
- Q Had her father through whom you claim she derived her Indian blood ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A Not that I ever knew.
- Q Have you any children in your family under twenty-one years of age and unmarried for whom you wish to make application? A Yes.
- Q Give their names and ages. A James P. Jackson.
- Q How old? A Nineteen; and Ollie May she is nine.
- Q You are the father of these two children? A Yes.
- Q What was the name of their mother? A Missouri Jackson.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.

2---Jacob J. Jackson

Q Have you your marriage license and certificate and do you desire to offer same in evidence? A No, we wrote for them, but never got them.

It will be necessary that the Commission have evidence of your marriage in support of the application in behalf of your minor children.

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

Q Are the names of either of your children? A No.

Q Have you ever made application for yourself or for your children to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No.

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

Q Have you or they ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time for yourself or for these children to either the Choctaw tribal authorities or the authorities of the United States, to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any description? A Yes.

Q Is it now your purpose to make application for identification as Mississippi Choctaws? A Yes.

Q Do you claim your rights as beneficiaries under the provisions of the 14th article of the treaty of 1830? A Claim it under that? I reckon so.

Q Are you familiar with the provisions of that treaty? A No I am not

Q You heard it read? A Yes, but I was not listening.

Q Would you like to hear it read? A Yes, before I make a full statement I want to be correct about what I state.

Q Article fourteen of the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying to the agent within six months from the ratification of this treaty his intention, 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 of land 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."

Do you claim under that article of this treaty? A I don't know as I thoroughly understand that-I claim under all the treaty.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and recognized members of the Choctaw tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was entered into between the United

States and the Choctaw tribe of Indians? A My grand-father was named Billy Jackson; my father was named Isaac Jackson, and that is as far back as I can know of any, my grandfather.

- Q Have you any evidence showing that Billy Jackson was a recognized member of the Choctaw tribe of Indians at that time? A No.
- Q Did your grand-father, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in Indian Territory, at the time of the removal of the other members of the Choctaw tribe of Indians from 1833 to 1838? A No, he stayed in Mississippi and died there.
- Q If he did not remove with the other members of the tribe, did he, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw tribe in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A Not that I know of.
- Q Have any of your ancestors ever claimed or received any land as beneficiaries under the fourteenth article of the treaty of 1830? A No.
- Q You say that you want your children to claim their right to identification also through their mother as well as yourself? A Yes.
- Q Did she ever received any benefits as a Choctaw Indian? No.
- Q Did any of her ancestors ever receive any benefits as Choctaw Indians? A No.
- Q Do you know what was the name of her ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and recognized members of the Choctaw tribe of Indians in 1830 when the treaty of dancing rabbit creek was entered into between the United States and the Choctaw tribe of Indians? A Daniel Miller.
- Q What relation was he to her? A Grand-father.
- Q Have you any evidence showing that he was a recognized member of the Choctaw tribe of Indians at that time? A No.
- Q Did he, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians, from 1833 to 1838? A No.
- Q If he did not remove with the other members of the tribe, did he, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw tribe in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I think not.
- Q Have any of your wife's ancestors ever claimed or received any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A I don't know.
- Q Are there any additional statements you desire to make in support of your application? A No.
- Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that any of your ancestors, or your wife's, were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A I want to file my application.

Application of J. J. Jackson offered in evidence by applicant, marked Exhibit "A", filed and made a part of the record in this case.

On motion of B. S. Johnson, counsel for applicant, twenty days is allowed applicant in which to file such evidence as he may desire in support of his application; also marriage license and certificate or certified copies thereof.

(This applicant is apparently a white man.)

The decision of the Commission as to your application for iden-

4---Jacob J. Jackson

tification as Mississippi Choctaws for yourself and your two minor children will be determined at the earliest possible date, and report of same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 20, 1898, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

\*\*\*\*\*

Henry G. Hains, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 15 day of July 1901.

*R. H. Linebaugh*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 23, 1901.

3318

In the matter of the application of John William Jackson for identification as a Mississippi Chectaw.

Applicant not represented by attorney.

John William Jackson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A John William Jackson.  
Q What is your age? A Twenty-two.  
Q What is your post-office address? A Nida, Indian Territory.  
Q How long have you lived there? A Two years.  
Q Where did you live before you lived there? A In Texas.  
Q How long did you live in Texas? A About twenty years.  
Q Were you born in Texas? A Yes.  
Q What is your father's name? A Jacob Jackson.  
Q Is he living? A Yes.  
Q What is your mother's name? A Missouri Jackson.  
Q Is she living? A No.  
Q Through which one of your parents do you claim your Chectaw blood? A Both of them.  
Q Through which one? A Both of them.  
Q How much Chectaw blood do you claim? A One-sixteenth.  
Q How much Chectaw blood did your father claim to have? A One-eighth.  
Q How much Chectaw blood did your mother claim to have? A One-eighth.  
Q And you think that if your father had one-eighth and your mother one-eighth that you would have one-sixteenth? A No answer.  
Q Can't you answer the question? A Yes.  
Q What do you mean by that, Yes you think that is what you have or Yes you can answer the question? A Yes that is what I think I have one-sixteenth.  
Q Have your parents ever been recognized in any way or enrolled as members of the Chectaw tribe of Indians by the Chectaw tribal authorities or the authorities of the United States? A No not until they enrolled up here.  
Q You mean when your father came up here and applied for identification as a Mississippi Chectaw? A Yes.  
Q Are you married? A No.  
Q You are making this application for yourself alone? A Yes.  
Q Is your name on any of the tribal rolls of the Chectaw Nation in Indian Territory? A No.  
Q Have you ever applied to the Chectaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.  
Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Chectaw Nation under the act of Congress of June 10, 1896? A No.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
- Q Is this the first application of any kind you have ever made? A Yes.
- Q What kind of an application do you want to make now? A I want to get in with Pa and them others.
- Q What others? A My brothers and them as Mississippi Choctaws.
- Q You claim as a Mississippi Choctaw? A Yes.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty when this treaty was made who was a recognized Choctaw Indian? A John W. Miller.
- Q What relation was he to you? A He was my mother's father.
- Q Which one of your father's parents or grandparents lived in the Choctaw Nation in eighteen hundred and thirty and was a Choctaw Indian? A Isaac Jackson.
- Q What relation was he to you? A My Pa's father.
- Q What is your father's mother's name? A I don't know what her name is.
- Q Which one of your father's parents claimed to be Choctaw? A Isaac Jackson.
- Q His father? A Yes.
- Q How old is your father? A I don't know how old he is, about forty-eight, somewhere, I don't know for certain how old.
- Q Did you ever see your grandfather, your father's father? A No.
- Q You know how long he has been dead? A No.
- Q You know how old he would be if he were living now? A No.
- Q What is your mother's father's name? A John W. Miller.
- Q And what is your mother's mother's name? A I don't know what her name was.
- Q Through which one of your mother's parents did she claim her Choctaw blood? A Through her father.
- Q Have you any evidence of your father's and mother's marriage? A Which.
- Q Have you any evidence of your father and mother's marriage? A No.
- Q Can you get any such evidence? A I suppose so.
- Q Will you try to secure that evidence? A Yes.
- Q Have you any evidence of the marriage of your father's father and mother? A No.
- Q Can you secure that evidence? A I don't know.
- Q Will you try? A Yes.
- Q Have you any evidence of your mother's father and mother's marriage? A No.

It will be necessary for the Commission to be supplied with evidence of these marriage in support of the application you make to be identified as a Mississippi Choctaw.



- Q What was John W. Miller's father's name? A Daniel Miller.  
 Q What was his mother's name? A I don't know.  
~~Q What was Isaac Jackson's father's name? A Bill Jackson.~~  
 Q What was his mother's name? A I don't know.  
 Q Which one of your grandfather Miller's parents claimed to be Choctaw? A Daniel.  
 Q His father? A Yes.  
 Q Which one of your grandfather Jackson's parents claimed to be Choctaw? A Bill Jackson.  
 Q How does it happen that you can remember all the way back the names of your ancestors who claimed to be Indians and cannot remember any of your other ancestors? A They is all that I have been taught about.  
 Q How does it happen that you have been taught about them and not about your grandmother and great grandmother? I have heard the names called but have forgot them.

The law under which the Commission is acting at this time in hearing these application for identification as 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."

This law gives the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those States and move them all to the Country west of the River but some of the Indians did not want to come west and the others would not sign any treaty until some provision was made for those Choctaws who wanted to remain in Mississippi, so article fourteen was made a part of the treaty for the benefit of these Choctaws who wanted to remain in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the 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."

Now if any of these Indians who wanted to stay there in Mississippi would go to the Indian Agent there within six months after that treaty was ratified and told him that they wanted to stay in Mississippi and take land there, they would get land from the government for themselves and their children and if they lived in that land for five years they would get a title to it. In doing this they would not lose the privilege of a Choctaw citizen but if they ever removed would not be entitled to any portion of the Choctaw yearly payments of money.

Within six months after the treaty was ratified a large number of Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay there and take land and become citizens of the United States but when a locating agent was sent down by the government to locate the land for these Indians he found that there were a great many Indians who claimed that they had gone to the Indian Agent whose names did not appear on the list which the Indian Agent had made, so under different acts of Congress Commissioners were appointed to go down into Mississippi and investigate this matter and find out which of the Indians were entitled to land under the fourteenth article. These Commissioners took up and passed on several hundred cases some of them they allowed and some were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President if the land claimed had not already been sold it was given to them. If it had been sold they were given scrip. This scrip could be used in buying land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Now what were the names of your ancestors who lived in the old Choctaw Nation in eighteen hundred and thirty who complied or attempted to comply with the Provisions of that article? A Isaac Jackson.
- Q Have you any evidence to show that he was a Choctaw Indian? A By my father.
- Q Did your father know him? A I guess so he was his Pa.
- Q You claim through your grandfather? A Yes.
- Q Was he living in the Choctaw Nation in eighteen hundred and thirty? A I don't know whether he was or not. That is where he was raised.
- Q Have you any outside evidence to show that your grandfather was a Choctaw Indian and lived in the Choctaw Nation in eighteen hundred and thirty? A No I have not.
- Q Your father is only forty eight years old, he would not know whether his father was living in eighteen hundred and thirty or not? A No I have not got any evidence.
- Q Did Isaac Jackson or any other of your ancestors go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay there and take land? A Not that I know of.
- Q In order for you to be identified as a Mississippi Choctaw it will be necessary for you to show that your grandfather through whom you claim was a Choctaw Indian and lived in Mississippi in eighteen hundred and thirty and that he within six months from the ratification of this treaty went to the Indian Agent and told him that he wanted to stay there and become a citizen of the United States or tried to tell him. Now can you do that? A No.
- Q Well then why do you come here and make this application? A Well I can't do it now I have not got the witnesses.
- Q Can you get them, you understand what it is necessary for you to prove? A Yes.
- Q Did any of your ancestors own land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of.

- Q Did any of them come west to the present Choctaw Nation with the other Indians between eighteen hundred and thirty-three and ~~eighteen hundred and thirty eight?~~ A Not that I know of.
- Q Have you any papers that you want to file now? A No I have not.
- Q Is there any other statement that you would like to make at this time in support of your application? A No I guess not.
- Q Do you want to use your father as a witness in your case? A Yes I would like to use him.

Applicant excused.

Jacob J. Jackson being called as a witness in behalf of the applicant, duly sworn testified as follows:

- Q What is your name? A Jacob J. Jackson.
- Q What is your age? A I am fifty.
- Q What is your post-office address? A Nida.
- Q Indian Territory? A Yes.
- Q How long have you lived there? A Two years.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes I applied here.
- Q Are you acquainted with John W. Jackson who has just applied here for identification? A Yes.
- Q What relation is he to you if any? A Son of mine.
- Q Through which one of his parents does he claim his Choctaw blood? A From his father on each side.
- Q Did not have but one father did he? A He got it from his mother and his father.
- Q What is the name of your father? A Isaac Jackson.
- Q What is the name of your mother? A Evaline.
- Q And you say you get your Choctaw blood through your father? A Yes.
- Q What was your wife's father's name? A His name, John W. Miller.
- Q What was your wife's mother's name? A I can't tell you she died when my wife was nothing but an infant.
- Q Which one of your wife's parents claimed to be Choctaw? A Her father.
- Q Can you get any evidence of the marriage of your wife's father and mother? A I think we can, I believe they were married in New Madrid or Pemisnot County Missouri. But it would be just like mine they did not give any licenses in that time and did have any record.
- Q Have you any evidence of your marriage? A No but I can get it.
- Q Have you any evidence of the marriage of your father and mother? A No.
- Q Can you get any evidence on that? A No because I don't know where they were married.
- Q Could you get affidavits of people who knew them during their life and knew them to have lived together as man and wife? A I could in the late days but not in the early.
- Q You could get such evidence as this of all three of these marriages? A Yes I suppose so.
- Q How old would your father be if he were living now? He would be somewhere about seventy.
- Q How long has he been dead? A About twentyfive years or twenty-six.
- Q Was he near about forty-five years old when he died? A No he was not a great deal older than that, may be about fifty.
- Q What was your father's father's name? A Billy Jackson.
- Q Is he the ancestor who you claim was a Choctaw Indian and lived in the Choctaw Nation in eighteen hundred and thirty? A Yes.
- Q Where did he live in eighteen hundred and thirty? A Eighteen

- hundred and thirty? A
- Q Yes? A Now I really could not say whether he was living in Mississippi or Georgia in eighteen hundred and thirty.
- Q You know where your father was born? A It seems to be like he was born in Georgia.
- Q Did he live in Mississippi and go to Georgia? A His father did.
- Q His father I mean? A Yes.
- Q Do you know when he lived in Mississippi and went to Georgia? A No I don't know when it was.
- Q Have you any evidence to show whether he was living in Mississippi or Georgia in eighteen hundred and thirty? A I could not say whether I could get it or not. I will try.
- Q In order for yourself and your child to be identified as Mississippi Choctaws it will be necessary for you to prove that your grandfather was living in the old Choctaw Nation in eighteen hundred and thirty and was a Choctaw Indian and to show whether he went to the Indian Agent there within six months after the treaty was ratified and told him that he wanted to stay in Mississippi. You understand that? A Yes.
- Q Do you know which one of your wife's ancestors was living in the old Choctaw Nation in eighteen hundred and thirty? A I don't know this. I could say only this. John W. Miller he left home when he was a boy and he don't recollect anything about his parents, not a great deal or what ever became of them.
- Q You don't know then which one of them were living in Mississippi in eighteen hundred and thirty? A No.
- Q Do you know if any of them were living in Mississippi in eighteen hundred and thirty? A No I don't know whether Daniel Miller was or not.
- Q Daniel Miller was John W. Jackson's great grandfather? A Yes.
- Q And Bill Jackson was John W. Jackson's great grandfather? A Yes.
- Q And you don't know whether either one of them was living in Mississippi in eighteen hundred and thirty or not? A No I don't.
- Q And you understand the importance of securing evidence on that point? A Yes.

Witness excused and applicant recalled.

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

This applicant has very dark hair, eyes and complexion but his features and general appearance are those of a white man. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty and knows very little about his ancestors.

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 August 23, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 9th day of November 1901.

*G. Rosenwinkel*  
*Notary Public*

Notary Public.

Muskogee, Indian Territory, December 1, 1902.

Jacob J. Jackson,  
Nida, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susanna Jackson, et al., embracing the following applications for identification as Mississippi

Choctaws:

Susanna Jackson,	M.C.R. 2254
Jacob J. Jackson, et al.,	M.C.R. 2252
Andrew J. Jackson, et al.,	M.C.R. 2253
John William Jackson,	M.C.R. 3318

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 Susanna Jackson, Jacob J. Jackson, James F. Jackson, Ollie May

Jacob J. Jackson-2

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

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

Respectfully,

*Thomas Parby*  
Acting Chairman.

Registered.

Muskogee, Indian Territory, September 25, 1903.

Jacob J. Jackson,

Nida, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of August 31, 1903, returned to this Commission the record therefor forwarded the Department in the consolidated Mississippi Choctaw case of Susanna Jackson, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The Secretary of the Interior in his letter states:

"The applicants base their claims to a right to identification as Mississippi Choctaw Indians upon their descent from Daniel Miller and John W. Miller and Billie Jackson, it being alleged that said ancestors were Choctaw Indians and residents of Mississippi in 1830. Isaac Jackson, father of the principal applicant, Susanna Jackson, is also mentioned as a Choctaw ancestor.

The evidence furnished by the records fails to show that any of said ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

In his letter of June 10, 1903, the Commissioner of Indian Affairs sets forth certain information which appears upon the records of the Indian Office, concerning one Mo-min-tam-be (or Billy Jackson), who received scrip, and recommends that, inasmuch as the record evidence is insufficient to establish the identity of the Billie Jackson through whom the applicants claim, with the Mo-min-tam-be (or Billy Jackson) whose name appears in the records of the Indian Office, the case be remanded to you, and that you be instructed to grant the applicants time in which to set forth such further evidence, affidavits, or other properly authenticated papers as they may deem fit."

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The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and



J J J S

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, October 26, 1908, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep  
Registered

Muskogee, Indian Territory, February 17, 1904.

Jacob J. Jackson,  
Nida, Indian Territory,

Dear Sir:

You are hereby notified that on the 29th day of January, 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 Susanna Jackson, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

(SIGNED)

*I. D. Woodies.*

Commissioner in Charge.

No. 2252

For Identification as a Mississinni Choctaw.

Date MAY 21 1901

Name Jacob J. Jackson

Age 50 Blood 1/8

Post Office, Nida, D. T.

Father: Isaac Jackson (dead)

Mother: Eveline Jackson (dead)

Claims through father.

Wife: Missouri Jackson (dead) 1/8

Children:

James F. Jackson 19

Ollie May .. 9

Claims for himself and two minor children

Stenographer

Henry G. Hains.

MISSISSIPPI CHOCTAW

*Jacoby Jackson, et al.*

REFUSED

ACTION APPROVED BY  
SECRETARY OF INTERIOR

JAN 29 1904

OFFICE OF  
ACTION MAILED JAN 10 1904

FEB 17 1904

FORWARDED AT [unclear] FOR CHOCTAW  
AND CHICKSAW NATIONS.

OFFICE OF [unclear] FORWARDED AT [unclear]  
[unclear] APPLICANT

REFER TO M. C. R. *d. et al.*

DECISION PREPARED JUN 13 1902

Choctaw MGR 2253

Andrew J. Jackson

MGR 2253

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I. T. May 21, 1901.

#2253

In the matter of the application of Andrew J. Jackson for the identification of himself and his minor child as Mississippi Choctaws. Andrew J. Jackson having been sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Andrew J. Jackson.  
Q What is your age? A Twenty-five.  
Q What is your post-office address? A Wida, Indian Territory.  
Q How long have you lived there? A Little over a year.  
Q Where did you live before that? A Texas.  
Q How long did you live in Texas? A I hardly know; something like twenty years, the best I can tell.  
Q Where were you born? A In Missouri.  
Q How old were you when you left Missouri? A Very small.  
Q Did you go from Missouri to Texas? A Yes.  
Q Never lived in Mississippi? A Yes. No.  
Q What is your father's name? A Jacob Jackson.  
Q Is he living? A Yes.  
Q What is your mother's name? A Missouri Jackson.  
Q Is she living? A No.  
Q Through which one of your parents do you derive your Choctaw blood? A Well, I claim it mostly through my mother's side, but think I have taken it both sides-through both parents.  
Q How much Choctaw blood do you claim? A About one sixteenth.  
Q Have either of your parents ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States?  
A No.  
Q Are you married? A Yes.  
Q What is your wife's name? A Laura Jackson.  
Q Do you claim for her? A No.  
Q She is a white woman? A Yes.  
Q Have you any children in your family that you desire to make application for? A Yes, one.  
Q What is its name? A Clara, five years old.  
Q You are the father? A Yes.  
Q What is the name of the child's mother? A Laura Jackson.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.  
Q Have you your marriage license and certificate and do you desire to offer same in evidence? A No I have not.  
It will be necessary that the Commission be furnished with evidence of your marriage in support of the application for your minor child.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
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, none before.  
Q Did you, or did any one for you or this child, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under Act of Congress of June 10, 1896? A No.  
Q Have either you or this child been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by judgment of the United States Court in Indian Territory? A No.  
Q Have you ever made application prior to this time for yourself or child to either the Choctaw tribal authorities or the authorities of the United States, to be admitted or enrolled as citizens of the

2--- Andrew J. Jackson

- Q Choctaw Nation? A No.
- ~~Q Is this the first application you have ever made of any description? A Yes.~~
- Q Is it now your purpose to make application for identification as Mississippi Choctaw? A Yes.
- Q You claim your rights as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Yes.
- Q You are familiar with that article of that treaty? A Well, I suppose so; I have heard it read, but of course I haven't been learned anything about it.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.
- Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and recognized members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit creek was entered into between the United States and the Choctaw tribe of Indians? A Well, grand-father, John L. Miller and Daniel Miller.
- Q What relation was Daniel to you? A Great-grand-father; and now I don't know whether I understand that-do you want me to give any on the Jackson side? My grand-father on the Jackson side was Isaac Jackson.
- Q Well, then, you claim through your grand-father on your mother's side and your grand-father on your father's side? A Yes.
- Q Well, which one of these lived in Mississippi in 1830? A Great-grand-father.
- Q You gave the name of your great-grand-father on your mother's side but you don't recall the name of your great-grand-father on your father's side? A I don't remember.
- Q Have you any evidence showing that such ancestor was a recognized member of the Choctaw tribe of Indians at that time? A No, not that I know of.
- Q Did this ancestor, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi or Alabama to the present Indian Territory Choctaw Nation at the time of the removal of the other members of the Choctaw tribe, from 1833 to 1838? A No, they never came to this country.
- Q If they did not remove with the other members of the tribe, did they, or either of them, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw tribe in Mississippi their intention to remain in Mississippi and become citizens of the Choctaw Nation? A Don't know-couldn't say.
- Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No.
- Q Are there any additional statements you desire to make in support of his application? A Not unless it will be that I should give in the name of my aunt-that she is applying- I don't know of anything else.
- Q Have you any documentary evidence, affidavits, written evidence of any description, copies of deeds or records, deeds or patents, or any proper papers showing that any of your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A Here is my application.

Application of Andrew J. Jackson offered in evidence marked Exhibit "A", filed and made a part of the record in this case; affidavit of J.J. Jackson offered in evidence by applicant marked Exhibit "B", filed and made a part of the record in this case.

3---Andrew J. Jackson

B.S. Johnson, counsel for applicant, asks for twenty days time in which to file additional evidence in support of his application, also marriage license and certificate or certified copies of same ~~action granted.~~

Jacob J. Jackson being called and sworn testified in his son's behalf as follows:

Q What is your name? A Jacob J. Jackson.  
Q What is your age? A Fifty.  
Q What is your post-office address? A Nida, Indian Territory.  
Q Are you acquainted with Andrew J. Jackson? A Yes.  
Q What relation is he to you? A My son.  
Q What is the name of his great-grand-father, your grand-father?  
A Well, it is Billy Jackson.  
Witness excused.

(Applicant is apparently a white man.)

The decision of the Commission as to your application for identification as Mississippi Choctaws for yourself and minor child will be determined at the earliest possible date, and report of same made to the Secretary of the Interior, conformable to the provisions of the 21st. section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

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Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 15 day of July 1901.

*D. H. Linebaugh*

Notary Public.



Muskogee, Indian Territory, December 1, 1902.

Andrew J. Jackson,  
Hida, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susanna Jackson, et al., embracing the following applications for identification as Mississippi

Choctaws:

Susanna Jackson,	M.C.R. 2254
Jacob J. Jackson, et al.,	M.C.R. 2252
Andrew J. Jackson, et al.,	M.C.R. 2253
John William Jackson,	M.C.R. 3318

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 Susanna Jackson, Jacob J. Jackson, James P. Jackson, Ollie May

Andrew J. Jackson-2

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

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

Respectfully,

Acting Chairman.

Registered.

Muskogee, Indian Territory, September 25, 1903.

Andrew J. Jackson,

Wida, Indian Territory.

Dear Sir:

The Secretary of the Interior in his letter of August 31, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Susanna Jackson, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The Secretary of the Interior in his letter states:

"The applicants base their claims to a right to identification as Mississippi Choctaw Indians upon their descent from Daniel Miller and John W. Miller and Billie Jackson, it being alleged that said ancestors were Choctaw Indians and residents of Mississippi in 1830. Isaac Jackson, father of the principal applicant, Susanna Jackson, is also mentioned as a Choctaw ancestor.

The evidence furnished by the records fails to show that any of said ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

In his letter of June 10, 1903, the Commissioner of Indian Affairs sets forth certain information which appears upon the records of the Indian Office, concerning one Mo-min-tan-be (or Billy Jackson), who received scrip, and recommends that, inasmuch as the record evidence is insufficient to establish the identity of the Billie Jackson through whom the applicants claim, with the Mo-min-tan-be (or Billy Jackson) whose name appears in the records of the Indian Office, the case be remanded to you, and that you be instructed to grant the applicants time in which to set forth such further evidence, affidavits, or other properly authenticated papers as they may deem fit."

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The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and

A J J 3

submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, October 26, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep  
Registered

M.C.R. 2253

COPY.

Muskogee, Indian Territory, February 17, 1904.

Andrew J. Jackson,

Nida, Indian Territory,

Dear Sir:

You are hereby advised that on the 29th day of January, 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 Susanna Jackson, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

(SIGNED)

*F. D. Medico,*

Commissioner in Charge.

Andrew J. Jackson

Application for Enrollment

Ex "A"

UNITED STATES OF AMERICA,

CENTRAL DISTRICT, INDIAN TERRITORY.

Before me, the undersigned authority, this day personally appeared J. J. Jackson, who being by me first duly sworn deposes and says; That he is the father of Andrew Jackson, who is 26 years old, John W., who is 22 years old, James P., 19 years old and Ollie Kay, 9 years old. Says that he was married to Missouri Miller in 1873, the foregoing children are the offspring by said marriage; That Missouri Miller died in 1893; That Missouri Miller was the daughter of John W. Miller and his wife, \_\_\_\_\_ Miller, whose maiden name was Summers.

That John W. Miller was about one fourth Choctaw Indian, and his father, Daniel Miller was about one half Choctaw Indian, and lived and died in the state of Mississippi; That John W. Miller came West to Missouri when a small boy and was there married Miss Summers, who was also part Indian; Affiant says that he claims for his children under Daniel Miller, the great-grandfather and John W. Miller, the grandfather, the right to be enrolled as descendants of said Daniel and John W. Miller, who was Mississippi Choctaw Indians by blood; Affiant further says that he is the son of Isaac Jackson, and that Isaac Jackson was the son of Billie Jackson and that Billie Jackson was about one half or three fourth Choctaw Indian by blood; That Isaac Jackson was about one fourth, and that affiant is about one eight and that his children are more than one sixteenth by connection with the Millers, Jacksons and Summers, all having a strain of Indian blood of the Choctaw Tribe; That these facts have been made known to him by John W. Miller and other old people who are now dead.

J. J. Jackson

Witness my hand this the 24 day of April, 1901.

1901.

Subscribed and sworn to before me on this the 24 day of April

B. S. Johnson  
Notary Public for the Central District,  
Indian Territory.



No.

323

For Identification as a Mississippi Choctaw.

Date MAY 21 1901

Name Andrew J Jackson

Age 25 Blood 1/16

Post Office, Nida, D.T.

Father: Jacob Jackson

Mother: Missouri Jackson (dead)

Claims through both parents

Laura Jackson  
(no claim for her)

Children:

Clara Jackson 37

Claims for himself and  
one minor child.

Stenographer

Henry G. Hains.

*Andrew J. Jackson, et al*

# REFUSED

DEC 17 1892

DEC 17 1892

EXHIBIT

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...

THE

**ACTION APPROVED BY  
SECRETARY OF INTERIOR.**

MAR 2 1894

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICATION

FEB 1 1894

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED AT THE ONLY PER CHOICE  
AND OTHER REGULATIONS.

100

...

REFER TO S. C. R.

DECISION PREPARED JUN 15 1892

Choctaw MCR 2254

Susanna JACKSON

See MCR 2252, 2253, 3318

MCR 2254

FOR IDENTIFICATION AS 225-  
A MISSISSIPPI HIGHWAY

*Susanna Jackson*

RECEIVED

ACTION APPROVED BY  
SECRETARY OF THE TERROR.

JAN 2 1944

FEB 3

FORWA  
PART

2252-2253-3818

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

In the matter of the application of Susanna Jackson, et al., for identification as Mississippi Cheetaws, consolidating the applications of:

Susanna Jackson,	M.C.R. 2254
Jacob J. Jackson, et al.,	M.C.R. 2252
Andrew J. Jackson, et al.,	M.C.R. 2253
John William Jackson,	M.C.R. 3318

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Susanna Jackson, et al.

	(Page)
Original application of Susanna Jackson, before the Dawes Commission for identification as a Mississippi Cheetaw-----	1
Sworn petition of Susanna Jackson for identification as a Mississippi Cheetaw-----	4
Affidavit of J. J. Jackson-----	5
Original application of Jacob J. Jackson, et al., before the Dawes Commission for identification as Mississippi Cheetaws-----	6
Sworn petition of J. J. Jackson for the identification of himself and his two minor children as Mississippi Cheetaws-----	10
Original application of Andrew J. Jackson, et al., before the Dawes Commission for identification as Mississippi Cheetaws-----	11
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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I. T. May 21, 1901.

#2254

In the matter of the application of Susanna Jackson for identification as a Mississippi Choctaw.

Susanna Jackson having been sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Susanna Jackson.
- Q What is your age? A Fifty-one.
- Q What is your post-office address? A Nida Indian Territory.
- Q How long have you lived there? A Little over one year.
- Q Where did you live before you came there? A In Texas.
- Q How long did you live in Texas? A About twenty years.
- Q Where did you live before that? A In Missouri.
- Q How long did you live in Missouri? A About nine years.
- Q And where did you live before you moved to Missouri? A In Alabama.
- Q How long did you live in Alabama? A Bout 16 or 17 years.
- Q Where in were you born? A Georgia.
- Q How old were you when you moved from Georgia? A I can't tell you.
- Q Haven't you been told? A About three or four years.
- Q And where did you go from Missouri? A To Alabama.
- Q From Alabama to Missouri, from Missouri to Texas and from Texas to the Indian Territory? A Yes.
- Q What is your father's name? A Isaac Jackson.
- Q Is he living? A He is dead.
- Q What is your mother's name? A Eveline Jackson.
- Q Living? A No.
- Q Through which one of your parents do you derive your Choctaw blood? A On my father's side.
- Q How much do you claim? A I reckon one quarter.
- Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A Not as I know of.
- Q Are you married? A No.
- Q Never have been married? A No.
- Q You are making this application for yourself alone? A Yes.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not as I know of.
- Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe?
- A No.
- Q Did you, or any one for you in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under Act of Congress of June 10, 1896? A No.
- 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 by judgment of the United States Court in Indian Territory? A No.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation?
- A No.
- Q Is this the first application you have ever made of any description? A Yes.
- Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes.
- Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

2---Susanna Jackson

- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.
- Q What is the name of your ancestor or ancestors who were residents of the old Choctaw nation in Mississippi or Alabama and recognized members of the Choctaw tribe of Indians in 1830, when the treaty of Dancing Rabbit creek was entered into between the United States and the Choctaw tribe of Indians? A Isaac Jackson.
- Q Did he live in Mississippi in 1830? A Yes.
- Q Have you any evidence showing that he was a recognized member of the Choctaw tribe of Indians at that time? A No.
- Q Did this ancestor, if a Choctaw Indian, remove from the territory occupied by the old Choctaw nation in Mississippi or Alabama to the present Choctaw nation in the Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians, from 1833 to 1838? A I don't understand; yes he did.
- Q Did this ancestor, Isaac Jackson remove from Mississippi or Alabama to the Indian Territory? A No.
- Q Were you mistaken when you said he did? A I expect I was.
- Q If this ancestor did not remove with the other members of the tribe, did he within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent to the Choctaw tribe in Mississippi his intention to remain in Mississippi and become a citizen of the Choctaw nation? A Yes.
- Q You are sure he did signify his intention to the United States Indian Agent? A Yes.
- Q Have you any evidence of this? A Not as I know of.
- Q What makes you think she did? A I don't know; that was all my grandfather said.
- Q Did this ancestor, Isaac Jackson, did he within six months after the treaty was concluded between the Choctaw Indians and the United States go to the Indian Agent there in Mississippi and tell him that he intended to stay in Mississippi and become a citizen of the United States? A No.
- Q You were mistaken then when you said that he did? A Yes.
- Q Have any of your ancestors ever claimed or received any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A Not as I know of.
- Q Are there any additional statements you desire to make in support of this application? A Not as I know of.
- Q Have you any documentary evidence, affidavits, written evidence of any kind, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A Not as I know of.
- Q Have you any papers that you want to file? A Yes, here.

Application of Susanna Jackson and affidavit of J.J. Jackson offered in evidence by applicant, marked Exhibits "A" and "B" respectfully, filed and made a part of the records in this case.

On motion of B.S. Johnson, counsel for applicant, twenty days time from the date hereof is allowed applicant in which to file any additional evidence she may desire in support of her application.

(Applicant is apparently a white woman.)

The decision of the Commission as to your application for



3--Susanna Jackson

identification as a Mississippi Choctaw will be determined at the earliest possible date and report of same made to the Secretary of the Interior, conformable to the provisions of the 81st Section of the Act of Congress of June 28, 1898, and a copy of the same mailed to you at your post-office address as given by you in your testimony.

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Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 22, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 15 day of July 1901.

D. H. Linebaugh

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., October 22, 1903.

M C R 2254

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

Susanna Jackson, et al.,	M C R 2254
Jacob J. Jackson, et al.,	M C R 2252
Andrew J. Jackson, et al.,	M C R 2253
John William Jackson,	M C R 3318.

Additional procedure had at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, October 22, 1903, in accordance with the instructions of the Secretary of the Interior as contained in his letter of August 31, 1903 (I T D 5060-1903), remanding the record in the case in order that the applicants be granted time in which to set forth further evidence, affidavits or other proper authenticated papers.

APPEARANCES: John Lewis, witness, in behalf of the applicants.

No appearance on behalf of the Choctaw or Chickasaw Nations.

John Lewis being first duly sworn through William H. Anderson a duly qualified interpreter who was first sworn, testified as follows:

Examination by the Commission -

- Q What is your name? A John Lewis.  
Q How old are you? A Eighty-eight.  
Q What is your post office address? A Caney, Indian Territory.  
Q Are you a citizen of the Choctaw Nation? A Yes sir, full blood.  
Q Are you a full blood Choctaw Indian? A Full blood.  
Q How long have you lived in the Choctaw Nation? A I don't know exactly how many years. It was when the second moving out here.  
Q How old a man were you when you came to the Choctaw Nation?  
A About twenty years old; between eighteen and twenty; somewhere along there; I don't know exactly.  
Q You have been here then for over sixty years? A Yes.  
Q Where did you come from to the Choctaw Nation? A Dancing Rabbit, in Mississippi.  
Q What do you mean by Dancing Rabbit? A It was where they met to make treaties and play ball -- a big gathering ground called Dancing Rabbit Creek.

- Q Where did you live in Mississippi? A On the fork of Tombigby.
- Q What county? A Wasn't no counties then.
- Q Where was you born? A It was in a neighborhood they called Hyeptookala -- too late.
- Q Are you personally acquainted with the applicants in this case-- consolidated case--of Susanna Jackson and others, for identification as Mississippi Choctaws? A I don't know them.
- Q Are you personally acquainted with any person by the name of Susanna Jackson? A No, I don't know her.
- Q Are you personally acquainted with Jacob J. Jackson? A No.
- Q Are you personally acquainted with Andrew J. Jackson? A I don't know him.
- Q Are you personally acquainted with John William Jackson?
- A I don't know.
- Q Have you any knowledge of these applicants? A I don't know anything about them.
- Q Have you any interest in the prosecution of their claim for identification as Mississippi Choctaws? A No.
- Q Were you, during your residence in the state of Mississippi and prior to your removal to Indian Territory, acquainted with a Choctaw Indian by the name of Billy Jackson? A I don't know.

To the Interpreter:

- Q Was he, or was he not? A Says he was not.

To the applicant:

- Q Were you acquainted with a Choctaw Indian in the state of Mississippi prior to your removal to the Indian Territory, by the name of Momintubbe? A I knowed him.
- Q Where did you know him? A We both lived in the same neighborhood in Mississippi.
- Q How much Choctaw was Momintubbe? A He wasn't a full blood Choctaw--a little white.
- Q How old a man was he when you left Mississippi? A About forty or forty-five.
- Q Did he remove from Mississippi to the Choctaw Nation in Indian Territory? A I don't know. He was there when I came away.
- Q You left there how long after the treaty of Dancing Rabbit Creek? A I don't remember how many years, but it wasn't a great while after the treaty was made.
- Q You were present at the time the treaty was made? A I seen it. I was right there.
- Q How old a man was you when the treaty was made? A I was fifteen or sixteen years old; somewheres along there. I don't know anything about years. Big enough to notice everything that was.
- Q About how old a man was Momintubbe at the time of the treaty?
- A I don't know how many years. He wasn't a young man nor an old man; about a middle-aged man.
- Q What kind of a looking man was he? A He wasn't a very big man nor a very tall man; just a medium sized man.
- Q Where did he live at the time of the treaty of Dancing Rabbit Creek? A Lived close to Hutscha creek.
- Q Was it near any town or settlement? A Close to that Hyeptookala settlement.

- Q Was there any public road that went by his place of any note; any way that you could locate it? A There was no wagon road-- just a trail.
- Q You have stated that the Momintubbee you knew was not a full blood Choctaw Indian? A He was a Choctaw, but not a full blood.
- Q Did he have an English name? A I never knowed that. I don't know.
- Q Did he have any children at the time of the treaty of 1830? A He had children, but I didn't know their names.
- Q Do you know the names and ages of the children? A I didn't know their names, but I reckon they was four or five years old.
- Q How many children did he have? A There was two or three.
- Q Who was the mother of these children? A I don't know what the mother's name was.
- Q Do you know the names of any of the neighbors and Indians who lived in the immediate neighborhood where Momintubbe lived at the time of the treaty? A One was named Shookchahoma, and Kunnihoma.
- Q How long after the treaty was it before you came to the Choctaw Nation? A I don't remember exactly. He didn't come with the first ones. He came with the second moving.
- Q Did Momintubbe remain in Mississippi when you moved out here? A Yes sir, he was there.
- Q Have any of his children or grandchildren ever moved to the Indian Territory that you know of? A I don't know.
- Q Do you know the names or location of the present residence of any of the descendants --children, grandchildren or great-grandchildren--of Momintubbe? A I don't know.
- Q Did you ever know any persons residing in the state of Mississippi at the time of the making of the treaty of 1830 by the name of Daniel and John W. Miller? A No.
- Q Did you ever hear of any persons by those names? A No.
- Q Did you ever know a Choctaw by the name of Momintubbee who resided in Mississippi at the time of the making of the treaty of 1830? A I didn't know him.
- Q Did you ever know a Choctaw woman in Mississippi by the name of Ok-la-che-hoka? A I didn't know her.
- Q Did you ever know any Choctaws in Mississippi at the time of the treaty by the name of E-lah-ho-yubbe or Emah-lubbe? A I didn't know them.

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Albert G. McMillan, being first duly sworn, 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 above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on the 22nd day of October, 1903.

*Albert G. McMillan*

Subscribed and sworn to before me this 23rd day of October, 1903.

*Charles H. Lawson*

Notary Public.

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cw.

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

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In the matter of the application of Susanna Jackson, et al., for identification as Mississippi Choctaws, consolidating the applications of the following:

Susanna Jackson,	M.C.R. 2254
Jacob J. Jackson, et al.,	M.C.R. 2252
Andrew J. Jackson, et al.,	M.C.R. 2253
John William Jackson,	M.C.R. 3318.

--: 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 Susanna Jackson for herself; by Jacob J. Jackson for himself and his two minor children, James F. and Ollie May Jackson; by Andrew J. Jackson for himself and his minor child Clara Jackson; and by John William Jackson for himself under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 495):

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

It appears that the applicant embraced in M.C.R. 2254 and

the principal applicant embraced in M.C.R. 2252 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 Billie ( or Billy or Bill) Jackson, who is alleged to have been an one-half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty; and that the minor applicants embraced in M.C.R. 2252 and the applicants embraced in M.C.R. 2253 and M.C.R. 3318 also claim said rights by reason of being descendants of Billie ( or Billy or Bill) Jackson and Daniel Miller, the latter of whom 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 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 appears from the records in the possession of the Commission that one Momintubbe (or Billy Jackson) received scrip as a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek". It also appears that the name of one Billy Jackson (or Momintambe) is found on page 445 Volume I, of the Claimants Brief and evidence, in the case (No. 12742) of the Choctaw Nation versus

the United States in a general deposition of one Tobla-chubbe, taken before Commissioners Graves and Tyler, April 10, 1843; and on page 493 and 564 of the same record the name of one Billy Jackson (or Momintambe) is also found in a list of cases adjudicated by Commissioners Tyler, Gaines and Rush; but there is nothing in the testimony of the applicants which tends to show that the Billie (or Billy or Bill) Jackson, through whom they claim is identical with any of the persons cited in the above records.

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 Billie (or Billy or Bill) Jackson, or Daniel 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 the Commission authorized to adjudicate such claims by the act of Congress approved March 3, 1837 (5 Stats., 180).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susanna Jackson, Jacob J. Jackson, James F. Jackson, Ollie May Jackson, Andrew J. Jackson, Clara Jackson and John William Jackson 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,

(SIGNATURE)

Tamie Lacey.

Acting Chairman.

(SIGNATURE)

T. B. Woodles.

Commissioner.

(SIGNATURE)

C. H. Brockmeyer.

Commissioner.

Muskegee, Indian Territory,

DEC -1 1902



Muskogee, Indian Territory, December 1, 1902.

B. S. Johnson,  
 Attorney at Law,  
 Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susanna Jackson, et al., embracing the following applications for identification as Mississippi

Choctaws:

Susanna Jackson,	M.C.R. 2254
Jacob J. Jackson, et al.,	M.C.R. 2252
Andrew J. Jackson, et al.,	M.C.R. 2253
John William Jackson,	M.C.R. 3318

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 Susanna Jackson, Jacob J. Jackson, James P. Jackson, Ollie May

B. S. Johnson-2

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

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

Respectfully,

(S)

*T. S. Johnson*  
Acting Chairman.

Registered.

Muskogee, Indian Territory, December 1, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susanna Jackson, et al., embracing the following applications for identification as Mississippi

Choctaws:

Susanna Jackson,	M.C.R. 2254
Jacob J. Jackson, et al.,	M.C.R. 2252
Andrew J. Jackson, et al.,	M.C.R. 2253
John William Jackson,	M.C.R. 3318

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 Susanna Jackson, Jacob J. Jackson, James F. Jackson, Ollie May

M,MoM & C-2

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

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

Respectfully,

*Texas T. Day*

Acting Chairman.

Muskogee, Indian Territory, December 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Susanna Jackson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 1, 1902.

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

Susanna Jackson,	M. C. R. 2254
Jacob J. Jackson, et al.,	M. C. R. 2252
Andrew J. Jackson, et al.,	M. C. R. 2253
John William Jackson,	M. C. R. 3318

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

Respectfully,

Through the  
Commissioner of Indian Affairs.

Acting Chairman.

Enc. M. C. R. 2254

Muskogee, Indian Territory, December 1, 1902.

Susanna Jackson,  
Wida, Indian Territory.

Dear Madam:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susanna Jackson, et al., embracing the following applications for identification as Mississippi

Choctaws:

Susanna Jackson,	M.C.R. 2254
Jacob J. Jackson, et al.,	M.C.R. 2252
Andrew J. Jackson, et al.,	M.C.R. 2253
John William Jackson,	M.C.R. 3318

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 Susanna Jackson, Jacob J. Jackson, James F. Jackson, Ollie May

Susanna Jackson-2.

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

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

Respectfully,

(SIGN-O)

*Tamm Dwyer*  
Acting Chairman.

Registered.

D.C.25010.

WCF.  
RAF.

ITD.5060-1903.

DEPARTMENT OF THE INTERIOR,

L.R.S.

WASHINGTON,

August 31,1903.

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

Gentlemen:

December 17,1902,you transmitted the record in the consolidated case involving the applications of Susanna Jackson et al.,for identification as Mississippi Choctaws,including your decision of December 1,1902,refusing the applications.

The applicants base their claims to a right to identification as Mississippi Choctaw Indians upon their descent from Daniel Miller and John W.Miller and Billie Jackson,it being alleged that said ancestors were Choctaw Indians and residents of Mississippi in 1830. Isaac Jackson,father of the principal applicant,Susanna Jackson,is also mentioned as a Choctaw ancestor.

The evidence furnished by the records fails to show that any of said ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830,or with the subsequent acts of Congress relating thereto.

In your decision you state that the name of one,Momintubbe ( or Billy Jackson ),also the name of Billy Jackson ( or Momintambe),appear upon the records in your possession.

In his letter of June 10,1903,the Commissioner of Indian Affairs sets forth certain information which appears upon the



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records of the Indian Office, concerning one Mo-min-tam-be ( or Billy Jackson), who received scrip, and recommends that, inasmuch as the record evidence is insufficient to establish the identity of Billie Jackson through whom the applicants claim, with the Mo-min-tam-be (or Billy Jackson) whose name appears in the records of the Indian Office, the case be remanded to you, and that you be instructed to grant the applicants time in which to set forth such further evidence, affidavits, or other properly authenticated papers as they may deem fit.

The Department concurs in said recommendation, and the case is hereby remanded to you for appropriate action ~~in~~ accordance therewith.

Respectfully,

E.A. Hitchcock,

Secretary.

2 inclosures.

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75270-1902.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, June 10, 1903.

The Honorable,  
The Secretary of the Interior.

Sir:-

There is transmitted herewith for your consideration the record and proceedings of the Commission to the Five Civilized Tribes in the matter of the consolidated application of the following. Susanna Jackson for herself; Jacob J. Jackson for himself and his two minor children, James F. and Ollie May Jackson; Andrew J. Jackson for himself and his minor child Clara Jackson; John William Jackson for himself, wherein a decision adverse to the applicants was rendered by the Commission December 1, 1902.

The testimony in this case shows that the applicants base their claim to identification on their descent from Daniel and John W. Miller and Billie Jackson, through Isaac Jackson, father of the principal applicant, Susanna Jackson, it being claimed that Daniel and John W. Miller and Billie Jackson were Choctaw Indians and residents in Mississippi or Alabama at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the names of Daniel and John W. Miller do not appear on their records among the names of those who complied or attempted compliance with the provisions of the 14th article of the treaty of 1830 and that the evidence

is insufficient to establish the identity of the Billie Jackson they claim through and the Mo-mintam-tee or Billy Jackson that appears on their records which is set forth in their "Decision" as follows: "It appears from the records in the possession of the Commission that one Momintubbe ( or Billy Jackson) received scrip as a beneficiary under article# fourteen of the treaty of "Dancing Rabbit Creek". It also appears that the name of one Billy Jackson (or Momintambe) is found on page 445 Volume 1, of the Claimants Brief and evidence, in the case (No.12742) of the Choctaw Nation versus the United States in a general deposition of one Tobla-Chubbe, taken before Commissioner Graves and Tyler, April 10, 1843; and on page 493 and 564 of the same record the name of one Billy Jackson ( or Momintambe) is also found in a list of cases adjudicated by Commissioners Tyler, Gaines and Rush."

An examination of the records of this office has been made with reference to the names of Daniel ~~ix~~ and John W. Miller and Billie Jackson and it is discovered that the names of Daniel and John W. Miller do not appear among the names of those who complied or attempted to comply with the provisions of the 14th, article of the treaty of 1830; neither does it appear that they applied to the Commissions appointed under Acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if they had any, as Choctaw Indians, but there was a Momintambe ( or Billy Jackson) applicant who received scrip whose family consisted of his wife Oklachehoka and two children, Elah-ho-yubbee and Eeah-hubbee, both , under ten years of age at the date of treaty. P'k 24/15 of our ,

records in reference to this party are as follows:

" Mo-min-tam-be, who being five feet 6 1/2 inches high, and about 40 years of age, states that he is a full blood Choctaw, and at the date of the treaty of "Dancing Rabbit Creek" was the head of a Choctaw family. He then had living with him a wife, Ok-la-che-hoka, and two children, to wit, (1) E-lah-ye-yubbee, then under ten years of age, absent; (2) E-mah-lubbe, under ten absent.

He then resided in Leflore's District, now Smith County, on Tallabogue, where he had an improvement on which he lived between two and three years after the treaty, when he was dispossessed by a white man by the name of Boykin. He then moved to the place where he now lives and has ever since lived.

Within six months after the ratification of the treaty he signified to the agent, through Tobla Chubbee and James Toby, his intention to remain and take the five years stay. For Particulars he refers to the general deposition of Tobla Chubbee and James Toby, taken before the board during the spring of 1843 at Yazoo.

Sworn to and subscribed before us this  
1st day of June 1844.

Geo. S. Gaines,  
S. Rush.

Moo-min-tam-be

his  
X  
mark

## (Deposition)

Billy John, or Kush-co-nan-cha-hubbee, a witness, produced on the part of the claimant in the above case, being duly sworn and examined, testified as follows: That he is about 55 years of age. Knows the claimant, whose name is Mo-min-tambe, and is not related to him. At the date of the treaty he knew him and his family well and lived within six miles of him. Claimant is a Choctaw and was then the head of a Choctaw family consisting of a wife and two children-wife's name, Ok-la-che-hoka; the children, Elah-ho-yubbee, then under ten and absent, and E-mah-lubbee, also under ten and absent. He then had a house and field on Talle-bogue, Leflore's District, now Smith County, and his nearest neighbor was Ah-chuck-mah. The land was very good. He remained on this land three years after the treaty when a white man named John Boykin dispossessed him. He then moved to Jim Tobey's and settled there and has always lived there.

X

X

X

X

Billy John or Kush-co-nan-cha-hubbee

his  
X  
mark

Sworn to and subscribed before us this

1st day of June, 1844.

Geo. S. Gaines,

S. Rush.

## Judgement)

On examination of the evidence and papers filed in the case of Momintambe or Billy Jackson, No. 1077, it appearing 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 appearing further that the section of land

embracing the improvements of said claimant at the date of said treaty; to wit, section fifteen township (4), of range eight east, has been disposed of by the Government;

The Board do adjudge and allow to said claimant: six hundred and forty acres of land. To his child Klah-ho-yubbee, one hundred and sixty acres of land, To his child Emah-lubbee, one hundred and sixty acres of land, to be taken out of any of the public lands in and the States of Mississippi, Alabama, Arkansas, Louisiana subject to entry at private sale."

It is the opinion of this office that the record evidence is insufficient to establish the identity of the "Billie Jackson" through whom the applicants with the Momintambe (or Billy Jackson that appears on our records as above cited, it is therefore, respectfully recommended that this case be remanded to the Commission and that they be instructed to grant the applicants time in which to bring before them such further evidence, affidavits or other properly authenticated papers as they may deem fit to establish the identity of the Billie Jackson, through whom they claim.

Very respectfully,

W.A. Jones,

Commissioner

Muskogee, Indian Territory, September 25, 1903.

Susanna Jackson,  
Wida, Indian Territory.

Dear Madam:

The Secretary of the Interior in his letter of August 31, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Susanna Jackson, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony in support of their claims.

The Secretary of the Interior in his letter states:

\*The applicants base their claims to a right to identification as Mississippi Choctaw Indians upon their descent from Daniel Miller and John W. Miller and Billie Jackson, it being alleged that said ancestors were Choctaw Indians and residents of Mississippi in 1830. Isaac Jackson, father of the principal applicant, Susanna Jackson, is also mentioned as a Choctaw ancestor. The evidence furnished by the records fails to show that any of said ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

In his letter of June 10, 1903, the Commissioner of Indian Affairs sets forth certain information which appears upon the records of the Indian Office, concerning one Mo-min-tam-be (or Billy Jackson), who received scrip, and recommends that, inasmuch as the record evidence is insufficient to establish the identity of the Billie Jackson through whom the applicants claim, with the Mo-min-tam-be (or Billy Jackson) whose name appears in the records of the Indian Office, the case be remanded to you, and that you be instructed to grant the applicants time in which to set forth such

S J 2

further evidence, affidavits, or other properly authenticated papers as they may deem fit."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

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



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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, October 26, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep  
Registered

Muskogee, Indian Territory, September 25, 1903.

B. S. Johnson,  
Attorney at Law,  
Durant, Indian Territory.

Dear Sir:

The Secretary of the Interior in his letter of August 31, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Susanna Jackson, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The Secretary of the Interior in his letter states:

"The applicants base their claims to a right to identification as Mississippi Choctaw Indians upon their descent from Daniel Miller and John W. Miller and Billie Jackson, it being alleged that said ancestors were Choctaw Indians and residents of Mississippi in 1830. Isaac Jackson, father of the principal applicant, Susanna Jackson, is also mentioned as a Choctaw ancestor.

The evidence furnished by the records fails to show that any of said ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

In his letter of June 10, 1903, the Commissioner of Indian Affairs sets forth certain information which appears upon the records of the Indian Office, concerning one Mo-min-tam-be (or Billy Jackson), who received scrip, and recommends that, inasmuch as the record evidence is insufficient to establish the identity of the Billie Jackson through whom the applicants claim, with the Mo-min-tam-be (or Billy Jackson) whose name appears in the records of

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the Indian Office, the case be remanded to you, and that you be instructed to grant the applicants time in which to set forth such further evidence, affidavits, or other properly authenticated papers as they may deem fit."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the Persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

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

B S J 3

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, October 26, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep  
Registered

Muskogee, Indian Territory, September 25, 1903.

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

Gentlemen:

The Secretary of the Interior in his letter of August 31, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Susanna Jackson, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claims.

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, October 26, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On December 17, 1902, the Commission transmitted to the Department the record in the consolidated Mississippi Choctaw case of Susanna Jackson, et al., together with its decision of December 1, 1902, refusing the applications of the several persons included therein for identification as Mississippi Choctaws.

With departmental letter of August 31, 1903 (I T D 5060-1903), the record in this case was remanded in order that the applicants might be granted further opportunity to introduce additional testimony and evidence in support of their claim.

In accordance therewith the Commission, on September 25, 1903, notified the applicants and their attorney of record, B. S. Johnson, that they would be allowed up to and inclusive of Monday, October 26, 1903, to introduce additional evidence in support of their application for identification as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On October 22, 1903, John Lewis, a witness, appeared before the Commission and testified in support of the consolidated Mississippi Choctaw case of Susanna Jackson, et al.

The applicants in said consolidated case have failed to show that they are direct lineal descendants of Choctaw ancestors who complied or attempted to comply with the provisions of article fourteen of the Choctaw treaty of eighteen hundred and thirty.

The additional proceedings in the consolidated case of Susanna Jackson, et al., together with the original record in the case, are therefore herewith transmitted.

Respectfully,

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

McM 35

DC.4056-1904.

(COPY).

W.C.F.

FHE.

ITD.430-1904.  
L.R.S.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, January 29,,1904.

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

Gentlemen:

The Department has considered the consolidated case embracing the applications for identification as Mississippi Choctaws of Susanna Jackson for herself; of Jacob J. Jackson for himself and his two minor children, James F. and Ollie May Jackson; of Andrew J. Jackson for himself and his minor child, Clara Jackson; and of John William Jackson for himself, which was transmitted with your letter of December 17,1902.

The applicants trace their Choctaw descent from Daniel Miller, John W. Miller and Billie Jackson, it being alleged that said ancestors were Choctaw Indians and residents of Mississippi in 1830. Isaac Jackson father of the principal applicant Susanna Jackson, is also mentioned as a Choctaw ancestor.

Your decision rejecting the applicants was rendered December 1, 1902. On August 31, 1903, the Department remanded the case to you for further investigation, inasmuch as it appeared that the name of one Momintubbee (or Billy Jackson), also the name of Billy Jackson (or Momintambe), were found on the records in your possession. The records of the Indian Office also showed certain information relative to one Mo-min-tam-be (or Billy Jackson), who received scrip.

It appears that on September 25, 1903, you notified the applicants and their attorney that they would be allowed thirty days



within which to introduce additional evidence in support of their applications. It also appears that on October 22, 1903, John Lewis, a witness appeared before the Commission and testified in support of the applicants. His testimony fails to reveal anything material to the applicants' claim.

The Department considers that the rights of the applicants have been fully protested in the matter, and your decision rejecting them is hereby approved.

A copy of the Acting Commissioner of Indian Affairs' letter of January 19, 1904, resubmitting the case, is inclosed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

Land.  
71072-1903.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, JAN. 19, 1904.

(COPY).

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 consolidated application for identification as Mississippi Choctaws, of Susanna Jackson for herself; Jacob Jackson for himself and his two minor children, James P., and Olli May Jackson; Andrew J. Jackson for himself and his minor child, Clara Jackson, and John William Jackson for himself, wherein a decision adverse to the applicants was rendered by the Commission December 1, 1902.

This case was transmitted to the Department June 10, 1903, setting out the records of this office relative to the parties of the same name as the alleged ancestors through whom the applicants claim, with the recommendation that this case be remanded to the Commission and that they be instructed to grant the applicants time in which to bring before them such further evidence, affidavits or other properly authenticated papers as they may deem fit to establish the identify of the parties through whom they claim with the parties of like name who appear on the records of this office.

Departmental letter of August 31, 1903, concurred in said recommendation and remanded the case for appropriate action in accordance therewith.

The Commission on September 25, 1903, notified the applicants in accordance with the instructions that they would be allowed up to and inclusive of Monday October 26, 1903, to introduce additional evidence in support of their application, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On October 22, 1903, John Lewis, a witness, appeared before the commission and testified in support of their claims. The testimony of this witness is of little value to the applicants' case as he states that he knew Momintubbee, the ancestor through whom the applicants claim, and he knows that he had children, but is unable to give any of their names and is uncertain how many there were or their ages or anything definite about them and consequently is not able to establish any points of benefit in establishing the claim of the applicants that they directly descended from this Momintubbee.

It is therefore the opinion of this office that the applicants have failed to establish their rights to identification as Mississippi Choctaws, and the decision of the commission rejecting them is accordingly recommended for approval.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(C.T.C.) P.

COPY.

M.C.R. 2254

Muskogee, Indian Territory, February 17, 1904.

Susanna Jackson,

Nida, Indian Territory,

Dear Madam:

You are hereby advised that on the 29th day of January, 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 Susanna Jackson, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

(SIGNED)

*E. A. [Signature]*  
Commissioner in Charge.

COPY. M.C.R. 2254

Muskogee, Indian Territory, February 17, 1904.

B. S. Johnson,  
Attorney at Law,  
Durant, Indian Territory,

Dear Sir:

You are hereby notified that on the 29th day of January, 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 Susanna Jackson, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,  
(SIGNED)

*S. D. Woodlee*  
Commissioner in Charge.

COPY. M.C.R. 2254

Muskogee, Indian Territory, February 17, 1904.

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

Gentlemen:

You are hereby notified that on the 29th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications of the several persons included in the consolidated case of Susanna Jackson, et al., for identification as Mississippi Choctaws, of which decision you were advised by mail on the 1st day of December, 1902.

Respectfully,  
SIGNED)

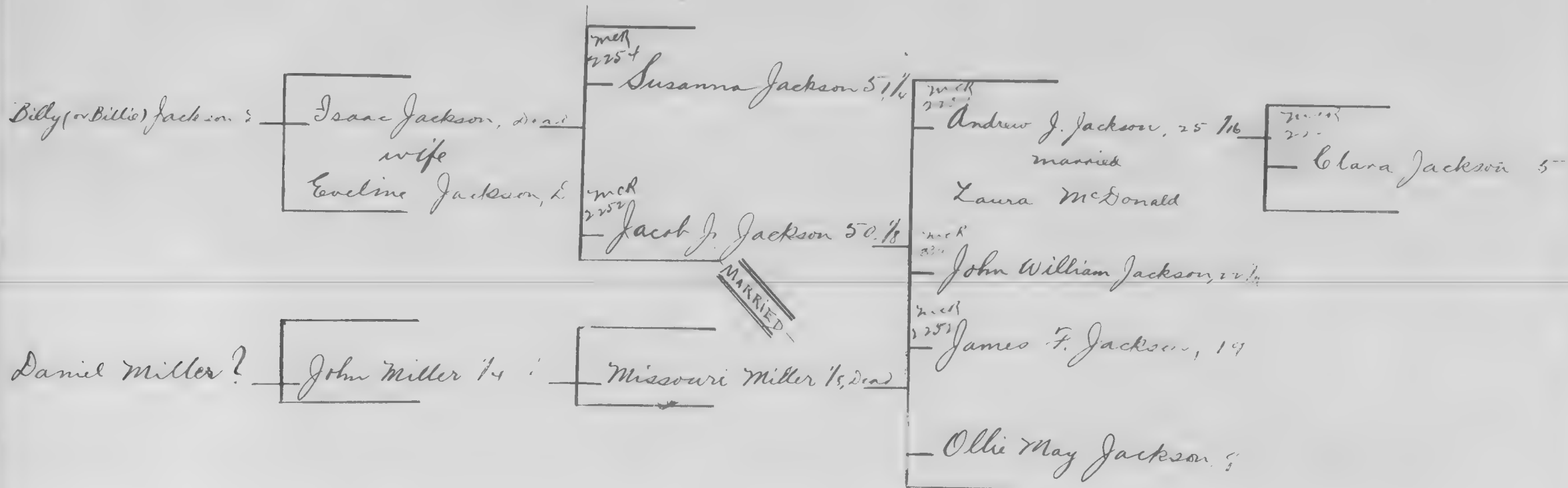
*G. W. Jackson*

Commissioner in Charge.

REFER TO M. C. R. 2254

Susanna Jackson  
et al.

Consolidated Co.





No. 251

For Identification as a Mississippi Choctaw

Date MAY 21 1901

Name Susanna Jackson

Age 51 Blood  $\frac{1}{4}$

Post Office, Nida, I. T.

Father: Isaac Jackson (dead)

Mother: Eveline Jackson (dead)

Claims through father

Children:

Claims for herself alone.

Stenographer

Henry G. Hains.

Choctaw MCR 2255

Georgia Nading

MCR 2255

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

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In the matter of the application of Georgia Nading, et al.,  
for identification as Mississippi Choctaws, M. C. R. 2255.

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----- I N D E X -----

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List of papers forwarded to the Secretary of the Interior  
embracing the record in the case of Georgia  
Nading, et al.,

	Page.
Original application of Georgia Nading, et al., before the Dawes Commission for identification as Mississippi Choctaws, - - - - -	1
Petition of Georgia Nading addressed to the Com- mission, - - - - -	4
Affidavit of Francis A. Hill, - - - - -	6
Affidavit of John Dunn, - - - - -	8
Decision of the Commission refusing the application of Georgia Nading, et al., for identification as Mississippi Choctaws, - - - - -	10

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I. T. May 22, 1901.

42255

In the matter of the application of Georgia Nading for the identification of herself and her minor child as Mississippi Choctaws. Georgia Nading being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Georgia Nading.  
Q What is your age? A Thirty-one.  
Q What is your post-office address? A Dennison, Texas.  
Q How long have you lived there? A Since I was about six years old that has been my home.  
Q Where did you live before that? A I don't know whether I was born in the Territory or Missouri-my mother died when I was small.  
Q How old were you when you went to Texas? A Six years.  
Q And did you live in Indian Territory and Missouri both before that time? A Yes, my father died.  
Q But you don't know just what time in each place? A No, I was too small to know.  
Q Never lived in Mississippi? A No.  
Q What was your father's name? A Ben Hill.  
Q Is he living? A No, he is dead.  
Q What was your mother's name? A Elizabeth Hill.  
Q Is she living? A She is dead.  
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 fourth or an eighth-I don't know which.  
Q You don't know whether it is an eighth or a fourth? A No.  
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A I don't know that he was.  
Q Are you married? A Yes.  
Q What is your husband's name? A J.E.Nading.  
Q Do you make application for your husband? A No, just myself and son.  
Q You have children that you desire to make application for? A Yes, my little son here.  
Q What is his name? A Walter J. Nading; eight years old.  
Q You are his mother? A Yes.  
Q What is the name of his father? A J.E. Nading.  
Q Is your name or is the name of this child on any of the tribal rolls of the Choctaw Nation in the Indian territory? A No.  
Q Have you ever made application for yourself or this child to either to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No.  
Q Did you or any one for your or for this child in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under Act of Congress of June 10, 1896? A No.  
Q Have you or he been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by judgment of the United States Court? A No.  
Q Have you ever made application prior to this time for yourself or child, to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.  
Q Is this the first application of any kind you have ever made A Yes

2--- Georgia Nading

- Q Is it now your purpose to make application for identification as a Mississippi Choctaws? A Yes.
- Q Do you claim your rights as Mississippi Choctaws as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Yes.
- Q Are you familiar with that article of that treaty? A Slightly.
- Q Article fourteen of the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months 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 which may be 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 claiming under this article shall not lose the privilege of a Choctaw citizen but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

- Do you claim under this article? A I claim under the treaty of 1830.
- Q Do you claim under article fourteen of that treaty? A Yes.
- Q Have you ever received any benefits as a Choctaw Indian? A No, I have not.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A That is my grand-father, Kiahar, received land in Mississippi I am told.
- Q What was the name of your ancestor or ancestors who were residents of the old Choctaw nation in Mississippi or Alabama and recognized members of the Choctaw tribe of Indians when the treaty of Dancing Rabbit creek was entered into between the United States and Choctaw tribe of Indians? A My grand-father, Kiahar, I am told received land there.
- Q Have you any evidence showing that this ancestor, your grand-mother Kiahar, was a recognized member of the Choctaw tribe of Indians at that time? A No, I have not.
- Q Did she, if a Choctaw Indian, remove from the territory occupied by the old Choctaw nation in Mississippi or Alabama to the present Choctaw nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians, from 1833 to 1838? A Not that I know of.
- Q If she did not remove with the other members of the tribe, did she, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw tribe in Mississippi her intention to remain in Mississippi and become a citizen of the United States? A I don't know; I know that her land was taken away from her; that she received land there.
- Q Have any of your ancestors ever received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A Yes, my grand-mother, Kiahar, I am told received land there.
- Q Did she receive a patent to that land? A I don't know that she did.
- Q Is the land in the family yet? A No.
- Q Did she sell it? A No it was taken away from her.
- Q By whom? A I don't know; it was confiscated.
- Q Have you any tradition in your family to tell you anything about it? A No, I have not.

3--Georgia Nading

- Q Did your grand-mother have any Indian name? A Yes they called her Kizzie and Kiahar; Kiahar was her father's name; that is all the name I know of they called her.
- Q Are there any additional statements you desire to make in support of this application? A Yes; my grand-father was the same name- it might have been him instead of my grand-mother that received land or both.
- Q How have you learned that your grand-mother received land there? A Through my people.
- Q You don't know what happened to the land? A No, I don't.
- Q Do you know where it is? A In Choctaw Nation in Mississippi.
- Q Do you know anything about the County, the Section and number or whereabouts in Mississippi? A No.
- Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A No, I haven't any papers to show that they did.
- Q Have you any documentary evidence, affidavits of any kind? A Yes, these.

Application of Georgia A. Nading offered in evidence by applicant, marked Exhibit "A", filed and made a part of the record in this case; affidavit of Francis A. Hill offered in evidence by applicant, marked Exhibit "B", filed and made a part of the record in this case; affidavit of John Dunn offered in evidence by applicant, marked Exhibit "C", filed and made a part of the record in this case; extract from Public Lands, vol. VII, p. 110, certified to by W. T. Russell, offered in evidence by applicant, marked Exhibit "D", filed and made a part of the record in this case.

The decision of the Commission as to your application for identification as Mississippi Choctaws for yourself and your minor child will be determined at the earliest possible date, and report of same made to the Secretary of the Interior, conformable to the provisions of the 21st. section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

(Applicant appears to be a white woman.)

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 22, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 15 day of July 1901.

*R. W. Linebaugh*

Notary Public.

MS  
Cov.

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

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In the matter of the application of Georgia Nading, et al., for identification as Mississippi Choctaws, M.C.R. 2253.

--: 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 Georgia Nading for herself and her minor child, Walter J. Nading, 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 Kiahar (or Kizzie or Kiahar Hill or Kizzie Hill) who is al-

leged to have been a Choctaw Indian (degree of blood not stated) and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said 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 Stats., 321).

It is found that the name of one Kiahar appears upon page 110 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's District in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek", and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The record above referred to in no way relates to or shows any compliance or attempted compliance on the part of the persons therein named with the provisions of the fourteenth article of the treaty of "Dancing Rabbit Creek", neither is it shown by the evidence offered by the applicants herein that the Kiahar through whom they claim is the identical Kiahar whose name appears in the record above cited.

It does not appear from the testimony and evidence of-



ferred 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 Kiahar (or Kizzie or Fiahar Hill or Kizzie Hill) 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 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Georgia Nading and Walter J. Nading 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)

*Tamm Dixby.*

Acting Chairman.

(SIGNED)

*T. E. Woodlee.*

Commissioner.

Muskogee, Indian Territory,

*C. E. Breckinridge.*

Commissioner.

OCT 30 1902

Muskogee, Indian Territory, September 20, 1902.

Georgia Vading,

Durant, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of September 22, in which you ask if you would be safe in procuring you a place.

In reply to your letter you are advised that it appears from our records that you are an applicant for the identification of yourself and your minor child as Mississippi Choctaws, and that no decision nor opinion has been reached relative to your rights as such Mississippi Choctaws. Relative to that part of your letter inquiring whether you would be safe in buying a place, your attention is invited to the following provision of the act of Congress of May 31, 1900:

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

It is not believed that the benefits of this legislation will accrue to applicants for identification as Mississippi Choctaws until duly

G.N. 2,

identified as such by the Commission to the Five Civilized Tribes,  
and you are not at this time in any manner entitled to possessory  
rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, October 30, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Georgia Nading, 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 Georgia Nading, and Walter J. Nading 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 M&M & C-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,

*Wm. H. H. H.*

Acting Chairman.

COPY.

Muskogee, Indian Territory, October 30, 1902.

Georgia Nading,  
Denison, Texas.

Dear Madam:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Georgia Nading, 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 Georgia Nading and Walter J. Nading as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

G N-2.

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,

Yours truly,

*Tamc Dixby.*

Acting Chairman.

Registered.

Miss. Choctaw R2255

Muskogee, Indian Territory, November 14, 1902.

J. O. Pool,  
Nocona, Texas,

Dear Sir:

Receipt is hereby acknowledged of your statement excepting to the decision of the Commission in the case of Georgia Nading, et al. applicants for identification as Mississippi Choctaws, and the same will be forwarded to the Secretary of the Interior for consideration, through the Commissioner of Indian Affairs, together with the original record in the case, at the expiration of the fifteen days heretofore granted in this case.

Respectfully,

Acting Chairman.



COPY

Muskogee, Indian Territory, November 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Georgia Nading, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 30, 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.

There is also transmitted herewith, for the consideration of the Department in connection with this case, a statement by J. O. Pool, attorney for the principal applicant, excepting to the decision of the Commission.

Respectfully,

*James Dixon*

Acting Chairman.

Through the  
Commissioner of Indian Affairs.

Enc. M. C. R. 2255

COPY.

D. C. No. 5912-1903.  
ITD. 1560-1903.  
L. R. S.

FAF.

DEPARTMENT OF THE INTERIOR.

Washington.

February 28, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 15, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Georgia Hading and her minor child, Walter J. Hading, including your decision of October 30, 1902, refusing the application.

The applicants claim rights in Choctaw land under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Kiahar (or Kizzie or Kiahar Hill or Kizzie Hill), who is alleged to have been a Choctaw Indian residing in Mississippi in 1830.

The records fail to show that applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Kiahar, or an ancestor less remote, 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).

Reporting February 10, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of

-2-

his letter is inclosed.

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

Respectfully,

1 inclosure.

Thos. Ryan,

Acting Secretary.

COPY.

Land, 69,066-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, Feb. 10, 1903.

The Honorable  
The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Georgia Nading for the enrollment of herself and her minor child, Walter J. Nading, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the commission on October 30, 1902.

The testimony in the case shows that the applicants base their claim to identification as Mississippi Choctaws under this application by reason of their descent from Kiahar (or Kizzie or Kiahar Hill or Kizzie Hill), who, they allege, was a Choctaw Indian and a resident of the Choctaw Nation at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the name of their ancestor, through whom they claim, did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Kiahar (or Kizzie or Kiahar Hill or Kizzie Hill), and it is discovered that the name, under the different spellings, does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

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

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(W.C.B.)

P.

N.C.R. 2255.

COPY

Muskogee, Indian Territory, March 12, 1903.

Georgia Nading,  
Denison, Texas.

Dear Madam:

You are hereby notified that on the 28th 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 Georgia Nading, et al., of which decision you were advised by registered mail on the 30th day of October, 1902.

Respectfully,

*Tams Bixby*  
Chairman.

M.C.R. 2255.

COPY

Muskogee, Indian Territory, March 12, 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 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 Georgia Nading, et al., of which decision you were advised by mail on the 30th day of October, 1902.

Respectfully,

(SIGNED)

*James Bixby.*  
Chairman.

Muskogee, Indian Territory, December 1, 1904.

Georgia A. Nading,  
#1501 South Scullin Avenue,  
Denison, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter, without date, requesting the return of the papers in the matter of your application for the identification of yourself and minor child as Mississippi Choctaws.

In reply you are informed that on November 15, 1902, the record in your case, together with the Commission's decision of October 30, 1902, refusing your application, was forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

On February 28, 1903, the Secretary of the Interior approved the decision of the Commission, of which departmental action you were duly notified on March 12, 1903. All the papers in your case were retained by the Department, therefore the Commission cannot comply with your request.

Respectfully,

Commissioner in Charge.



No. 2255

For Identification as a Mississippi Choctaw.

Date MAY 22 1901

Name Georgia A. Nading

Age 31

Blood 1/4 or 1/8

Post Office, Demson, Texas

Father: Ben Hill (dead)

Mother: Elizabeth Hill (dead)

Claims through father

Husband: J. E. Nading

Children:

Walter J. Nading 8

Claims for herself and  
minor child.

Stenographer

MISSISSIPPI CHOCTAW

*Georgia Nading et al*

REFUSED

DECISION RECEIVED. OCT 1 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 30 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 30 1902

RECORDS FORWARDED DEPARTMENT.

NOV 15 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 28 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 12 1903

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

MAR 12 1903

9/25/02-Address- Durant I.T.

Choctaw MCR 2256

Ida Lewis

MCR 2256

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, May 22, 1901, I. T.

42256

In the matter of the application of Ida Lewis for identification as a Mississippi Choctaw.

Ida Lewis having been first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ida Lewis.
- Q What is your age? A Twenty-six.
- Q What is your post-office address? A Alto, Texas.
- Q How long did you live there? A Most all my life.
- Q Where did you live before that? A In South Carolina.
- Q Born in South Carolina? A Yes.
- Q About how old were you when you moved from South Carolina to Texas? A Five years old.
- Q Never lived in Mississippi? A No.
- Q What is your father's name? A D. B. Lewis.
- Q Is he living? A No.
- Q What is your mother's name? A S. E. King, at present.
- Q Is she living? A Yes.
- 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 One eighth.
- Q Has your father through whom you claim the right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States?
- Q Why, I think so, yes.
- Q In what way? A I don't know; couldn't tell you.
- Q Was he recognized as a member of the Choctaw tribe by the Choctaw tribal authorities? A Yes.
- Q Was he enrolled by them? A I don't know whether he was enrolled or not, but he was recognized.
- Q How? Did the council act on his case and admit him to citizenship in the Choctaw Nation? A I can't tell you; I don't know.
- Q Or did you mean that he was just recognized by his neighbors?
- A Just by the people that he lived with.
- Q You did not mean then that he was by the Choctaw tribal authorities or authorities of the United States? A No.
- Q Are you married? A No.
- Q Making application for yourself alone? A Yes.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- 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.
- Q Did you, or did any one for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under Act of Congress of June 10, 1896? A No.
- 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 by judgment of the United States Court in Indian Territory? A No.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation?
- A No.
- Q Is this the first application of any description you have ever made? A Yes.
- Q Is it now your purpose to make application for identification as a

Mississippi Choctaw? A Yes.

Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A I do.

Q Do you understand the provisions of that article of that treaty? A Yes, some; not altogether either.

Q Article fourteen of the treaty of 1830 is as follows:

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

A Yes, I do.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and recognized members of the Choctaw tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A Rachel Davis, great-grandmother.

Q Have you any evidence showing that she was a recognized member of the Choctaw tribe of Indians at that time? A Yes.

Q Do you want to file it later on? A Yes.

Q Did this ancestor, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in Indian Territory, at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A I have been told she moved, she emigrated, by old relatives.

Q That she came West? A Yes.

Q She did not then, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw tribe in Mississippi her intention to remain in Mississippi and become a citizen of the United States? A Why yes, she removed to this side-

Q When did she remove between 1833 and 1838 when the other Choctaw Indians came? A Yes.

Q If she removed when the other Indians came, she did not then go to the Indian Agent in Mississippi and tell him that she intended to remain in Mississippi and become a citizen of the United States? A No.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No.

Q Are there any additional statements you desire to make in support of this application? A No.

Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were recognized

members of the Choctaw tribe of Indians in Mississippi in 1830,

3---Ida Lewis

or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty?  
A Yes, I have a paper that I would like to file.

Affidavit of Willis Jackson offered in evidence by applicant, marked Exhibit "A", filed and made a part of the record in this case.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of same made to the secretary of the Interior conformable to the provisions of the 21st. section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

Applicant is apparently a white woman.

\*\*\*\*\*

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 22, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date?

Henry G. Hains

Subscribed and sworn to before me this 15 day of July 1901.

R. W. Linebaugh

Notary Public.

COPY.

Muskogee, Indian Territory, December 17, 1902.

Ida Lewis,  
Alto, Texas.

Dear Madam:

You are hereby advised that on the 17th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Ophelia Pope, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Ophelia Pope, et al.,	M.C.R. 4843
Annie Findley, et al.,	M.C.R. 3561
William H. Lewis, et al.,	M.C.R. 2757
Daniel B. Lewis, et al.,	M.C.R. 2758
Ida Lewis,	M.C.R. 2256
Lewis B. Pope,	M.C.R. 5193
Clara B. Sykes, et al.,	M.C.R. 5192
Bertha A. Lewis,	M.C.R. 5194

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Ophelia Pope, Francis M. Pope, Charlie Pope, Sadie Pope, Allie Pope, Annie Findley, Bernard Findley, Don Findley, Leger Findley, William H. Lewis, Minnie A. Lewis, Delbert H. Lewis, Daniel B. Lewis, Bertha May Lewis, Ida Lewis, Lewis B. Pope, Clara B. Sykes, Herbert Ernest Sykes and Bertha A. Lewis as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the Treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Acting Chairman.

Registered.



Muskogee, Indian Territory. May 22, 1903.

Ida Lewis,  
Alto, Texas.

Dear Madam:

The Secretary of the Interior with his letter of May 12, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary Ophelia Pope, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

The record in this case shows that the applicants claim Choctaw descent from Rachel Davis, an alleged full blood Choctaw.

The Secretary of the Interior in his letter states:

"From your decision it appears that there was a Rachel Davis who attempted to comply with the provisions of article 14 of the treaty of September 27, 1830.

It further appears from the records of the Indian Office that there was a person named Davis who received scrip under said article.

You rejected the applicants because the testimony furnished by them did not show that the ancestors from whom they claim descent were identical in person with the beneficiaries aforesaid of the same name."

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:

I L 2

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw applications, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

I L 3

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 Tuesday, June 23, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep  
Registered

*Handwritten mark*

COMMISSIONERS

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

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

REFER IN REPLY TO THE FOLLOWING

M.O.R. 2256.

ALLISON L. AYLESWORTH,  
SECRETARY

Muskogee, Indian Territory, December 5, 1903.

Ida Lewis,  
Alto, Texas.

Dear Madam:

You are hereby notified that on the 26th 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 Mary Ophelia Pope et al., of which decision you were advised by registered mail on the 17th day of December, 1902.

Respectfully,

*Handwritten signature*

Chairman.

16972-1907

MOR 2256

Muskogee, Oklahoma, December 7, 1907.

Mrs. Ida Worthington,  
2040 Stenet Street,  
Denver, Colorado.

Madam:

Replying to your letter of November 22nd you are advised that your application for identification as a Mississippi Choctaw has heretofore been refused by the Commission to the Five Civilized Tribes and the Secretary of the Interior, and has been considered closed since November 26, 1903.

You are further advised that the rolls of citizenship of the Five Civilized Tribes were closed March 4, 1907, and this office now has no authority to give any consideration to your claim.

The receipt enclosed with your letter is returned herewith.

Respectfully,

Acting Commissioner.

McM 7/4

No. 2343

For Identification as a Mississippi Choctaw

MAY 22 1901

Date

Name *Ida Lewis.*

Age *26* Blood *1/8*

Post Office, *Alto, Texas*

Father: *D. B. Lewis* dead

Mother: *S. B. King*

Claims through *father*

Children:

*Claims for herself alone.*


Stenographer

*Henry G. Hain*

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

**FILED**

JAN 13 1904



CHAIRMAN



2256

Department of the Interior.  
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.  
OFFICIAL BUSINESS.

Penalty for private use, \$300.

Ida Lewis,  
~~Ala.~~ Texas.

RECEIVED  
JAN 11  
10 33 AM  
1891

*Ida Lewis*



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

FEB 2 1903



ACTING CHAIRMAN



R  
MUSKOGEE, IND. TER.  
1893

DEPARTMENT OF THE INTERIOR,  
BUREAU OF INDIAN AFFAIRS,  
WASHINGTON, D. C.

TO THE FIVE CIVILIZED TRIBES

**FILED**

DEC 11 1903



ACTING CHAIRMAN

ALTO, TEX.  
6 PM  
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RECEIVED  
MUSKOGEE, IND. TER  
DEC 11 1903

Department of the Interior.

Commission to the Five Civilized Tribes,

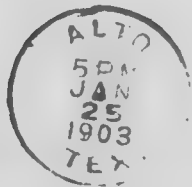
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Choctaw MCR 2257

W. J. Sloan Harrison

MCR 2257

See MCR 3832, 3833, 3834

3835, 4112, 4137, 4138

MISSISSIPPI CHOCTAW R. 220

W. J. Sloan Harrison et al

RECORDED

DECEMBER 1902

NOTICE

NOVEMBER

APRIL 25 1902

MISSISSIPPI CHOCTAW

REFER TO 3832. 3833. 3834.  
3835. 4112. 4137. 4138

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of W. J. Sloan Harrison,  
et al., for identification as Mississippi Choctaws, consolidating  
the applications of-

W. J. Sloan Harrison, et al.,	M.C.R. 2257
Joe Harrison, et al	" 3832
Lydia Williams, et al	" 3833
Anna Ruth, et al	" 3834
Louisa Hatcher, et al	" 3835
Sloan Harrison, et al	" 4112
Ella Hatcher, et al	" 4137
John Harrison, et al	" 4148

List of papers forwarded to the Secretary of the Interior  
comprising the record in the consolidated case  
of W. J. Sloan Harrison, et al.

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I. T. May 23, 1901.

#2257

In the matter of the application of Sloan Harrison for identification as a Mississippi Choctaw and for his wife as an inter-married Mississippi Choctaw.

Sloan Harrison, having been first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sloan Harrison.  
Q What is your age? A Sixty-five.  
Q What is your post-office address? A Cale, I.T. (Now Sterrett.)  
Q How long have you lived there? A Twenty-one years and more.  
Q Where did you live before that? A I came to the Territory from Texas.  
Q What part of Texas? A Grimes County, Texas.  
Q How long did you live in Texas? A I don't know; long time-ever since I came South from Alabama-can't tell how many years.  
Q Where did you live before you came to Texas? A Mississippi and Alabama, they both adjoin you know.  
Q Which one? A Alabama.  
Q Were you born in Alabama? A Yes, bred and born there.  
Q Lived there until you came to Texas? A Yes.  
Q And from Texas you came to the Indian Territory? A Yes.  
Q What is your father's name? A Sloan Harrison.  
Q Is he living? A He is dead.  
Q What is your mother's name? A Lydia Sanders.  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood? A I just claim I am a Choctaw.  
Q Was your father or your mother a Choctaw? A My father-my mother was not a Choctaw Indian.  
Q How much Choctaw blood do you claim? A I claim the full right from him.  
Q Was he a full-blood? A Yes.  
Q How much would that make you? A That would be one half, wouldn't it?  
Q What was your mother? A She was colored.  
Q Was she ever a slave? A Yes.  
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States  
A I don't know, you know.  
Q He never was enrolled in the Indian Territory? A No, he died back there in their country.  
Q Are you married? A He- yes.  
Q What is your wife's name? A Mahala Harrison.  
Q Do you make any claim for her? A Yes.  
Q How do you claim for her-is she Indian? A Her mother was Indian herself and grandmother.  
Q Were they Choctaws? A I don't know whether they were Choctaws or Chickasaws, their part, I know my part is Choctaw.  
Q You claim for her then because she married you? A Yes.  
Q When were you married to Mahala Harrison? A I forget how many years I have been married now.  
Q Can't you tell about how many years? A Yes, about forty years old yes, maybe more, I recollect its so far back.  
Q Were you married before the war? A Yes, then, before the war.  
Q What was your wife's age? A About forty-five-I am uneducated, don't know exactly.

2---Sloan Harrison

- Q What was her father's name? A George Walker.  
Q Is he living? A Dead.  
Q What was her mother's name? A Jane Walker.  
Q Is she living? A She is dead.  
Q Is your wife a white woman? A No, she is colored.  
Q She makes no claim to Indian blood? A Only by her mother.  
Q What was her mother? A Indian, her mother and grand-mother both.  
Q What kind of Indian did they claim to be? A They know more than I do, both, she aint putting in any claim.  
Q What Indian blood does your wife claim to have? A I don't know whether it is Choctaw or Chickasaw.  
Q Her mother, then, was one or the other, and you don't know which?  
A No.  
Q Have you any children in your family under twenty-one years of age and unmarried for whom you desire to make application now? A No, all mine are married.  
Q You are making this application for yourself alone? A Yes, for me and my wife and my children.  
Q You are making this just for yourself and wife? A Yes.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A A By a minister.  
Q Have you your marriage license and certificate and do you desire to offer same in evidence? A They are recorded in the Court house.

It will be necessary for the Commission to be supplied with evidence of your marriage with Mahala Harrison in support of your claim for her.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know.  
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe?  
A I have been down there with them-never got to them- stayed in Durant four days-  
Q You are talking about the Commission now? A Yes.  
Q Have you ever made application to the Choctaw tribal authorities?  
A No.  
Q Did you, or any one for you, 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 I don't know anything about that.  
Q That was about five years ago; did you make application then? A  
A Well, that's the time, -no its not at Durant-, that is all I know this one at Durant.  
Q But you did not make application in 1896? A No; you see I am uneducated.  
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 by judgment of the United States Court in Indian Territory? A No, I aint been before them to have anything carried on like that.  
Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation?  
A No, I never.  
Q Is this the first application you have made of any description?  
A Yes; I have tried before you know but it aint done any good.  
Q When you say that you were before the Commissioner with the Commission at Durant do you mean that you were just up there and listening, or do you mean that you were sworn and examined and a record made of it? A I aint been sworn, but I just asked questions and wanted to find out.

- Q You never were sworn and put on the stand and asked questions like now? A No.
- Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.
- Q Do you claim your rights as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know that 1430.
- Q Article fourteen of the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the United 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 of land to such child as may be under ten years, 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 claiming under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." Do you claim under that article of that treaty? A Yes, I claim it.

- Q Have you ever received any benefits as a Choctaw Indian? A No, just been working like the rest of them.
- Q Do you know what benefits means? A I suppose you mean owning this land and using it.
- Q Or monies? A No, I haven't got any money.
- Q Nor land? A No.
- Q Are you living on land in the Territory now? A Yes.
- Q How much land do you claim? A Where I am I am claiming 160 acres.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.
- Q What was the name of your ancestor or ancestors who, your fore-parents, your father or mother, grand-father or grand-mother, who were residents of the old Choctaw Nation in Mississippi or Alabama and recognized members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Tribe of Indians? A I reckon at that time I was too young to know anything about it.
- Q Well, was your father living in Mississippi or Alabama at that time? A Yes, I reckon that is where he died.
- Q Well, was he living there in 1830? A I don't know what number that was neither.
- Q Well, that is a little over seventy years ago? A I don't know.
- Q Did you ever hear that your father was living in Mississippi five years before you were born? A He was living there then; my mother told me so; she knows about that.
- Q Have you any evidence showing that such ancestor was a recognized member of the Choctaw tribe of Indians at that time-that is, have you any evidence to prove that your father was a Choctaw Indian and known as such by the Choctaw Indians themselves in Mississippi?
- Q I know plenty of them but I can't find them.
- Q Did your father, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi or Alabama to the present Choctaw nation in Indian Territory, at the time of the removal of the other members of the Choctaw tribe, from 1830 to 1838? A I guess he was dead then.

4--- Sloan Harrison

- Q He did not come West? A No, he died there.
- Q If he did not remove with the other members of the tribe, did he, within six months after the ratification of the treaty of 1830, signify to the United States Agent to the Choctaw tribe of Indians in Mississippi, his intention to remain in Mississippi and become a citizen of the United States? A I didn't know that there was anything of this kind in them days you know.
- Q Did he go to the Indian Agent in Mississippi, Col. Ward, and tell him that he intended to stay there, and take land and become a citizen of the United States? A I don't know anything about that.
- Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A If I have land by my Daddy's side? I know he got land there; my father was; he is dead, but he got land there.
- Q Did he get it from the government? A He got it like the balance, don't know whether he got it that way.
- Q Who owns the land now that he used to have in Mississippi? A I reckon it is there now.
- Q Are there any additional statements that you desire to make now in support of this application, that is, is there anything more that you want to say? A I claim that I have a right to get land if it is respected.
- Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A That is something I don't get on to.
- Q Are there any papers that you want to offer now to the Commission to file in support of your application? A Yes.

Petition of W. J. Sloan Harrison offered in evidence by applicant, marked Exhibit "A", filed and made a part of the record in this case; affidavit of Joseph Davis, offered in evidence, marked EXhibit "B", filed and made a part of the records in this case; affidavit of Lydia Sanders offered in evidence by applicant, marked Exhibit "C", filed and made a part of the records in this case.

- Q Do you want more time to file additional evidence? A Yes.

Thirty days time is allowed applicant in which to file any more additional evidence in support of his application.

The decision of the Commission as to your application for identification as a Mississippi Choctaw, and for your wife as an inter-married Mississippi Choctaw, will be determined at the earliest possible date, and report of same made to the Secretary of the Interior, conformable to the provisions of the 21st. section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

This applicant has slight appearance of being Indian; is dark skinned; has high cheek bones, straight nose, but his hair is slightly curly at the ends.

.....

Henry G. Gains, being duly sworn, on his oath states that as

6--Sloan Harrison

stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 22, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 15 day of July 1901.

R. H. Linebaugh

Notary Public.

Y.F.M.  
O.R.B.  
(C.S.W.)

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

---0---

In the matter of the application of W. J. Sloan Harrison, et al., for identification as Mississippi Choctaws, consolidating the applications of-

W. J. Sloan Harrison, et al	M.C.R. 2257
Joe Harrison, et al	" 3832
Lydia Williams, et al	" 3833
Annie Ruth, et al	" 3834
Louisa Hatcher, et al	" 3835
Slone Harrison, et al	" 4112
Ella Hatcher, et al	" 4137
John Harrison, et al	" 4138

--: 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 W. J. Sloan Harrison for himself; by Joe Harrison for himself and his minor child, Maggie Dell Harrison; by Lydia Williams for herself and her eight minor children, Johnson, Jesse, Hattie, Finney, Romana, Rosie, Sloan Harrison and Mamie Williams; by Annie Ruth for herself and her nine minor children, Louisa, Ella, James, Angie, Viola, George, Louisiana, Halsey, and John Ruth; by Louisa Hatcher for herself and her three minor children, Finney, Ada and Nandy Hatcher; by Slone Harrison for himself and his two minor children, Charlie

and Randy Harrison; by Ella Hatcher for herself and her four minor children, Lula, Mollie, Dollie and Myrtle Hatcher; by John Harrison for himself and his minor child, Henry Harrison, and by W. J. Sloan Harrison for the identification of his wife, Mahala Harrison, as an intermarried Mississippi Choctaw, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

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

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

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

sion 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 W. J. Sloan Harrison, or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Sloan Harrison, Joe Harrison, Maggie Dell Harrison, Lydia Williams, Johnson Williams, Jesse Williams, Hattie Williams, Finney Williams, Roxana Williams, Rosie Williams, Sloan Harrison Williams, Mamie Williams, Annie Ruth, Louisa Ruth, Ella Ruth, James Ruth, Angie Ruth, Viola Ruth, George Ruth, Louisiana Ruth, Haley Ruth, John Ruth, Louisa Hatcher, Finney Hatcher, Ada Hatcher, Mandy Hatcher, Elone Harrison, Charlie Harrison, Randy Harrison, Ella Hatcher, Lula Hatcher, Mollie Hatcher, Dollie Hatcher, Myrtle Hatcher, John Harrison and Henry Harrison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

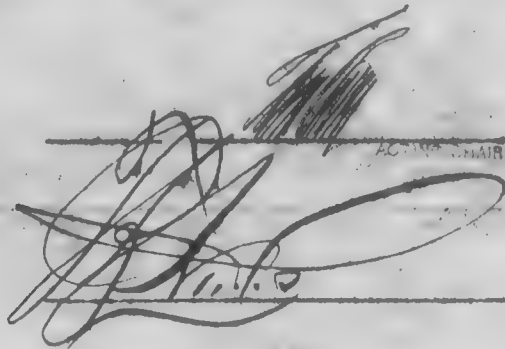
It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage and that the application made by W. J. Sloan Harrison for the identification of his

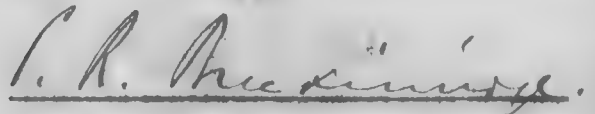


(4)

wife, Mahala Harrison, as an intermarried Mississippi Choctaw,  
should therefore be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
CHAIRMAN.

  
\_\_\_\_\_  
Commissioners.

Muskogee, Indian Territory,

JUL 22 1902

Muskogee, Indian Territory, July 26, 1901.

Mr. J. B. Meacham,

Starrett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 15th, enclosing affidavits of Henry Speaks and D. P. Blackingame, which you offer for filing in support of the application of W. J. Sloan Harrison, for identification as a Mississippi Choctaw.

These affidavits have been duly filed with the record in the application of Sloan Harrison for identification as a Mississippi Choctaw and will receive consideration in determining the right of this applicant as a Mississippi Choctaw.

Yours truly,

MC-2257

Commissioner in charge.

Muskogee, Indian Territory, July 22, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of W. J. Sloan Harrison, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 22nd, 1902.

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

W. J. Sloan Harrison, et al.,	M C R	2257
Joe Harrison, et al.,	"	3832
Lydia Williams, et al.,	"	3833
Annie Ruth, et al.,	"	3834
Louisa Hatcher, et al.,	"	3835
Sione Harrison, et al.,	"	4112
Ella Hatcher, et al.,	"	4137
John Harrison, et al.,	"	4138

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys

Secretary-2

for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record .

Respectfully,

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.

Muskogee, Indian Territory, July 22, 1902.

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

Dear Sirs:

You are hereby advised that on the 22nd day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Sloan Harrison, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Sloan Harrison, et al.,	M C R	2257
Joe Harrison, et al.,	"	3832
Lydia Williams, et al.,	"	3833
Annie Ruth, et al.,	"	3834
Louisa Hatcher, et al.,	"	3835
Slone Harrison, et al.,	"	4112
Ella Hatcher, et al.,	"	4137
John Harrison, et al.,	"	4136

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. J. Sloan Harrison, Joe Harrison, Maggie Dell Harrison, Lydia Williams, Johnson Williams, Jesse Williams, Mattie Williams, Finney Williams, Roxana Williams, Rosie Williams, Sloan Harrison, Williams, Mamie Williams, Annie Ruth, Louisa Ruth, Ella Ruth, James Ruth, Angie Ruth, Viola Ruth, George Ruth, Louisiana Ruth, Bailey Ruth, John Ruth, Louisa Hatcher, Finney Hatcher, Ada Hatcher, Randy Hatcher, Slone Harrison, Charlie Harrison, Randy Harrison, Ella Hatcher, Lula Hatcher, Mollie Hatcher, Dollie Hatcher, Myrtle Hatcher, John Harrison and Henry Harrison, 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 identifications such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage and that the application made by W. J. Sloan Harrison for the identification of his wife, Mahala Harrison, 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,

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, July 22, 1902.

W. J. Sloan Harrison,  
 Starrett, Indian Territory.

Dear Sir:

You are hereby advised that on the 22nd day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Sloan Harrison, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Sloan Harrison, et al.,	M C R	2257
Joe Harrison, et al.,	"	3832
Lydia Williams, et al.,	"	3833
Annie Ruth, et al.,	"	3834
Louisa Hatcher, et al.,	"	3835
Slone Harrison, et al.,	"	4112
Ella Hatcher, et al.,	"	4137
John Harrison, et al.,	"	4138

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 498), which is as follows:

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

Said decision concludes as follows:

W. J. Sloan Harrison-2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Sloan Harrison, Joe Harrison, Maggie Dell Harrison, Lydia Williams, Johnson Williams, Jesse Williams, Nattie Williams, Finney Williams, Roxane Williams, Rosie Williams, Sloan Harrison Williams, Mamie Williams, Annie Ruth, Louisa Ruth, Ella Ruth, James Ruth, Angie Ruth, Viola Ruth, George Ruth, Louisiana Ruth, Haley Ruth, John Ruth, Louisa Hatcher, Finney Hatcher, Ada Hatcher, Mandy Hatcher, Sloane Harrison, Charlie Harrison, Randy Harrison, Ella Hatcher, Lula Hatcher, Mollie Hatcher, Dollie Hatcher, Myrtle Hatcher, John Harrison and Henry Harrison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the Treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage and that the application made by W. J. Sloan Harrison for the identification of his wife, Mahala Harrison, as an intermarried Mississippi Choctaw, should therefore be refused, and it is so ordered".

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

Yours truly,

(SIGNED).

*T. D. Needles.*

Commissioner in Charge.

Registered.



C o p y.

DEPARTMENT OF THE INTERIOR.

Land  
44145-1902.

Office of Indian Affairs.

Washington, Oct. 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made July 22, 1902, by T. B. Needles, Esq., Commissioner in Charge of the Commission to the Five Civilized Tribes, forwarding for the department's consideration the record in the consolidated Mississippi Choctaw case of W. J. Sloan Harrison, et al., applicants for identification as Mississippi Choctaws claiming rights under the provisions of the fourteenth article of the treaty of 1830.

W. J. Sloan Harrison applies for the identification of himself; Joe Harrison for himself and his minor child, Maggie Dell; Lydia Williams for herself and her eight minor children, Johnson, Jesse, Hattie, Finney, Roxana, Rosie, Sloan Harrison and Mamie; Annie Ruth for herself and her nine minor children, Louisa, Ella, James, Angie, Viola, George, Louisiana, Haley and John; Louisa Hatcher for herself and her three minor children, Finney, Ada and Mandy; Slone Harrison for himself and his two minor children, Charlie and Randy; Ella Hatcher for herself and her four minor children, Lula, Mollie, Dollie and Myrtle; John Harrison for himself and his minor child Henry; and by W. J. Sloan Harrison for his wife Mahala, as an intermar-

ried Mississippi Choctaw.

July 22, 1902, the Commission found that the applicants were not entitled to identification.

Descent is claimed from one W. J. Sloan Harrison who it is alleged was a Choctaw Indian living in Mississippi in 1830.

The applicants were not full blood Choctaw Indians and a careful search of the records of this office fails to show that W. J. Sloan Harrison received a patent to land or that he complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or applied to the Commissions appointed under the Acts of March 3, 1837 and August 23, 1842 for an adjudication of his rights.

It is therefore respectfully recommended that the decision of the Commission rejecting the applications, be affirmed.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

GAW  
D

3 inclosures.

C o p y.      D.C.20108

EAF.

DEPARTMENT OF THE INTERIOR.

ITD.6354-1902.

W a s h i n g t o n, October 23, 1902.

L.R.S.

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

Gentlemen:

July 22, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of W. J. Sloan Harrison, Joe and Maggie Dell Harrison; of Lydia, Johnson, Jesse, Hattie, Finey, Roxana, Rosie, Sloan Harrison and Mamie Williams; of Annie, Louisa, Ella, James, Angie, Viola, George, Louisiana, Haley and John Ruth; of Louisa, Finey, Ada and Mandy Hatcher; of Slone, Charlie and Randy Harrison; of Ella, Lula, Mollie, Dottie and Myrtle Hatcher; of John and Henry Harrison. W. J. Sloan Harrison applies also for the identification of his wife, Mahala Harrison, as an intermarried Mississippi Choctaw Indian.

All the applicants claim to be descendants of one W. J. Sloan Harrison, alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that their said alleged ancestor or any of the applicants complied or attempted to comply with article XIV of the treaty of September

--2--

27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the applications July 22, 1902.

The Acting Commissioner of Indian Affairs forwarded the papers October 14 and recommended approval of your decision. A copy of his letter is inclosed.

Finding no cause to modify your decision it is hereby affirmed.

Respectfully,

E. A. HITCHCOCK,

Secretary.

1 inclosure.

M. C. R. 2257

COPY.

Muskogee, Indian Territory, November 8, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 23d 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. J. Slean Harrison, et al., of which decision you were advised by mail on the 22d day of July, 1902.

Respectfully,

*James D. Dwyer.*

Acting Chairman.

M.C.R. 2257

COPY.

Muskegee, Indian Territory, November 8, 1902.

W.J. Slean Harrison,

Sterrett, Indian Territory.

Dear Sir:

You are hereby advised that on the 23rd day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Cheetaws of the several persons included in the consolidated case of W.J. Slean Harrison, et al., of which decision you were advised by registered mail on the 22nd day of July, 1902.

Respectfully,

*Samuel Kirby*  
Acting Chairman.

M.C.R. 2257.

Muskogee, Indian Territory, November 25, 1902.

W. J. Sloan Harrison,  
Sterrett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, acknowledging receipt of letter of the Commission advising you that the Secretary of the Interior had affirmed the decision of the Commission refusing the application made by you for the identification of yourself as a Mississippi Choctaw and the identification of your wife as an intermarried Mississippi Choctaw.

The Commission can only advise you that the Secretary of the Interior having affirmed the decision in your case, the Commission considers the case closed.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, December 30, 1902.

W. J. Sloan Harrison,  
Sterrett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, relative to the decision of the Commission refusing your application for identification as a Mississippi Choctaw.

Therein you ask to be allowed to introduce further evidence in your case.

In reply to your letter you are informed that on July 22, 1902, the Commission rendered its decision refusing your application, and on October 25, 1902, the Secretary of the Interior approved said decision and you were notified of such Departmental action.

Neither the evidence offered in support of your case, nor the records of the government in the possession of the Commission, show any compliance on the part of your alleged Choctaw ancestors with any of the provisions of article fourteen of the Choctaw treaty of eighteen hundred and thirty, and it is not believed that any further evidence you may have to offer will in any manner warrant the reopening of your case.                      Respectfully,

Acting Chairman.



M O R 2257

Muskogee, Indian Territory, June 4, 1906.

H. Harrison,  
Mead, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ultimo, making inquiry relative to the consolidated Mississippi Choctaw case of W. J. Sloan Harrison, et al. You are informed that under date of July 22, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing all the applicants in said case, and this decision was affirmed by the Secretary of the Interior on October 23, 1902.

The consolidated case above mentioned is now considered closed and it is not believed that any of the applicants therein are in any manner entitled to share in the allotment of the lands in the Choctaw-Chickasaw country.

Respectfully,

Commissioner.

REFER TO M. C. R.

*Moan Harrison  
et al*

*Consolidated Case*

Joe Harrison 37 1/4  
wife  
Beulah Harrison, negro

Magge Esie Harrison 1

Hydia Harrison 35 1/4  
mar  
Sam Williams, negro

Johnson Williams 2  
Jesse Williams 13  
Hattie Williams 11  
Fancy Williams 10  
Rosana Williams 8  
Kore Williams 7  
Sloan H. Williams 4  
Travis Williams 2

Annie Harrison 24 1/4  
mar negro  
Jim Ruth, negro

Louisa Ruth 17  
Ella Ruth 15  
Janice Ruth 14  
Angel Ruth 12  
Thola Ruth 11  
George Ruth 8  
Katharina Ruth 6  
Halcy Ruth 3  
John Ruth

H. J. Sloan Harrison  
full blood  
wife  
Hydia Harrison  
negro

W. J. Sloan Harrison 65  
wife  
Mahala Harrison  
Part Indian?  
negro & white

Louisa Harrison 28 1/2  
mar  
Henry Hatcher dead  
negro

Fancy Hatcher 6  
Ada Hatcher 4  
Maudie Hatcher 2

Stone Harrison 24 1/4  
wife  
Mollie Harrison, negro

Charlie Harrison 4  
Kandy Harrison 2

Ella Harrison 24 1/4  
mar  
Will Hatcher, negro

Lula Hatcher 5  
Mollie Hatcher 4  
Dollie Hatcher 2  
Myrtle Hatcher 9

John Harrison 23 1/4  
wife  
Laura Harrison, negro

Henry Harrison 6

2257  
For Identification as a Mississippi Choctaw.

Date MAY 23 1901

Name Sloan Harrison

Age 65 Blood 1/2

Post Office. Cule, D. T. (Sterrett)

Father: Sloan Harrison (dead)

Mother: Lydia Sanders

Claims through father

Wife: Mahala Harrison 45

Father: George Walker (dead)

Mother: Jane Walker (dead)

Children:

Claims for himself  
and for his wife as  
intermarried.

Stenographer

Henry B. Harris.

Choctaw MCR 2258

Josephene Williams

MCR 2258

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

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Herein is the record in the matter of the application of  
Josephene Smith (nee Williams), et al., for identification as  
Mississippi Choctaws, M.C.R.2258.

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

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In the matter of the application of Josephene Smith (nee Williams), et al., for identification as Mississippi Choctaws, M.C.R.2258.

I N D E X .

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Original application of Josephene Smith (nee Williams), et al., for identification as Mississippi Choctaws,.....	1
Decision of the Commission identifying Josephene Smith (nee Williams) as a Mississippi Choctaw,.....	4

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 20th, 1901.

In the matter of the application of Josephene Williams for the identification of herself and one minor child as Mississippi Choctaws.

Said Josephene Williams, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Josephene Williams.
- Q What is your age? A Forty.
- Q What is your postoffice address? A Creola.
- Q Mississippi? A Alabama.
- Q How long have you lived there? A I can't tell you how long; since I was three years old.
- Q Where were you born? A In Mississippi.
- Q What place in Mississippi? A I can't tell you.
- Q You stayed in Mississippi until you were three years old and then went to Alabama? A Yes sir.
- Q You have lived in Alabama ever since? A Yes sir.
- Q What is your father's name? A Williams.
- Q Is he dead or living? A Dead.
- Q Was he a full blood? A Yes sir and my mother was a full blood.
- Q Is your mother dead? A Yes sir.
- Q What was her name? A Sallie.
- Q Was she a full blood? A Yes sir.
- Q Do you claim to be a full blood Choctaw? A Yes sir.
- Q You claim through both your parents? A Yes sir.
- Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the authorities of the United States? A No sir.
- Q Are you married? A Not now, I was married.
- Q Is your husband dead? A Yes sir.
- Q What was his name? A John Smith.
- Q Did you, when you were married, go by the name of Williams? A I was married my way, I kept my father's name.
- Q Is John Smith living? A He is dead.
- Q What was he? A He was white.
- Q Have you children under 21 years of age that you want to make application for? A Yes.
- Q What is the name of the oldest? A George Smith.
- Q How old is George Smith? A Fifteen years old.
- Q Is John Smith the father of George? A Yes sir.
- Q Are you the mother? A Yes sir.
- Q Is this boy living with you? A Yes sir.
- Q Is your name or the name of your son on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know sir.
- Q Have you ever made application to the Choctaw Tribal authorities in Indian Territory for the enrollment of yourself and son as members of that Tribe? A No sir.
- Q Did you or did anyone for you or for him in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation



Josephene Williams et al---2'

, or your son, by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself or your son to either the Choctaw Tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q This is the first application of any description that you have ever made? A Yes sir.

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

Q Do you claim your rights as a beneficiary under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q What was the name or names of your ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and acknowledged members of the Choctaw Tribe of Indians in Mississippi in 1830, when the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Tribe of Indians? A I don't know sir.

Q Have you any evidence showing that such ancestors were recognized members of the Choctaw Tribe of Indians at that time? A No sir.

Q Did these ancestors remove from the territory occupied by the Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in the Indian Territory at the time of the removal of the other members of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.

Q If these ancestors did not remove with the other members of the Tribe, did they within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaws in Mississippi their intention to remain in Mississippi and become citizens of the United States? A I don't know. I was too small to know that.

Q Have any of your ancestors ever claimed or received any land in Mississippi as Beneficiaries under the provisions of the 14th article of the treaty of 1830? A I don't know, sir.

Q Are there any additional statements you want to make in support of your application? A No sir.

Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents, showing that your ancestors were ever recognized members of the Choctaw Tribe of Indians in Mississippi in 1830, that they ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A No sir.

Q Can you speak Choctaw? A Yes sir, I understand it.

Q You understand French too, do you not? A Yes sir.

Q Can you speak French? A No sir.

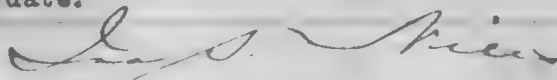
This applicant appears to be a full blood Choctaw Indian. She has some knowledge of the Choctaw language; also understands the English language so that her testimony could be given without the aid of a sworn Choctaw Interpreter. She has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

Josephene Williams et al---3

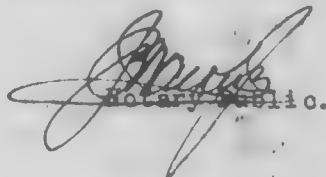
The decision of the Commission as to your application and the application you make on behalf of your minor child, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

-----

Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 20th, 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 14th day of June, 1901, at Meridian, Mississippi.



Notary Public.

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

-----

In the matter of the application of Josephene Smith (nee Williams), et al., for identification as Mississippi Choctaws, M.C.R. 2258.

.....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 May 20, 1901, by Josephene Smith (nee Williams) for herself and her minor child, George Smith, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

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

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 Josephene Smith (nee Williams) should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman

Commissioner.

  
Commissioner.

Muskogee, Indian Territory.

SEP 5 1902

Commissioner.

COPY!

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

-000-

In the matter of the application of Josephine Smith (nee Williams), et al., for identification as Mississippi Choctaws M.C.R. 2258.

---: 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 Josephine Smith (nee Williams), for herself and her minor child, George Smith, 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 records of the Commission it appears that Josephine Smith (nee Williams), principal applicant herein, was, on January 5, 1904, identified by this Commission as a Mississippi Choctaw under the provisions of Section forty-one of the act of Congress of July 1, 1902 (32 Stats., 641), which was ratified by

the Choctaw and Chickasaw Nations, September 25, 1902.

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 Williams and Sallie, both of whom are alleged to have been full-blood Choctaw Indians.

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 is found that the name William appears on pages 397, 405, 591, and 889, and the name Sallie on page 462, 517 and 537 of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. the United States before the Court of Claims No. 12742, in a number of lists, statements and depositions relating to claims arising under article fourteen of the treaty of eighteen hundred and thirty; but it does not appear from the evidence submitted in support of said application that the ancestors, through whom this applicant claims, are identical with the persons whose names appear in the record above cited.

It is further found that persons bearing the names of William, Sally and Sallie received scrip as beneficiaries under article fourteen of the treaty of "Dancing Rabbit Creek," but there is nothing in the testimony of the applicants which would tend to

show that the persons who received such scrip are identical with any of the persons, through whom they claim.

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 Williams, or Sallie, through whom this applicant claims, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder, to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Smith, 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)

*Lemo Bixby.*

Chairman.

(SIGNED)

*T. B. McCallie.*

Commissioner.

(SIGNED)

*C. B. Loomis.*

Commissioner.

Muskogee, Indian Territory,

MAR 15 1904

(SIGNED)

*W. H. Stanley.*

Commissioner.

COPY.

M.C.R. 2258.

Muskogee, Indian Territory, January 5, 1904.

Josephene Smith (nee Williams),  
Creola, Alabama.

Dear Madam:-

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 5, 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, 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 July 5, 1904, and must make proof of such removal and settlement on or before January 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Chairman.

Registered.  
Enc: 2258.



Muskogee, Indian Territory, January 5, 1904.

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 January 5, 1904, identifying Josephene Smith (nee Williams), 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 Josephene Smith (nee Williams) 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,

Registered.  
Enc: 2258.

Chairman.

M C R 2258

Muskogee, Indian Territory, April 7, 1904.

Josephine Smith, (nee Williams)

Creola, Alabama.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing your application for the identification of your son George Smith as a Mississippi Choctaw.

You are further notified that you will be allowed fifteen days from the date of this notice in 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,

W. C. C.

Registered.

Commissioner in Charge.

COPY.

M C R 2258

Muskogee, Indian Territory, April 7, 1904.

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 March 15, 1904, refusing the application for the identification of George Smith as a Mississippi Choctaw.

You are hereby advised that the applicant in this case 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. Neillie.*

Commissioner in Charge.

Enc MCR-2258

COPY.

Muskogee, Indian Territory, April 23, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Josephine Smith (nee Williams) et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 15, 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).

*Jame Dixby.*  
Chairman.

Through the  
Commissioner of Indian Affairs.

2 Enc. MCR 2258.

--Copy--

Refer in reply to the following:

Land  
28270-1904

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, June 23, 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 April 23, 1904, in the matter of the application of Josephine Smith for the identification of herself and her minor child, George Smith, as Mississippi Choctaws.

The record shows that Josephine Smith was on January 5, 1904, identified as a Mississippi Choctaw of full blood. It is therefore only necessary to consider the application as relating to George Smith who is of mixed blood.

March 15, 1904, the Commission denied the application for identification of George Smith.

The record shows that George Smith was born in 1886 in Alabama and his mother, Josephine Smith, in 1861, in Mississippi. Josephine Smith alleges that her father, Williams, and her mother, Sallie, were full-blood Choctaws; that neither herself or her ancestors ever applied to any tribunal for identification, recognition or enrollment as Choctaws or Mississippi Choctaws; that she has no knowledge whether her ancestors signified their intention of remaining in Mississippi under article fourteen of the treaty

of 1830 or received any land in Mississippi under that treaty.

The records of this office show that were persons of the name of Williams, a given name and not a surname, who received scrip under the 14 article of the treaty of 1830 and that there were no persons either applicants for or who received benefits under that treaty who had the surname of Williams.

There were persons of the name of Sallie who received scrip under the provisions of the 14th article of the treaty of 1830, but the applicant being unable to give any information relative to the name of her ancestor Sallie, it is impossible to say whether she was or was not one of these Sallies.

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

Very respectfully,

A. C. Tenner,

Acting Commissioner.

MMM

C

COPY

J.W.H.

*D.O. #28656*

DEPARTMENT OF THE INTERIOR,

THE

Washington.

I.T.D. 5214-1904.

August 8, 1904.

L R S

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

Gentlemen:

April 23, 1904, you transmitted the record in the matter of the application of Josephine Smith (nee Williams) for the identification of herself and her minor child, George Smith, as Mississippi Choctaws, including your decision of March 15, 1904, denying the application for the identification of George Smith.

It appears from the record that the principal applicant, Josephine Smith, was duly identified as a Mississippi Choctaw of the full blood, on January 5, 1904.

Reporting in the matter June 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision as to George Smith 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.

COPY:

Muskogee, Indian Territory, August 27, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 8th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification of George Smith as a Mississippi Choctaw, of which decision you were advised by mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

*Tame Bixby*

Chairman.



M.C.R. 2258

COPY.

Muskogee, Indian Territory, August 27, 1904.

Josephine Williams,  
Creola, Alabama,

Dear Madam:

You are hereby notified that on the 8th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification of George Smith as a Mississippi Choctaw, of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

*Tame Dixie*  
Chairman.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW. R. 2258

Josephene Williams, et al

ON REPLY JAN 1904

No. 1. { IDENTIFIED - 15 1904  
COPY OF DECISION FORWARDED  
APPLICANT - 15 1904  
COPY OF DECISION FORWARDED  
ATTORNEY FOR THE APPLICANT - 15 1904  
CHICKSAW NATIONS.

No. 2. { DECISION RENDERED  
NOTICE OF DECISION FORWARDED  
APPLICANT - 1904  
APPROVED BY SECRETARY OF INTERIOR  
AUG 1904

No. 2. { ACTION APPROVED BY  
SECRETARY OF INTERIOR  
AUG 1904  
OFFICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT  
AUG 1904  
NOTICE OF DEPARTMENTAL ACTION  
MAILED APPLICANT CHOCTAW

# 627

No. 2258

**For Identification as a Mississippi Choctaw.**

Date MAY 20 1901

Name Josephine Williams

Age 40 - Blood full

Post Office Creola, ~~Miss~~ Ala.

Father: Williams J. B. d

Mother: Sallie " f. h. d

Claims through both parents.

Husband -  
John Smith, white, d

Children:

George Smith.

15

Claims for sep  
and ched

Stenographer I. A. Niles

Choctaw MCR 2259

Martin Evans

MCR 2259

FOR REGISTRATION AS  
A MISSISSIPPI CHOCTAW R. 2259

*Martin Evans et al*

REFUSED.

DECISION RENDERED: APR 26 1902

NOTICE OF DECISION MADE BY APPLICANT.

APR 26 1902

APR 26 1902

JUN 2 1902

NOTICE OF DEPARTMENT ACTION  
FORWARD BY MAIL

JUN 17 1902

NOTICE OF DEPARTMENT ACTION  
FORWARD BY MAIL

JUN 17 1902

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

-----  
In the matter of the application of Martin Evans,  
et al., for identification as  
Mississippi Choctaws.  
M.C.R. 2289.

-----  
List of papers forwarded to the Secretary of the Interior  
with the record in the above case, together with the pages occupied  
in said record.

	Page
Original application of Martin Evans, et al., before the Dawes Commission, for identification as Mississippi Choctaws,	1
Final decision of the Commission, denying the application of Martin Evans, et al., for iden- tification as Mississippi Choctaws,	4

.....

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 20th, 1901.

In the matter of the application of Martin Evans for identification as a Mississippi Choctaw, for himself and three minor children.

Said Martin Evans, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Martin Evans.  
Q What is your age? A About sixty.  
Q What is your postoffice address? A Shubuta, Mississippi.  
Q How long have you lived there? A About 25 or 30 years.  
Q Where were you born? A Florida.  
Q What place in Florida? A I don't know.  
Q When did you come to Mississippi? A Been here about sixteen or seventeen years, lived in Alabama a long time.  
Q Did you live in Alabama before you came to Mississippi? A Yes sir.  
Q When did you live in Alabama, how long? A About fifteen or sixteen years.  
Q When did you come to Mississippi from Alabama? A I couldn't tell you.  
Q What is your father's name? A Chapman.  
Q Is he dead? A I don't know, he went to Florida.  
Q Do you think he is? A I suppose so.  
Q What is your mother's name? A Harriet Chapman.  
Q Is she living or dead? A Living.  
Q Through which parent do you claim Choctaw blood? A Both.  
Q Was your father an Indian? A Half Indian.  
Q What is the other half? A I don't know what he was.  
Q The other half was negro, wasn't it? A Negro, I reckon.  
Q What was your mother's blood? A I don't know.  
Q Did she have any Choctaw blood? A I think she was almost all nigger.  
Q You don't claim through your mother, do you? A No sir.  
Q Do you claim your Choctaw blood through your father? A Yes sir.  
Q How much Choctaw blood do you claim? A I don't know.  
Q Has your father, through whom you claim your rights to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the authorities of the United States? A I don't know.  
Q Was your father formerly a slave? A No sir, he went a slave.  
Q Was your mother a slave? A Yes sir.  
Q Were you formerly a slave? A Yes sir.  
Q What was your mother's master's name? A John Evans.  
Q You took the name of Evans from your master? A Yes sir.  
Q When were you liberated, at the end of the war? A Yes sir.  
Q In what State were you when you were a slave? A In Choctaw, Alabama.  
Q Is your wife living? A Yes sir.  
Q Is she a Choctaw? A No sir, she is negro.  
Q Have you any children under 21 years of age and unmarried that you want to make application for? A Yes sir.  
Q Give me the name of the oldest child you have under 21 years of age? A Emily, seventeen.

Q Next one? A Martini, fifteen.

Q Next one? A Annie, eighteen.

Q Are there any more under 21 years of age and unmarried? A No sir.

Q Who is the mother of these children? A Harriet Evans.

Q Is she a negro? A Yes sir.

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

Q You support them do you? A Yes sir.

Q Is your name or the names of your children 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 the Indian Territory for yourself or children to be enrolled as members of that Tribe? A No sir.

Q Did you or did anyone for you or for your children 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 made application before this time for yourself and children to either the Choctaw Tribal authorities or the United States Government for citizenship in the Choctaw Nation? A No sir.

Q This is the first application you have ever made of any kind?

A Yes sir, it is.

Q Is it now your purpose to make application, for yourself and children, for identification as Mississippi Choctaws? A Yes sir.

Q Do you claim your rights as beneficiaries under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Do you know the name of your ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and who were recognized members of the Choctaw Tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaws? A No sir.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaws in Mississippi their intention to remain in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your ancestors remove from the territory occupied by the Choctaw Nation in Mississippi or Alabama and go to the present Choctaw Nation in Indian Territory when the other members of the Choctaw Tribe went there between the years 1833 and 1838? A No sir.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of article 14 of the treaty of 1830? A No sir.

Q Do you speak the Choctaw language? A No sir.

Q Are there any additional statements you want to make in support of your application? A No sir.

Q Have you any documentary evidence, written testimony of any description, copies or records, deeds or patents, or any proper papers, showing that your ancestors were ever recognized members of the Choctaw Tribe of Indians in Mississippi, that they ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A No sir.

The applicant requests additional time in which to file written evidence in support of his application.

Permission is granted the applicant to file written evidence in support of his application provided the same is



offered for filing with the Commission within thirty days from the date hereof.

This applicant has the appearance and characteristics of mixed blood, negro and Choctaw, the negro predominating. His hair is curly. His features and his manner of conversation have marked negro characteristics. He does not speak the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

The decision of the Commission as to your application and as to the application you make on behalf of your three minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

-----

Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 20th, 1901, and that the above and preceding is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Niles*

Subscribed and sworn to before me this the 14th day of June, 1901, at Meridian, Mississippi.

*[Signature]*  
Notary Public

J Y-

H.C.

C. v. W.  
1880/3.

DEPARTMENT OF THE INTERIOR,  
COMMISSION to the FIVE CIVILIZED TRIBES.

---

In the matter of the application of Martin Evans, for the identification of himself and his three minor children: Emily, Martini and Annie Evans, as Mississippi Choctaws (M.C.R. 2259).

---

DECISION.

The record in this case shows that on May 20, 1901, the said Martin Evans appeared before the Commission at Meridian, Mississippi, and there made personal application for the identification of himself and his three minor children: Emily, Martini and Annie Evans 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 one Chapman (Christian name not given), an alleged one-half blood Choctaw Indian and one-half negro, who married Harriet Chapman, a negro woman, and who are

the parents of this applicant. The record in this case further shows that the principal applicant, Martin Evans, and the minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress of June 17, 1896, (29 Stats., 321).

The only evidence offered in support of this application is the unsupported oral statement of the principal applicant, wherein it is attempted to be shown that he was born in the State of Florida about the year 1841, and, prior to the time of the making of his original application, had never been a resident of Indian Territory, and he states that he does not know the degree of Choctaw blood of which he claims to be possessed. He attempts to trace his alleged Choctaw descent no further back than to his father, but offers no testimony tending to show that his said father was the head of a family in the year 1830, or that any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the State of Mississippi, or that they ever complied or attempted to comply with any of 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 evidence, considers this case as closed, and the only evidence offered in support thereof is the oral statement of the applicant, given at the time of the making of his original application. By the evidence so submitted it is attempted to be shown that the applicant derives his Choctaw blood from his father, one Chapman, who, it is claimed, was one-half blood Choctaw Indian and one-half negro. The evidence shows that the said father must have been living in the year 1830; and, in order for this applicant to be identified as a Mississippi Choctaw, it is incumbent upon him to show that his said father complied or attempted to comply with the provisions of Article Fourteen of the Treaty of Panceing Rabbit Creek as the head of a family, or that he was the child of a recognized Choctaw head of a family, who complied for him, or who was complied for as an orphan child of a recognized Choctaw Indian, and this the applicant has failed to do. As this applicant failed to state the Christian name of his alleged father, the Commission is unable to make any satisfactory search among its records of those persons who complied or attempted to comply with the provisions of Article Fourteen of the Treaty of 1830, for the name of the said father; 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 same alleged Choctaw ancestor of this applicant.

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 Martin Evans, Emily Evans, Martini Evans and Annie 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.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
\_\_\_\_\_  
\_\_\_\_\_  
C. R. Buckner  
\_\_\_\_\_

Dated at Muskogee, Indian  
Territory, this 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 Martin Evans 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 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 Martin Evans, Emily Evans, Martini Evans and Annie Evans 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-M. M. & 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.

Muskogee, Indian Territory, April 26, 1902.

Martin Evans,

Shubuta, 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 case of Martin Evans 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 Martin Evans, Emily Evans, Martini Evans and Annie Evans 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-Martin Evans.

review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

C O P Y

DEPARTMENT OF THE INTERIOR.  
Office of Indian Affairs,

-----  
Land }  
25935-1902 }  
-----

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 Martin Evans, 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 show descent from one Chapman --Christian name not given-- an alleged half blood Choctaw who married Harriet Chapman, a negress.

Neither the record in this case nor the records of the 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.

GAV  
D

3 inclosures.

C O P Y.

DEPARTMENT OF THE INTERIOR.  
Washington.

CMR

I.T.D. 3004-1902.

June 2, 1902.

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

Gentlemen:

April 26, 1902, you transmitted the record in the application of Martin Evans for the identification of himself and his three minor children, Emily, Martini, and Annie Evans, as Mississippi Cheetaws (MCR 2259).

The principal applicant claims descent through his father, one Chapman (Christian name not given), an alleged half blood Choctaw Indian, who married Harriet Chapman, a negro woman and the mother of the principal applicant.

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 of the Indian Office, all fail to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation, or that the alleged ancestor, Chapman, 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).

-----2-----

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

Respectfully,

THOS. RYAN.

Acting Secretary.

1 enclosure.

(DC 9317-1902)

COPY.

M C R 2259.

Muskogee, Indian Territory, June 17, 1902.

Martin Evans,  
Shubuta, Mississippi.

Dear Sir:

You are hereby advised that on the 2nd day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaw of the several persons included in the application of Martin Evans, et al., of which decision you were duly advised by registered mail on the 26th day of April, 1902.

Yours truly,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

COPY.

M C R 2259

Muskogee, Indian Territory, June 17, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 2nd day of June, 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 Martin Evans, et al., of which decision you were duly advised by mail on the 26th day of April, 1902.

Yours truly,

(SIGNED).

*T. D. Woodlee.*

Commissioner in Charge.

M.C.R. 2259.

Muskegee, Indian Territory, April 26, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record in the application of Martin Evans 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 mail 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.

#628

No. 222

For Identification as a Mississippi Choctaw.

Date MAY 20 1901

Name Martin Evans,

Age 60 - Blood don't know,

Post Office Shubuta, Miss,

Father: Chapman <sup>don't know</sup> <sub>& dead.</sub>

Mother: Harriet " l.

Claims through father -  
wife,

Harriet - neqso.

No claim for wife -

Children:

Emily - 17.

Martini - 15

Annie - 18

appears for  
self and children,

Stenographer J. A. Miles



Choctaw MCR 2260

Brennon Falconer

See MCR 2531, 2530

MCR 2260

IDENTIFICATION AS  
MISSISSIPPI CHOCTAW

R. 2260

*Braunon Falconer*

REFUSED

DECISION

NOTICE OF DECISION MADE BY APPLICANT

DEC 1 1902

NOTICE OF DECISION FORWARDED  
FOR CHOCTAW

FEB 1 1903

NOTICE OF DECISION FORWARDED  
ATTORNEY

MAR 1 1903

RECORD FORWARDED TO AGENCY

JAN 1 1903

ACTION APPROVED BY BOARD

MAR 01 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED BY ATTORNEY FOR CHOCTAW  
40 CHICKASAW

MAR 1 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED BY APPLICANT

MAR 1 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED BY ATTORNEY FOR CHOCTAW

3

REFER TO M. C. R. 2531-2530

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

-----  
In the matter of the application of Brennon Falconer, et al., for identification as Mississippi Choctaws,

consolidating the applications of

Brennon Falconer, M.C.R. 2260;  
Dave Falconer, et al., M.C.R. 2531;  
Herron Falconer, et al., M.C.R. 2530.

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

	page
Original application of Brennon Falconer to the Dawes Commission for identification as a Mississippi Choctaw,.....	1
Original application of Dave Falconer, et al., to the Dawes Commission for identification as Mississippi Choctaws,.....	4
Original application of Herron Falconer, et al., to the Dawes Commission for identification as Mississippi Choctaws,.....	8
Decision of the Commission refusing the applications in the consolidated case of Brennon Falconer, et al., for identification as Mississippi Choctaws,.....	11

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 20th, 1901.

In the matter of the application of Brennon Falconer for identification as a Mississippi Choctaw.

Said Brennon Falconer, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Brennon Falconer.  
Q What is your age? A Sixty five.  
Q What is your postoffice address? A Shubuta, Mississippi.  
Q How long have you lived there? A Been living there ever since I can recollect.  
Q Where were you born? A In Clark County.  
Q In Mississippi? A Yes sir.  
Q Always lived in Clark County, Mississippi? A Yes sir.  
Q What is your father's name? A David Tobias.  
Q Is he living? A No sir.  
Q What is your mother's name? A Tabby Falconer.  
Q Is she living or dead? A Dead.  
Q Through which one of these parents do you claim Choctaw blood?  
A My mother was a half Indian, my daddy was a whole India. I reckon.  
Q How do you know? A He didn't belong to nobody.  
Q How do you know that? A That's what they tell me.  
Q Who told you he was an Indian? A The old boos told me.  
Q What boss? A (No answer)  
Q You claim your father had how much Choctaw blood? A I said he had all Choctaw blood.  
Q How much do you claim your mother had? A Half.  
Q What is the other half, negro? A I reckon so, she was a half Indian.  
Q How much Choctaw blood do you claim? A I don't know, sir.  
Q How much do you think you have? A I don't know.  
Q Was your father a slave? A No sir.  
Q Was your mother a slave? A Yes sir, she was.  
Q Were you a slave? A Yes sir.  
Q When were you liberated, at the emancipation of the rest of the slaves? A Yes sir.  
Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the authorities of the United States?  
A No sir.  
Q Are you married? A Yes sir.  
Q Are you making application for your wife? A I would like to.  
Q Is she a negro? A She is as bright as I am.  
Q What is her blood? A I don't know, sir.  
Q Do you know whether she has Choctaw blood, or not? A No sir.  
Q Do you know whether she has negro blood? A I don't know.  
Q Was she a slave? A Yes sir.  
Q You don't know whether she has Choctaw blood, do you? A No sir, I don't know that.  
Q Do you want to make application for her? A No sir.

Q You have no children under twenty-one years of age, have you?

A No sir.

Q You make application for yourself alone, as I understand it?

A Yes sir.

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 member of that Tribe?

A No sir.

Q Did you or did anyone for you in 1896, under the Act of Congress of June 10, 1896, make application to the Dawes Commission for citizenship in the Choctaw Nation? A No sir.

Q Is this the first application you have ever made? A Yes 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 by the United States Court in Indian Territory?

A No sir.

Q Is this the first application you have ever made either to the United States authorities or the Choctaw Tribal authorities for citizenship in the Choctaw Nation? A Yes sir.

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

Q Do you claim your right as a beneficiary under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Have you ever received any benefits, or your ancestors ever received any benefits, as Choctaw Indians? A No sir.

Q Can you speak the Choctaw language? A No sir.

Q Do you know the name of your ancestor or ancestors who were recognized members of the Choctaw Tribe of Indians in Mississippi in 1830, when the treaty of Dancing Rabbit Creek was entered into between the Choctaw Tribe of Indians and the United States Government?

A Yes sir, I recollect my grandfather.

Q What was his name? A Sanker.

Q Was he a full blood Choctaw Indian? A Yes sir.

Q Was he a slave? A No sir.

Q Where did he live? A He told me he just lived about.

Q Did he or any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent living in Mississippi at that time that they preferred to stay in Mississippi, take land there and not remove to the Indian Territory?

A I don't know. I was young then.

Q Do you know whether any of your ancestors, your grandfather or any of your ancestors, removed from Mississippi or Alabama and went to the Indian Territory with the other Indians between the years 1833 and 1838? A Not as I knows of. I expect they went. I know they went somewhere.

Q Have any of your ancestors claimed or received any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A No sir.

Q Are there any additional statements you wish to make in support of this application? A No sir.

Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents, or any proper papers, showing that your ancestors were ever recognized members of the Choctaw Tribe of Indians, that they ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830 or that they ever received any benefits under that article of that treaty?

Here S. H. Terral, attorney for applicant, requests time in which to file documentary evidence in support of this application.

Brennon Falconer---3

Permission is granted Mr. S. H. Terral, attorney for applicant, to file written evidence in support of this application provided the same is offered for filing within thirty days from the date hereof.

This applicant has the appearance and physical characteristics of one whose ancestry were mixed Choctaw and negro blood. His hair is gray and not very curly. His features do not indicate to a very great extent his negro ancestry. He has no knowledge of the Choctaw language or any knowledge of the compliance on the part of his ancestors with the provisions of Article 14 of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior conformable to the provisions of the ~~xxxxxxx~~ 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your post office address as given in your testimony at this time.

-----

Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 20th, 1901, and that the above and preceding is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Niles*

Subscribed and sworn to before me this the 14th day of June, 1901, at Meridian, Mississippi.

*J. M. Smith*  
Notary Public.

J. W. L

C. W.

COPY.

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

-----

In the matter of the application of Brennon Falconer, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Brennon Falconer,	M.C.R. 2260
Dave Falconer, et al.,	M.C.R. 2531
Herron Falconer, et al.,	M.C.R. 2530.

----- 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 Brennon Falconer for himself; by Dave Falconer for himself and his eight minor children, Lafayette, Truman Ristopher, Genie, Juella, Velmon, Luther, Dave Jr. and Tanores Falconer, and by Herron Falconer for himself and his three minor children, Cora, Wiley and Lavina Falconer, under the following provision of the act of Congress approved June 28, 1896 (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 Sanker, who is alleged to have been a full blood Choctaw Indian, and David Tobias (or Dave Debias), who is alleged to have been a full blood Choctaw Indian and to have resided in the old Choctaw Nation in Mississippi and Alabama in eighteen hundred and thirty, and Tabby Falconer, who is alleged to have been a half blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 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 Sanker, or David Tobias (or Dave Debias), or Tabby Falconer, 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 of the treaty of eighteen hundred and thirty, 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 Brennon Falconer, Dave Falconer, Lafayette Falconer, Truman Ristopher Falconer, Genie Falconer, Juella Falconer, Velmon Falconer, Luther Falconer, Dave Falconer Jr., Tanerree Falconer, Herron Falconer, Cora Falconer, Wiley Falconer and Lavina Falconer 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

JOHN W.

*John W. [Signature]*

Acting Chairman

*A. S. [Signature]*

Commissioner

Commissioner

Muskogee, Indian Territory

DEC 18 1902

Muskogee, Indian Territory, December 18, 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 December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Brennon Falconer, et al., embracing the following applications for identification as Mississippi

Choctaws:

Brennon Falconer,	M.C.R. 2260
Dave Falconer, et al.,	M.C.R. 2531
Herron Falconer, et al.,	M.C.R. 2530

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Brennon Falconer, Dave Falconer, Lafayette Falconer, Truman Ristopher Falconer, Genie Falconer, Juella Falconer, Velmon Falconer, Luther Falconer, Dave Falconer Jr., Tanoree Falconer, Herron Falconer, Cora Falconer, Wiley Falconer and Lavina Falconer as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

M,McM & C-2

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

Respectfully,

SIGNED.

*Wm. H. ...*  
Acting Chairman.

COPY

Muskogee, Indian Territory, December 18, 1902.

S. H. Terral, Jr.,  
Attorney at Law,  
Shubuta, Mississippi.

Dear Sir:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Brennon Falconer, et al., embracing the following applications for identification as Mississippi Choctaws:

Brennon Falconer,	M.C.R. 2260
Dave Falconer, et al.,	M.C.R. 2531
Herron Falconer, et al.,	M.C.R. 2530

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

S. H. Terral-2

Brennon Falconer, Dave Falconer, Lafayette Falconer, Truman Ristephen Falconer, Genie Falconer, Juella Falconer, Velmon Falconer, Luther Falconer, Dave Falconer Jr., Tanoree Falconer, Herron Falconer, Cora Falconer, Wiley Falconer and Lavina Falconer 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 case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*Terral*  
Acting Chairman.

Registered.

Muskogee, Indian Territory, December 18, 1902.

Brennon Falconer,  
Shubuta, Mississippi.

Dear Sir:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Brennon Falconer, et al., embracing the following applications for identification as Mississippi

Choctaws:

Brennon Falconer,	M.C.R. 2260
Dave Falconer, et al.,	M.C.R. 2531
Herron Falconer, et al.,	M.C.R. 2530

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 Brennon Falconer, Dave Falconer, Lafayette Falconer, Truman Ristephan Falconer, Genie Falconer, Juella Falconer, Velmon Falconer, Luther Falconer, Dave Falconer Jr., Tanoree Falconer, Herron Falconer,

Brennon Falconer-2

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

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

Respectfully,

(SIGNED)

*Tamie Dixby*  
Acting Chairman.

Registered.

Muskogee, Indian Territory, January 3, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Brennon Falconer, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 18, 1902.

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

Brennon Falconer,	M.C.R. 2260
Dave Falconer, et al.,	M.C.R. 2531
Herron Falconer, et al.,	M.C.R. 2530

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

Respectfully,

Acting Chairman.

Through the  
Commissioner of Indian Affairs.

Enc. M.C.R. 2260



Muskogee, Indian Territory, January 26, 1903.

Brannon Falconer,

Shubuta, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd inst., in which you ask "can anyone claim a right to the Choctaw lands in the Indian Territory except the full-blood Indian. I am not a full-blood Indian but can get sufficient proof of being mixed with Indian blood."

Replying to your letter you are informed that it appears from the records of the Commission that you made application for identification as a Mississippi Choctaw: that the Commission on December 18, 1902, rendered its decision refusing your application and on the same date you were notified by registered mail of the action of the Commission and that you were granted fifteen days from the date of said decision within which to file arguments to be forwarded to the Secretary of the Interior. The fifteen days from December 18, 1902, heretofore granted, expired on January 2, 1903, and on January 3, 1903, the record in your case together with the decision of the Commission was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Relative to the right of claimants, other than full-bloods,

Brannon Falconer---2

to share in the distribution of the lands of the Choctaw and Chickasaw Nations, your attention is invited to the following provision of the act of Congress approved July 1, 1902, and ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission, within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided 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 said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement within the Choctaw-Chickasaw country prior to June twenty-eight, 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.

Respectfully,

Acting Chairman.

C O P Y

D.C. 8435

DEPARTMENT OF THE INTERIOR

RAF

WASHINGTON

ITD 2184- 1903

March 24, 1903

L.R.S.

Commission to the Five Civilized Tribes

Muskogee, I.T.

Gentlemen:

January 3, 1903, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws, of Brennon Falconer; of Dave Falconer and his minor children, Lafayette, Truman Ristopher, Genie, Juella, Velmon, Luther, Dave Jr. and Tancree Falconer; and of Herron Falconer and his minor children, Cora, Wiley and Lavina Falconer. You refused the applications December 18, 1902

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Sanker, alleged to have been a full blood Choctaw Indian and David Tobias (or Dave Debias) who is said to have been a full blood Choctaw Indian residing in Mississippi in 1830, and Tabby Falconer, alleged to have been a half blood Choctaw Indian.

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 said article 14, or with either of the acts of March 3, 1837 (5 Stat. 180) and August 23, 1842( 5 Stat. 513.

-2-

Reporting February 21, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has reviewed the whole record, and finds no reason to modify your decision; it is accordingly affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary

1 inclosure.

C O P Y

Land

DEPARTMENT OF THE INTERIOR

1444- 1903

Office of Indian Affairs

Washington, Feb. 21, 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 Brennon Falconer for the identification of himself; also the application of Dave Falconer for the identification of himself and his eight minor children, Lafayette, Truman Ristepher, Genie, Juella, Velmon, Luther, Dave Jr., and Tancree Falconer; also the application of Herron Falconer for the identification of himself and his three minor children, Cora, Wiley and Lavina Falconer, as Mississippi Choctaws.

On December 18, 1902, the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity 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, and that their applications for such identification should be refused.

An examination of the record evidence shows that these applicants claim to have derived their Choctaw blood from ancestors named David Tobias or Dave Tobias, Tabby Falconer and the grand-

father named Sanker; but said record evidence does not show that either of said ancestors named aforesaid ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or secured a patent for land thereunder. An examination of the office records shows that a Mississippi Choctaw named Po-to-tubbee complied with the provisions of said article 14, and that he had a child named Tobias, but the affidavit in which this fact is set forth gives no information which, taken in connection with the record evidence, shows that this child Tobias is the David Tobias or Dave Tobias mentioned in the record evidence as one of the ancestors of these applicants. The said affidavit does state that the said child Tobias was under ten years of age at the date of the treaty. The testimony of the applicant, Brennon Falconer, shows that he was born in 1836, and that his father was David Tobias. The office considers that his said father, David Tobias, could not well have been the Indian child Tobias who was under ten years of age at the date of the treaty of 1830. Said Brennon Falconer further testifies that his grandfather was a full blood Choctaw Indian and that his name was Sanker, while if he is the son of the Indian child Tobias his grandfather's name would have been Po-to-tubbee.

The record evidence shows that none of these applicants is a

-3-

Mississippi Choctaw Indian of the full blood. By reason of the premises the office considers said decision of the Commission correct and recommends that the same be affirmed by the Department.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

W.C.B.(S)

Muskogee, Indian Territory, March 31, 1903.

Brennon Falconer,  
Shubuta, Mississippi.

Dear Sir:

You are hereby notified that on the 24th 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 Brennon Falconer, et al., of which decision you were advised by registered mail on the 18th day of December, 1902.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.



H C B 2200

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 24th 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 Brennan Falconer, et al., of which decision you were advised by mail on the 18th day of December, 1902.

Respectfully,

(SIGNED)

*Tamc Dixby.*  
Chairman.

M U R 2260

COPY:

Muskogee, Indian Territory, March 31, 1903.

S. H. Terral,  
Attorney-at-Law,  
Shubuta, Mississippi.

Dear Sir:

You are hereby notified that on the 24th 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 Brennan Falconer, et al., of which decision you were advised by registered mail on the 18th day of December, 1902.

Respectfully,

(SIGNED)

*Tamo Kirby*  
Chairman.

Consolidated Case  
of  
Brennon Falconer  
2260

Card No.

NAME

RESIDENCE  
COUNTY

POST OFFICE

Age Sex

<sup>mer</sup>  
 2531  
 Lafayette Falconer 12  
 Truman Stephens " 10  
 " " " 8  
 " " " 6  
 " " " 6  
 " " " 4  
 " " " 2  
 " " " 1

<sup>mer</sup>  
 2531  
 Dave Falconer 34- $\frac{1}{4}$   
 wife  
 Minnie Falconer

Santner (fb.)

David Tobias (fb.)  
 (or Dave Tobias) dead

<sup>mer</sup>  
 2260  
 Brennon Falconer 65-  
 (or Brandon ..) SLAVE

<sup>mer</sup>  
 2530  
 Herron Falconer 32- $\frac{1}{4}$

<sup>mer</sup>  
 2530  
 Cora Falconer 9

↓  
 Tabby Falconer (1/2 neg)  
 -slave-

wife  
 Mary Falconer  
 SLAVE.

wife  
 Mary Falconer

" Wiley " 6  
 " Lavina " 1

X Santner is grandfater ... as no testimony as to  
 which one of ... parents Santner was  
 latter ...

#/

No. \_\_\_\_\_

For Identification as a Mississippi Choctaw.

Date \_\_\_\_\_

Name. *Brannon Falconer*

Age *65* Blood *don't know*

Post Office, *Shubuta, Miss.*

Father: *David Tobias* d

Mother: *Tabby Falconer* <sup>1/2</sup> Choctaw <sup>1/2</sup> Negro

Claims through *both parents*.

*Claims for self  
alone -*

~~Children:~~

Stenographer *J. A. Miles*

Choctaw

MGR

2261

Owen

Gavin

MGR 2261

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 20, 1901.

In the matter of the application of Owen Gavin for the identification of himself and eight minor children as Mississippi Choctaws.

Said Owen Gavin, being first duly sworn, states as follows:

Examination by the Commission.

- Q What is your name? A Owen Gavin.  
Q What is your age? A About thirty seven.  
Q What is your ~~post~~ post office address? A Macon, Mississippi, Neshoba County.  
Q What is your father's name? A Robert Gavin.  
Q Is he living? A No sir.  
Q What is your mother's name? A Bettie Gavin.  
Q Is she living? A Yes sir.  
Q Through which one of these parents do you claim your Choctaw ~~lx~~ blood? A Through my mother.  
Q How much do you claim? A She always said she is half.  
Q You claim how much? A One fourth.  
Q The other half is what? A White.  
Q What blood was your father? A A white man.  
Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians either by the Choctaw Tribal authorities or the authorities of the United States? A No sir.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Julia Gavin.  
Q Has she any Choctaw blood? A Yes sir.  
Q Do you make any claim for her? A No sir.  
Q What is her blood? A She is part Choctaw and part white.  
Q Has she any colored blood? A I don't know, sir, I couldn't tell that. I don't think there is any in her.  
Q Do you make any claim for your wife? A No sir.  
Q Give me the names and ages of your children? A The oldest is fifteen.  
Q What is the name? A Minnie.  
Q Next one? A Thirteen.  
Q What is the name? A Alberta.  
Q Next one? A Bobolink.  
Q How old? A Eleven.  
Q Next one? A Catherine.  
Q How old? A Nine.  
Q Next? A Lloyd.  
Q How old? A Seven.  
Q Next? A Nellie?  
Q How old? A Five.  
Q Next? A Annie.  
Q How old? A Two.  
Q Next? A About five months old.  
Q What is the name? A Logan.  
Q Is Julia the mother of all these children? A Yes sir.

Q You the father? A Yes sir.

Q Do they live with you at your home? A Yes sir.

Q Were you married under a license or according to Choctaw custom?  
A Under a license.

Q Where were you married? A In Noxubee County.

Q In what place? Capt. Rice's place.

Q Is that the town? A Macen.

Q How long ago? A About sixteen years ago.

Q Have you your marriage license and certificate with you? A No sir.

Q Would you like to present them? A Yes sir.

Q Is your name or the names of your children on any of the Choctaw Tribal rolls in Indian Territory? A No sir.

Q Have you ever made application to the Choctaw Tribal authorities in the Indian Territory to be enrolled as members of that tribe, for yourself or these children? A No sir.

Q Did you or did anyone for you or your children 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 or have your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself or children to either the Choctaw Tribal authorities or the authorities of the United States for citizenship or enrollment in the Choctaw Nation? A No sir.

Q Is this the first application of any kind you have ever made?

A Yes sir.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.

Q Do you claim your rights as beneficiaries under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Have you ever received any benefits as Choctaw Indians? A No sir.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Do you know the name or names of your ancestors who were recognized members of the Choctaw Tribe of Indians in 1830, at the time the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Tribe of Indians? A No sir.

Q Have you any documentary evidence that your ancestors were recognized members of the Choctaw Tribe of Indians in 1830? A None but what I have heard from my mother and my father.

Q Did any of your ancestors go from Mississippi or Alabama between the years 1833 and 1838 to the Choctaw Nation in Indian Territory, when the other Indians went to the Territory? A I have heard my father say that they did.

Q Who went? A My father told me that my mother's mother went from Alabama to the Indian Territory, no- she went to Virginia.

Q You never heard they went to the Territory? A No sir.

Q You don't know whether any of your people ever did go to the Territory do you? A No sir.

Q If your ancestors did not remove with the other members of the Tribe, did they within six months after the ratification of the treaty of 1830 tell the United States Indian Agent then living in Mississippi, Col. Ward, that they proposed to remain in Mississippi take land in the State of Mississippi and become citizens of the



United States? A No sir.

Q Did any of your ancestors ever claim or receive any land in Mississippi under the provisions of the 14th article of the treaty of 1830? A No sir.

Q Do you speak Choctaw? A No sir.

Q Is there anything further you want to say in support of your application? A No sir.

Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents, or any proper papers, showing that your ancestors were ever recognized members of the Choctaw Tribe of Indians in Mississippi, that they ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A

Here Mr. L. P. Hudson, attorney for applicant, requests additional time in which to file documentary evidence in support of this application.

Permission is granted Mr. L. P. Hudson, attorney for 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.

This applicant has the appearance and all the physical characteristics of one who is descended from mixed ancestry, composed of white and Choctaw blood. It seems that his claim to one fourth Choctaw blood is substantiated in a general way by his appearance. He has no knowledge of any compliance on the part of his ancestors with the provisions of the 14th article of the treaty of 1830. He does not speak the Choctaw language.

The decision of the Commission as to your application and the application you make on behalf of your eight minor children for identification as Mississippi Choctaws will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

-----  
Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 20th, 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 14th day of June, 1901, at Meridian, Mississippi.

  
Notary Public.

Washoe, Indian Territory, October 20, 1901.

Mr. Owen Gavin,

Kader,

Mississippi.

Dear Sir:-

Receipt is hereby acknowledged of your communication of October 11, 1901, in which you state that you went to Meridian, Mississippi, sometime ago, and filed your name on the roll with the Choctaw Indians for a claim in the Indian Territory, and ask to be advised if your name has been enrolled at Ardmore.

In reply to your inquiry you are advised that it appears from our records that on May 20, 1901, Owen Gavin appeared before the Commission at Meridian, Mississippi, and applied for the identification of himself and eight minor children as Mississippi Choctaws.

No action has yet been taken in regard to this application or an opinion reached. When a decision is rendered a copy of the same, stating fully therein the reasons for any action taken by the Commission will be mailed to you at your present post office address.

Yours truly,

M.C.2261.

Muskegee, Indian Territory, October 26, 1901.

Owen Gavin,

Macon, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you state that you appeared before the Commission some time ago at Meridian, Mississippi and had your name placed upon the rolls of Choctaw Indians for a claim in the Indian Territory and you now desire to be informed if your name has been enrolled at Ardmore.

Replying to your inquiry you are informed that the records of this office show that at Meridian, Mississippi, on May 20, 1901, Owen Gavin, made personal application to this Commission for the identification of himself and his eight minor children as Mississippi Choctaws.

No decision has been reached nor opinion rendered by the Commission up to this time relative to the rights of yourself and children to share in the lands of the Choctaw Nation in Indian Territory or for identification as Mississippi Choctaws. When such a decision is reached, a copy of the same stating fully therein the reason for the action of the Commission, will be mailed to you

0 0 2

at your post-office address.

We are unable to understand what you mean by being enrolled at Ardmore.

Yours truly,

-Acting Chairman.

mem 2261

Muskogee, Indian Territory, October 18, 1902.

Owen Gavin,  
Kacon, Mississippi.

Dear Sir:-

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Bettie Gavin, et al., embracing the following applications for identification as Mississippi

Choctaws:

Bettie Gavin, et al.,	M.C.R. 2209
Owen Gavin, et al.,	M.C.R. 2261
Henry Gavin, et al.,	M.C.R. 2629
Ella Nickerson, et al.,	M.C.R. 2368
Bettie Gavin, et al.,	M.C.R. 2262
Gus Gavin, et al.,	M.C.R. 2211
Maggie White, et al.,	M.C.R. 2263
Ida M. Gavin,	M.C.R. 2790
Essie Morehead,	M.C.R. 2789

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:

Owen Gavin-----2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Bettie Gavin, Patty Gavin, Essie Gavin, Owen Gavin, Minnie Gavin, Alberta Gavin, Bobolink Gavin, Catherine Gavin, Lloyd Gavin, Nellie Gavin, Annie Gavin, Logan Gavin, Henry Gavin, Arnold Gavin, Eugene Gavin, Ella Nickerson, Walter Nickerson, Maggie Nickerson, Minnie Nickerson, Moses Nickerson, Louis Nickerson, Albert Nickerson, Bettie Gavin (2), Benjamin Gavin, Frank Gavin, Kate Juanita Gavin, Johnnie Malcolm Gavin, Gus Gavin, Lula Gavin, Maggie White, Sadie May White, Joseph Elmer White, Ida M. Gavin and Essie Morehead as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Acting Chairman

Registered.

COPY

M.C.R. 2261

Muskogee, Indian Territory March 2, 1903.

Owen Gavin,  
Macon, Mississippi.

Dear Sir:

You are hereby notified that on the 20th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Bettie Gavin, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

*James R. ...*  
Chairman.

AFFIDAVIT IN SUPPORT OF THE APPLICATION

OF Owen Garvin

STATE OF Mississippi  
County of Noyah

BEFORE ME, the undersigned authority, on this day personally appeared Count Nicholson & Henry Scott of Cleptonville Miss who is 70 or 67 years of age, and who by me being first duly sworn, on their oath states that they was well acquainted with Alsey Hughes the grand mother of Owen Garvin; that the said Alsey Hughes is or was full blood Mississippi Choctaw Indian; that she spoke the Choctaw language; that her color, hair, make-up, and habits were that of a Choctaw Indian. Affiant further states that the said Owen Garvin who has applied to the Commission to the Five Civilized Tribes to be placed on the rolls of the Mississippi Choctaw Indians is reputed and considered by all who know him and his ancestors to be part Choctaw Indian, and to the best of affiant's knowledge the said Owen Garvin is a one fourth blood Mississippi Choctaw Indian, and the direct lineal decendent of Alsey Hughes the further swear that I have no interest, direct or indirect, in the application of Owen Garvin to be placed on the rolls as a Mississippi Choctaw.

WITNESS my hand this 13 day of August 1901

affiant  
Sanford Young  
H. A. Hines

Count Nicholson  
Henry Scott

SUBSCRIBED AND SWORN to before me this 13 day of Aug 1901; and I

further certify that affiant is a credible person.

G. D. Dorn  
Notary Public in and for County of Noyah  
State of Mississippi

[SEAL.]



#100

No. \_\_\_\_\_

For Identification as a Mississippi Choctaw

Date \_\_\_\_\_

Name Owen Gavin,

Age 37- Blood 1/4

Post Office Macon, Miss.

Father: Robert Gavins, <sup>white</sup> d

Mother: Bettie " 1/2 choc. l

Claims through Mother,  
wife  
Julia Gavin - choc & white.

No claim for wife -

Children:

Minnie	_____	15
Alberta	_____	13
Bobolink	_____	11
Catherine	_____	9
Lloyd	_____	7
Nellie	_____	5
Annie	_____	2
Logan	_____	5 m.

Claims for self  
and children.

Stenographer J. J. Miles

*Cwen Gavin et al*

# REFUSED

DECISION MADE BY APPLICANT.  
OCT 15 1902

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS  
OCT 15 1902

NOTICE OF DECISION FORWARDED BY ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS  
OCT 15 1902

RECORD FORWARDED DEPARTMENT.  
NOV - 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.  
FEB 20 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.  
MAR 5 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.  
MAR 5 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED BY ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.  
MAR 5 1903

REFER TO M. C. R.

Choctaw MCR 2262

MCR 2262

Bettie Gavin

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES?  
Meridian, Mississippi, May 20th, 1901.

In the matter of the application of Bettie Gavin for the identification of herself and four minor children as Mississippi Choctaws.

Said Bettie Gavin, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Bettie Gavin.  
Q What is your age? A About twenty-eight years, I reckon.  
Q What is your postoffice address? A Columbus, Mississippi.  
Q How long have you lived there? A I have been there, I reckon, about four years.  
Q Where did you live before you lived there? A Oxford County, Mississippi.  
Q Were you born there? A Yes sir.  
Q Always lived in Mississippi? A Yes sir.  
Q What is your father's name? A Bob Gavin.  
Q Is he living? A No sir.  
Q What is your mother's name? A Bettie Gavin.  
Q Is she living? A Yes sir.  
Q Through which one of your parents do you claim your Choctaw blood?  
A Mother.  
Q How much do you claim? A One quarter.  
Q What was your father's blood? A White man.  
Q What was your mother's? A Half Choctaw and half Yankee.  
Q Was she part white? A Yes sir.  
Q She is half Choctaw, what was the other half? ~~half white~~  
A Half white.  
Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the authorities of the United States? A No sir.  
Q Are you married? A No sir.  
Q Do you make application for yourself alone? A For myself and my children.  
Q What is the name of your oldest child? A Benjamin.  
Q Benjamin Gavin? A Yes sir.  
Q How old is Benjamin? A Seven years old.  
Q The next? A Frank.  
Q Gavin? A Yes sir.  
Q How old? A Five.  
Q The next? A Kate Juanita.  
Q How old is she? A Three years old.  
Q The next? A Johnnie Malcolm.  
Q How old? A One year and seven months.  
Q Do you know who the father of these children is? A Yes sir.  
Q What is his name? A J. B. Shaw.  
Q What is his blood? A White man.  
Q You never were married to him? A No sir.  
Q These children then claim through you? A Yes sir.  
Q Do you take care of them? A He takes care of them.

Q Are you and he living together? A Yes sir, we stay in the same town.

Q Do you stay in the same house? A Yes sir.

Q Did you use to live together? A No sir, not more than in the same town.

Q You are living together now as you always did? A Yes sir.

Q He has the custody of the children? A Yes sir.

Q Do you do anything for them? A Yes sir.

Q You take care of them from time to time as you are able to?

A He does the principal part.

Q Is he a married man? A No sir.

Q Does he furnish the home for you and these children? A Yes sir.

Q They are at your home and he is supporting you at your home?

A Yes sir.

Q Is your name or the names of your children 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 for yourself and children in the Indian Territory to be enrolled members of the Choctaw Tribe? A No sir.

Q Did you or did anyone for you or your children in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself or children to either the Choctaw Tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Is this the first application you have ever made of any description? A Yes sir.

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

Q Do you claim this right for yourself and children as beneficiaries under the provisions of the 14th article of the treaty of 1830?

A Yes sir.

Q Have you or did any of your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give the name of your ancestor or ancestors who were recognized members of the Choctaw Tribe of Indians in Mississippi in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Indians? A No sir.

Q Have you any evidence showing that any of your mother's people were recognized members of the Choctaw Tribe of Indians in 1830?

A My mother always taught me that.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent living in Mississippi that they proposed to remain in Mississippi, take land in that State and become citizens of the United States?

A No sir, I don't know.

Q Did any of your ancestors remove from the territory occupied by the Choctaw Tribe of Indians in Mississippi or Alabama and go to the present Choctaw Nation in Indian Territory when the other Indians removed, between the years 1833 and 1838?

A I don't know, sir.

Q Have any of your ancestors ever claimed or received any land in Mississippi under article 14 of the treaty of 1830? A No sir.

Bettie Gavin et al---3

Q Do you speak Choctaw? A No sir.

Q Are there any additional statements you desire to make in support of this application? A No sir.

Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents, or any proper papers, showing that your ancestors were ever recognized members of the Choctaw Tribe of Indians in Mississippi, that they ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A

Here Mr. L. P. Hudson, attorney for applicant, requests addition time in which to file documentary evidence in support of this application.

Permission is granted Mr. L. P. Hudson, attorney for 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 Do you know whether any of your people, your kin, your father or mother were ever slaves? A No sir, never were slaves.

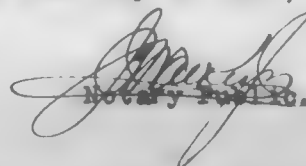
This applicant has the appearance and physical characteristics of mixed white and Indian ancestry. Olive complexion, straight black hair, black eyes and thin features. Her physical appearance would indicate that the quantity of Choctaw blood which she claims in her testimony is substantially correct. She has no knowledge of any compliance by her ancestors with the provisions of article 14 of the treaty of 1830. She does not speak the Choctaw language.

The decision of the Commission as to your application and the application you make of behalf of your four minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

-----  
Ira S. Miles, 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 cause, heard at Meridian, Mississippi, May 20th, 1901, and that the above and foregoing is a full, true and correct copy of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 14th day of June, 1901, at Meridian, Mississippi.

  
Notary Public.

M.C.R. 2262

Muskogee, Indian Territory, October 18, 1902.

Bettie Gavin,  
Columbus, Mississippi.

Dear Madam:-

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Bettie Gavin, et al., embracing the following applications for identification as Mississippi

Choctaws:

Bettie Gavin, et al.,	M.C.R. 2209
Owen Gavin, et al.,	M.C.R. 2261
Henry Gavin, et al.,	M.C.R. 2629
Ella Nickerson, et al.,	M.C.R. 2365
Bettie Gavin, et al.,	M.C.R. 2262
Gus Gavin, et al.,	M.C.R. 2211
Maggie White, et al.,	M.C.R. 2263
Ida H. Gavin,	M.C.R. 2790
Essie Morehead,	M.C.R. 2789

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 496) which is as follows:

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

Said decision concludes as follows:

Bettie Gavin--- ----- -2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Bettie Gavin, Patty Gavin, Essie Gavin, Owen Gavin, Minnie Gavin, Alberta Gavin, Bobolink Gavin, Catherine Gavin, Lloyd Gavin, Nellie Gavin, Annie Gavin, Logan Gavin, Henry Gavin, Arnold Gavin, Eugene Gavin, Ella Nickerson, Walter Nickerson, Maggie Nickerson, Minnie Nickerson, Moses Nickerson, Louis Nickerson, Albert Nickerson, Bettie Gavin (2), Benjamin Gavin, Frank Gavin, Kate Juanita Gavin, Johnnie Malcolm Gavin, Gus Gavin, Lula Gavin, Maggie White, Sadie May White, Joseph Elmer White, Ida M. Gavin and Essie Morehead as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Acting Chairman

Registered.



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

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2262

ALLISON L. AYLESWORTH,  
SECRETARY

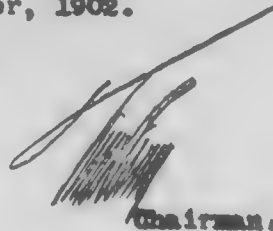
Muskogee, Indian Territory, March 5, 1903.

Bettie Gavin,  
Columbus, Mississippi.

Dear Madam:

You are hereby notified that on the 20th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Bettie Gavin, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,



Chairman.

AFFIDAVIT IN SUPPORT OF THE APPLICATION

OF Bettie Gavin Jr

STATE OF Mississippi }  
County of Noxubee }

BEFORE ME, the undersigned authority, on this day personally appeared Comt Nicholas & Henry Scott of Cleptonville who is 70 & 67 years of age, and who by me being first duly sworn, on his oath states that they were well acquainted with Alsey Hughes the grand mother of Bettie Gavin Jr; that the said Alsey Hughes is or was free blood Mississippi Choctaw Indian; that he spoke the Choctaw language; that his color, hair, make-up, and habits were that of a Choctaw Indian. Affiant further states that the said Bettie Gavin Jr who has applied to the Commission to the Five Civilized Tribes to be placed on the rolls of the Mississippi Choctaw Indians is reputed and considered by all who know her and her ancestors to be part Choctaw Indian, and to the best of affiant's knowledge the said Bettie Gavin Jr is a one fourth blood Mississippi Choctaw Indian, and the direct lineal decedent of Alsey Hughes further swear that we have no interest, direct or indirect, in the application of Bettie Gavin Jr to be placed on the rolls as a Mississippi Choctaw.

WITNESS my hand this 13<sup>th</sup> day of August 1901  
Allest  
H. A. Hines  
R. A. Marshall

Comt Nicholas  
Henry Scott

SUBSCRIBED AND SWORN to before me this 13 day of August 1901; and I further certify that affiant is a credible person.

J. S. Dwork  
Notary Public in and for County of Noxubee  
State of Mississippi

[SEAL.]

#631

No. 2002

For Identification as a Mississippi Choctaw.

Date MAY 20 1901

Name Bettie Gavin,

Age 28 Blood 1/4

Post Office Columbus, Miss.

Father: <sup>Case J. B. S. Shaw.</sup> Bob Gavin, w. d

Mother: Bettie Gavin 1/2 Choctaw

Claims through mother

Claims for self  
and children.

Children:

Benjamin Gavin 7

Frank " 5

Kate Juanita - 3

Johnnie Malcolm 19m  
(Malcolm.)

J. B. S. Shaw, father - white,  
illegitimate children - claims  
presented by their mother.

Stenographer L. S. Miles

*Bettie Gavin et al*

# REFUSED

DECISION ... 1902  
NOTICE OF DECISION MAILED APPLICANT.

OCT 18 1902

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS

OCT 18 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 18 1902

RECORD FORWARDED DEPARTMENT.

NOV - 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 20 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 5 1903

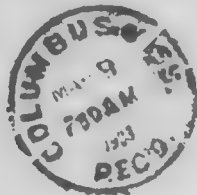
NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

MAR 5 1903

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

MAR 5 1903

REFER TO M. C. R. 2262

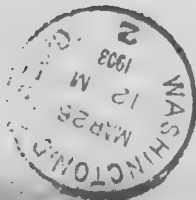


DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

APR 2 1903

CHAIRMAN.



*File*

2262



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300

MA 26  
6 PM

COLUMBUS  
MAR 24  
1895

Bettie Gavin

Columbus

Miss

Choctaw MCR 2263

Maggie White

MCR 2263

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 20th, 1901.

In the matter of the application of Maggie White for the identification of herself and two minor children as Mississippi Choctaws.

Said Maggie White, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Maggie White.
- Q How old are you? A Twenty four; I was born in 1876.
- Q What is your postoffice address? A Macon, Mississippi.
- Q How long have you lived there? A Born and raised there.
- Q What is your father's name? A Bob Gavin.
- Q Is he living? A No sir.
- Q What is your mother's name? A Bettie Gavin.
- Q Is she living? A Yes sir.
- Q Through which one of your parents do you claim your Choctaw blood?  
A Mother.
- Q How much do you claim? A She is one half Choctaw.
- Q And you how much? A One fourth.
- Q What was your father's blood? A White man.
- Q You have no negro blood, have you? A No sir.
- Q Has your parent, your mother, through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the authorities of the United States? A I don't know.
- Q Are you married? A Yes sir.
- Q Do you make application for your husband? A No sir.
- Q You have children? A Yes sir.
- Q What is your husband's name? A Joe White.
- Q What is his blood? A Seven-eighths white.
- Q And what is the other eighth? A Indian, Choctaw, though he don't put in his name.
- Q What are the names and ages of your children? A Sadie May White, four years old.
- Q The other? A Joseph Elmer White.
- Q How old? A Three months old.
- Q Is Joe White the father of these children? A Yes sir.
- Q You the mother? A Yes sir.
- Q Are they living with you at your home? A Yes sir.
- Q Were you married under a license? A Yes sir.
- Q Where were you married? A Macon.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know, sir.
- Q Have you ever made application to the Choctaw Tribal authorities in Indian Territory for yourself or your children to be enrolled as citizens of the Choctaw Nation? A No sir.
- Q Did you or did anyone for you or for them 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 Dawes Commission, the Choctaw Tribal authorities or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time to either the Choctaw Tribal authorities, the authorities of the United States for citizenship in the Choctaw Nation? A No sir.

Q Is this the first application you have ever made for yourself or children? A Yes sir.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.

Q Do you claim your rights as beneficiaries for yourself and children under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Have you or have your ancestors, any of them, received any benefits as Choctaw Indians? A No sir.

Q Can you give the name of any of your ancestors who were recognized members of the Choctaw Tribe of Indians in Mississippi in 1830 when the Treaty of Dancing Rabbit Creek was entered into between the Choctaws and the United States Government? A No sir.

Q Have you any documentary proof that your ancestors were at that time recognized members of the Choctaw Tribe? A No sir.

Q Did any of your ancestors remove from Alabama or Mississippi with the other Indians and go to the Indian Territory between the years 1833 and 1838? A No sir, I don't know.

Q Did any of your ancestors go to the United States Indian Agent in Mississippi, within six months after the ratification of the treaty of 1830, and declare their intention to remain in Mississippi take land in the State of Mississippi and become citizens of the United States? A I don't know, sir.

Q Did any of your ancestors ever receive or claim any land in Mississippi under article 14 of the treaty of 1830? A I don't know.

Q Do you speak the Choctaw language? A No sir.

Q Is there anything further you want to state in support of your application? A No sir.

Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents, showing that your ancestors were ever recognized members of the Choctaw Tribe of Indians in Mississippi, that they ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A

Here Mr. L. P. Hudson, attorney for applicant, requests additional time in which to file written evidence in support of this application.

Permission is granted Mr. L. P. Hudson, attorney for 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.

This applicant has the appearance and physical characteristics of a descendant of parents claiming white blood and partly Choctaw. Her appearance would indicate that her claim of having one fourth Choctaw blood is sustained in her general appearance. She has long, straight, black hair and features having more Choctaw Indian characteristics than white. She has no knowledge of the compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830. She cannot speak the

Maggie White et al---3

Choctaw language.

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 determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your post office address as given ~~you~~ in your testimony at this time.

-----

Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 20th, 1901, and that the above and preceding is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Niles*

Subscribed and sworn to before me this the 14th day of June, 1901, at Meridian, Mississippi.

*[Signature]*  
Notary Public.

Muskogee, Indian Territory, October 18, 1902.

Maggie White,

Macon, Mississippi.

Dear Madam:-

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Bettie Gavin, et al., embracing the following applications for identification as Mississippi

Choctaws:

Bettie Gavin, et al.,	M.C.R. 2209
Owen Gavin, et al.,	M.C.R. 2261
Henry Gavin, et al.,	M.C.R. 2629
Ella Nickerson, et al.,	M.C.R. 2365
Bettie Gavin, et al.,	M.C.R. 2262
Gus Gavin, et al.,	M.C.R. 2211
Maggie White, et al.,	M.C.R. 2263
Ida M. Gavin,	M.C.R. 2790
Essie Morehead,	M.C.R. 2789

These applications were made under the provision of the act of Congress of June 29, 1898 (30 Stats. 495) which is as follows:

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

Said decision concludes as follows:

Maggie White----- -2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Bettie Gavin, Patty Gavin, Essie Gavin, Owen Gavin, Minnie Gavin, Alberta Gavin, Bobolink Gavin, Catherine Gavin, Lloyd Gavin, Nellie Gavin, Annie Gavin, Logan Gavin, Henry Gavin, Arnold Gavin, Eugene Gavin, Ella Nickerson, Walter Nickerson, Maggie Nickerson, Minnie Nickerson, Moses Nickerson, Louis Nickerson, Albert Nickerson, Bettie Gavin (2), Benjamin Gavin, Frank Gavin, Kate Juanita Gavin, Johnnie Malcolm Gavin, Gus Gavin, Lula Gavin, Maggie White, Sadie May White, Joseph Elmer White, Ida M. Gavin and Essie Morehead as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Wm. C. Cady,  
Acting Chairman

Registered.

0027

M.C.N. 2263

Muskogee, Indian Territory, March 5, 1903:

Maggie White,  
Macon, Mississippi.

Dear Madam:

You are hereby notified that on the 20th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Bettie Gavin, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

*Tamc Dixby.*  
Chairman.

*Maggie White et al*

# REFUSED

DECISION RENDERED BY THE COMMISSIONER OF LANDS AND MINES FOR APPLICANT.  
OCT 18 1902

NOTICE OF DECISION FORWARDED TO ATTORNEY FOR APPLICANT.  
OCT 18 1902

RECORDS OF THE COMMISSIONER OF LANDS AND MINES FOR THE STATE OF MISSISSIPPI.  
OCT 18 1902

RECORDS FORWARDED TO THE DEPARTMENT OF THE INTERIOR.  
NOV - 3 1902

RECORDS OF THE DEPARTMENT OF THE INTERIOR.  
FEB 20 1903

NOTICE OF DECISION RENDERED BY THE COMMISSIONER OF LANDS AND MINES FOR APPLICANT.  
MAR 5 1903

RECORDS OF THE DEPARTMENT OF THE INTERIOR FORWARDED TO THE COMMISSIONER OF LANDS AND MINES.  
MAR 5 1903

NOTICE OF DECISION RENDERED BY THE COMMISSIONER OF LANDS AND MINES FOR CHOCTAW AND CHICKASAW NATIONS.  
MAR 5 1903

#632

No. 12345

For Identification as a Mississippi Choctaw.

Date MAY 20 1901

Name Maggie White

Age 24 - Blood  $\frac{1}{4}$

Post Office Macon, Miss

Father: Bob Gavin, w. d

Mother: Bettie " l

Claims through mother  $\frac{1}{2}$

Husband Joe White, w.  $\frac{7}{8}$  Ind.  $\frac{1}{8}$

No claim for husband

Children:

Sadie May White 4

Joseph Elmer " 3 m.

Claims for her-  
self and children

Stenographer

J. A. Miles

Choctaw MCR 2264

Lula Logan

MCR 2264.



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

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In the matter of the application of Lula Logan,  
et al., for identification as Mississippi Choctaws, M C R 2264.

-----  
List of papers forwarded to the Secretary of the Interior, comprising the record in the case of Lula Logan, et al.

	Page.
Original application of Lula Logan, et al., before the Commission for identification as Mississippi Choctaws .....	1
Affidavit of Mrs. Mary K. Wood .....	4
Affidavit of Price Ray .....	5
Decision of the Commission refusing the application of Lula Logan, et al., for identification as Mississippi Choctaws .....	6

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

-----:-----

In the matter of the application of Lula Logan,  
et al., for identification as Mississippi Choctaws, M C R 2264.

-----  
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	Page.
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Affidavit of Price Ray .....	5
Decision of the Commission refusing the application of Lula Logan, et al., for identification as Mississippi Choctaws .....	6

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 20th, 1901.

In the matter of the application Of Lula Logan for the identification of herself and her three minor children as Mississippi Choctaws.

Said Lula Loga, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q Q What is your name? A Lula Logan.  
Q What is your age? A Thirty seven.  
Q What is your postoffice address? A Meridian, Mississippi.  
Q What is the street and number? A 3711 Davis Street.  
Q How long have you lived in Mississippi? A Been here eleven years.  
Q Where did you live before you lived in Mississippi? A Vance Station.  
Q In Alabama? A Yes sir.  
Q Where were you born? A Alabama, about eight or nine miles from Woodstock Station.  
Q You lived in Alabama until you came to Mississippi, about eleven years ago? A Yes sir.  
Q What was your father's name? A Dr. John Ray.  
Q Is he dead? A Yes sir.  
Q Is your mother dead? A Yes sir.  
Q What was her name? A Amanda Ray.  
Q Through which one of your parents do you claim Choctaw blood?  
Q My grandmother.  
Q Through which of your parents? A Through my mother.  
Q Was your father a negro? A Yes sir, he was mixed.  
Q He had no Choctaw blood, did he? A No sir.  
Q Your mother had how much Choctaw blood? A Well, a fourth I believe; my grandmother was half.  
Q How much do you claim? A One eighth.  
Q Then you have one eighth Choctaw blood and the rest of it is colored? A Yes sir.  
Q Were either of your parents slaves? A Yes sir, my mother was.  
Q Was your father? A I don't think he was.  
Q Has your mother, through whom you claim right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the authorities of the United States? A My mother came back to this State to look up her relation but failed to find them owing to her illness, she didn't have a well day after she was here; she was unable to find them.  
Q She didn't go to the Territory did she? A No sir.  
Q Are you married? A Yes sir.  
Q Have you children you want to make application for? A Yes sir.  
Q What is your husband's name? A Robert Logan.  
Q What is his blood, is he a colored man? A Yes sir, he is half and half, half white.  
Q You make no claim for him? A No sir.  
Q Give me the name of your oldest child? A Georgiæ E. Logan.  
Q How old is he? A Twenty.  
Q What is the name of the next? A Gertrude.

Q How old is she? A Eighteen.

Q Next? A Frederick Douglas.

Q How old? A Seventeen months old.

Q Is Robert Logan the father of these children? A Yes sir.

Q Are you the mother? A Yes sir.

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

Q You were married, I suppose, under a license? A Yes sir.

Q About how long ago? A Been married, this last Christmas, 21 years ago.

Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know, sir.

Q You never put them on? A 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 You never made application for the children? A No sir.

Q Did you or did anyone for you in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q This application was not made for your children? A No sir.

Have you ever made application, or anyone for you or for your children before this time to either the Choctaw Tribal authorities or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q This is the first application you have ever made of any description? A Yes sir.

Q Is it now your purpose to make application for yourself and children as Mississippi Choctaws? A Yes sir.

Q Do you claim your right for yourself and children as beneficiaries under the provisions of the 14th article of the treaty of 1830?

A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir, not as I know of.

Q Can you give the name of any of your ancestors who were residents of the old Choctaw Nation in Mississippi in 1830, when the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Tribe of Indians? A No sir, I don't know no further back than my grandmother.

Q Have you any evidence showing that your ancestors were ever recognized members of the Choctaw Tribe of Indians in 1830? A No sir, I have no evidence no more than Mr. Ray and my mother was reared up together; he knew my grandmother and mother; he is an old gentleman. That is the only evidence I have.

Q Did any of your ancestors remove from Mississippi or Alabama and go to the Choctaw Nation in Indian Territory between the years 1833 and 1838 when the other Indians went there? A I do not know, sir. My grandmother gone somewhere. She lived here. My mother heard she was in Louisiana.

Q You don't know whether she went to the Territory? A No sir.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent who lived in Mississippi at that time that they proposed to stay in Mississippi and take land here and become citizens of the United States? A No sir, I do not know.

Q Did any of your ancestors receive any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A No sir.

Q Do you speak the Choctaw language? A No sir.

Lula Logan et al---3

Q Is there anything further you want to say in support of your application? A If I haven't got enough proof, of course I would like to get in more before you close and I could write to Mr. Ray and have him to have it sworn to.

Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents, or any proper papers, showing that your ancestors were ever recognized members of the Choctaw Tribe of Indians, that they ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that they ever received any benefits under that article of that treaty?

The applicant requests additional time in which to file documentary evidence in support of this application.

Permission is granted the applicant to file written evidence in support of this application, provided the same is offered for filing with the Commission within thirty days from the date hereof.

This applicant has the physical characteristics of an Indian to a large extent, and some indication of negro blood. Her hair shows more of the negro strain, being curly. She has no knowledge of the compliance on the part of her ancestors with the provisions of the 14th article of the treaty of 1830. She does not speak the Choctaw language.

The decision of the Commission as to your application and the application you make on behalf of your three minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

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Ira G. Miles, 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 cause, heard at Meridian, Mississippi, May 20th, 1901, and that the above and preceding 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 13th day of June, 1901, at Meridian, Mississippi.

  
Notary Public.

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

*E. H. C. W.*

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In the matter of the application of Lula Logan, et al.,  
for identification as Mississippi Choctaws, M C R 2264.

DECISION.

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Lula Logan for herself and her three minor children, Georgie E., Gertrude, and Frederick Douglas Logan, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

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

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

descendants of one Katherine Mollath, who is alleged to have been a half blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that 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 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 Katherine Mollath, 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, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lula Logan, Georgie E. Logan, Gertrude Logan and Frederick Douglas Logan as Choctaw Indians entitled to rights in the Choctaw

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

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tame Bibby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Washington, Indian Territory.

DEC 5 1907



COPY.

Muskogee, Indian Territory, December 5, 1902.

Mansfield, McMurray & Cornish,

Attorneys for 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 Lula Logan, 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).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lula Logan, Georgie E. Logan, Gertrude Logan and Frederick Douglas Logan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eight hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

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

Respectfully,

*J. J. Dickson*

Acting Chairman.

CO:

Muskogee, Indian Territory, December 5, 1902.

Lula Logan, *Remailed on Apr. 24/03 to Laurel, Miss.*  
3711 Davis street,  
Meridian, Mississippi.

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 Lula Logan, 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 Lula Logan, Georgie F. Logan, Gertrude Logan and Frederick Douglas Logan 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 days from the date hereof within which to file arguments in this

L L 2.

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) *Tamio Dixby.*

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Lula Logan, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 5, 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,

Through the  
Commissioner of Indian Affairs.

*James S. [unclear]*  
Acting Chairman.

Enc. M. C. R. 2264

( COPY )

DEPARTMENT OF THE INTERIOR,

RAF

D.C. 9004-1903.  
I.T.D. 2486-1903.

Washington, March 28, 1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

December 22, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Lula Logan and her minor children, Georgie E., Gertrude and Frederick Douglas Logan, including your decision of December 5, 1902, refusing the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Katherine McMath, alleged to have been a half blood Choctaw Indian, and her daughter, Amanda Ray.

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 said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

2.

Reporting February 28, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department finds no reason to modify your decision and it is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

( COPY )

Refer in reply to the following:  
Land 76259--1902.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, February 28, 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 Lula Logan, for herself and her three minor children, Georgie E., Gertrude and Frederick Douglas Logan, for identification as Mississippi Choctaws, 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 applicants base their claim to identification under this application, on their descent from Katherine McMath, who it is alleged was a Choctaw Indian in the Choctaw Nation, in Mississippi, at the time of the

making of the Choctaw Treaty of 1830, through Amanda Ray, her daughter.

The commission rejected the applicants December 5, 1902, because the names of their ancestors through whom they claim do 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 applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Katherine McMath, and Amanda Ray, and it is discovered that their names do not appear among those who complied or attempted to comply with the 14th article of the said treaty; neither does it appear that they applied to the commissions appointed to adjudicate the claims of those having rights as Choctaw Indians.

These being the facts it is respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

C.T.C.(E.)



COPY.

Muskogee, Indian Territory, April 7, 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 application for identification as Mississippi Choctaws of the several persons included in the case of Lula Logan et al., of which decision you were advised by mail on the 5th day of December 1902.

Respectfully,

(SIGNED):

*C. R. Breckinridge.*  
Commissioner in Charge.

M C R 2264

COPY.

Muskogee, Indian Territory, April 7, 1903.

Lula Logan,  
3711 Davis St.  
Meridian, Mississippi.

Dear Madam:

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 application for identification as Mississippi Choctaws of the several persons included in the case of Lula Logan et al., of which decision you were advised by registered mail on the 5th day of December 1902.

Respectfully,

SIGNED,

*C. R. Brockbridge.*  
Commissioner in Charge.

Muskogee, Indian Territory, April 24, 1903.

Lula Logan,  
c/o Laurel Bottling Works,  
Laurel, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 17th instant, in which you state "Your notification of the 7th of April to hand. I notice that you speak of a registered letter that was sent me on the 5th of December. This letter I have never gotten."

In reply you are informed that said letter was returned to this office as "unclaimed," and has this day been remailed to you at Laurel Mississippi.

Respectfully,

Chairman.

ON AS  
A MISSISSIPPI CHOCTAW.

R. 2261

*Lila Logan et al*

**REFUSED**

RENDERED. DEC 5 1902

NOTICE OF DECISION MAILED APPLICANT, DEC 5 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS, DEC 5 1902

RECORD FORWARDED DEPARTMENT, DEC 22 1902

ACTION APPROVED BY SECRETARY OF INTERIOR, MAR 28 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT, APR 7 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS, APR 7 1903

DECISION PREPARED

#1633

No. 2011

For Identification as a Mississippi Choctaw.

Date MAY 20 1901

Name Lula Logan.

Age 37 - Blood  $\frac{1}{8}$

Post Office Meridian, Miss.  
3711 Lewis St.

Father; John Ray (negro.), d

Mother: Amanda "  $\frac{1}{4}$  - d

\*Claims through Mother - \*  
Husband  
Robert Logan,  $\frac{1}{2}$  w.  $\frac{1}{2}$  n.

No claim for husband

Children:

Georgie (boy) 20

Gertrude - 18

Fredrick Douglas 17 m

Claims for self  
and children -

Stenographer I. J. Niles

Choctaw MCR, 2265

Fannie Bonner

MCR 2265

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Fannie Bonner, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Fannie Bonner,	M C R 2265
William Jenkins,	" 2554

List of papers forwarded to Secretary of the Interior comprising the record in the consolidated case of Fannie Bonner, et al.

Original application of Fannie Bonner to the Dawes Commission for identification as a Mississippi Choctaw.....	1
Joint affidavit of J. S. and S. L. Braswell.....	4
Original application of William Jenkins to the Dawes Commission for identification as a Mississippi Choctaw.....	5
Decision of the Commission refusing the applications in the consolidated case of Fannie Bonner, et al., applicants for identification as Mississippi Choctaws.....	8

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 20th, 1901.

In the matter of the application of Fannie Bonner for  
identification as a Mississippi Choctaw.

Said Fannie Bonner, being first duly sworn, testified as  
follows:-

Examination by the Commission.

- Q What is your name? A Fannie Bonner.  
Q What is your age? A About 59 or 60.  
Q What is your postoffice address? A Cocoa.  
Q Alabama? A Yes sir.  
Q How long have you lived there? A Been living there about thirty  
years.  
Q Where did you live before you lived there? A Lived at Shubuta,  
Mississippi.  
Q Were you born in Mississippi? A No sir, born in Barber County,  
Alabama.  
Q Then you moved to Mississippi? A Yes sir, moved from Barber  
County to Choctaw, been here ever since.  
Q What is your father's name? A William Rostick.  
Q Is he living or dead? A Dead.  
Q Is your mother dead? A Yes sir.  
Q What was her name? A Charity.  
Q Through which one of these parents do you claim Choctaw blood?  
A I claim by both.  
Q How much Choctaw blood did William Rostick have? A The white  
folks say half but I believe he was whole. He was a free Indian.  
Q What makes you think he was full blood? A Because I see  
all these full blood Indians walking about free.  
Q Did he have straight black hair? A Yes sir.  
Q Did he have thick lips? A I don't know.  
Q Did he look more like a colored man or an Indian? A He looked  
like an Indian.  
Q Would you swear he was a full blood? A No sir, I wouldn't swear  
Q Do you think so? A I think so, but I couldn't swear it.  
Q How much Choctaw blood did your mother have? A It was put on  
paper I brought here, they said one quarter.  
Q What was the other blood? A Negro? A No sir, I don't think  
there was any negro about her.  
Q Don't you think you have negro blood in your veins? A Well, I  
don't know.  
Q What blood do you think you have? A Creole and Indian.  
Q You think you have some negro? A Yes sir, always went for one.  
Q How much Choctaw blood do you claim now? A I claim half, I  
believe my father and mother was both half.  
Q Have your parents, through whom you claim your right to identifica-  
tion as a Mississippi Choctaw, ever been recognized in any manner  
or enrolled as members of the Choctaw Tribe of Indians by the  
Choctaw Tribal authorities or by the authorities of the United  
States? A No sir.  
Q Are you married? A I have been married.  
Q Are you a widow now? A Yes sir.  
Q You have no children under 21 years of age? A No sir.



Q You are making application for yourself alone, are you? A Yes sir.

Q Is your husband a colored man? 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 You say your father was not a slave? A He wasn't a slave as I know of.

Q Was your mother a slave? A Yes sir.

Q What was her master's name? A Davis.

Q Where was she a slave, in what State? A Alabama.

Q Were you ever a slave? A Yes sir.

Q You were liberated during the war or after the war? A I was a young woman, grown, just about when the war started.

Q After that you were liberated? A Yes 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 anyone for you in 1896, under the Act of Congress of June 10, 1896, make application to the Dawes Commission for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory?

A No sir.

Q Have you ever made application before this time to either the Choctaw Tribal authorities or to the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation?

A No sir.

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

Q Do you claim your right as a beneficiary under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Do you speak Choctaw? A No sir.

Q You don't understand it? A No sir.

Q Can you give me the name of any of your ancestors who lived in Mississippi or Alabama in 1830, and were recognized members of the Choctaw Tribe of Indians at that time, when the treaty between the United States Government and the Choctaw Tribe of Indians was ratified? A I don't know.

Q Have you any evidence showing that such ancestors were recognized members of the Choctaw Tribe of Indians in 1830? A No sir.

Q Did these ancestors of yours remove from Mississippi or Alabama and go to the Indian Territory with the other Indians between the years 1833 and 1838? A No sir, not that I know of.

Q If they did not remove with the other Indians, did they, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent of the Choctaws in Mississippi their intention to remain in Mississippi and take land there and become citizens of the United States? A No sir, I don't know.

Q Did any of your ancestors claim or receive any land in Mississippi under the provisions of the 14th article of the treaty of 1830?

A I don't know.

Q Are there any additional statements you want to make now in support part of your application? A No sir.

Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents, or any proper papers showing that your ancestors were ever recognized members of the Choctaw Tribe of Indians in Mississippi or Alabama, that they ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830?

Fannie Bonner---3

title of the treaty of 1830, or that they ever received any benefits under that article of that treaty?

Here Mr. L. P. Hudson, attorney for applicant, requests additional time in which to file documentary evidence in support of this application.

Permission is granted Mr. L. P. Hudson, attorney for 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.

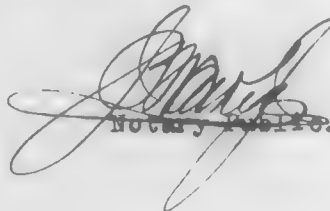
This applicant has the appearance and physical characteristics of a person descended from negro and Choctaw parentage. Her features have more of the indication of an Indian than a negro. Her hair is slightly curly, not very much so. She has thin lips and thin nose and small thin ears. She has no knowledge of any compliance on the part of her ancestors with the provisions of article 14 of the treaty of 1830. She does not speak the Choctaw language.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the ~~14th~~ 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

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Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 20th, 1901, and that the above and preceding 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 13th day of June, 1901, at Meridian, Mississippi.



Notary Public.

CCCC  
COW.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----|-----

In the matter of the application of Fannie Bonner, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Fannie Bonner,	M C R 2265
William Jenkins,	" 2554

--: 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 Fannie Bonner for herself, and by William Jenkins for himself, 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 both of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between

the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of William Rostick (or Rosstick) and Charity Davis, who are alleged to have been Choctaw Indians (degree of blood not positively shown).

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 William Rostick (or Rosstick), or Charity Davis, 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., 189), 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 Fannie Bonner and William Jenkins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Tams Bixby.

Acting Chairman.

RECEIVED

T. B. Needles.

Commissioner.

RECEIVED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

NOV 29 1902

COPY

M. C. R. 2265.

Muskogee, Indian Territory, November 29, 1902.

Fannie Bonner,  
Cocca, Alabama.

Dear Madam:-

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

Fannie Bonner,  
William Jenkins,

M. C. R. 2265  
M. C. R. 2564

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 Fannie Bonner and William Jenkins 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."

F. B. 2.

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

Respectfully,

SIGNED

*James Dickey*

Acting Chairman.

Registered.

COPY.

M.C.R. 2265

Muskogee, Indian Territory, November 29, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South Mc Alester, Indian Territory.

Gentlemen:-

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

Fannie Bonner,  
William Jenkins,

M.C.R. 2265  
" 2554

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Bonner and William Jenkins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments, will be



M., McM., & C. 2.

forwarded for review to the Secretary of the Interior through the  
Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tame Dink*

Acting Chairman.

COPY.

Muskegee, Indian Territory, December 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Fannie Bonner, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of November 29, 1902.

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

Fannie Bonner,  
William Jenkins,

M.C.R. 2265  
M.C.R. 2554

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,

W. H. H. H.

Through the  
Commissioner of Indian Affairs.  
Enc. M.C.R. 2265

Acting Chairman.

C O P Y

D.C. 5900

DEPARTMENT OF THE INTERIOR

ITD 1330- 1903

Washington

EAF

L.R.S.

February 25, 1903

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

Gentlemen:

December 15, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of Fannie Bonner and of William Jenkins, including your decision of November 29, 1902, adverse to the applicants.

They claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of William Rostick (or Rosstick) and Charity Davis, 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 said article 14, or with either of the acts of March 3, 1837, ( 5 Stat. 180) and August 23, 1842( 5 Stat. 513).

Reporting February 6, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

-2-

There appearing to be no reason to modify your decision,  
it is hereby affirmed.

Respectfully

(Signed) Thos Ryan

Acting Secretary

1 inclosure

C O P Y

DEPARTMENT OF THE INTERIOR

Land

OFFICE OF INDIAN AFFAIRS

74934-- 1902

WASHINGTON, February 6, 1903

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the consolidated application of the following parties: Fannie Bonner for herself, and William Jenkins, for himself, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on November 29, 1902.

The testimony in this case shows that the applicants base their claims to identification as Mississippi Choctaws under this application, because of their descent from William Rostick, and Charity Davis. They claim that their ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi or Alabama, at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the names of the parties through whom they claim do not appear among the names of those who complied or attempted to comply with the provisions

of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to William Rostick and Charity Davis, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

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

Very respectfully,

(Signed) A. C. Tonner,  
Acting Commissioner

E.B.H. (E)

COPY.

Muskogee, Indian Territory, March 12, 1903.

Fannie Bonner,

Cocoa, Alabama.

Dear Madam:

You are hereby notified that on the 25th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Fannie Bonner, et al., of which decision you were advised by registered mail on the 29th day of November, 1902.

Respectfully,

*Tavis Bixby*  
Chairman.

COPY.

M.C.R. 2265.

Muskogee, Indian Territory, March 12, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 25th day of February, 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 Fannie Bonner, et al., of which decision you were advised by mail on the 29th day of November, 1902.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.



Consolidated Case  
of  
Fannie Bonner

2265

Card No. NAME RESIDENCE DISTRICT POST OFFICE Age Sex

William Posticks (bro of F.)

MIR  
2265

Fannie Broswell 59- $\frac{1}{2}$   
\*  
slave

MIR  
2554

William Jenkins 33- $\frac{1}{4}$

lived with

Charity Davis  $\frac{1}{4}$  or  $\frac{1}{2}$   
(slave) dead

Master's name Davis

lived with

Jon Jenkins  
-w-  
+ ~~1st~~ husband was  
— Bonner  
(col.) - dead

\* Master's name was Henry Broswell

4034

No. 2005

For Identification as a Mississippi Choctaw.

Date MAY 20 1901

Name Fannie Bonner,

Age 59 - Blood  $\frac{1}{2}$

Post Office, Cocoa, Ala.

Father: William Rostick. d

Mother: Charity "  $\frac{1}{4}$  Ind. d

Claims through both parents

~~Children:~~

Claims for self alone.

Stenographer

J. A. Miles

Fairme. P. ...  
H 2265

REFUSED

LEGAL ...

NOTICE OF DECISION MAILED APPLICANT.

NOV 29 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

NOV 29 1902

NOTICE OF DEPARTMENTAL ACTION

DEC 15 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

FEB 25 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 12 1903

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

MAR 12 1903

Choctaw MGR 2266

Robert Everette

MGR 2266

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 20th, 1901.

In the matter of the application of Robert Everette for the identification of himself and three minor children as Mississippi Choctaws.

Said Robert Everette, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Robert Everette.  
Q What is your age? A Thirty eight.  
Q What is your postoffice address? A Cocoa.  
Q Alabama? A Yes sir.  
Q How long have you lived at Cocoa? A Ever since I can recollect.  
Q Were you born there? A Close to there.  
Q You have never lived in any other State except Alabama? A No sir.  
Q What is your father's name? A Isaac Everette.  
Q Is he living or dead? A Living.  
Q What is your mother's name? A Phyllis Everette.  
Q Is she living? A Yes sir.  
Q Through which one of your parents do you derive your Choctaw blood? A My mother.  
Q Do you claim any through your father? A No sir.  
Q How much do you claim? A One quarter.  
Q Is your father a colored man? A Yes sir.  
Q And your mother is how much Choctaw? A One half.  
Q The other half colored? A Yes sir.  
Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal authorities or the authorities of the United States? A No sir.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Hettie Everette.  
Q She is colored, is she not? A Yes sir.  
Q You don't make claim for her? A No sir.  
Q Have you children that you wish to make claim for? A Yes sir.  
Q What is the name of the oldest? A Rogenie.  
Q How old is she? A Eleven years old.  
Q The next? A Vertie Lee.  
Q A boy? A Yes sir.  
Q How old is he? A Nine.  
Q The next? A Lillie Bell.  
Q How old is she? A Nine months old.  
Q When and where were you married to Hettie? About how long ago?  
A Twelve years ago.  
Q Where was that? A In Choctaw County.  
Q Alabama? A Yes sir.  
Q Were you married under a license or according to Choctaw custom?  
A License.  
Q Have you your marriage license and certificate with you? A No sir.  
Q Were you married by an ordained minister? A Yes sir.  
Q Is your name or the names of your children on any of the Choctaw Tribal rolls in 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 member of that Tribe?

A No sir.

Q Did you or did anyone for you or your children in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship, or your children, 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, not as I know of.

Q Have you or your children ever made application before this time to either the Choctaw Tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Is this the first application you have ever made of any kind? A Yes sir.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.

Q Do you claim your rights as beneficiaries under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you tell me the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama in 1830 and were at that time acknowledged members of the Choctaw Tribe of Indians? A Isom Chatham and Harriett Chatham.

Q They were your grandfather and grandmother? A Yes sir.

Q Have you any evidence showing that they were recognized members of the Choctaw Tribe of Indians in 1830? A Yes sir.

Q Have you got them with you? A They are down at Mr. Hudson's office.

Q Did any of your ancestors remove from the territory occupied by the Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in the Indian Territory at the time of the removal of the other members of the Choctaw Tribe of Indians in 1833 to 1838? A No sir, not that I know of.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent then living in Mississippi that they proposed to live in Mississippi, take land in the State and become citizens of the United States? A Not as I know of.

Q Have any of your ancestors ever received or claimed any land in Mississippi under article 14 of the treaty of 1830? A No sir.

Q Do you speak the Choctaw language? A No sir.

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

Q Have you any documentary evidence, written testimony of any kind, copies of records, deeds or patents, or any proper papers, that would show that any of your ancestors were ever recognized members of the Choctaw Tribe of Indians, that they ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A

Here Mr. L. P. Hudson, attorney for applicant, requests additional time in which to file documentary evidence in support of this application.

Permission is granted Mr. L. P. Hudson, attorney for applicant to file written evidence in support of this application,

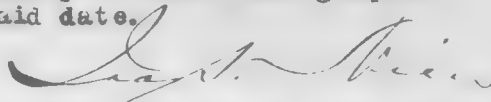
provided the same is offered for filing with the Commission within thirty days from the date hereof.

This applicant has the appearance and the physical characteristics of one descended from Choctaw and negro parents. In his testimony he states that his father is negro and his mother is one half Choctaw and one-half negro, that he is one fourth Choctaw. This applicant shows strongly a negro strain of blood but his son Vertie Lee, a boy nine years old, present before the Commission with him, has largely the physical characteristics of a Choctaw Indian, showing slightly the negro blood in him. This applicant does not speak the Choctaw language and has no knowledge of any compliance on the part of his ancestors with the provisions of the 14th article of the treaty of 1830.

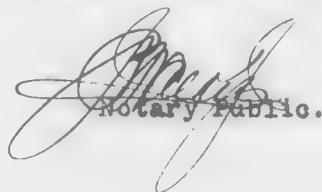
The decision of the Commission as to your application and as to the application you make on behalf of your three minor children, for identification as Mississippi Choctaws will be ~~made~~ determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

-----

Ira S. Miles, 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 cause, heard at Meridian, Mississippi, May 20th, 1901, and that the above and preceding 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 13th day of June, 1901, at Meridian, Mississippi.



Notary Public.



Muskogee, Indian Territory, October 24, 1902.

Robert Everette,  
Cocoon Alabama.

Dear Sir:

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

Phyllis Everette,	M.C.R. 2267
George Everett, et al.,	M.C.R. 2784
Robert Everette, et al.,	M.C.R. 2266
Davis Everette, et al.,	M.C.R. 2539

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

Robert Everette-----2

Phyllis Everette, George Everett, Dora Everett, Ada Everett, Robert Everette, Rogenie Everette, Vertie Lee Everette, Lillie Bell Everette, Davis Everette, Alice Everette, Willie Everette, Edward Everette, Lee Everette, Nora Bell Everette and Milliard Everette as Choctaw Indians entitled to rights in the Choctaw lands under the provision of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in 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).

Wm. D. Doby,  
Acting Chairman.

Registered.

COPY.

M.C.R. 2266.

Muskogee, Indian Territory, February 26, 1903.

Robert Everette,  
Cocoa, Alabama.

Dear Sir:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Phyllis Everette, et al., of which decision you were advised by registered mail on the 24th day of October, 1902.

Respectfully,

(SIGNED).

*James Dixby.*

Chairman.

#635

No. 2215

For Identification as a Mississippi Choctaw.

Date MAY 20 1901

Name Robert Everett,  
(ROBERT)

Age 38 Blood 1/4

Post Office Cocoa, Ala.

Father: Isaac Everette, negro, I

Mother: Phyllis " 1/2 Choct., I

Claims through mother,  
wife, Hattie, negro -

no claim for wife

Children:

Rogenie " (girl) "	"	"
Vertie Lee (boy) "	"	9
Lillie Bell "	"	9 <u>m</u>

Claims for self &  
children

Stenographer J. J. Miles

*Robert Everett et al.*

# REFUSED

DECISION RENDERED. OCT 2 1902

APPLICANT:

*2266*

OCT 24 1902

ATTORNEYS  
FOR THE CHOCOTAW AND CHEROKEE NATIONS.

FORWARDED DEPARTMENT.

1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

1902

1902

NOTICE OF REFUSAL OF APPLICATION  
FOR LANDS BELONGING TO THE CHOCOTAW  
AND CHEROKEE NATIONS.

*2267*

Choctaw

MCR 2267

Phyllis Everette

MCR 2267

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

-----@-----

In the matter of the application of Phyllis Everette, et al.,  
for identification as Mississippi Choctaws, consolidating the  
applications of -

Phyllis Everette,	M. C. R. 2257
George Everett, et al.,	M. C. R. 2784
Robert Everette, et al.,	M. C. R. 2266
Davis Everette, et al.,	M. C. R. 2539

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List of papers forwarded to the Secretary of the Interior  
embracing the record in the consolidated case of  
Phyllis Everette, et al.

-----@-----

	Page.
Original application of Phyllis Everette before the Dawes Commission, for identifi- cation as a Mississippi Choctaw,.....	1
Affidavit of H. R. Evans,.....	4
Original application of George Everett, et al., before the Dawes Commission, for identification as Mississippi Choctaws,.....	8
Affidavit of H. R. Evans,.....	9
Affidavit of G. V. Fagan,.....	10
Original application of Robert Everette, et al., before the Dawes Commission, for identification as Mississippi Choctaws,.....	11
Certified copy of marriage license and certifi- cate of marriage of George Everett and Hattie Frost,.....	14
Affidavit of H. R. Evans,.....	18

Original application of Davis Everette, et al.,  
before the James Commission, for identification  
as Mississippi Chestaws, .....16

Affidavit of H. R. Evans, .....20

Decision of the Commission refusing the appli-  
cations in the consolidated case of Phyllis  
Everette, et al., for identification as Missis-  
sippi Chestaws, .....21

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 20th, 1901.

In the matter of the application of Phyllis Everette for  
identification as a Mississippi Choctaw.

Said Phyllis Everette, being first duly sworn, testified  
as follows:-

Examination by the Commission.

- Q What is your name? A Phyllis Everette.  
Q How old are you? A I can't tell you exactly.  
Q About what? A About sixty-five.  
Q What is your postoffice address? A Cocoa, Choctaw County,  
Alabama.  
Q How long have you lived there at Cocoa? A I never did live in  
Cocoa.  
Q How long have you lived in Alabama? A All my life.  
Q Born in Alabama? A Yes sir.  
Q Raised there and always lived there? A Yes sir.  
Q Never lived in any other State? A Not that I know of.  
Q What is your father's name? A Isom Chatham.  
Q Is he living or dead? A Dead; been dead for years.  
Q What is your mother's name? A My mother's name is Harriett  
Chatham.  
Q Is she living? A Dead.  
Q Through which one of these parents do you claim Choctaw blood?  
A My mother.  
Q Was your father any Indian? A Yes sir.  
Q How much? A They say he was half Indian.  
Q How much was your mother? A She was half too.  
Q You claim through both, don't you? A Yes sir.  
Q You claim how much Choctaw blood? A They say I am half Indian.  
You say your father was half Indian, what was the other half, negro?  
A I don't know what the other half was.  
Q And your mother was half Indian, what was the other half, col-  
ored? A Yes sir.  
Q Was your father ever a slave? A No sir, he was free.  
Q Was your mother free all her life? A Yes sir, she was good as  
free.  
Q Which one was a slave? A My father was more slave than my moth-  
er.  
Q Who owned your father? A Old man Chatham.  
Q Who owned your mammy? A Old man Evans.  
Q When were they freed? During the War? A Before the War.  
Q Have your parents, through whom you claim your right to identi-  
fication as a Mississippi Choctaw, ever been recognized in any  
manner or enrolled as members of the Choctaw Tribe of Indians by  
either the Choctaw Tribal authorities or the authorities of the  
United States? A Not as I know of.  
Q Do you make application for yourself alone? A Yes.  
Q Your husband is a colored man, is he? A Yes sir.  
Q You do not make any claim for him? A No sir, just for myself.  
Q You have no children under 21 years of age? A No sir, they  
are all grown.  
Q Is your name on any of the Tribal rolls of the Choctaw Nation in  
Indian Territory? A No sir.

Phyllis Everette---2

Q Have you ever made application to the Choctaw Tribal authorities in Indian Territory to be enrolled as a member of that Tribe? A No sir.

Q Did you or did anyone for ~~in~~ you in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir, I didn't know anything about that.

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 by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this to either the Choctaw Tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.

Q This is the first application you have ever made of any description? A Yes sir.

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

Q Do you claim your right as a beneficiary under the provisions of the 14th 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.

Q Do you know the name of any of your ancestors who lived in Mississippi in 1830 and were recognized members of the Choctaw Tribe of Indians at that time, when the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Tribe of Indians? A No sir, I don't know.

Q Do you know whether Isom Chatham or Harriett Chatham, your father and mother, were recognized members of the Choctaw Tribe of Indians in 1830? A I don't know.

Q Where did they live in 1830, in Alabama or Mississippi? A Lived in Alabama.

Q In what County? A Choctaw County, Alabama.

Q Did any of your ancestors remove from the territory occupied by the Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir, not as I know of.

Q If your ancestors did not go to the Territory, did they, within six months after the ratification of the treaty of 1830, tell the United States Indian Agent of the Choctaws in Mississippi that they wanted to stay in Mississippi, take land there and become citizens of the United States? A No sir.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A No sir, not as I know of.

Q Do you speak the Choctaw language? A No sir.

Q You don't understand it, do you? A No sir.

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

Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents, or any proper papers, showing that your ancestors were ever recognized members of the Choctaw Tribe of Indians in Mississippi or Alabama, or that they ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A

Here Mr. L. P. Hudson, attorney for applicant, requests

Phyllis Everette---3

additional time in which to file documentary evidence in support of this application.

Permission is granted Mr. L. P. Hudson, attorney for 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.

This applicant appears to be part Choctaw and part negro. Her appearance would seem to indicate that the statement given in her testimony is correct as to the quantity of negro and Choctaw blood. She does not speak the Choctaw language and has no knowledge of any compliance on the part of her ancestors with any of the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

-----

Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 20th, 1901, and that the above and preceding 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 12th day of June, 1901, at Meridian, Mississippi.

  
Notary Public.

L. G. D.  
C. W.

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

In the matter of the application of Phyllis Everette,  
et al., for identification as Mississippi Choctaws, consoli-  
dating the applications of:

Phyllis Everette,	M. C. R. 2267
George Everett, et al.,	M. C. R. 2784
Robert Everette, et al.,	M. C. R. 2266
Davis Everette, et al.,	M. C. R. 2539

--: 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 Phyllis Everette, for herself; by George Everett, for himself and his two minor children, Bera and Aia Everett; by Robert Everette for himself and his three minor children, Regenie, Vertie Lee and Lillie Bell Everette; and by Davis Everette, for himself, his wife, Alice Everette, and his five minor children, Willie, Edward, Lee, Nora Bell and Williard Everette, under the following provision of the act of Congress approved June 26, 1896 (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, except Alice Everette, 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 Isaac Chatham and Harriett Chatham, who are alleged to have been half blood Choctaw Indians, and that applicant, Alice Everette, claims said rights by reason of being a descendant of Fanny Brazel, who is alleged to have been a Choctaw Indian (degree of blood thereof not stated); and that the minor applicants embraced in W. C. R. 2531 also claim said rights by reason of being descendants of the aforesaid Fanny Brazel.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1895, (29 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 Isaac Chatham, or Harriett Chatham, or Fanny Brazel signified (in person or by proxy) to Colonel W. Ward, Indian Agent, Choctaw Agency, an inten-

tion to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 100) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Phyllis Everett, George Everett, Nora Everett, Ada Everett, Robert Everett, Regenia Everett, Vertie Lee Everett, Lillie Bell Everett, Davis Everett, Alice Everett, Willie Everett, Edward Everett, Lee Everett, Nora Bell Everett and Milliard Everett as Cheatew Indians entitled to rights in the Cheatew 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,

*James D. Doty.*

REMOVED

Acting Chairman.

*T. B. Needles.*

REMOVED

Commissioner.

*C. E. Brockinridge.*

REMOVED

Commissioner.

Muskogee, Indian Territory,

OCT 24 1902

COPY.

M.C.R. 2267

Muskogee, Indian Territory, October 24, 1902.

Phyllis Everette,  
Cocoon, Alabama.

Dear Madam:

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

Phyllis Everette,	M.C.R. 2267
George Everett, et al.,	M.C.R. 2268
Robert Everette, et al.,	M.C.R. 2269
Davis Everette, et al.,	M.C.R. 2270

These applications were made under the provision of the act of Congress of June 28, 1836 (50 Stats., 495) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Phyllis Everette, George Everett, Dora Everett, Ada Everett,

Phyllis Everette-----2

Robert Everette, Rogenic Everette, Vertie Lee Everette, Lillie Bell Everette, Davis Everette, Alice Everette, Willie Everette, Edward Everette, Lee Everette, Nora Bell Everette and Williard Everette as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED)

Acting Chairman.

Registered.



Muskogee, Indian Territory, October 24, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 24th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Phyllis Everette, et al., embracing the following applications for identification as

Mississippi Choctaws:

Phyllis Everette,	M.C.R. 2267
George Everett, et al.,	M.C.R. 2784
Robert Everette, et al.,	M.C.R. 2266
Davis Everette, et al.,	M.C.R. 2539

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 Phyllis Everette, George Everett, Dora Everett, Ada Everett, Robert Everette, Rogenic Everette, Vertie Lee Everette, Lillie

Bell Everette, Davis Everette, Alice Everetts, Willie Everette, Edward Everette, Lee Everette, Nora Bell Everette and Williard Everette as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED).

*W. H. H. H.*  
Acting Chairman.

COPY. M.C.R. 2267

Muskogee, Indian Territory, November 10, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Phyllis Everette, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of October 24, 1902.

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

Phyllis Everette,	M.C.R. 2267
George Everett, et al.,	M.C.R. 2784
Robert Everette, et al.,	M.C.R. 2266
Davis Everette, et al.,	M.C.R. 2539

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,

Through the  
Commissioner of Indian Affairs  
1 Enclosure, M C R 2267

Acting Chairman.

C O P Y

D.C. 4599

DEPARTMENT OF THE INTERIOR

EAF

Washington

I.T.D. 1092-1903

February 13, 1903.

L R S

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:-

November 10, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws, of Phyllis Everette; of George Everett and his minor children, Dora and Ada Everett; of Robert Everette and his minor children, Rogenie, Vertie Lee and Lillie Bell Everette; and of Davis Everette, his wife Alice Everette, and his minor children, Willie, Edward, Lee, Nora Bell and Milliard Everette.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Isom Chatham and Harriett Chatham, who are alleged to have been half blood Choctaw Indians, or of Fanny Brazel who is said to have been a Choctaw Indian.

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 said treaty, or with either of the acts of March 3, 1837 (5 Stat. 180) and August 23, 1842 (5 Stat. 513). You refused the applications October 24, 1902.

-2-

Reporting January 27, 1903, 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

1 inclosure

C O P Y

DEPARTMENT OF THE INTERIOR

Land

67,827-1902

OFFICE OF INDIAN AFFAIRS,

Washington Jan. 27, 1903

The Honorable

The Secretary of the Interior

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application of Phyllis Everette, for herself; by George Everett for himself and his two minor children, Dora and Ada Everett; by Robert Everette for himself and his three minor children, Rogenie, Vertie Lee and Lillie Bell Everette; and by Davis Everette for himself, his wife, Alice Everette, and his five minor children, Willie, Edward, Lee, Nora Bell and Milliard Everette, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the commission on October 24 1902.

The testimony in this case shows that the applicants base their claim to identification because of their descent from Isom Chatham and Harriett Chatham. Alice Everette does not claim descent from them but claims to be a descendant of Fanny Brasel. The minor applicants also claim identification by reason of descent from said Fanny Brasel. They claim that their ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the names of their ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Isom Chatham, Harriett Chatham and Fanny Brazel, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

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

Very respectfully,

A. C. Tonner

Acting Commissioner

(E.B.H.)

P.

COPY.

M.C.R. 2267.

Muskogee, Indian Territory, February 26, 1903.

Phyllis Everette,  
Cocoa, Alabama.

Dear Madam:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Phyllis Everette, et al., of which decision you were advised by registered mail on the 24th day of October, 1902.

Respectfully,

(SIGNED).

*James Bixby.*  
Chairman.



COPY.

M.C.R. 2257.

Muskogee, Indian Territory, February 25, 1903.

Wansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby notified that on the 13th 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 consolidated case of Phyllis Everette, et al., of which decision you were advised by mail on the 24th day of October, 1902.

Respectfully,

(SIGNED).

*Tamr Dixiey.*  
Chairman.

REFER TO M. C. R. 2267

Phyllis Everett et al

Consolidated Case

Isom Chatham, 1/2 Dead  
slave  
wife  
Harriett Chatham, 1/2 Dead  
slave

mark  
7 267

Phyllis Everette, 65 1/2  
husband  
Isaac Everette, (slave)

Fanny Brazel, L  
husband  
Joe Jenkins.

mark  
7 264

George Everette, 40,  
wife  
Frances Everette

mark  
7 266

Robert Everette, 38, 1/2  
wife  
Nettie Everette, negro

mark  
7 25

Davis Everette 30, 1/2

mark  
7 31

Alice Everette, 28, 1/2

mark

Dora Everette, 15  
Ada Everette, 12

mark

Rogenic Everette, 11  
Vertie Lee Everette, 9  
Lillie Bell Everette, 9 mos.

mark  
7 31

Willie Everette, 11  
Edward Everette, 9  
Lee Everette, 7  
Nora Bell Everette, 3  
Milliard Everette, 1 1/2 mos

*Phyllis Everette et al*

# REFUSED

LETTER ON FILE OCT 2 1902  
NOTE: FILE DEPT. MAILED APPLICANT.

22001 OCT 2 1902

NOTICE OF DEPT. MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.

NOV 10 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 10 1903

FEB 25 1903

NOTICE OF DEPARTMENTAL ACTION:  
FOR CHOCTAW ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS

1903

REFER TO M O # 2704, 2266, 2539.

#636

No. \_\_\_\_\_

For Identification as a Mississippi Choctaw.

Date MAY 20 1901

Name *Phyllis* ~~Everette~~ EVERETTE,

Age 65 Blood 1/2

Post Office Cocoa, Ala.

Father: *Tom Chatham* 1/2 d

Mother: *Marriet* ,, 1/2 d

Claims through both parents

Claims for self  
alone -

~~Children:~~

Stenographer *I. A. Miles*

Choctaw MCR 2268

Emil Charley

MCR

2268

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The within record is in the matter of  
the application of Emil Charley for identification as a  
Mississippi Choctaw  
M.C.R. 2268

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Emil Charley for  
identification as a Mississippi Choctaw, M.C.R. 2268.

I N D E X

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Original application of Emil Charley for identifica- tion as a Mississippi Choctaw	1
Testimony of Joseph Baptiste and W. J. Partain taken before the Commission May 20, 1901, in support of the above application	4
Decision of the Commission identifying Emil Charley as a Mississippi Choctaw	5



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES;  
Meridian, Mississippi, May 20th, 1901.

In the matter of the application of Emil Charley for identification as a Mississippi Choctaw.

Said Emil Charley, being first duly sworn, testified as follows.

Examination by the Commission.

- Q What is your name? A Emil Charley.
- Q How old are you? A Eighteen.
- Q What is your postoffice address? A Violin.
- Q Louisiana? A Yes sir.
- Q Is your father living? A No sir.
- Q Is your mother living? A No sir.
- Q Both dead? A Yes sir.
- Q You make application for yourself, do you? A Yes sir.
- Q How long have you lived in Violin? A All my life.
- Q Born there? A Yes.
- Q In the same Parish? A Yes.
- Q Never lived anywhere but in Louisiana, did you? A No sir.
- Q What is your father's name? A Charley.
- Q Is he dead? A Yes sir.
- Q Was he a full blood Choctaw Indian? A Yes.
- Q Is your mother dead? A Yes.
- Q What was her name? A Isabelle.
- Q Was she a full blood Choctaw Indian? A Yes.
- Q Do you claim to be a full blood Choctaw Indian? A Yes.
- Q Do you make your claim through both your father and mother? A Yes.
- Q Have your parents, through whom you claim the right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the authorities of the United States? A No.
- Q Are you married? A No.
- Q You make application for yourself alone? A Yes.
- Q You have no children? A No.
- Q Is your name on the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Have you ever made application to the Choctaw Tribal authorities in Indian Territory to be enrolled as a member of that Tribe? A No.
- Q Did you or did anyone for you in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No.
- 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 by the United States Court in Indian Territory? A No.
- Q Have you ever made application prior to this time to either the Choctaw Tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
- Q Is this the first application you have ever made of any kind? A Yes.

Emil Charley---2

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

Q Do you claim your right as a beneficiary under the provisions  
of the 14th article of the treaty of 1830? A Yes.

Q Have you or any of your ancestors ever received any benefits as  
Choctaw Indians? A No.

Q Can you give the name or names of any of your ancestors who were  
residents of the old Choctaw Nation in Mississippi or Alabama and  
who were acknowledged members of the Choctaw Tribe of Indians  
in 1830 when the treaty of Dancing Rabbit Creek was entered into  
between the United States Government and the Choctaw Tribe of Indians  
A No, I don't know.

Q Have you any evidence showing such ancestors were recognized  
members of the Choctaw Tribe of Indians in 1830? A No.

Q Did any of your ancestors remove from Mississippi or Alabama  
and go to the Indian Territory at the time when the other Indians  
who were removed by the United States Government between the years  
1833 and 1838? A No.

Q Did any of your ancestors within six months after the ratifica-  
tion of the treaty of 1830 signify to the United States Indian Agent  
of the Choctaw Indians in Mississippi their intention to remain in  
Mississippi and become citizens of the United States? A I don't  
know about that.

Q Have any of your ancestors ever claimed or received any land in  
Mississippi as beneficiaries under the provisions of the 14th article  
of the treaty of 1830? A No.

Q Do you speak the Choctaw language? A Yes.

Q Are there any additional statements you desire to make in support  
of this application? A No.

Q Have you any documentary evidence, written testimony of any kind,  
copies of records, deeds or patents, or any proper papers, showing  
that any of your ancestors were ever recognized members of the  
Choctaw Tribe of Indians in Mississippi, that they ever complied or  
attempted to comply with the provisions of the 14th article of the  
treaty of 1830 or that they ever received any benefits under that  
article of that treaty? A

Here Mr. L. P. Hudson, attorney for applicant, requests  
additional time in which to file documentary evidence in support of  
this application.

Permission is granted Mr. L. P. Hudson, 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.

This applicant appears to be a full blood Choctaw Indian,  
having all the characteristics of members of that Tribe.  
He speaks the Choctaw language and has no knowledge of the  
English language, his testimony having been given entirely  
through the medium of a sworn Choctaw Interpreter. He  
has no knowledge of any compliance on the part of his an-  
cestors with the provisions of the 14th article of the  
treaty of 1830.


The decision of the Commission as to your application for  
identification as a Mississippi Choctaw will be determin-  
ed at the earliest possible date and report of the same.

Emil Charley---3

made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

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Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 20th, 1901, and that the above and preceding 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 13 th day of June , A.D. 1901, at Meridian, Mississippi.



Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 20th, 1901.

In the matter of the application of Emil Charley for identification as a Mississippi Choctaw.

Joseph Baptiste Sr., being called to testify in behalf of the applicant, and being first duly sworn, states as follows:-

Examination by L. P. Hudson, attorney for applicant.

- Q What is your name? A Joseph Baptiste.  
Q How old are you? A Forty six.  
Q Where do you live? A Saint Tammany Parish, Louisiana.  
Q Do you know Emil Charley? A Yes sir.  
Q Do you know where he was raised? A Yes sir, in Saint Tammany Parish, Louisiana.  
Q Did you know his father and mother? A Yes sir.  
Q Where were they raised? A Same Parish.  
Q Did you know his grandfather and grandmother? A Yes sir, they come from Mississippi.  
Q From the same place where your mother and father come from?  
A Yes sir.  
Q Talihoma Creek? A Yes sir, they were my connection.

Witness Excused.

W. J. Partin, being called as a witness in behalf of said applicant, and being first duly sworn, states as follows:-

Examination by L. P. Hudson, attorney for applicant.

- Q State your name, age and residence? A W. J. Partin, age forty-five; reside in Enterprise, Mississippi.  
Q How long have you lived in Mississippi? A Ever since I was four years old.  
Q Do you know where Talihoma Creek is located in Mississippi?  
A Yes sir.  
Q Can you tell us through what Counties the Creek runs? A It heads in Jasper County, Mississippi, and empties into Talihaly Creek in Jones County, Mississippi, near Ellisville, the County Seat of Jones County, Mississippi.

-----  
Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 20th, 1901, and that the above and preceding 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 13th day of June, 1901,  
at Meridian, Mississippi.



Notary Public.

*C.W.*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emil Charley for identification as a Mississippi Choctaw, M.C.R. 2268.

-----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 May 20, 1901, by Emil Charley 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 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 Emil Charley 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.

FFR 14 1903

Armore, I. T. February 19, 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:

Ernie Charlie

\_\_\_\_\_

\_\_\_\_\_

Ardmore, I. T. February 19, 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 selected him to assist me in this case.

WITNESSES TO MARK:

Anna Tippitt

Emile J. Farley  
mch



COPY.

M C R 2268

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 Emil Charley, 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 Emil Charley 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,

*James Dixby.*

Acting Chairman.

Register.  
GR-Encl.-21-6.

M.C.R.2268

COPY.

Muskogee, Indian Territory, March 11, 1903.

Emil Charley.

*Remailed - Arrived. J. T. April. 3 1903.*  
Violin, Louisiana.

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,

*Tams Bixby.*  
Chairman.

Registered.

Enc.: 2268

Muskogee, Indian Territory, May 15, 1903.

Emile Charlie,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, in which you state that your uncle, Emile John, made application to this Commission for the identification of himself and your three sisters, Philia, Rosie and Silene, and your brother, Thomas, as Mississippi Choctaws. You ask to be advised if they have been identified.

In reply to your letter you are informed that it appears from our records that on May 20, 1901, at Meridian, Mississippi, Emil John, thirty-five years of age, made application to this Commission for the identification of himself and minor child, Jewel, as Mississippi Choctaws. Up to the present time the Commission has not rendered any decision relative to the right of Emile John and his minor child to such identification. As soon as a decision is rendered he will be duly notified of the action of the Commission.

It does not appear from our records that any application has ever been made to this Commission by or on behalf of Philia,

E C 2

Ronie, Silene or Thomas Charlie, for identification as Mississippi  
Choctaws.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 1, 1904.

Emil Charley,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo in which you ask to be advised relative to leasing certain lands allotted to you as a homestead in the Choctaw-Chickasaw country.

In reply you are informed that the leasing of land in the Choctaw and Chickasaw Nations is a matter over which the Commission has no jurisdiction; therefore, it cannot give you any advice as requested in your letter of the 27th ultimo.

Respectfully,

Commissioner in Charge.

#637

No. ~~2214~~

For Identification as a Mississippi Choctaw.

Date MAY 20 1901

Name *Emil Charley*

Age 18 - Blood full -

Post Office *Violin, La*

Father: *Charley f. b. d*

Mother: *Isabelle f. b. d*

Claims through *both parents.*

~~Children:~~

*Claims for self  
alone*

Stenographer ~~H.C. Reston~~

*J. S. Niles.*

*Emil Charley.*

DENIED

2208

FEEL

DECISION

BY C. D.

OR V.

PACKARD

1903

**COPY OF DECISION FORWARDED  
APPLICANT**

**MAR 11 1903**

Choctaw - MCR 2269

Emil John

MCR 2269



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

---

In the matter of the application of Emil John, et al., for  
identification as Mississippi Choctaws, M.C.R.2269.

I N D E X .

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

In the matter of the Mississippi Choctaw case of Emil John,  
et al., M C R 2269.

Indian Territory )  
                          )     ss  
Southern District )

Q State your name, age, and post office address?

A Emile John, about twenty-five years old, post office address  
is Ardmore, Indian Territory.

Q Are you the identical Emil John who, on May 20, 1901, appeared  
before the Commission to the Five Civilized Tribes, at Meridian,  
Mississippi, and there made application for the identification  
of yourself and minor child as Mississippi Choctaws?

A Yes.

Q What was the name of the mother of your minor child Jewel?

A Louisa John.

Q Was she a full blood Choctaw?

A Yse, she was full-blood Choctaw.

Q What was her father's name?

A Don't know, he dies before I knew Louisa.

Q Was he a full blood Choctaw?

A Yes.

Q What was her mother's name?

A Don't know.

Q Was she a full blood Choctaw?

A She was full-blood.

WITNESSES TO MARK:

*Sham Houston*  
*J. Tippet*

(sign here)

*Emile* <sup>his</sup> *John*  
*mark*

Subscribed and sworn to before me this 27 day of May 1903.

*Genea Tippet*  
Notary Public.

1952 Nov 1st 11:30 AM

FEB 10 1952

CHAIRMAN

Indian Territory,  
Southern District,  
ss.

I, Joseph Baptiste Sr. being first duly sworn deposes and states on oath, that I am 48 years of age, and post office address is Ardmore, Indian Territory; that I have known Emile John, now of Ardmore, Ind. Terr.; formerly of Violin, Louisiana, all his life, and knew his father, John (Choctaw) for 5 years before his death, and know that he was a full-blood Choctaw Indian, and also knew the parents of John (Choctaw) and that they were full-blood Choctaw Indians.

*Witness to mark*  
D. B. Benson

*Joseph Sr.*  
Joseph x Baptiste  
*mark*

Subscribed and ~~so~~ sworn to before me this the  
6 day of February, A. D. 1904.

Gene Tippet  
Notary Public.



Indian Territory, |  
| ss.  
Southern District. |

I, Emile John , being first duly sworn, deposes and states on oath that my post office address is Addmore, Ind. Ter., and that I am about 38 years old; that I am the identical Emile John, who on the 20th day of May, 1901 appeared before the Commission to the Five Civilized Tribes at Meridian, Mississippi and made application for identification as a Mississippi Choctaw (M C R 2269) At that time I stated that I never saw my father, and I presume did not positively state whether or not he was a full-blood Choctaw Indian; that I have since thoroughly investigated the matter, and I am now positive that he was a full-blood. I beg to here ask that you consider the statement of my mother, Josephine Ok-chi-tubbee (M C R 2412) with reference to the degree of blood of my father; also statement of my nephew, Emile Charley (M C R 2269), both of whom have been enrolled as Mississippi Choctaws.

Witness to mark:

J. P. Shammers  
L. R. Marston, Jr.

5 day of February 1904.

Emile <sup>his</sup> John  
mark

Subscribed and sworn to before me this the

Gene Tippet  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, May 20, 1901.

In the matter of the application of Emil John for the identification of himself and minor child as Mississippi Choctaws.

Emil John, having been first duly sworn, upon his oath states as follows:

Examination by the Commission.

- Q What is your name? A Emil John.
- Q What is your age? A About thirty five.
- Q What is your post office address? A Violin, Louisiana.
- Q How long have you lived there? A Been living there all my life.
- Q Born there? A Yes sir.
- Q What is your father's name? A His name is John.
- Q Just John? A Yes, just John that I know of.
- Q Is he dead? A Yes.
- Q Was he a full blood Choctaw Indian? A I didn't see my father; my father died before I was born.
- Q Do you know whether he was a full blood? A My mother told me he was a full blood.
- Q You have always been told your father was a full blood? A Yes.
- Q What is your mother's name? A My mother's name is Josephine.
- Q Is Josephine dead? A No.
- Q Is she a full blood Indian? A Yes sir, she is full blood.
- Q Do you claim to be a full blood Choctaw Indian? A Yes sir.
- Q You make that claim through both your father and mother? A Yes sir.
- Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians, by the Choctaw tribal authorities, or by the authorities of the United States? A No.
- Q Are you married? A Yes sir.
- Q Do you want to make application for your wife? A No sir, we done parted.
- Q How long? A It been about six years.
- Q Did you marry under the United States law or the Choctaw custom? A Choctaw custom.
- Q And you have not been living together? A No sir.
- Q Have you any children you want to make application for? A Yes sir; one child.
- Q What is the name of it? A Jewel.
- Q How old is Jewel? A He is about thirteen years old.
- Q Who was the mother of Jewel? A That is my wife.
- Q What is your wife's name? A Louisa.
- Q The mother of Jewel? A Yes sir.
- Q And you are the father? A Yes sir.
- Q And the boy is living with you? A No, living with the mother.

Mr. Hudson, Attorney for applicant: We claim that the son referred to in this application being over the age of seven years, the father is the natural guardian and entitled to make application for him.



Emil John, et al., #2.

The Commission: Unless the guardianship has been awarded to the mother by decree of Court.

Mr. Hudson: There never has been any divorce, and no decree of divorce has ever been granted to either the father or the mother, consequently, he becomes the guardian.

Q Is Laura living? A Yes, she is living.

Q You never obtained a divorce from her, or she from you? A No sir, nary one of us.

Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir; I don't think.

Q Have you ~~or speak~~ ever made application to the Choctaw tribal authorities in Indian Territory for yourself or your child to be enrolled as members of that tribe? A No sir.

Q Did you, or any one for you, or for your child, in 1893, 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 made application before this time for yourself or this child to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A Yes, this is the first time.

Q This is the first application of any description you have ever made? A Yes sir, I speak so.

Q Is it now your purpose to make application for the identification of yourself and child as Mississippi Choctaws? A Yes sir.

Q Do you claim your rights as beneficiaries under the provisions of the Fourteenth Article of the Treaty of 1830? A Yes.

Q Have you ever received any benefits as Choctaw Indians? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Do you know the name of any of your ancestors who lived in Mississippi and Alabama in 1830, and who were acknowledged members of the Choctaw tribe of Indians in 1830, when the treaty was ratified? A I don't know.

Q Have you any evidence showing that any of your ancestors were recognized members of the Choctaw tribe of Indians in 1830? A No.

Q Did any of your ancestors remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory, at the time of the removal of the other portion of the Choctaw tribe between the years 1833 and 1838? A No.

Q Did any of your ancestors, within six months, after the ratification of the Treaty of 1830, signify to the United States Indian Agent in Mississippi at that time, their intention to remain in Mississippi and become citizens of the United States? A No.

Q Have any of your ancestors ever claimed or received any land in Mississippi under the provisions of the Fourteenth Article of the Treaty of 1830? A No sir.

Q You speak the Choctaw language? A Yes sir.

Q Are there any additional statements you desire to make in support of this application? A No sir.

Bill John, et al., #3.

Q. Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors were, in 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of that treaty or ever received any benefits thereunder?

A. No.

L.P.Hudson, attorney for applicant, asks leave to file documentary evidence in support of this application within thirty days from this date.

Permission is granted to the applicant's attorney to file proper documentary evidence in support of this application within a period of thirty days from the date hereof.

(This applicant appears to be a full blood Choctaw Indian; having all the characteristics of a member of that tribe; he speaks the Choctaw language, but does not speak the English language, his examination having been conducted through a sworn Choctaw interpreter. He has no knowledge of a compliance on the part of his ancestors with any of the provisions of the Fourteenth Article of the Treaty of 1830.)

The decision of the Commission as to the application you make for the identification of yourself and child as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S.Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 20th day of May, 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.

*R.S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi, this 27th day of June, 1901.

*[Signature]*  
Notary Public.

3269  
OK

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 20th, 1901.

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

Joseph Baptiste Sr., being called to testify in behalf of the applicant, and being first duly sworn, states as follows:-

Examination by L. P. Hudson, attorney for applicant.

- Q What is your name? A Joseph Baptiste.  
Q How old are you? A Forty six.  
Q Where do you live? A Saint Tammany Parish, Louisiana.  
Q Where was Emil John raised? A In Louisiana.  
Q Did you know his father and mother? A Yes sir, I knew his father and his father was raised in Louisiana.  
Q Where was his grandfather and grandmother raised? A Come from Mississippi.  
Q Came to Louisiana same time your father and mother did? A Yes sir.  
Q Did they come from Talihoma Creek, the same place your father and mother did? A Yes sir.

Witness excused.

W. J. Partin, being called to testify in behalf of the applicant, and being first duly sworn, states as follows:-


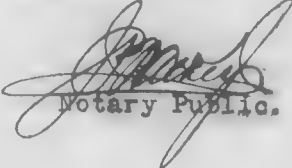
Examination by L. P. Hudson, attorney for applicant.

- Q State your name, age and residence? A W. J. Partin, age forty-five; reside in Enterprise, Mississippi.  
Q How long have you lived in Mississippi? A Ever since I was four years old.  
Q Do you know where Talihoma Creek is located in Mississippi?  
A Yes sir.  
Q Can you tell us through what Counties the Creek runs? A It heads in Jasper County, Mississippi, and empties into Talihaly Creek in Jones County, Mississippi, near Ellisville, the County Seat of Jones County, Mississippi.

-----

Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 20th, 1901, and that the above and preceding 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 13th day of June, 1901, at Meridian, Mississippi.

  
  
Notary Public.

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

-----

In the matter of the application of Emil John, et al., for identification as Mississippi Choctaws, M.C.R.2269.

.....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 May 20, 1901, by Emil John for himself and his minor child, Jewel John, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

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

From the evidence submitted in support of said application it appears that both of 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 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 application 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 Paul John and Jewel John should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.

  
Commissioner.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

MAR 13 1904

Arkona, 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 SIGN:

Emil John

Also applied for her five children,  
Nephew, Thos. Selene; Nieces Philia Pasia  
Maeta Josephine John.

Muskogee, Indian Territory, May 14, 1903.

Emil John,  
Ardmore, Indian Territory.

Dear Sir:

It appears from the records of the Commission that on May 20, 1901, you made application to this Commission at Meridian, Mississippi for the identification of yourself and minor child, Jewel, as Mississippi Choctaws.

From your testimony it does not appear whether or not your former wife, Louisa, the mother of Jewel, was a full blood Choctaw, and for the purpose of obtaining this information there is enclosed you herewith a blank affidavit, in interrogatory form, which you are requested to execute before some notary public and return to the Commission without unnecessary delay.

This matter should receive your prompt attention, as no further steps can be taken in the matter of your application for identification as a Mississippi Choctaw until the information requested is furnished.

Respectfully,

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

In the matter of the Mississippi Choctaw case of Emil John,  
et al., M C R 2269.

Indian Territory )  
Southern District ) ss

Q State your name, age, and post office address?

A

Q Are you the identical Emil John who, on May 20, 1901, appeared  
before the Commission to the Five Civilized Tribes, at Meridian,  
Mississippi, and there made application for the identification  
of yourself and minor child as Mississippi Choctaws?

A

Q What was the name of the mother of your minor child Jewel?

A

Q Was she a full blood Choctaw?

A

Q What was her father's name?

A

Q Was he a full blood Choctaw?

A

Q What was her mother's name?

A

Q Was she a full blood Choctaw?

A

(sign here) \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1903.

Notary Public.



M C R 2269

Muskogee, Indian Territory, October 12, 1903.

Emil John,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 3, 1903, asking the status of your claim as a Mississippi Choctaw.

In reply to your letter you are informed that the Commission has not yet passed upon your application for identification of yourself and your child, Jewel John, as Mississippi Choctaws. As soon as a decision is reached in this case you will be notified of the action of the Commission.

Respectfully,

Chairman.

M C R 2269

Muskogee, Indian Territory, February 10, 1904.

Emil John,

Post Office Box #317,

Ardmore, Indian Territory.

Dear Sir:

There is enclosed you herewith blank affidavit in interrogatory form, for the purpose of ascertaining the amount of Choctaw blood possessed by your former wife, Louisa, the mother of your minor child, Jewel. Please execute this affidavit before a notary public and return same to this office at the earliest practicable date in the enclosed envelope.

Respectfully,

Commissioner in Charge.

Env. & McM XX

M C R 2269

Muskogee, Indian Territory, February 10, 1904.

Emil John,

Post Office Box No. 317,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letters of the 5th and 6th instant, enclosing affidavits of yourself and Joseph Baptiste relative to the amount of Choctaw Indian blood possessed by your father, John (Choctaw). The same have been filed with the record in your case.

Respectfully,

Commissioner in Charge.

M C R 2269

Muskogee, Indian Territory, February 17, 1904.

Thos. Norman,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, enclosing affidavit of Emile John relative to the amount of Choctaw blood possessed by his former wife, Louisa. The same has been filed with the record in the Mississippi Choctaw case of Emil John, et al.

Respectfully,

Commissioner in Charge.

M C R 2269

Muskogee, Indian Territory, February 17, 1904.

Emile John,  
c/o Thos. Norman,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 13, 1904, requesting that Thos. Norman, of Ardmore, Indian Territory, be recognized as attorney in the matter of your application for the identification of yourself and child as Mississippi Choctaws. Proper record has been made of the same.

Respectfully,

Commissioner in Charge.

M.C.R. 2269

COPY

Muskogee, Indian Territory, March 16, 1904.

Emil John,  
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 and your minor child, Jewel John, as Mississippi Choctaw Indians, 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, the persons so identified, in order to avail themselves 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)

*C. R. Brockinridge.*

Commissioner in Charge.

Registered.

Enc. MCR 2269.

COPY. M.C.R. 2269.

Muskogee, Indian Territory, March 16, 1904.

Thomas Norman,  
Attorney at Law,  
Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 12, 1904, rendered its decision identifying Emil John and his minor child, Jewel John, as Mississippi Choctaw Indians, 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, the persons so identified, in order to avail themselves 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, 1904, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*C. E. Brockington*

Commissioner in Charge.

Registered.

N.C.R. 2269  
CCPY

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 Emil John and his minor child, Jewel John, 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 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 Emil John and Jewel John as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file 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)

*C. H. Breckinridge.*

Commissioner in Charge.

Registered.

Enc. MCR 2269.

See MCR 2059 for registry receipt for this letter.

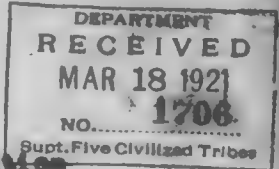


Land-Probate - PCT  
67128-1914  
3504-1920

J F D  
In re heirship claim  
of Emil John, Jr., full-  
blood Mississippi Choctaw  
Indian.

*Copy*

*Jan. 10, 1921.*



Dear Mr. Attorney-General:

There are transmitted herewith a communication of the Commissioner of Indian Affairs and reports of the Acting Superintendent for the Five Civilized Tribes, and other papers referred to therein, in the matter of the claim of Emil John Jr., as the heir of Emil John, Sr., deceased Mississippi Choctaw, roll No. 1188, and as an heir of Josephine Ok chi Bubbee, deceased Mississippi Choctaw, roll No. 683, to rights and interests in the land in Oklahoma allotted to said deceased enrollees.

It appears that Emil John Jr., is a fullblood Mississippi Choctaw Indian, although not an enrolled member of the Choctaw Indian Nation or a Mississippi Choctaw Indian entitled to share in the division of the Choctaw tribal property. As a "fullblood Indian heir" of the above named deceased Mississippi Choctaw allottees, he comes within the purview of the provisions of Section 9 of the Act of Congress of May 27, 1908 (35 Stat. 312-315), and his inherited interests in the allotted land are subject to Government supervision. It further appears that by reason of various transactions and certain purported conveyances his title to his inherited interest or share of the land allotted Emil John,

1706

Mr., and Josephine Ok chi tubee has been cleared. In view of the recommendation of the Commissioner of Indian Affairs and of the facts shown by the enclosed papers, I request that such action as the law and the facts may warrant be taken to clear the title of said Emil John Jr. to his right and interest as an heir of the above mentioned deceased Mississippi Choctaw allottees in the land allotted them.

Cordially yours,

*(signed) S. G. Hopkins*

Assistant Secretary.

The Honorable

The Attorney General.

Inclosure No. 2000.

Land-Pr date-PCT

~~67120-1914~~

3504-1918

J E D

In re heirship claim  
of Emil John; also  
claim of J.E. Arnold  
in connection therewith.

copy

Jan. 3, 1921.

The Honorable

The Secretary of the Interior.

Sir:

DEPARTMENT
RECEIVED
MAR 18 1921
ENCL. TO
NO. 1706
Supt. Five Civilized Tribes

Reference is made herein to the claim of Emil John Jr., as an heir of Emil John Sr., deceased Mississippi Choctaw, roll No. 1163, and as an heir of Josephine Ok chi tubbee, deceased Mississippi Choctaw, roll No. 683, to rights and interests in the land in Oklahoma allotted to said Emil John Sr. and Josephine Ok chi tubbee, and to share in the per capita payments out of the Choctaw tribal funds in the cases of said deceased Mississippi Choctaw enrollees.

Reference is also made to the request of Mr. J. E. Arnold that said Emil John Jr. be held to be a "full-blood Indian heir", subject to the provisions of Section 9 of the Act of Congress of May 27, 1906 (34 Stat.L., 312-315) and that steps be taken to recover for him possession of the land allotted to his father, and to protect his heirship interests in both the above named allotments.

From the reports of the Acting Superintendent for the Five Civilized Tribes and other papers submitted herewith, it is clear that Emil John Jr. is an heir at law of Emil John Sr. and of Josephine Ok chi tubbee, the above named deceased enrolled Mississippi Choctaw Indians. Said Emil John Jr. was identified under the Acts of Congress of June 28, 1898 (30 Stat.L., 495) and July 1, 1902 (32 Stat.L., 641) as a Mississippi Choctaw Indian, and was placed upon the Identification Roll of Mississippi Choctaws opposite No. 2275, as a fullblood Indian. He did not, however, as required by sections 41 to 44 inclusive, of said Act of July 1, 1902, remove to and make bona fide settlement in the Choctaw-Chickasaw Country, Oklahoma, or submit proof of such settlement, and he therefore failed of enrollment on the final rolls of Mississippi Choctaw Indians entitled to allotments of land in Oklahoma. It is evident, however, from the reports received that he is a fullblood Indian.

In Section 9 of the Act of Congress of May 27, 1908 (35 Stat.L., 312-315) it was provided that the death of any allottee of the Five Civilized Tribes should operate to remove all restrictions upon alienation of said allottee's land, but in connection therewith, it was provided further, "that no conveyance of any interest of any fullblood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee."

In view of the opinion of the Supreme Court of the United States rendered on June 2, 1919, in the Eastman Richard case, it appears that land inherited by a fullblood Indian heir is restricted, and that unless there has been by the heir a proper conveyance approved by the court, the authority of the Secretary of the Interior to supervise the leasing of the land and to supervise the collection, care, and disbursement of royalties derived from such leasing, is not terminated.

In view of the above, I am of the opinion that Emil John Jr, whom the papers transmitted herewith show to be a fullblood Indian heir of Emil John Sr. and of Josephine Okchitubbee, deceased Mississippi Choctaw allottees, should be considered as a "fullblood Indian heir" within the meaning of Section 9 of the above mentioned Act of May 27, 1908, and that his inherited interest in the lands allotted to the above named deceased Indians should, in the absence of a valid conveyance by him, approved by the court, be considered as restricted property, and under the supervision of the Secretary of the Interior.

It appears from the enclosed papers that the right and title of Emil John Jr. as an heir of Emil John Sr. and as an heir of Josephine Ok chi tubbee, the above named deceased Mississippi Choctaw allottees, to his interest in or share of the lands allotted said deceased Indians, are clouded by reason of certain illegal transactions and purported conveyances. I therefore recommend that the Attorney General be requested to cause such action to be taken as the law and the facts may warrant, to clear the right and title of Emil John Jr. as an heir of the above named deceased Mississippi Choctaw allottees to his interest in and share of the lands allotted to them.

It appears from the enclosed reports of the Acting Superintendent for the Five Civilized Tribes that the right of Emil John Jr. as an heir of the above named deceased allottees to share in the per capita payments out of the Choctaw tribal funds due in said cases has been recognized by the Superintendent, and that his heirship share of said payments has been made to him.

It appears that in connection with the above mentioned claim of Emil John Jr. to an inheritance share of the allotments and funds of the above named deceased Indians, he entered into on June 8, 1914, a contract with Mr. James E. Arnold, for the employment of the latter to act as his agent and attorney in fact in the matter of taking such action and prosecuting such suits as might be necessary and proper in the establishing of his above mentioned claim. Mr. Arnold has requested that the amount of his fees in said case be set apart and paid to him, and that his interest in the lands be recognized and established.

The above mentioned contract provided for a payment to Mr. Arnold for himself and for such attorneys as he might employ in the case, of an amount equal to fifty per cent of any property or property rights that might be secured to or obtained for said Emil John Jr. and for the amount of said fee or compensation, it was provided that Mr. Arnold or his representatives and assigns should have a lien upon any and all property or property rights so obtained for Emil John Jr. and upon any moneys obtained and upon the profits of any such property or property rights and upon any check or warrant issued in payment thereof. The power of attorney executed by Emil John on the same date as the above mentioned contract provided that Mr. Arnold should receive and receipt for any checks, warrants, or drafts payable to the order of said Emil John Jr. in payment or settlement of his claims.

In Section 18 of the Indian Appropriation Act of February 14, 1920, Public 141, 66th Congress, it was provided in reference to the per capita payment to be made thereunder out of the tribal funds to the enrolled members of the Choctaw and Chickasaw tribes of Indians "that the money paid to the enrolled members or their heirs as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act."

Similar provisions were contained in the previous acts of Congress relating to the per capita payments out of the Choctaw and Chickasaw tribal funds to the enrolled members of the above named tribes. In view thereof and of the fact that the interest or share of Emil John Jr. in the land allotted to the above named deceased Mississippi Choctaws of whom he is an heir, is restricted as to alienation and control, no lien or claim upon said land or upon the per capita payments out of the tribal funds which may be due said Emil John Jr. as an heir of the above named deceased Indians can be recognized in favor of Mr. Arnold, and no fee or compensation to Mr. Arnold for whatever services he may have rendered or for whatever expenses he may have incurred under the above mentioned contract of June 8, 1914, can be paid to him out of the above mentioned restricted inherited property, or out of any per capita share of tribal funds which may be due in the cases of the above mentioned deceased Indians.

There do not appear to be held under Government supervision any other funds to the credit of said Emil John Jr. out of which Mr. Arnold's claim to compensation can be paid. I therefore recommend that the above mentioned contract submitted by Mr. Arnold be returned to him unapproved, and that his claim to fees in the case of Emil John Jr. be denied.

Respectfully,

*(signed) Cato Sells.*

CATO SELLS  
Commissioner.

DEPARTMENT OF THE INTERIOR  
Office of the Secretary.

*Jan. 10, 1921.*

The recommendations of the Commissioner of Indian Affairs as above set forth are hereby approved.

*(signed) S. G. Hopkins*

Assistant Secretary.

2269  
Ernie John. et al.

DECISION RENDERED. MAR 12 1904

IDENTIFIED MAR 12 1904

COPY OF DECISION FORWARDED  
MAY 16 1904

NOTICE  
FOR

COPY OF DECISION FORWARDED  
ATTORNEYS J. A. CHOCTAW AND  
C. P. ...

*Handwritten notes at the bottom of the page.*

# 638

No. 2000

For Identification as a Mississippi Choctaw.

Date MAY 20, 1901

Name Emil John

Age 35- Blood full -

Post Office Vidon, La.

Father: John f. b. d

Mother: Josephine, f. b. d

Claims through both parents.

wife -

Louisa - d

No application for wife

~~Children:~~

Children

Jewel (JEWEL) - 13

Claims for self  
and son -

Stenographer R. S. Street



Choctaw MCR 2270

Jim Lewis

MCR 2270

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of the  
application of Jim Lewis for identification as a Mississippi  
Choctaw-----M.C.R. 2270.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Jim Lewis for  
identification as a Mississippi Choctaw, M.C.R. 2270.

I N D E X

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Original application of Jim Lewis to the Dawes Commission for identification as a Mississippi Choctaw	1
Testimony of Joseph Baptiste and W. J. Partain taken before the Commission at Meridian, Mississippi May 20, 1901, in support of the above application	4
Decision of the Commission identifying Jim Lewis as a Mississippi Choctaw	5

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, May 20, 1901.

In the matter of the application of Jim Lewis for  
identification as a Mississippi Choctaw.

Jim Lewis, having been first duly sworn, upon his oath  
states as follows: (Isham Johnston, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Jim Lewis.  
Q What is your age? A About forty.  
Q What is your post office address? A Violin, Louisiana.  
Q What parish? A Saint Tammany.  
Q How long have you lived in Louisiana? A All my life.  
Q Have you lived in Violin all of your life? A Yes.  
Q What is your father's name? A Jim.  
Q Jim What? A Just Jim.  
Q Is he dead? A Yes.  
Q Was he a full blood? A Yes.  
Q What is your mother's name? A I don't know.  
Q Is she dead? A Yes.  
Q Was she a full blood? A Yes.  
Q Do you claim to be a full blood through both your father and  
mother? A Yes.  
Q Have your parents, through whom you claim your right as to  
identification as a Mississippi Choctaw, ever been recognized in  
any manner or enrolled as members of the Choctaw tribe of Indians  
by either the Choctaw tribal authorities or the authorities of the  
United States? A No.  
Q Are you married? A Yes married and parted.  
Q Do you wish to make application for your wife? A No.  
Q Have you any children you desire to make application for?  
A No.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in  
Indian Territory? A No.  
Q Have you ever made application to the Choctaw tribal authorities  
in Indian Territory to be enrolled as a member of that tribe? A No.  
Q Did you, or any one for you, in 1896, make application for citizen-  
ship in the Choctaw Nation, under the Act of Congress of June 10,  
1896? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation,  
by either the Choctaw tribal authorities, the Commission to the Five  
Civilized Tribes, or by the United States Court in Indian Territory?  
A No.  
Q Have you ever made application prior to this time to either the C  
Choctaw tribal authorities or to the authorities of the United  
States to be admitted or enrolled as a citizen of the Choctaw  
Nation? A No.

Jim Lewis, #2.

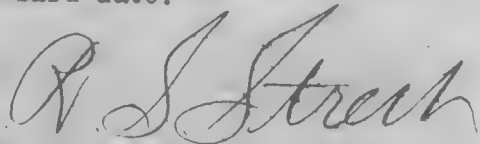
- Q Is this the first application of any kind you have ever made?  
A Yes.
- Q Do you now make an application for identification as a Mississippi Choctaw? A Yes.
- Q Do you claim your rights as a beneficiary under the provisions of Article Fourteen of the Treaty of 1830? A Yes.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have your ancestors, ever received any benefits as Choctaw Indians?  
A No.
- Q Can you give the name of your ancestor or ancestors who were recognized members of the Choctaw tribe of Indians in 1830, when the Treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A No.
- Q Have you any evidence that any of your ancestors were recognized members of the Choctaw tribe of Indians in 1830? A No, I don't know about it.
- Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory, while the other Indians moved there between the years 1833 and 1838? A No.
- Q Did any of your ancestors within six months after the ratification of the Treaty of 1830, signify to the United States Indian Agent living in Mississippi, their intention to remain in Mississippi and become citizens of the United States? A No, I don't know.
- Q Have any of your ancestors, ~~xxxxxxx~~ ever claimed or received any land in Mississippi as beneficiaries under the Fourteenth Article of the Treaty of 1830? A No.
- Q Do you speak the Choctaw language? A Yes.
- Q Are there any additional statements you desire to make in support of your application? A No.
- Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors were in 1830, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, or ever received any benefits under that article of that treaty?  
A No.

(This applicant appears to be a full blood Choctaw Indian; he speaks the Choctaw language, but he does not speak the English language, his examination having been conducted through a sworn Choctaw interpreter. He has no knowledge of a compliance on the part of his ancestors with any of the provisions of Article Fourteen of the Treaty of 1830.)

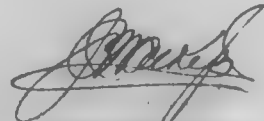
The decision of the Commission as to the application you make for identification as a Mississippi Choctaw will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, and conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same mailed to you to your post office address as given in your testimony.

Jim Lewis, #3.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 20th day of May, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause on said date.



Subscribed and sworn to before me at Meridian, Mississippi, this 27th day of June, 1901.



Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 20th, 1901.

In the matter of the application of Jim Lewis for identification as a Mississippi Choctaw.

Joseph Baptiste Sr., being called to testify in behalf of the applicant, and being first duly sworn, states as follows:-

Examination by L. P. Hudson, attorney for applicant.

- Q Q What is your name? A Joseph Baptiste.
- Q How old are you? A Forty six.
- Q Where do you live? A Saint Tammany Parish, Louisiana.
- Q Do you know Jim Lewis? A Yes sir.
- Q Where was Jim Lewis raised? A In Louisiana.
- Q Did you know his father and mother? A I don't know much about his father and mother but his folks all come from Mississippi.
- Q From the same place your folks come from? A Yes sir.
- Q Talihoma Creek? A Yes sir.

Witness excused.

W. J. Partin, being called to testify in behalf of the applicant, and being first duly sworn, states as follows:-

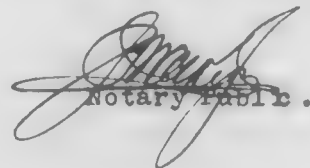
Examination by L. P. Hudson, attorney for applicant.

- Q State your name, age and residence? A W. J. Partin, age forty-five; reside in Enterprise, Mississippi.
- Q How long have you lived in Mississippi? A Ever since I was four years old.
- Q Do you know where Talihoma Creek is located in Mississippi? A Yes sir.
- Q Can you tell us through what Counties the Creek runs? A It heads in Jasper County, Mississippi, ~~near Ellisville~~, ~~the~~ and empties into Talihaly Creek in Jones County, Mississippi, near Ellisville, the County Seat of Jones County, Mississippi.

-----  
Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 20th, 1901, and that the above and preceding 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 13th day of June, 1901, at Meridian, Mississippi.

  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 20th, 1901.

In the matter of the application of Jim Lewis for identification as a Mississippi Choctaw.

Joseph Baptiste Sr., being called to testify in behalf of the applicant, and being first duly sworn, states as follows:-

Examination by L. P. Hudson, attorney for applicant.

- Q Q What is your name? A Joseph Baptiste.  
Q How old are you? A Forty six.  
Q Where do you live? A Saint Tammany Parish, Louisiana.  
Q Do you know Jim Lewis? A Yes sir.  
Q Where was Jim Lewis raised? A In Louisiana.  
Q Did you know his father and mother? A I don't know much about his father and mother but his folks all come from Mississippi.  
Q From the same place your folks come from? A Yes sir.  
Q Talihoma Creek? A Yes sir.

Witness excused.

W. J. Partin, being called to testify in behalf of the applicant, and being first duly sworn, states as follows:-

Examination by L. P. Hudson, attorney for applicant.

- Q State your name, age and residence? A W. J. Partin, age forty-five; reside in Enterprise, Mississippi.  
Q How long have you lived in Mississippi? A Ever since I was four years old.  
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Q Can you tell us through what Counties the Creek runs? A It heads in Jasper County, Mississippi, near ~~Ellisville~~, ~~the~~ and empties into Talihaly Creek in Jones County, Mississippi, near Ellisville, the County Seat of Jones County, Mississippi.

-----  
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Subscribed and sworn to before me this the 13th day of June, 1901, at Meridian, Mississippi.



Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 20th, 1901.

In the matter of the application of Jim Lewis for identification as a Mississippi Choctaw.

Joseph Baptiste Sr., being called to testify in behalf of the applicant, and being first duly sworn, states as follows:-

Examination by L. P. Hudson, attorney for applicant.

- Q Q What is your name? A Joseph Baptiste.  
Q How old are you? A Forty six.  
Q Where do you live? A Saint Tammany Parish, Louisiana.  
Q Do you know Jim Lewis? A Yes sir.  
Q Where was Jim Lewis raised? A In Louisiana.  
Q Did you know his father and mother? A I don't know much about his father and mother but his folks all come from Mississippi.  
Q From the same place your folks come from? A Yes sir.  
Q Talihona Creek? A Yes sir.

Witness excused.

W. J. Partin, being called to testify in behalf of the applicant, and being first duly sworn, states as follows:-

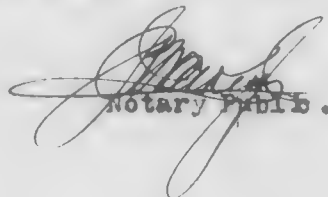
Examination by L. P. Hudson, attorney for applicant.

- Q State your name, age and residence? A W. J. Partin, age forty-five; reside in Enterprise, Mississippi.  
Q How long have you lived in Mississippi? A Ever since I was four years old.  
Q Do you know where Talihona Creek is located in Mississippi?  
A Yes sir.  
Q Can you tell us through what Counties the Creek runs? A It heads in Jasper County, Mississippi, ~~near Ellisville~~, and empties into Talihaly Creek in Jones County, Mississippi, near Ellisville, the County Seat of Jones County, Mississippi.

Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 20th, 1901, and that the above and preceding 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 13th day of June, 1901, at Meridian, Mississippi.



Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

*Crow*

In the matter of the application of Jim Lewis for  
identification as a Mississippi Choctaw, -----M.C.R. 2270.

-----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 May 20, 1901, by Jim Lewis 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 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:

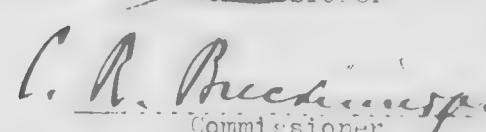
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants 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 Jim Lewis 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

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 Jim Lewis 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 Jim Lewis 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,

*James T. Fisher*  
Acting Chairman.

Register  
GR-encl-21-48.

COPY.

M.C.R. 2270

Muskogee, Indian Territory, March 11, 1903.

Jim Lewis,

Violin, Louisiana.

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,

*Tame Ruby.*

Chairman.

Registered.

Enc. 2270.

#639

No. 2271

For Identification as a Mississippi Choctaw.

Date MAY 20 1901

Name Jim Lewis.

Age 40 - Blood full,

Post Office Vidalia, La.

Father: Jim. f. b. d

Mother: don't know f. b. d

Claims through both parents,

Claims for self alone.

~~Children:~~

Stenographer R. A. Streit

R. 101  
A. 101

*Jim Lewis*

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

Choctaw MCR 2271

J. L. Morris

MCR 2271



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The within record is in the matter of the  
application of J. P. Morris, et al., for identification as  
Mississippi Choctaws,

M.C.R. 2271

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of J. P. Morris,  
et al., for identification as Mississippi Choctaws, M.C.R. 2271.

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, May 20, 1901.

In the matter of the application of J.P. Morris for the identification of himself and wife, Bessie as Mississippi Choctaws.

J.P. Morris, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A J.P. Morris.
- Q What is your age? A Twenty two.
- Q What is your post office address? A Roscoe, Mississippi.
- Q How long have you lived at Roscoe? A This year.
- Q Where were you born, in Newton County, Mississippi? A Yes.
- Q Have you always lived in Newton County? A Yes.
- Q What is your father's name? A Morris.
- Q What is his first name? A I don't know.
- Q Is he living or dead? A Living.
- Q Is he a full blood Indian? A Yes.
- Q What is your mother's name? A I don't know.
- Q Is she living? A No she's dead long time.
- Q Was she a full blood? A Yes.
- Q You claim to be a full blood Choctaw Indian? A Yes.
- Q You claim your Choctaw blood through both your father and mother?  
A Yes.
- Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians, by the Choctaw tribal authorities or by the authorities of the United States? A No sir.
- Q Are you married? A Yes.
- Q What is your wife's name? A Bessie.
- Q How old is Bessie? A Eighteen.
- Q Is she a full blood? A Yes.
- Q What is her father's name? A John Wallace.
- Q Is he living? A Yes.
- Q Is he a full blood? A Yes.
- Q What is your wife's mother's name? A Sarah.
- Q Is she living? A No sir, dead.
- Q Was she a full blood? A Yes.
- Q Does your wife, Bessie, claim her Choctaw blood through both her father and mother? A Yes.
- Q Has your wife's parents, through whom you claim for her the right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States? A No sir.
- Q When were you married to your wife, Bessie? A Most two years.
- Q Do you remember the time? A Yes.
- Q What month was it? A October.
- Q In October of 1899? A Yes.
- Q Were you married under license or by the Choctaw custom? A Choctaw custom.

J.P.Morris, et al.,#2.

Q Have you any children? A No.

Q Is your name, or the name of your wife, on any of the Choctaw tribal rolls in the Choctaw Nation, Indian Territory? A Yes.

Q Did you go out there and have your names put on the rolls?

A No sir.

Q Have you ever made application to the Choctaw tribal authorities for yourself or wife, in Indian Territory, for enrollment as members of that tribe? A No sir.

Q Did you, or any one for you, or your wife, in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation?

A No sir.

Q Have you ever been admitted to citizenship, or your wife, in the Choctaw Nation by the Choctaw tribal authorities or the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you, or any one for you, or for your wife, ever made application before this time to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? Did you make application for yourself, two years ago? A Yes.

The records of the Commission show that on February 9, 1899, this applicant appeared before the Commission at Decatur, Mississippi, and made application for identification as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw Card, Field Number 487; also, upon page 102 of the Schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the Fourth Article of the Treaty of Dancing Rabbit Creek, being Number 1771 thereon.

Q Do you know whether application was made two years ago for your wife, Bessie? A No.

Q Her father's name is John Wallace? A Yes.

Q His wife's name was Sarah? A Yes.

Q The children, Leona, William and Lissie? A Yes.

Q Do you know whether application was made for Bessie at the time John Wallace appeared for himself; did he forget that name? A Yes.

Q Is it now your purpose to make application for the identification of yourself and wife, Bessie, as Mississippi Choctaws? A Yes.

Q

(The following testimony was given through the sworn Choctaw interpreter, Isham Johnston.)

Q Do you claim your right for yourself and wife as beneficiaries under Article Fourteen of the Treaty of 1830? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Did your wife ever receive any benefits as a Choctaw Indian?

A No sir.

Q Have any of your ancestors, or your wife's ancestors ever received any benefits as Choctaw Indians? A No sir.

Q What is the name of your ancestor or ancestors, or your wife's ancestor or ancestors, who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830, when the Treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A No sir, I don't know.

Q Have you any evidence showing that any of such ancestors were recognized members of the Choctaw tribe of Indians 1830? A No sir.

Q Did your ancestors, or your wife's ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory, at the time of the removal of the greater part of the Choctaw tribe of Indians between 1833 and 1838? A I don't know.

Q Did any of your ancestors or your wife's ancestors, within six months after the ratification of the Treaty of 1830, signify to the United States Indian Agent in Mississippi their intention to remain in Mississippi and take land in that state and become citizens of the United States? A I don't know.

Q Have your ancestors or your wife's ancestors ever received any land as beneficiaries under the Fourteenth Article of the Treaty of 1830? A No.

Q Do you speak the Choctaw language? A Yes.

Q Are there any additional statements you desire to make in support of this application? A No.

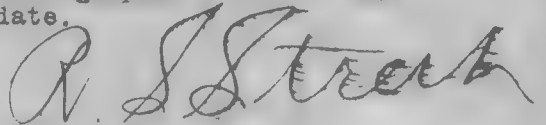
Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors, or your wife's ancestors were in 1830, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Cree, or ever received any benefits under that article of that Treaty? A No.

(This applicant appears to be a full blood Choctaw Indian. He speaks the Choctaw language; he also speaks English, but imperfectly. He has no knowledge of a compliance on the part of his ancestors with any of the provisions of the Fourteenth Article of the Treaty of 1830.)

The decision of the Commission as to the application you make at this time for the identification of yourself, and your wife as Mississippi Choctaws, will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

J.P.Morris, et al., #4.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above entitled cause on the 20th day of May, 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 this 27th day of June, 1901, at Meridian, Mississippi.



Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

*C.W.*  
In the matter of the application of J. P. Morris et al.,  
for identification as Mississippi Choctaws, M.C.R. 2271.

----- 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 May 20, 1901, by J. P. Morris for himself and his wife, Bessie Morris, 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.

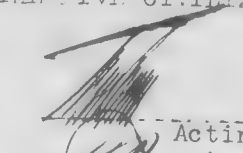


Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902,

(32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 15, 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 or 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 J. P. Morris and Bessie Morris 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 2071

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 J. P. Morris and his wife Bessie Morris 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 J. P. Morris and his wife as Mississippi Choctaws, and make 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 D. ...*

Register.  
GR-e:ol-21-55.

Acting Chairman.

COPY.

M.C.R. 2271

Muskogee, Indian Territory, March 11, 1903.

J. P. Morris,

Rescoe, 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 wife, Bessie Morris, 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 D. Doby.*

(SIGNED)

Chairman.

Registered.

Enc. 2271

Ardmore, I. T. May 14, 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 record 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:

J. Tippet

J. P. <sup>hus</sup> + Morris  
mark

FILE IN CASE

#1/4

No. \_\_\_\_\_

For Identification as a Mississippi Choctaw.

Date 1901

Name J. P. Morris

Age 22 Blood full

Post Office Roseville, Miss.

Father: Morris, f. b. l

Mother: dont know, f. b. d

Claims through both parents.  
Wife

Wife Bessie - f. b. 18  
father - John Wallace f. b. l.  
Mother - Sarah Wallace, f. b. d

Children:

See M.C. Card filed No. 487.

applicant for self and  
wife

Stenographer ~~H. C. Pickett~~  
R. S. S. Treix

Choctaw MCR 2272

Aben Wallace

MCR 2272

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The within record is in the matter of the  
application of Aben Wallace et al., for identification as Mississippi  
Choctaws, M.C.R. 2272

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Aben Wallace, et al., for identification as Mississippi Choctaws, M.C.R. 2272.

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DEPARTMENT OF THE INTERIOR.  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.  
 Meridian, Mississippi, May 20, 1901.

In the matter of the application of Aben Wallace for the identification of himself and wife as Mississippi Choctaws.

Aben Wallace, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Aben Wallace.  
 Q What is your age? A Twenty two.  
 Q What is your post office address? A Foscoa, Newton County, Mississippi.  
 Q How long have you lived in Newton County? A Lived long time-- born there.  
 Q Lived there all your life? A Yes.  
 Q What is your father's name? A John Wallace.  
 Q Is he living? A Yes.  
 Q Is he a full blood? A Yes.  
 Q What is your mother's name? A Sarah.  
 Q Is she a full blood? A Yes.  
 Q Is she living? A No, she is dead.  
 Q Do you claim your Choctaw blood through both your father and mother? A Yes.  
 Q Have your parents through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States? A No.  
 Q Are you married? A Yes.  
 Q What is your wife's name? A Sota.  
 Q Is she a full blood? A Yes.  
 Q How old is Sota? A Going on sixteen.  
 Q When were you married to her? A Last year.  
 Q Do you remember the month? A Last fall, I think about July, 1900.  
 Q Have you any children? A No.  
 Q Do you make claim for Sota? A Yes.  
 Q What is her father's name? A Jim Jackson.  
 Q Was Wallace her stepfather? A Yes.  
 Q Is Jim Jackson living? A No, he is dead.  
 Q Was he a full blood? A Yes.  
 Q Is her mother living? A Yes.  
 Q What is her mother's name? A Latisha Wallace.  
 Q Is she a full blood? A Yes.  
 Q Does your wife claim through both her father and mother? A Yes.  
 Q Have your wife's parents through whom you claim for her the right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States? A No.  
 Q Have you any children you want to make application for? A No.  
 Q Is your name or your wife's name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.  
 Q Have you ever made application for yourself or your wife to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No.



Aben Wallace---2.

Q Did you or any one for you or for your wife in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896?

A No.

Q Have either 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 by the United States Court in Indian Territory? A No.

Q Did you make application for yourself or your wife before this to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A Yes, application was made for me two years ago.

The records of the Commission show that on February 8, 1899, John Wallace, the father of this applicant, appeared before the Commission at Decatur, Mississippi, and made application for the identification of this applicant as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw Card, Field No. 477, also upon page 100 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899 of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of the Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being roll No. 1733 thereon.

The records of the Commission also show that on February 8, 1899, Wes Wallace appeared before the Commission at Decatur, Mississippi, and made application for the identification of Sota Jackson now this applicant's wife, as a Mississippi Choctaw, her name appearing upon Mississippi Choctaw Card, Field No. 471; also upon page 100 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899 of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being roll No. 1718 thereon.

Q Is it now your purpose to make application for the identification as Mississippi Choctaws for yourself and wife? A Yes.

Q Do you claim your rights as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Yes.

Q Have you or your wife ever received any benefits as Choctaw Indians? A No.

Q Have any of your ancestors or your wife's ancestors ever received any benefits as Choctaw Indians? A No.

Q Do you know the name of your ancestor or your wife's ancestor who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into? A No.

Q Have you any evidence showing that such ancestors were recognized members of the Choctaw tribe of Indians in 1830? A No.

Q Did your ancestors or your wife's ancestors go from the territory occupied by the Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory between the years 1833 and 1838 when the other Indians were removed by the United States government? A No.

Aben Wallace----3.

Q If these ancestors of yourself and your wife did not remove with the other members of the tribe, did they within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to remain in Mississippi and become citizens of the United States?

A I don't know.

Q Have any of your ancestors or your wife's ancestors ever claimed or received any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A No.

Q Do you speak the Choctaw language? A Yes.

Q Are there any additional statements you want to make in support of this application? A No.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or other proper papers showing that your ancestors or your wife's ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the fourteenth article of the treaty of 1830 or ever received any benefits under that article of the treaty of 1830? A No.

This applicant appears to be a full blood Choctaw Indian. He speaks the Choctaw language; he also speaks the English language imperfectly, his examination having been given without the assistance of a sworn Choctaw interpreter. He has no knowledge of any compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

The decision of the Commission as to your application for the identification of yourself and wife as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of the decision will be mailed to you at your post office address as given in your testimony at this time.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 20th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 8th day of May, 1901.

*[Signature]*  
Notary Public.

*C.W.*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Aben Wallace, et al.,  
for identification as Mississippi Choctaws; M.C.R. 2272.

-----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 May 20, 1901, by Aben Wallace for himself and his wife, Sota Wallace, 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.

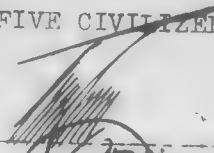
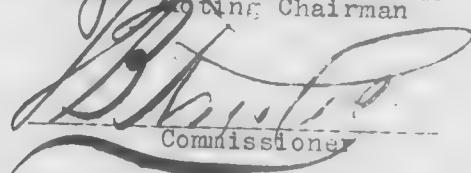
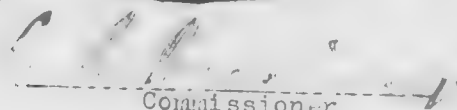
Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw

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 Aben Wallace and Sota Wallace 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. 2272

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 Aben Wallace and his wife Sota Wallace 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 Aben Wallace and wife 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 Dixby.*

Acting Chairman.

Registered.  
Enc. M.C.R. 2272

COPY.

H.C.R. 2272

Muskogee, Indian Territory, March 11, 1903.

Abon Wallace,

Roscoe, 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 wife, Sota Wallace, 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)

*Jams Dixon.*

Chairman.

Registered.

Enc. H.C.R. 2272.

Muskogee, Indian Territory, April 8, 1904.

Thos. Norman,

Attorney-at-Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 1, 1904, in which you state that Aben Wallace and his wife, Sota Wallace, applied at the Tishomingo Land Office about two weeks ago but were not allowed to file on land, it appearing "that something further towards certifying their name was needed." You ask if these Indians can now file on their lands.

In reply to your letter you are informed that it appears from our records that on February 14, 1903, the Commission rendered a decision identifying Aben Wallace and his wife, Sota Wallace, as full-blood Mississippi Choctaws. On March 11, 1904, these persons were notified of the action of the Commission, and that if they remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, they would 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 Tishoming, Chickasaw Nation.

T. N., 2.

It does not appear that proof of such removal and settlement has been made within the time prescribed by law; and therefore, such rights as were guaranteed Aben Wallace and his wife, Sota Wallace by the decision of the Commission to the Five Civilized Tribes of February 14, 1903, have expired by limitation.

Respectfully,

Commissioner in Charge.



Atoka, I. T. May 14, 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 record 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:

Abner W. ...

\_\_\_\_\_  
\_\_\_\_\_

*[Handwritten notes in left margin]*

#141

No. 200-1

For Identification as a Mississippi Choctaw.

Date 11 1901

Name *Aben Wallace*

Age 22 - Blood full

Post Office *Roscoe, Miss*

Father: *John Wallace, f.b. l*

Mother: *Sarah " f.b. d*

Claims through *both parents.*

*wife Sota, - f. b. 16*

*(Sota) father - Jim Jackson, f.b. d.*

*Mother - Latisha Wallace, f.b. l.*

Children:

*See M.C. Cards, filed  
Nos 471 and 477.*

*Claims for self and  
wife.*

Stenographer *H. C. Rector*

FOR IDEN

IFICATION

R. 2272

*Aben Wallace et al*

**COPY OF DECISION FORWARDED  
APPLICANT**

MAR 11 1903

Choctaw MCR 2273

John Allen (or John Dixey)

(or A-ChoK-eK-tubbee)

MCR 2273

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of the  
application of John Allen (or John Dixey or A-chok-mat-ek-tubbee  
et al., for identification as Mississippi Choctaws, M.C.R. 2273

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of John Allen (or John Dixey or A-chok-mat-ek-tubbee) et al., for identification as Mississippi Choctaws, M.C.R. 2273.

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, May 20, 1901.

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

John Allen, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A John Allen.
- Q What is your age? A Forty five.
- Q What is your post office address? A Spivey, Newton County, Mississippi.
- Q How long have you lived in Newton County? A All my life.
- Q What is your father's name? A I don't know.
- Q Was it Ho-te-chubbee? A Don't know.
- Q Was he a full blood? A Yes.
- Q Is he dead? A Yes, been dead some time.
- Q What is your mother's name? A Sallie---English name.
- Q Was she a full blood? A Yes
- Q Is she dead? A Yes.
- Q Are you a full blood? A Yes.
- Q You claim your Choctaw blood through both father and mother?  
A Yes.
- Q Have your parents through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities or by the authorities of the United States  
A I don't know.
- Q Are you married? A Yes, wife dead.
- Q What was her name? A Sallie.
- Q Was she a full blood? A Yes sir.
- Q When were you married to her? A I expect twenty years ago.
- Q Did you marry under license or according to Choctaw custom? A By Choctaw custom.
- Q Have you any children under twenty one and unmarried that you want to make application for? A Yes.
- Q What are their names? A Ona.
- Q How old is Ona? A About fifteen.
- Q What is the name of the next? A Jim .
- Q How old is Jim? A About ten.
- Q Was Sallie the mother of Ona and Jim? A Yes.
- Q Are you the father? A Yes.
- Q Are these children living with you? A Yes.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation? A No.
- Q Have you ever made application for yourself or children to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No.
- Q Did you or any one for you in 1896 under the act of Congress of June 10, 1896, make application to the Dawes Commission for citizenship in the Choctaw Nation? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, Commission to

John Allen----2.

the Five Civilized Tribes or by the United States Court in Indian Territory? A No.

Q Have you ever made application before this to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A I made application two years ago at Decatur.

The records of the Commission show that this applicant appeared before the Commission to the Five Civilized Tribes at Decatur, Mississippi, February 6, 1899, and there made application for the identification of himself and his children, Ona and Jim as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field No. 353; also upon page 82 of the schedule of Mississippi Choctaws which accompanied the report of March 10 1899 of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being roll Nos. 1249, 1250 and 1251 respectively thereon.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and two minor children? A Yes sir

Q Do you claim your rights as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.

Q Do you know the name of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A No.

Q Have you any evidence showing that such ancestors were recognized members of the Choctaw tribe of Indians in 1830? A No.

Q Did these ancestors if Choctaw Indians remove from the territory occupied by the Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other Choctaw Indians in 1833 to 1838? A I don't know.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent that they intended to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know.

Q Do you speak the Choctaw language? A Yes.

Q Are there any additional statements you desire to make in support of your application? A No.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that your ancestors were ever acknowledged members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits under that article of that treaty? A No.

This applicant appears to be a full blood Choctaw Indian; he speaks the Choctaw language; he also speaks the English language with sufficient fluency to give his testimony without the



John Allen----3.

aid of a sworn Choctaw interpreter. He has no knowledge of any compliance by his ancestors with the provisions of the fourteenth article of the treaty of 1830.

The decision of the Commission as to your application for the identification of yourself and two minor children as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of the decision will be mailed to you at your post office address as given in your testimony at this time.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 20th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 8th day of May, 1901.

*J. Mack*  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskoogee, Indian Territory, July 8th, 1902.

In the matter of the application of John Allen for the identification of himself and his two minor children, Ona and Jim Allen, as Mississippi Choctaws, M.C.R.2273.

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, August 20, 1901, and there made application for the identification of yourself and your wife, Patsie, and your ward, Allen Gilmore, as Mississippi Choctaws? A. Yes sir.  
Q. Do you know a Choctaw Indian by the name of John Allen? A. Yes, sometimes called John Dixey.  
Q. Is that person the same John Allen who appeared before the Commission at Meridian, Mississippi, on the 20th of May, 1901, and made application for the identification of himself and his children, Ona and Jim Allen as Mississippi Choctaws? A. Yes sir.  
Q. Where does he live? A. In Newton County, Mississippi.  
Q. About what place? A. His postoffice, I think, was Doctor Spivey's.  
Q. Is he a married man? A. Yes sir.  
Q. Is his wife living? A. No.  
Q. What was her name? A. I can't think of her name.  
Q. But you know she is dead? A. Yes.  
Q. Do you know the names of his children? A. I know Ona; that's all I know.  
Q. You don't know the name of the other one? A. No, I know he had it but I don't know name.  
Q. Did you ever hear of his having a child named Jim? A. Yes, heap little children, Jim; I can't think of it.  
Q. He is a full blood Choctaw, is he? A. Yes.  
Q. Do you know his father or mother? A. Yes.  
Q. What is his father's name? A. No-te-chubbee.  
Q. Do you know the name of his mother? A. I don't know her--been dead good while.  
Q. Did John Allen have an Indian name? A. Yes.  
Q. What is that? A. A-chok-mat-ek-tubbee.  
Q. Did you know his daddy while he was living? A. Yes.  
Q. How long has he been dead--do you know how many years? A. I think about thirty.

- Q Did you know his granddaddy--Ho-te-Chubbee's daddy? A Yes, O-na-chatta.
- Q Do you know about how old a man he was when he died? A He was pretty old--I think some eighty years when he died.
- Q Do you know how many years he has been dead? A I can't recollect, but since the surrender.
- Q Who was O-na-chatta's daddy? A Pis-a-ho-chubbee.
- Q Did O-na-chatta have any brothers or half brothers,, or sisters or half sisters? A He got one full sister.
- Q What is her name? A Ah-ho-li-ti-mah.
- Q Did he have any brothers or half brothers? A Yes, half brother.
- Q What was his half brother's name? A He-he-looth-tubbe.
- Q Were there any others that you know of? A He-mah-ho-na.
- Q Was that a half sister? A A full sister of He-he-looth-tubbe and a half sister of O-na-chatta.

Reference is made to the claimant's brief in the case of the Choctaw Nation vs. United States, Lo.12742, Volume 1, page 508, Court No .404, in a list of seventy-nine cases fully adjudicated by Commissioners Tyler, Gaines and Rush, May 31, 1845. Pis-a-ha-chubbee is shown as the head of a family, with children over ten years of age at the date of the treaty, He-he-looth-tubbe, E-la-ma-ho-nah (or La-ma-ho-nah); location of residence at date of treaty, Section 19, Township 7, Range 13 East; residence for five years fully proved; disposition of the land, part sold by Government; signification of intention to become citizens fully proved.

Reference is also made to a list of Choctaws to whom scrip was issued under the 14th article of the treaty of Dancing Rabbit Creek, prepared by the Indian Office and in the possession of the Commission, Page 74, P.  
L V

Reference is also made to Mississippi Choctaw cases M.C.R. 2647, Old Hannah, and M.C.R. 3299, John Anderson.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, July 8th, 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 14th day of July, 1902, at Muskogee, Indian Territory.

*Ira S. Niles*  
*Guy L. V. Emerson*  
Notary Public.

*Cow.*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of John Allen (or John Dixey) (A-chok-mat-ek-tubbee), et al., for identification as Mississippi Choctaws, M.C.R. 2273.

-- -----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 May 20, 1901, by John Allen (sometimes called John Dixey, Indian name A-chok-mat-ek-tubbee) for himself and his two minor children, Ona and Jim Allen, 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 Allen (or John Dixey, or A-chok-mat-ek-tubbee), Ona Allen and Jim Allen 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

Muskogee, Indian Territory, February 20, 1903.

Russell, Dick & Lee,  
Attorneys at Law,  
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you ask to be advised "relative to the standing as a Mississippi Choctaw Indian of John Allen, of Decatur, Mississippi."

In reply to your letter you are informed that it appears from the records of the Commission that John Allen, post office Spivey, Newton county, Mississippi, is an applicant to this Commission for the identification of himself and family as Mississippi Choctaws.

The Commission has not up to the present time rendered any opinion or decision relative to their right to be identified as such Mississippi Choctaws, but is now considering their application and it is probable a decision will be rendered in the near future. The applicants 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.

COPY.

M.C.R. 2273

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 John Allen (A-chok-mat-ek-tubbes) and his minor children, Ona Allen and Jim Allen 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 Allen (A-chok-mat-ek-tubbes) 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,  
*[Signature]*

Registered.  
Enc. M.C.R., 2273

*[Signature]*  
Chairman.

M.C.R. 2273

Muskogee, Indian Territory, March 11, 1903.

John Allen (A-chok-mat-ek-tubbee,

Spivey, Mississippi. Renewed Anderson, S.D. April 7, 1903

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, Ona Allen and Jim Allen 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 Dixby.*  
Chairman.

Registered.

Enc. 2273



Muskogee, Indian Territory, January 7, 1906.

McCurtain & Hill,  
Attorneys at Law,  
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 3rd instant, requesting to be furnished with the date of the identification of John Allen, or John Dixey (A-ohok-mat-ek-tubbee) as a Mississippi Choctaw.

In reply you are informed it appears from our records that on February 14, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying John Allen (or John Dixey, or A-ohok-mat-ek-tubbee), and his two minor children, Ona Allen and Jim Allen, as full blood Mississippi Choctaws, their names appearing upon a schedule of duly identified Mississippi Choctaw Indians opposite numbers 410, 411 and 412, respectively, approved by the Secretary of the Interior on April 7, 1903.

Respectfully,

Chairman.

Ardmore, I. T. April 16, 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 in my case.

*John <sup>his</sup> Allen <sup>mark</sup> of Muskogee*  
M.C.R. (2273)

#12

No. 35-3

For Identification as a Mississippi Choctaw.

Date MAY 20 1901

Name John Allen,  
(A-chok-met-ek-tubbee.)

Age 45 - Blood full

Post Office Spivy, Miss.

Father: dont know, f. b. d

Mother: Sallie, f. b. d

Claims through both parents.  
wife

Sallie Allen f. b. d

See M.C. Card filed No. 35-3

Children:

~~Ma~~, 15-

Jim - 10

Claims for self  
& children -

Stenographer H. C. Ristrom.

~~John Allen (or John Dufay~~  
~~or A-chok-mat-ek-tubbee. etc~~

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

Choctaw MCR 2274

James Francis

MCR 2274

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The within record is in the matter of  
the application of James Francois for identification as a Miss-  
issippi Choctaw,  
H.C.R. 2274

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of James Francois  
for identification as a Mississippi Choctaw, M.C.R. 2286

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DEPARTMENT OF THE INTERIOR.  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.  
 Meridian, Mississippi, May 20, 1901.

In the matter of the application of James Francois for identification as a Mississippi Choctaw.

James Francois, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A James Francois.  
 Q What is your age? A About forty  
 Q What is your post office address? A Mandeville, Louisiana.  
 Q How long have you lived there? A All my life.  
 Q Born there? A Born in New Orleans but raised in Mandeville.  
 Q You never lived in any other state? A No.  
 Q What is your father's name? A My father's name James Francois.  
 Q Is he living? A No he dead since I was a little baby.  
 Q How much Choctaw blood did he have? A He was full blood.  
 Q What is your mother's name? A My mother's name Pauline.  
 Q Is she living? A Dead long time.  
 Q Was she a full blood? A Full blood.  
 Q Are you a full blood? A I am full blood.  
 Q Do you claim your Choctaw blood through both your father and mother?  
 A Yes.  
 Q Have your parents through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No.  
 Q Are you married? A No, been married.  
 Q Were you married under license? A No married by Choctaw custom.  
 Q You do not want to claim for your wife? A No, just for myself.  
 Q You have no children living? A No sir.  
 Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.  
 Q Have you ever made application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No.  
 Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896 for citizenship in the Choctaw Nation? A No.  
 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 by the United States Court in Indian Territory? A No  
 Q Have you ever made application before this to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.  
 Q Is this the first application of any kind you have ever made?  
 A Yes.  
 Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.  
 Q Do you claim your rights as a beneficiary under the fourteenth article of the treaty of 1830? A Yes.  
 Q Have you ever received any benefits as a Choctaw Indian? A No, I want to get some.



James Francois----2.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.

Q Can you tell the names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and who were acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was made? A No, I don't know.

Q Did your ancestors remove from the territory occupied by the Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians from 1833 to 1838? A I don't know.

Q If your ancestors did not remove from the state of Mississippi with the other members of the tribe did they within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent for the Choctaw Indians in Mississippi their intention to remain in Mississippi and become citizens of the United States? A I don't know.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A No.

Q Can you speak the Choctaw language? A Yes.

Q Are their any additional statements you want to make in support of this application? A No, I just want to say that I want money and land and want it right away.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830? A No.

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

Motion of counsel for applicant is granted.

This applicant appears to be a full blood Choctaw Indian. He speaks the Choctaw language, also English language with sufficient fluency to give his testimony before the Commission in the English language. He has no knowledge of any compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 20th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 6th day of June, 1901.

*H.C. Risteen*

*[Signature]*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 20th, 1901.

In the matter of the application of James Francois for identification as a Mississippi Choctaw.

Joseph Baptiste Sr., being called to testify in behalf of the applicant, and being first duly sworn, states as follows:-

Examination by L. P. Hudson, attorney for applicant.

- Q What is your name? A Joseph Baptiste.
- Q How old are you? A Forty six.
- Q Where do you live? A Saint Tammany Parish, Louisiana.
- Q Do you know James Francois? A Yes sir.
- Q Where did his father and mother come from? A From Louisiana but his grandfather come from Mississippi.
- Q From Talihoma Creek, the same place as your father and mother? A Yes sir.
- Q All his old people lived in Mississippi, did they? A Yes sir.
- Q Those old people told you about this? A Yes sir.
- Q All went from there to Louisiana same time your folks did? A Yes sir.
- Q From the same place in Mississippi? A Yes sir.

Witness excused.

W. J. Partin, being called as a witness in behalf of said applicant, and being first duly sworn, states as follows:-

Examination by L. P. Hudson, attorney for applicant.

- Q State your name, age and residence? A W. J. Partin, age forty-five; reside in Enterprise, Mississippi.
- Q How long have you lived in Mississippi? A Ever since I was four years old.
- Q Do you know where Talihoma Creek is located in Mississippi? A Yes sir.
- Q Can you tell us through what counties the Creek runs? A It heads in Jasper County, Mississippi, and empties into Talihaly Creek in Jones County, Mississippi near Ellisville, the County Seat of Jones County, Mississippi.

Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 20th, 1901, and that the above and preceding is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Niles*

Subscribed and sworn to before me this the 13th day of June, 1901, at Meridian, Mississippi.

*[Signature]*  
Notary Public.

*C. W. D.*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of James Francois  
for identification as a Mississippi Choctaw, M.C.R. 2274.

-----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 May 20, 1901, by James Francois 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 the applicant is a full blood Mississippi Choctaw  
Indian.

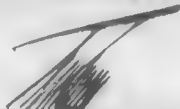
Section forty-one of the Act of Congress entitled "An Act

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:

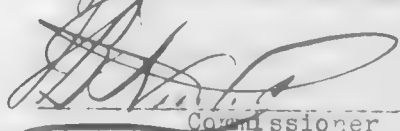
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants 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 James Francois 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

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 James Francois 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 James Francois 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,

*James D. Wiley*  
Acting Chairman.

Register.  
GR-encl-21-20.

COPY.

K.C.R.2274.

Muskogee, Indian Territory, March 11, 1903.

James Francois,

Hamdenville, Louisiana.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commissioner 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., 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 Commissioner at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

*James Bixby.*  
Chairman.

Registered.

Enc.: 2274.

#622

No. 2274

**For Identification as a Mississippi Choctaw.**

Date MAY 20 1901

Name James Francois,

Age 40 Blood full.

Post Office Mandeville, La.

Father: James Francois, f. b. d.

Mother: Pauline .. f. b. d.

Claims through both parents.

~~Notes:~~

Claims for self alone,

H. C. Ristern -



20 1903  
MAY 1903, IND. TER.

REGISTERED

TO THE PRESIDENT OF THE UNITED STATES  
FILED  
APR 20 1903

CHAIRMAN





REGISTERED

APR 20 1903  
LAKE, IND. TER.

U.S. POST OFFICE

LAKE, IND. TER.

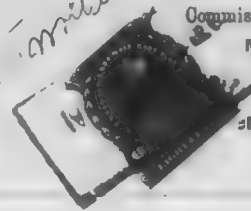
APR 20 1903

CHAIRMAN

*Reg # 203*



*Registered letter*



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

James Francois,

~~Mandeville, Louisiana.~~

4329



2047

R.2274

James Francis.

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

Choctaw MCR 2275

Joseph Baptiste Jr

MCR 2275

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The within record is in the matter of  
the application of Joseph Baptiste, Jr., for identification  
as a Mississippi Choctaw,

M.C.R. 2275

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Joseph Baptiste Jr.,  
et al., for identification as a Mississippi Choctaw, M.C.R. 2275

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Testimony of Joseph Baptiste and W. J. Partin, taken in support of the above application	3
Decision of the Commission identifying Joseph Baptiste as a Mississippi Choctaw	4

DEPARTMENT OF THE INTERIOR.  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.  
 Meridian, Mississippi, May 20, 1901.

In the matter of the application of Joseph Baptiste, Jr., for identification as a Mississippi Choctaw.

Joseph Baptiste, Jr., having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Joseph Baptiste, Jr.  
 Q What is your age? A Twenty six.  
 Q What is your post office address? A Florenville, Louisiana.  
 Q How long have you lived in Louisiana? A All my life.  
 Q Never have lived out of that state? A No.  
 Q What is your father's name? A Joseph Baptiste.  
 Q Is he living? A Yes.  
 Q Is he a full blood? A Yes.  
 Q What is your mother's name? A Felice.  
 Q Is she living? A Yes.  
 Q Is she a full blood? A Yes sir.  
 Q Through which one of these parents do you claim Choctaw blood?  
 A Both.  
 Q Are you a full blood? A Yes.  
 Q Have your parents through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States? A No.  
 Q Are you married? A No sir.  
 Q You make application for yourself alone? A Yes sir.  
 Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.  
 Q Have you ever made application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No.  
 Q Did you or any one for you in 1896 under the act of Congress of June 10, 1896, make application to the Dawes Commission for enrollment or citizenship in the Choctaw Nation? A No.  
 Q Have you ever made application before this to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.  
 Q This is the first application you have ever made of any kind? A Yes.  
 Q Do you now want to make application for identification as a Mississippi Choctaw? A Yes.  
 Q Do you claim under article fourteen of the treaty of 1830? A Yes.  
 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.  
 Q Do you know the names of any of your ancestors who were recognized members of the Choctaw tribe of Indians in 1830 when the treaty of 1830 was made? A No.  
 Q Have you any evidence showing that any of your ancestors were recognized members of the Choctaw tribe of Indians in 1830? A No.  
 Q Did any of your ancestors remove from the territory occupied by the Choctaw tribe of Indians in Mississippi and Alabama between the years 1833 and 1838 to the Indian Territory with the other Choctaw Indians? A No.  
 Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent living in

Joseph Baptiste Jr.----2.

Mississippi that they intended to remain in Mississippi, take land there and become citizens of the United States? A No.

Q Have any of your ancestors ever claimed or received any land in Mississippi under article fourteen of the treaty of 1830? A No.

Q Do you speak the Choctaw language? A Yes.

Q Are there any additional statements you want to make in support of your application? A No.

Q Have you any documentary evidence, any affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830?

Here L.P.Hudson asks leave to file written evidence in support of this claim within thirty days.

Motion of attorney for applicant is granted.

This applicant has the appearance and all characteristics of a full blood Choctaw Indian. He speaks the Choctaw language, and has also sufficient knowledge of the English language to give his testimony without the aid of a sworn Choctaw Interpreter. He has no knowledge of any compliance by his ancestors with the fourteenth article of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 20th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 6th day of May, 1901.

*[Signature]*  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, ~~Jan~~ May 20th, 1901.

In the matter of the application of Joseph Baptiste Jr.,  
for identification as a Mississippi Choctaw.

Joseph Baptiste Sr., being called to testify in behalf of  
the applicant, and being first duly sworn, states as follows:-

Examination by Mr. L. P. Hudson, attorney for applicant.

- Q What is your name? A Joseph Baptiste.
- Q How old are you? A Forty six.
- Q Where do you live? A Saint Tammany Parish, Louisiana.
- Q Where did your father and mother live? A Lived in the same place.
- Q Where did they come from to that place? A Come from Mississippi.
- Q Where in Mississippi? A At Talihoma Creek.
- Q Did your father and mother always live there? A Yes sir.
- Q Until they went to Louisiana? A Yes sir.
- Q All their folks lived in Mississippi, did they? A Yes sir.
- Q You was born in Louisiana? A Yes sir.
- Q Did they tell you that their people all come from Mississippi? A Yes sir.
- Q Did your folks ever live anywhere except in Mississippi and Louisiana? A No sir, always lived in Mississippi and Louisiana.
- Q Is Joe Baptiste your son? A Yes sir.
- Q His grandfather and grandmother were your father and mother? A Yes sir.
- Q They come from Mississippi? A Yes sir.

Witness excused.

W. J. Partin, being called as a witness in behalf of said  
applicant and being first duly sworn, states as follows:-

Examination by Mr. L. P. Hudson, attorney for applicant.

- Q State your name, age and residence? A W. J. Partin, age forty-five; reside in Enterprise, Mississippi.
- Q How long have you lived in Mississippi? A Ever since I was four years old.
- Q Do you know where Talihoma Creek is located in Mississippi? A Yes sir.
- Q Can you tell us through what Counties the Creek runs? A It heads in Jasper County, Mississippi, and empties into Talihaly Creek in Jones County, Mississippi, near Ellisville, the County Seat of Jones County, Mississippi.

Ira S. Niles, 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 cause, heard at Meridian, Mississippi, May 20th, 1901, and that the above and preceding 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 13th day of June, 1901,  
at Meridian, Mississippi.

*Ira S. Niles*  
*[Signature]*  
Notary Public.

C.W.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Joseph Baptiste Jr.,  
for identification as a Mississippi Choctaw, M.C... 2275.

-----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 May 20, 1901, by Joseph Baptiste Jr. 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 the applicant is a full blood Mississippi Choctaw  
Indian.

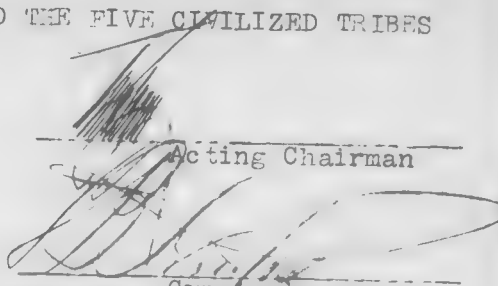
Section forty-one of the Act of Congress entitled "An Act  
to ratify and confirm an agreement with the Choctaw and Chickasaw

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 Joseph Baptiste Jr. 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

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 Joseph Baptiste, Jr., 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 Joseph Baptiste, Jr., 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,

*Tamo Dier*

Acting Chairman.

Registered.  
Enc. M.C.R. 2275

M.C.R. 2275.

Muskogee, Indian Territory, March 11, 1903.

Joseph Baptiste, Jr.,  
Florenville, Louisiana.

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.

Enc. 2275.

Ardmore, I. T. February 17, 1903.

To the Commission to the Five Civilized Tribes,  
Muslogee, Indian Territory.

You will please deliver to J. G. Kalls of Atoka, Indian Territory, any copies of 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:

*Suzanne Fern*  
*Joseph B. B. B.*

*Joseph B. B. B.*  
*Frazini B. B. B.*

#6001

No. 225

For Identification as a Mississippi Choctaw.

Date MAY 20 1901

Name Joseph Baptiste, Jr.

Age 26 Blood full -

Post Office Florenville, La.

Father: Joseph Baptiste, f.b. l

Mother: Felice .. f.b. l

Claims through both parents.

Claims for self alone,

Children:

Stenographer H.C. Rector,

Joseph Baptiste, Jr.

DECISION RENDERED

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

12/11/03



Choctaw MCR 2276

Joseph Baptiste

MCR 2276

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Joseph Baptiste,  
et al., for identification as Mississippi Choctaws, M.C.R. 2276.

I N D E X

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, May 20, 1901.

In the matter of the application of Joseph Baptiste for the identification of himself, his wife and four minor children as Mississippi Choctaws.

Joseph Baptiste, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Joseph Baptiste.  
Q What is your age? A I am forty six.  
Q What is your post office address? A Florenville, Louisiana.  
Q How long have you lived in Louisiana? A All my life, born there.  
Q Never lives out of the state of Louisiana? A No.  
Q What is your father's name? A My father's name Baptiste.  
Q What is his first name? A Just Baptiste.  
Q Is he living? A No, dead long time.  
Q How much Choctaw blood did he have? A Full blood.  
Q What is your mother's name? A Emily Baptiste.  
Q How much Choctaw blood did she have? A Full blood.  
Q Is she living? A She is living.  
Q You are a full blood, are you? A Yes.  
Q You claim your Choctaw blood through both father and mother? A Yes  
Q Have your parents through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States? A No sir.  
Q Are you married? A Yes.  
Q What is your wife's name? A Felice.  
Q Is she an Indian? A Yes.  
Q Full blood? A Yes.  
Q You make claim for her? A Yes.  
Q How old is she? A Forty two.  
Q What is her father's name? A His name Thompson.  
Q Is he a full blood? A Yes.  
Q Is he living? A Dead long time.  
Q What is her mother's name? A Selice.  
Q Full blood? A Yes.  
Q Is she living or dead? A Dead.  
Q Your wife claims her Choctaw blood through both parents? A Yes.  
Q When and where were you married to Felice? A About twenty eight years ago.  
Q Were you married under a license? A Yes.  
Q Where did you get it? A Covington.  
Q In Louisiana? A Yes.  
Q Have you your marriage license and certificate with you? A No, not here; priest married me.  
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes.  
Q Give me their names and ages? A Louise, fourteen;  
Q What is the next? A Madlina;  
Q How old is Madlina? A Twelve.  
Q What is next? A Sammy.  
Q Is that a boy? A Yes.  
Q How old is Sammy? A Ten.  
Q Next? A Johnnie.  
Q How old? A Five.

Joseph Baptiste---2.

- Q Is Felice the mother of these children? A Yes.
- Q Are you the father? A Yes, all living with me.
- Q Is your name or the names of your wife or children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Have you ever made application for yourself, your wife or children to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No.
- Q Did you or any one for you, your wife or children in 1896 under the act of Congress of June 10, 1896, make application to the Dawes Commission for enrollment or citizenship in the Choctaw Nation? A No.
- Q Have you ever made application before this for yourself your wife or children to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application you have ever made of any description? A Yes.
- Q You now make application for identification as Mississippi Choctaws for yourself, your wife and children? A Yes.
- Q Do you claim your rights as beneficiaries under the fourteenth article of the treaty of 1830? A Yes.
- 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.
- Q Do you know the name of your ancestor or your wife's ancestor who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was made? A No.
- Q Have you any evidence showing that any of your ancestors or any of your wife's ancestors were recognized members of the Choctaw tribe of Indians in 1830? A No.
- Q Did any of your ancestors or your wife's ancestors remove from Mississippi or Alabama and go to the Indian Territory when the other members ~~went~~ of the Choctaw tribe of Indians went there between the years 1833 and 1838? A No sir.
- Q Did any of your ancestors or your wife's ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent in Mississippi that they intended to stay in Mississippi, rake land there and become citizens of the states? A I don't know.
- Q Have any of your ancestors or any of your wife's ancestors ever received or claimed any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A No sir.
- Q Can you speak the Choctaw language? A Yes sir.
- Q Are there any additional statements you desire to make in support of your application? A No.
- Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents or any other proper papers showing that your ancestors or your wife's ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits thereunder? A No.

Here L.P.Hudson, attorney for applicant, requests thirty days in which to file documentary evidence in support of this application.

2

Motion of counsel for applicant is granted.

This applicant appears to be a full blood Choctaw Indian. He speaks the Choctaw language, and also has sufficient knowledge of the English language to give his testimony in English. He has

Joseph Baptiste. 44-5.

no knowledge of any compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

The decision of the Commission as to your application for the identification of yourself and your minor children and your wife as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your proper post office address as given in your testimony at this time.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 20th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 6th day of June, 1901.

*[Signature]*

Notary Publis.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, May 20th, 1901.

In the matter of the application of Joseph Baptiste Sr.,  
for identification as a Mississippi Choctaw.

Said Joseph Baptiste, being first duly sworn, testified  
as follows.

Examination by Mr. L. P. Hudson, attorney for  
applicant.

- Q What is your name? A Joseph Baptiste.  
Q How old are you? A Forty six.  
Q Where do you live? A Saint Tammany Parish, Louisiana.  
Q Where did your father and mother live? A Lived in the same  
place.  
Q Where did they come from to that place? A Come from Mississip-  
pi.  
Q Where in Mississippi? A At Talihoma Creek.  
Q Did your father and mother always live there? A Yes sir.  
Q Until they went to Louisiana? A Yes sir.  
Q All their folks lived in Mississippi, did they? A Yes sir.  
Q You was born in Louisiana? A Yes sir.  
Q Did they tell you that their people all come from Mississippi?  
A Yes sir.  
Q Did your folks ever live anywhere except in Mississippi and Lou-  
isiana? A No sir, always lived in Mississippi and Louisiana.  
Q Is Joe Baptiste your son? A Yes sir.  
Q His grandfather and grandmother were your father and mother?  
A Yes sir.  
Q They come from Mississippi? A Yes sir.

Witness excused.

W. J. Partin, being called as a witness in behalf of said  
applicant and being first duly sworn, testified as follows:

Examination by Mr. L. P. Hudson, attorney for applicant.

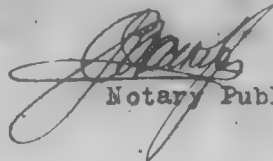
- Q State your name, age and residence? A W. J. Partin, age forty-  
five; Reside in Enterprise, Mississippi.  
Q How long have you lived in Mississippi? A Ever since I was four  
years old.  
Q Do you know where Talihoma Creek is located in Mississippi?  
A Yes sir.  
Q Can you tell us through what Counties the Creek runs? A It  
heads in Jasper County, Mississippi, and empties into Talihaly Creek  
in Jones County, Mississippi, near Ellisville, the County Seat of  
Jones County, Mississippi.

Ira S. Niles, being first duly sworn, states that as stenogra-  
pher to the Commission to the Five Civilized Tribes he reported in  
full the proceedings had in the above entitled cause, heard at Mer-  
idian, Mississippi, May 20th, 1901, and that the above and forego-  
ing is a full, true and correct transcript of his stenographic notes  
taken in said proceedings on said date.

*Ira S. Niles*

Joseph Baptiste Sr.---2

Subscribed and sworn to before me this the 13th day of June, 1901,  
at Meridian, Mississippi,

  
Notary Public.

*Cowd.*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Joseph Baptiste, et al., for identification as Mississippi Choctaws, M.C.R. 2276.

---- 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 May 20, 1901, by Joseph Baptiste for himself, his wife Felice, and his four minor children, Louise, Madlina, Sammy and Johnnie Baptiste, 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

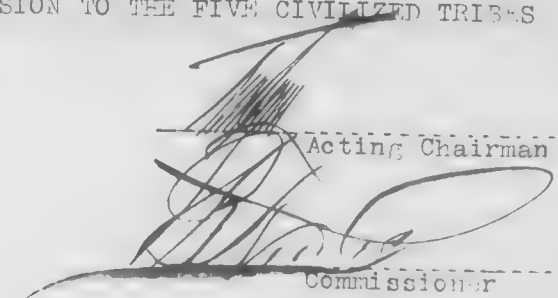


tribes of Indians, and for other purposes " approved July 1, 1902, (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 26, 1902, provides as follows:

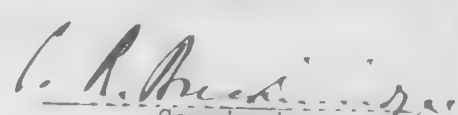
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants 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 Joseph Baptiste, Felice Baptiste, Louise Baptiste, Madlina Baptiste, Sammy Baptiste and Johnnie Baptiste should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Acting Chairman

Commissioner

  
Commissioner

Wasko Lee, Indian Territory

FEB 14 1903

Armore, I. T. February 17, 1903.

To the Commission to the Five Civilized Tribes,  
Mustagee, Indian Territory.

You will please deliver to J. G. Halls of Atoka, Indian Territory, any copies of 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:

Sumner Farn

Joseph Baptiste

Joseph Baptiste  
Felicia Baptiste

Absent from their four  
children, Louisa, Louisa  
Sam, and John.

COPY

M C R 2276

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 Joseph Baptiste, his wife Felice Baptiste, and minor children Louise Baptiste, Madlina Baptiste, Sammy Baptiste and Johnnie Baptiste 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 Joseph Baptiste, 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,

*Tame Dinty.*

Acting Chairman.

Register  
GR-ecl-21-17.

3076.  
Muskegee, Indian Territory, March 11, 1903.

Joseph Baptiste,

Florenville, Louisiana.

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, Felice Baptiste, and minor children, Louise Baptiste, Madlina Baptiste, Sammy Baptiste and Johnnie Baptiste, as Mississippi Choctaw Indians, under the provisions of section 41 of the act of Congress approved July 1, 1902, (36 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,

*Tame Dixby.*

Chairman.

Registered.

Enc.: 2276

M C R 1140  
2376 - 2421  
7298 - 1142

Muskogee, Indian Territory, April 11, 1903.

John Farve,  
Overbrook, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of joint letter of yourself, Seymour Farve, Joseph Baptiste, David Favre and Joseph Jackson, relative to their applications for identification as Mississippi Choctaws, in which you ask to be advised "at what time and place to appear for final enrollment."

In reply to your letter you are advised that it appears from the records of the Commission that Joseph Baptiste, his wife Felice, and four minor children, Louise, Madlina, Sanny and Johnnie Baptiste, have been identified by this Commission as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations.

You are further advised that the cases of John Farve, et al., Seymour Farve, et al., Joseph Jackson and David Favre have not been finally passed upon by this Commission and until their cases are finally determined it is not believed that they are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Relative to the time and place at which duly identified

J F 2

Mississippi Choctaws may appear and make proof of bona fide settlement in the Choctaw-Chickasaw country, 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:

"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 Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws, shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Such proof of settlement may be made at the land office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

In regard to that portion of your letter relative to J. E. Arnold having secured a power of attorney to select your allotments, your attention is directed to the following section of the rules and regulations governing the selection of allotments and designation of homesteads in the Choctaw and Chickasaw Nations, promulgated by this Commission March 24, 1903, which reads as follows:

J F 3

"Applications to have land set apart and homesteads designated for duly identified Mississippi Choctaws 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."

Respectfully,

Chairman.

#645

No. \_\_\_\_\_

For Identification as a Mississippi Choctaw.

Date MAY 20 1901

Name Joseph Baptiste <sup>Baptiste</sup> ~~Baptiste~~

Age 46. Blood full.

Post Office (FLORENCEVILLE) Florville, La.

Father: Baptiste, f.b. d.

Mother: Emily Baptiste f.b. d.

Claims through both parents -

wife. Felice - f.b. 42

father - Thompson, f.b. d.

mother - Felice, f.b. d.

Children:

Louise - 14

Madlina - 12

Sammy - 10

Johnnie - 5

Claims for self wife and children -

Stenographer R.C. Rutter.



32 16  
Joseph Baptiste et al

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

Choctaw MCR 2277

Samuel B. Gee

MCR 2277

See MCR 2278, 2279, 2586  
2587, 2588, 2589, 2590

Samuel B. Gee et al.

... as to No. 2, and  
... to identify ... 1893

Departmental decision of July 29, 1902 recorded  
and case remanded for further proceedings.

Department instructs Commissioner to allow atty. for  
deceased 30 days to file rebuttal testimony and  
then says for trial of argument.

2278-2279-2586-2587-2588

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I. T. May 24, 1901.

#2277

In the matter of the application of Samuel B. Gee for the identification of himself and his minor child as Mississippi Choctaw, and for his wife as an inter-married Mississippi Choctaw.

Samuel B. Gee, having been called and sworn testified as follows:

Examination by the commission:

- Q What is your name? A Samuel B. Gee.  
Q What is your age? A Fifty-eight years old or about.  
Q What is your post-office address? A Prescott, Arkansas.  
Q How long have you lived there? A Since '66 I have lived there in that vicinity, its been thirty five years nearly.  
Q Where did you live before you came there? A I lived in Texas.  
Q How long did you live in Texas? A I was only in Texas myself only a short time; my parents were there four years.  
Q Where were you born? A In Alabama.  
Q How long were you in Alabama? A We left Alabama when I was eight or nine years old and went to Mississippi and lived there about two years, then went back to Alabama-I was born in Alabama-then went to Tishomingo County, Mississippi, near Burnsville, and then moved back to Fayetteville, Alabama; then moved back to Clark County Arkansas.  
Q What is your father's name? A John H. Gee.  
Q Is he living? A No.  
Q What is your mother's name? A Rachel Grace C. Gee.  
Q Is she living? A No, she is 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 don't know; I never figured that out; her grand-father I think was a half blood, she was about a quarter I guess, I don't know, I don't remember. I never lived among my mother's people just a little at a time; I think she my mother was about one eighth.  
Q If your mother was about one eighth you would be? A One sixteenth; yes, her father was one half, that would be one quarter for her.  
Q Then you would be about one eighth? A Yes, I am not sure about that; we have a record of the family.  
Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A I don't know.  
Q Are married? A No- yes.  
Q What is your wife's name? A Elizabeth Gee.  
Q Do you make application on behalf of your wife? A Yes.  
Q How do you apply for her? A I don't understand.  
Q I mean is she a Choctaw Indian? A No.  
Q You claim for her then solely through her marriage with you? A Yes, through legal marriage.  
Q When were you married? A On the 4th. of January, 1870.  
Q What is your wife's age? A Fifty-four, I think.  
Q What is her father's name? A William Adams.  
Q Is he living? A Yes, father and mother both living.  
Q What is her mother's name? A Mary A. Adams.  
Q Is she living? A Yes.  
Q They are both white people? A Yes.  
Q And don't claim any Indian blood? A No.

2---Samuel B. Gee

- Q Have you any children in your family undertwenty-one and unmarried for whom you wish to mke application? A Yes, I have five; I make it in the written application there; No, I haven't got but one.
- Q What is the name and age? A Samuel Gee, eighteen.
- Q You are the father of this child? A Yes.
- Q And what is the name of the mother? A Elizabeth Gee.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by an ordained minister or an official authorized to perform the marriage ceremony? A Ordained minister, John E.
- Q Have you your marriage license and certificate and do you desire to offer same in evidence? A Yes, I have got them here now.
- Q Is your name or the name of your wife or this child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for yourself, your wife or child, to be enrolled as members of that tribe? A No.
- Q Did you or anyone for you or them in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.
- Q Have you ever or they ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the commission to the Five Civilized Tribes, or by judgment of the United States Court in Indian Territory? A No.
- Q Have you ever made application prior to this time either for yourself, your wife or child to either the Choctaw tribal authorities or the authorities of the United States, to be admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application of any description you have ever made? A Yes.
- Q Is it now your purpose to make application for identification as Mississippi Choctaws? A Yes.
- Q Do you claim your rights as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Yes.
- Q Are you familiar with the provisions of the fourteenth article of that treaty? A I don't know whether I am or not; I have read them but I don't know.
- Q Article fourteen of the treaty of 1830 is as follows:
- "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the 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." Do you claim under this article of this treaty? A Yes, I knew that.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.
- Q What is the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama, and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A Its Sam Cobb, my great grand-father.

- Q Were they-- A My great grand father was Sam Cobb and my grand-father was Wilson Cobb.
- Q Were they living in Mississippi in 1830? A My grand-father did, but I don't know as to my great-grand-father.
- Q Have you any evidence showing that such ancestor was a recognized member of the Choctaw tribe of Indians at that time? A Yes, I think my great grandfather was.
- Q Did this ancestor, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the tribe a, from 1833 to 1839?
- A I think my great-grand-father did.
- Q Id he removed to the present Indian Territory with the other members of the Choctaw tribe of Indians he did not then, within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent to the Choctaw tribe of Indians in Mississippi, his intention to remain in Mississippi and become a citizen of the United States? A I don't know just how that was right there.
- Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know that they did.
- Q Are there any additional statements that you desire to make in support of your application? A Not that I know of just now.
- Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A I don't know.
- Q You have some papers that you want to file? A Yes.

Application of Samuel P. Gee offered in evidence by applicant, marked Exhibit "A", filed and made a part of the record in this case; certified copy of application of George S. Cobb, et al., offered in evidence by applicant, marked Exhibit "B", filed and made a part of the record in this case; certified copy of the application of W.P. Cobb offered in evidence, marked Exhibit "C", filed and made a part of the record in this case; certified copy of the affidavit of S.P. Perry offered in evidence, marked Exhibit "D", filed and made a part of the record in this case; certified copy of the affidavit of Samuel Cobb offered in evidence marked Exhibit "E", filed and made a part of the record in this case; certified copy of the affidavit of Boccia Wache offered in evidence by applicant, marked Exhibit "F", filed and made a part of the record; certified copy of affidavit of Wallace McCann offered in evidence, marked Exhibit "G", filed and made a part of this record; certified copy of affidavit of Yellow Wolf, marked Exhibit "H", filed and made a part of the record; certified copy of affidavit of S.W. Stroup marked Exhibit "I", filed and made a part of the record in this case; certified copy of the affidavit of Mary H. Baker, marked Exhibit "J", filed and made a part of the record; certified copy of affidavit of James M. Thompson, marked Exhibit "K", filed and made a part of the record; certified copy of affidavit of Mahali Jones offered in evidence by applicant, marked Exhibit "L", filed and made a part of the record; certified copy of affidavit of William M. Black offered in evidence, marked Exhibit "M", filed and made a part of the record; certified copy of judgment of the Court in case of W.P. Cobb et al. vs. Choctaw Nation (Court Case #140) offered in evidence by applicant, marked Exhibit "M2", filed and made a part of the record in this case; affidavit of Rachel Vandever offered in evidence by applicant, marked Exhibit "N", filed and made a part of the record in this case; affidavit of Jane Cobb Harrison offered in evidence by a plicant, marked Exhibit "O", filed and

4---Samuel B. Gee

made a part of the record in this case; affidavit of G.S. Cobb offered in evidence by applicant, marked Exhibit "P", filed and made a part of the record in this case; joint affidavit of William and Mary Adam offered in evidence by applicant, marked Exhibit "Q", filed and made a part of the record in this case; certified copy of marriage certificate between William Samuel Gee and Miss Elizabeth Adams offered in evidence by applicant, marked Exhibit "R", filed and made a part of the records in this case.

Q Do you wish time in which to file any additional evidence in this case? A Yes.

Thirty days time is allowed applicant in which to file additional evidence in support of this application.

Thomas C. McRae being called as a witness in this case and duly sworn testified as follows in behalf of applicant:

- Q What is your name? A Thomas C. McRae.  
Q What is your age? A Forty-nine.  
Q What is your post-office address? A Prescott, Arkansas.  
Q You are acquainted with the applicant, Samuel Gee? A Yes, I have known him since about '74.  
Q Please make whatever statement you wish to make in regard to their Indian blood? A I know nothing about their Indian blood; I have known him since '74-have known that he was a reputable citizen, and that he has always claimed to be Mississippi Choctaw under his mother.  
Q You don't know anything about his rights under article fourteen of the treaty of 1830? A No, we have the record- I understand that the record was improperly kept- and I have this from the Commission - and it seems that we can't tell from that.  
Q And you don't know whether they have ever received any land as beneficiaries-? A I don't know personally about that; it seems as though the record would show that.  
Q Is there anything further you would like to say? A No-the transcript of the record shows that cousins of theirs with no more blood than they satisfied the Court that they had blood. The idea is this that they came away before these people; the record shows that these people under the fourteenth article elected to stay there; if they have the same amount of blood that the Cobbs have or had, it seems that they ought to be recognized. These certified copies of the records are filed because I am informed that the Cobbs are dead.

Witness excused.

The decision of the Commission as to your application for identification as Mississippi Choctaws for yourself and minor child and for your wife as an inter-married Mississippi Choctaw will be determined at the earliest possible date and report of same made to the Secretary of the Interior, conformable to the provisions of the 21st. Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

(Applicant apparently white)

.....

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 15 day, of July 1901.

Henry G. Hains  
R. H. Lincebaugh  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I.T. May 24, 1901.

Testimony of George S. Cobb to be filed with K.C. # 2277  
George S. Cobb having been duly sworn, as a witness in this case testified as follows in behalf of applicants, William, Samuel B., and Edwin F. Gee:

Examination by the Commission:

- Q What is your name? A George S. Cobb.  
Q What is your age? A Fifty-three.  
Q What is your post-office address? A Caddo, Indian Territory.  
Q You are acquainted with applicants, Samuel B. Gee, William Gee and Edwin F. Gee? A Yes.  
Q What relation are they to you? A First cousins.  
Q Is their mother related to you or is it their father? A Their mother is my father's sister.  
Q You claim your Indian blood through your father? A Yes.  
Q Are you a recognized citizen of the Choctaw Nation? A I have a judgment from the Court, enrolled, as I understand it, by the Dawes Commission.  
Q And did the Commission reject your application? A Yes, and it was taken before Judge Townsend.  
Q And he repealed it? A No, they reversed the judgment and gave us the judgment against the Choctaw Nation.  
Q Was that W.F. Cobb v. Choctaw Nation, Court Case #140? A Yes; and a copy of that judgment and evidence filed at that time has been filed in this case, I understand.  
Q Are the witnesses in this case dead? A Most of them are dead.  
Q Is William F. Cobb? A He is my brother- he is dead.  
Q How about S.P. Perry? A I have been told that he is dead; wont be sure that he is; I am not positive; if he is not he could be found.  
Q Samuel Cobb? A My father; he is dead.  
Q Roccia Wache? A Where from?  
Q Garvin, Indian Territory. A I can't say about him.  
Q Willis McCan? A I think he is living.  
Q Yellow Wolf? A Is dead; of course, I did not see him buried, but that is my information, and having relations living there, they say Yellow Wolf is dead.  
Q Mary Baker? A That is my cousin; she is living.  
Q James W. Thompson? A He is dead.  
Q Mahali Jones? A I have been informed that she is dead; good report is that she is dead.  
Q Were you personally acquainted with any of the ancestors of these applicants? A No, I never knew my grand-father; he was dead before I was born; he died in Mississippi.  
Q Was your grand-father their grand-father also? A Yes.  
Q And you don't know whether he declared his intention to the United States Indian Agent in Mississippi to remain there and become a citizen of the United States? A I don't know.  
Q You don't know whether he ever received any land in Mississippi as a beneficiary under the fourteenth article of the treaty of 1830? A No, my father came here early and these people were left back there, and they come here since to Arkansas.  
Q Do you know anything further in regard to their ancestors?  
A Nothing except that their great-grand-father's name was Sam Cobb and was buried here in Skeltonville.  
Q Do you know when he came to the Territory? A No.  
Q Is there any tradition in the family about it? A I think not; of course at the time this suit was brought my father was living and gave these names; Governor Jones was asked, but he said he didn't want to be encumbered, expected to hold office again- but he gave us the names of his witnesses and the places of their residence. He stated to my brother where they were and he looked them up,



2---GEORGE N. COBB.

these witnesses. A He told them where Mahali Jones and Mary Baker, counts of Governor Jones, lived before they died right down in this country.

Q I thought you said your grand-father died here? A No, my great-grand-father, Wilson Cobb, died here at Skelton--Scullyville, near Doaksville; our grand-father, Wilson Cobb did not come here at all. My father was Sam Cobb, named after the great-grand-father.

Q You were acquainted with the father and mother of these applicants?

A Yes.

Q And you know that they were married? A Nearly so as could be -- I know that they were always recognized as man and wife, and that was the information I had from my father.

Q And you visited them in their home? A Yes?

Q And they visited your people? A Yes.

Witness excused.

Henry G. Hains, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above testimony on May 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 15 day of July, 1901.

*D. M. Linsbaugh*

Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., July 11, 1904.

-oOo-

In the matter of the application of Samuel B. Gee, et al.,  
for identification as Mississippi Choctaws.

Malven Cornish, representing attorneys for the Choctaw and  
Chickasaw Nations.

W. B. Thompkins, attorney for applicants.

"Mr. Thompkins offers to introduce the depositions of  
B. J. Smith, R. S. Reall, Mary E. Smith, Larkin Bridges,  
George W. Julian, Hanna Dumas, John L. Dumas and Samuel B. Gee.

Also the following depositions taken at Tishoming, Indian  
Territory, before the Citizenship Court:

George S. Cobb, Edwin H. Gee, Sarah Jane Thompson and Mrs.  
George S. Cobb.

Now, we also have the testimony of Mr. Cooper taken last  
Friday, also the testimony of T. S. Cooper taken before Judge  
Adams of the Citizenship Court, near Caddo Mills, Texas, on the  
8th day of July. Mr. Cornish states that the same depositions  
are included in the record which will be offered in the pro-  
ceedings.

J. H. Brasher, being first duly sworn, testified as fol-  
lows:

Examination by W. B. THOMPKINS:

- Q. What is your name? A J. H. Brasher.  
Q. Where do you reside? A Alabama.  
Q. What is your postoffice address? A Bankston.  
Q. What is your age? A 75, the 7th day of this month.  
Q. Where were you born? A In South Carolina.  
Q. How long did you live in South Carolina? A I don't suppose I  
lived there more than five or six years.  
Q. Where did you move to from South Carolina? A We moved to  
Georgia.  
Q. And you have lived there, how long? A I lived in Georgia until  
'55.  
Q. Then where did you go? A We moved to Alabama, Fayette, Co.  
Q. Did you ever see Wilson Cobb? A I reckon I have seen him.  
Q. Please state whether or not he was in the party that moved from  
South Carolina with your parents? A Yes sir, I think he was.  
Q. Did he stop in Georgia? A No sir; he come on into Alabama.  
Q. Please state whether or not he was dead when you moved to Alabama  
yourself? A I reckon so; I don't know whether he was or not.  
Q. Did you see his widow in Alabama? A No sir.  
Q. You say that Wilson Cobb, as you remember, was in the party that  
moved with your father from South Carolina? A Yes sir.  
Q. Do you know whether or not, the family of Wilson Cobb and your  
father's family were related? A Yes sir, they was related.

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- Q Please state the relationship, and how you know it? A Well, by marriage; Cobbs and the Brashers married into the family--by marriage, the Cobbs married some Brasher.
- Q What Cobb was that that married a Brasher? A That was Wilson Cobb.
- Q Do you know whether or not it was Wilson Cobb who married a Brasher, or was it Wilson Cobb's mother who was a Brasher; was Wilson Cobb's wife a Brasher or Seaborn? A I won't be positive.

BY MR. CORNISH: The question is objected to because it is leading."

- Q What was the name then of Wilson Cobb's wife? A She was a Seaborn.
- Q Did you ever see the original Sam Cobb, old Sam Cobb? A No.
- Q Do you know what relation his first wife was to your father? A Own cousins, I think.
- Q Do you know from the history of the family what her given name was? A Her given name, I think, was Rachel.
- Q Do you know whether or not, she was the mother of Wilson Cobb? A She was the mother of Wilson Cobb.
- Q Do you know whether or not Wilson Cobb and his wife were related? I mean Wilson Cobb's wife? A I think so.
- Q Do you know from the history of your family what Wilson Cobb's wife's mother was named? A I don't know about that.
- Q After you moved to Alabama in the year 1855, did you know any of the Cobbs? A Yes sir, I knowed George Cobb.
- Q Was he the brother of Rachel Grace Gee? of whose son was George Cobb? A Wilson Cobb's. I do not think there was but one or two of the Cobbs left there.
- Q How old was George Cobb at the time you knew him? A I could not tell you about that.
- Q Did you ever see him? A Yes sir.
- Q In what year was that? A I could not tell you about what year; he was at my father's collecting taxes.
- Q When was that-- was he a grown man? A Yes sir.
- Q Was he 40 years old? A I could not say because I don't know.
- Q You say you moved to Alabama in '55? A Yes sir.
- Q And you say that you saw George Cobb at your father's house and heard the conversation between them? A Yes sir.
- Q At the time that your father and George Cobb were talking, had you a family of your own? A Yes sir; about one-half mile from father.
- Q Did you hear George Cobb and your father discussing the family history of the two families? A Yes sir.
- Q Please state what they said, if they said anything, with reference to the Indian blood of the families, and how it originated?

BY MR. CORNISH: We desire to object to any answer which bears upon blood and racial status; it is admissable to prove by hearsay evidence, by any member of the family, family relationship and pedigree, but it is not admissable to prove by hearsay evidence, blood and racial status, or any specific fact except pedigree and family relationship, and we ask that this question be not answered.

BY MR. THOMPSON: We would not like to show racial status by hearsay testimony, but here are two members of the family who are discussing the matter.

BY THE COMMISSION: The record in the case of Samuel B. Gee shows that the applicants claim from Wilson Cobb a quarter blood Choctaw, and a son of Sam Cobb an one-half blood Choctaw, and his wife Abbehoys.

BY MR. THOMPSON: There is a statement now I want to get into the record: We have never claimed from Abbehoys, this is a misapprehension on the point of the question, but we claim that Samuel Cobb had another wife and that Wilson Cobb, as well as probably other children, Nat Cobb for instance, were his children by another, and probably a white wife.

- Q From the discourse between your father and George Cobb, please state who it was claimed by them was the father of Wilson Cobb?  
A Samuel Cobb.
- Q In that discourse, please state whether or not anything was said with reference to Samuel Cobb's connection with the Indians in moving them west, or his prominence among them?

BY MR. CORNISH: That we also object to; no specific fact is proved by hearsay evidence.

- Q When you heard George Cobb and your father talking, what was said about his connection with the Indians and his prominence among them? (No answer).
- Q What time did Rachel Brasher marry Samuel Cobb, and the number of children she had? A That is too far back for me.
- Q State whether or not, in that conversation between your father and George Cobb, it was discussed what connection Samuel Cobb had with the Indians, and his prominence among them?

BY MR. CORNISH: We wish to make specific objection to the answer of that question; it is not competent to prove by hearsay evidence, any specific fact, blood or racial status.

BY THE COMMISSION: Let the witness answer subject to the objection raised by Mr. Cornish. The Department will pass upon the admissibility of the evidence.

A Sam Cobb, in talking to my father, was talking about the relationship between the Indians and the Cobbs and Brashers. My father said Sam Cobb was a half Choctaw and Indian. Whenever they got together any time they would talk about the relationship of the Choctaws and Brashers. We call ourselves Brashers, (Pronounced as Brazier).

- Q Do you claim to be a Choctaw by blood? A Yes sir.
- Q How much Choctaw blood do you claim? A One-eighth.
- Q Have you ever made application? A No sir.
- Q What do you know from this conversation as to whether or not Sam Cobb held any title of a military nature? A They called him Colonel, and sometimes called him Captain.
- Q From this discussion, did your father state whether or not he had ever seen him? A Yes sir.
- Q When? A I don't know what time, can't tell you that.
- Q After you moved to Alabama, did you ever meet Elijah Brasher about Mill Port? A Yes sir.
- Q What relation is he to you? A Well, him and my father is own cousins, I think.
- Q Do you know what relation he is to Wilson Cobb's mother? A I don't know as I can tell you that; some connection but I could not tell how much or what.

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- Q Do you know any member of the Brasher family that is older than you? A I don't know of any at all; I am about the oldest.
- Q Do you know whether or not different members of your family spell their names differently? A Yes sir, my grand-father didn't spell his name like we spell our name.
- Q You say, that in this discussion of the family history between George Cobb and your father, your father also claimed that his ancestors were descendants of Indians? A Yes sir, Choctaw.
- Q Where did your father live prior to or soon after his marriage. A First year he married he moved to Shelby county, Alabama. Lived there one year and moved back to South Carolina, him and two of the Brashers.
- Q Do you know whether or not any of the Brashers at this time were in Alabama? A Yes sir.

BY MR. CORNISH: I wish at this time to make a statement with reference to hearsay evidence; as to whether or not the Commission will permit to remain in the record the hearsay evidence of this witness. We object to all that part of hearsay evidence referring to Cobb.

BY MR. THOMPSON: I can't quite understand the gentleman; the examination has been conducted upon the theory that we should elicit any fact that would tend to throw light upon the case, with reference to blood or relationship. The case was remanded for further evidence - - -

BY THE COMMISSION: The case was submitted for further investigation.

BY MR. CORNISH:

- Q So, Mr. Brasher, you are seventy-five years old? A Yes sir.
- Q You were born in 1829, is that correct? A Just about.
- Q Who was your earlier ancestor of your name? A I could not tell you that.
- Q From whom do you get your Brashers name? A I get it from the old family.
- Q What was the name of your father? A Aquilla Brasher.
- Q And what was the name of his father? A John.
- Q All of your Brashers ancestors were males, of course; your father and your grandfather? A Yes sir.
- Q Is there any contention that your father was an Indian? A I know this much, what he said.
- Q Then, there is a contention that your father is an Indian? A Yes sir.
- Q Now, there is a contention also that your grandfather ~~is~~ was an Indian? A Yes sir.
- Q You get your Indian blood, if you have any, from your father, Aquilla Brasher? A I don't know how ever it come.
- Q When was your father, Aquilla Brasher, born? A I could not tell you.
- Q When did you first see him and how old was he about? A I could not tell.
- Q About 60 or 70; would he say 65? A I would not say positively.
- Q Then he was born prior to the year 1830; well, say he was born in 1795, that's about right. Now we will go back. Your father, Aquilla Brasher died in 1861; he was more than 60 years old. A I don't know, I would not say.
- Q You have testified before in this case at West Point, Mississippi? A Yes sir.
- Q In that testimony you stated that your father was 65 years old

- when he died; don't you remember that? A Yes sir.
- Q 66 back of 1861 would be 1796, that's about the time your father was born. Where was he born? A South Carolina.
- Q What County? A Greenville district.
- Q In the year 1796 your father was born in Greenville district, South Carolina; his father was named John Brasher? A Yes sir.
- Q John Brasher was born where? A Can't tell you.
- Q When did he die? A I can't tell you.
- Q Where were you living when he died? A In South Carolina.
- Q What district? A Greenville.
- Q How old were you? A I can't tell.
- Q How old was he when he died, your grandfather? A I don't know, he was old.
- Q How old? A I can't tell you how old.
- Q Where was he born? A I don't know.
- Q In South Carolina, so far as you know? A I could not tell you.
- Q You do not claim any Indian blood from any of your family ancestors, you are claiming from the Brashers? A All I know anything about.
- Q Do you claim any Choctaw blood from any of your family ancestors, your mother or grandfather? A My mother.
- Q How much had she? A I don't know how much; she could talk Indian.
- Q What was your mother's name? A Henderson.
- Q The Hendersons were Indians, too? A I don't know.
- Q Where did they live? A In South Carolina.
- Q You were born in South Carolina, lived there until you moved out to Georgia, then to Alabama? A Yes.
- Q What was the name of your mother's mother? A Don't know; don't think I ever saw her in my life.
- Q Well now, about how old were you when you moved from South Carolina? A I could not tell you, I think I was six or seven years old; I was quite small.
- Q Born in 1829, some six or seven years old when you went to Georgia, about the year 1835 or '6. How long did you live in Georgia? A I was raised in Georgia.
- Q Lived in Georgia until 1855 then you went into Alabama; what county in Alabama? A Fayette county.
- Q When you got into Fayette county, Alabama, you found this man, George Cobb? A Yes sir; tax collector there one term.
- Q He had been elected? A Yes sir.
- Q These Indians that you speak about, they lived back in South Carolina, didn't they? A Some back there and some in Georgia and some in Alabama.
- Q What was the name of this man, Samuel Cobb's father? A George Cobb.
- Q Who was George Cobb's father? A Wilson Cobb.
- Q Was Wilson Cobb living or dead when you lived in Alabama? A Wasn't living in Alabama.
- Q Where was he living? A I don't recollect.
- Q Was he living at all? A I don't know.
- Q Where was it and under what circumstances, and at what time, and who were present, when you heard the first conversation between your father and this man George Cobb? A I can only tell you I heard him and my father talking about the Cobbs and Brashers being related to the Choctaw Indians ~~xxxxxxx~~.
- Q In Alabama? A In Alabama and Georgia ~~and xxxxxx~~.
- Q And in South Carolina? A I didn't say that.
- Q They lived in South Carolina? A Yes sir.
- Q Some of them moved from South Carolina to Georgia and then on to

- Alabama? A I didn't say that. I don't know it to be a fact.  
~~I know that father and the Dyers stopped in Georgia.~~
- Q Were any of the Cobbs living in Georgia? A No sir.
- Q Now you say, Wilson Cobb's father was named, what? A Sam.
- Q How many brothers and sisters did Wilson Cobb have? A I don't know?
- Q What was Wilson Cobb's mother's name? A I don't know; Rachel, I believe.
- Q What was Wilson Cobb's wife's name? A I don't know.
- Q Wilson Cobb married his wife in South Carolina? A I don't know.
- Q Have'nt you family tradition on that point? A No sir.
- Q You think Wilson Cobb's mother's name was Rachel? A I think so; I heard them talk about it.
- Q Wilson Cobb was born in South Carolina? A Don't know; couldn't tell you that.
- Q Do you know when Wilson Cobb was born? A No sir.
- Q Didn't you get family tradition on that point? A No sir.
- Q When was Wilson Cobb's mother married to his father? A I don't know.
- Q Where was Wilson Cobb's mother married to his father? A Don't know. Don't know anything about the Cobbs when they married or anything about it.
- Q Then you didn't get any family tradition on that point? A No.
- Q Did Sam Cobb have more than one wife? A Don't know, but I heard them talk about it.
- Q What did you hear them say? A That he had more than one wife.
- Q What children did he have by his first wife? A Don't know.
- Q You have no family tradition on that? A No sir.
- Q Who did you hear them say his second wife was? A I could not say.
- Q You have no tradition on that point? A No sir.
- Q I want the name of Sam Cobbs two wives? A I don't know anything about that.
- Q You have no tradition on that point? A No sir, I don't know how many he had by his second wife, only what I heard.
- Q Who did you hear say that? A I heard my father and mother talk about it.
- Q That Sam Cobb had more than one wife? A No, living with more than one woman.
- Q Which one did he live with first? A I don't know that.
- Q What did people say? A I don't know whether it was his first or last wife.
- Q When did the mother of Wilson Cobb die, if you know? A I could not tell you.
- Q Where did she die? A I don't know.
- Q She was dead long before you left South Carolina? A I don't know whether she was or not.
- Q You left South Carolina in 1835. A Somewhere long about that; I was small.

BY THE COMMISSION:

- Q At the time you claim Rachel Brasher was the wife of Samuel Cobb, did he have any other wife living at the same time? A I don't know whether he did or not, only what I heard my people talk about him living with two women but don't know whether they was his wives or not.
- Q You don't know when Rachel Brasher died? A Don't know anything about it.
- Q Do you know whether Rachel Brasher had any brothers or sisters? A I don't know; I reckon she did, I heard my father and mother

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talk about it; she was a cousin to my father, own cousin, Sam Cobb's wife.

- Q Do you know the names of the children of Samuel Cobb and Rachel Cobb? A No.
- Q Don't you know the names of the children of Samuel Cobb and his wife, Rachel Cobb? A Wilson Cobb?
- Q Do you know whether they had any other children or not? A I just heard my father and mother talk about Wilson Cobb and Wilson Cobb's boy.

"In a schedule of those Choctaws who received land under the provisions of the 14th article of the treaty of 1830 and remained upon the land five years in accordance with the provisions of that article, as prepared by the Indian Office, there appears the name 'Rachel Brashers' with the following notation:

Head of a family. Received 1-1/4 sections of land, one child under 10 years (Alabama)".

According to the testimony of this witness it is maintained that the maiden name of the mother of Wilson Cobb was Rachel Brasher, and could not be what is referred thereto as Rachel Frasher the head of a family, the inference being that Rachel Brasher was her married name or the name of her husband.

BY MR. THOMPSON:

"Referring to the roll as prepared by Ward, there appears the names of ten different parties of the name of Brasher, and also the testimony in this case shows ~~that~~ a great many Brashers living in the neighborhood of Cobbs. This should be the testimony in this case; the witness never has made any claim to be enrolled as a Mississippi Choctaw."

BY MR. CORNISH:

- Q Now, Mr. Brasher, you say that according to your information, this woman, whatever her name was, who was the mother of Wilson Cobb, was the cousin of your father? A Yes sir.
- Q Were their mothers sisters, or their fathers brothers, or how was it? A I could not tell you that.
- Q Your understanding from your father is that this woman, whatever her name was, who was the mother of Wilson Cobb, was the cousin of your father, Acquilla Brasher? A Yes sir, I heard my mother say so.
- Q They were all together there in Greenville District, South Carolina? A They might not ~~all~~ lived in that county; they were ~~some~~ together in the state of South Carolina; but I think the most of them was in Georgia.

BY MR. THOMPSON:

- Q Do you not also know that several members of the Brashers family had preceded yourself and father into Alabama, a good many years? A Yes sir, a long time, there was Brashers in Alabama a long time before my father moved there; he moved there among some of them.
- Q They went out to Alabama at the same time Wilson Cobb and his family went out? A No sir.
- Q When did they go? you stated that some of the Brashers had preceded you from South Carolina into Alabama. I am asking you if it is not a fact that those Brashers that went from South Carolina into Alabama, went there about the same time Wilson Cobb went? A Yes sir, I reckon they did.



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- Q But you do know that there were Brashers in Alabama prior to the time of your father's marriage; there were Brashers there before he ever moved there? A Yes sir.
- Q Were you his oldest child? if not, how many were older than you? A Four.
- Q Four older than you? A yes sir.
- Q Mr. Brasher if any of your relatives married a Brasher state who it was and where they afterwards lived? A Yes sir; Nicholas Dyer married my fathers sister; married in South Carolina, Greenville District.
- Q And where did they move to? A They moved from South Carolina to Georgia, he then moved from Georgia to Arkansas at Arkadelphia.

Witness excused.

-oOo-

Samuel B. Gee, being first duly sworn, testified as follows:

Examination by Mr. Thompkins:

- Q You are one of the applicants in this case, are you not? A Yes.
- Q Have you previously testified? A Yes sir.
- Q When did you first see a copy of your testimony as taken by the Commission, and read it over? A I don't remember.
- Q Did you ever read it over before it was filed before the Commission and went before the Interior Department? A Not that I know of.
- Q You have recently read it over? A Yes sir.
- Q State to the stenographer such corrections in that testimony as you say should be made. A In question 8 on the first page, it is stated that we moved back to Clark county, Arkansas. This is wrong. We moved from Alabama to Arkansas and had never lived in the state before. In question 6 on page two they failed to state correctly the name of the minister who married me and my wife. It is stated here as John E. Loudernalk; just says John E. in the testimony. Second question on page three, which correction should be made, ought to be my great-grandfather in place of my grandfather. My great-grandfather lived in Mississippi at that time but as to my grand-father, I don't know.

"There is no necessity of asking the age, residence and occupation of this witness as it is all stated in his previous testimony, he being the principal applicant in the case of Samuel B. Gee, et al.,."

- Q Please state, whether or not, you knew Nicholas Dyer in Clerk county, Arkansas, and if so, when? A I never knew Nicholas Dyer when we moved from the State of Alabama to the State of Arkansas? My father stopped at Arkadelphia and stayed there about one week and our family knew Nicholas Dyer.
- Q What relation was Nicholas Dyer or his wife to your family? A My mother and Nicholas Dyer's wife were cousins; I don't know whether first or second cousins.
- Q Did you subsequently stay at the Dyers, and if so, under what circumstances? A I was shot during the War, North of that place, and was taken to Arkadelphia and put in the hospital there, and as soon as Nicholas Dyer found out I was there he come and took

me to his house.

- Q What official position did Nicholas Tyer hold? A He was County Judge of Clark County, and was also County Judge at that time.
- Q From staying with this family and from the family history as given you by your mother, what do you know the relationship existing between these families prior to their coming to Alabama? A I know the Cobbs and Brashers were all related and I never heard of Nicholas Tyer until I got there; if I did, I don't remember.
- Q When were you born? A I was born in '42, in Alabama and lived there until I was about 13 years old, or more.
- Q Did you know the Brashers in Alabama? A I never was acquainted with any of the Brashers; yes I was too, Kizzie Thompson and his wife, I knew them; I heard of them often. Kizzie Thompson was a Brasher.
- Q You knew her and knew of the other Brashers? A Yes sir.
- Q Did you ever know this witness, J. H. Brasher, in Alabama? A Yes sir, I saw him there a few months ago, but not while I lived there.

The Commission understands that this witness has previously testified and we have sought to avoid covering the same facts covered by his former testimony.

BY MR. CORNISH:

- Q Mr. Gee, your mother was named Rachel Grace Gee, and she was the daughter of Wilson Cobb? A Yes sir.
- Q And Wilson Cobb was born in South Carolina? A I don't know that.
- Q You have no family tradition or history on the point? A No sir, I don't know.
- Q You don't know the name of his mother? A No sir.
- Q You heard his father was named Samuel Cobb? A Yes sir.
- Q You have no information as to his mother? A No sir.

BY THE COMMISSION:

- Q Do you know anything regarding the number of wives Samuel Cobb had, and the number of children? A No sir, not the children, but understood he had several wives.
- Q What was the name of his first wife? A First wife, I don't know.
- Q Do you know when she died? A No sir.
- Q Do you know how many children he had by his first wife? A No sir, I do not.
- Q You don't know anything of the family history then, except Wilson Cobb? A Yes sir, I know he had a sister Rachel and brother William.
- Q Was Rachel and William full brothers and sisters of Wilson Cobb? A William was half, and Rachel, I don't remember.
- Q Was she a half sister or full sister? A I don't remember that.
- Q Did you ever hear who Rachel Cobb married? A It has always been my understanding that she married Pickens; I learned that from the record but it has always been stated that she had an uncle and aunt, and William was half brother.
- Q Is that the only ones you heard of? A Yes sir; I left the family when I was about 13 years old and come out to Arkansas.

Witness excused.

George S. Cobb, having been first duly sworn, testified as follows:

Examination by Mr. Thompkins:

- Q Mr. Cobb, are you an applicant for enrollment as a Mississippi Choctaw? A I don't understand; I am an applicant before the Citizenship Court.
- Q Have you previously testified in the Gee case? A Yes sir.
- Q And also in your own case, have you not? A Yes sir.

"It is not our intention now to cover the ground which has been covered by this witness in his previous examination."

- Q In your testimony you stated that you had heard that Mahala Jones was dead, please state how you heard this and whether or not you have learned since that she is living? A I was talking to Judge Hampton about the matter and he told me that he understood that Mahala Jones was dead, and I gave it as my opinion; I didn't go to see.
- Q Did you know Governor Jones of the Territory? A Yes sir.
- Q What was his given name? A Wilson.
- Q State what you know, if you know anything, and how you know, the relationship between the families of Brashers and Cobb? A My father and mother were second cousins; I married my first cousin; I married my first cousin, she was a descendant of the Brashers; they objected to us marrying.
- Q Do you know of any relation on the Seaborn side? A I learned that my grandmother Seaborn's mother was a Brasher.
- Q Have you ever known anything with reference as to whether your grandfather, Wilson Cobb, and his wife were related? A I don't think I ever learned that.
- Q Wilson Cobb was your grandfather? A Yes sir.
- Q You state that his wife, whose name was Grace Seaborn, was a member of the Brashers family? A I heard that, I don't know.
- Q You had the testimony of William McCullough on this? A Yes sir.
- Q His statement is correct then, isn't it? A I have forgotten what he said.
- Q Can you remember things that occurred back in Alabama, where you were born? A No sir. I lived in Mississippi.
- Q Did you know the Brashers in Alabama before you came west? A No sir, I knew them here west.
- Q And they came from around what part of Alabama? A Lamar County.

BY THE COMMISSION:

- Q You claim that Grace Seaborn had Choctaw blood also? A Yes sir.
- Q Who was her mother? A She was a Brasher.
- Q What was her name? A I think-- some called her Polly and some called her Mary.
- Q What relation were these women, the mother of Grace Seaborn, and the purported wife of Sam Cobb? A I could not tell you.
- Q You have heard they were related? A Yes sir.

BY MR. CORNISH:

"I make this suggestion, with the consideration of the Commission; that the applicants in this case are the co-relatives of the applicants in a case pending before the Choctaw-Chickasaw Citizenship Court; that the relationship is identical and they claim from the same ancestor, and it would

follow that if the applicants in the Citizenship Court are entitled to be admitted these applicants should be admitted, as the relationship is the same and the ancestors the same. That case is awaiting some testimony. All of the testimony is in with the exception of some which was taken before Judge Adams at Cadde Mills on last Wednesday, but which is not now ready to be submitted to the court, and probably there will be some other evidence. My suggestion is, if the Commission sees fit to do so, to let this case rest until all the evidence in this case is in, in order they get the benefit of the evidence in that case, since the gentleman desires the evidence taken in Texas last week."

BY MR. THOMPkins.

"We do not see that there is any necessity of delaying the case. We do not want any delay. We want the matter disposed of as quickly as possible, and there is no reason why this case could not be submitted in ten days as far as this is concerned. The record is complete as soon as this evidence is certified to. We are opposed to anything that will cause delay."

BY MR. CORNISH.

"It is not just and reasonable that this case be disposed of now since the gentlemen in this case have asked this Commission to consider a vast amount of evidence which has been taken before the Citizenship Court in this case."

BY THE COMMISSION:

"Have you any intimation when the Choctaw-Chickasaw Citizenship Court will render its decision in this case? A No, sir, I do not know."

BY MR. THOMPkins:

My information is that this case was passed for three months to present rebuttal evidence.

BY MR. CORNISH:

I can state there were no arrangements of that sort, and I can state to the Commission all the evidence in that case will be in by the first of August.

BY MR. THOMPkins:

Mr. Cobb says he has been given until the first of September--

BY MR. CORNISH:

As heretofore stated the persons who are applicants before the Choctaw-Chickasaw Citizenship Court, G. S. Cobb, et al., vs. the Choctaw and Chickasaw Nations, are co-relatives of the applicants in this case, being descendants of the same ancestors, and depending as a basis for their rights on same. Since this is true, however, we offer as evidence in this case the following: The testimony of North Hill, taken at South McAlester, Indian Territory before the Court on December 10, 1903; testimony of Matilda Phelps, taken before the Honorable Spencer B. Adams. (This testimony is in the case, having been filed before the Secretary of the Interior, together with the testimony of William McCullough); also the testimony of William McCullough, taken on April 8th, before the same Judge, at

Kennedy, Alabama; also the testimony of William W. McCullough, taken at the same place and on the same date, taken before Honorable Henry S. Footo, Associate Judge, West Point, Mississippi, May 16, 1904; of J. B. Smith, R. S. Fields, Mary Elizabeth Smith, Larkin Bridges, George W. Julian, J. H. Brashers, Hanna Dumas, John L. Dumas and Samuel B. Gee; also the testimony of George S. Cobb, Edwin E. Gee, Sarah Jane Thompson and Mrs. George S. Cobb, taken at Tishomingo, Indian Territory, before the Court on May 23, 1904; also the testimony of Mrs. Mahala Jones, taken near Valliant, Choctaw Nation, Indian Territory, June 9, 1904; also the testimony of A. W. Cobb (known as Ward), taken before the Court at Tishomingo on June 30, 1904. We also introduce as evidence an exhibit, which is a transcript of the portion of the Choctaw Court of Claims with reference to the distribution of the net proceed funds of the Choctaw Nation, which is introduced as an exhibit in the testimony of Mrs. Mahala Jones. We also wish to make reference to that portion of Volume VII, American State Papers, Public Lands a portion of the record of the net proceeds of the Choctaw Nation vs. the United States, both of which books the Commission is familiar, which have reference to any of the persons referred to in this case.

This case will be held until August 1st, 1904, pending the filing of additional evidence, which has been submitted before the Choctaw-Chickasaw Citizenship Court.

-000-

Josie Davies, having been first duly sworn, upon her oath states: That as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 11th day of July, 1904, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, taken in said cause on said date, to the best of her ability and knowledge.

*Josie Davies*

Subscribed and sworn to before me this 13th day of July, 1904.

*Charles McLawrence*  
Notary Public.

V.F.

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

-----;-----

In the matter of the application of Samuel B. Gee, et al., for identification as Mississippi Choctaws, consolidating the applications of

Samuel B. Gee, et al.,	M C R 2277
William Gee, et al.,	M C R 2278
Edwin F. Gee, et al.,	M C R 2279
Ira Gee, et al.,	M C R 2586
Ida Gee Hamilton, et al.,	M C R 2587
Lee Gee,	M C R 2588
D. Ines White, et al.,	M C R 2589
Ada Gee Rice, et al.,	M C R 2590

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

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C.W.

COPY.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

21 H.B.  
7 Dates  
28-

In the matter of the application of Samuel B. Gee,  
et al., for identification as Mississippi Choctaws, consoli-  
dating the applications of:

Samuel B. Gee, et al.,	M.C.R. 2277
William Gee, et al.,	M.C.R. 2278
Edwin F. Gee, et al.,	M.C.R. 2279
Ira Gee, et al.,	M.C.R. 2586
Ida Gee Hamilton, et al.,	M.C.R. 2587
Lee Gee,	M.C.R. 2588
D. Inez White, et al.,	M.C.R. 2589
Ada Gee Rice, et al.,	M.C.R. 2590

-----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 Samuel B. Gee for himself and his minor child, Samuel Gee; by  
William Gee for himself and his two minor children, William Lmon  
and Jewel T. Gee; by Edwin F. Gee for himself and his four minor  
children, Edwin Waitus, Mattie B., Charley R. and Thomas S. Gee;  
by Ira Gee for himself and his four minor children, Cecil, Alverne,  
Cleo and Elizabeth Gee; by Ida Gee Hamilton for herself and her two  
minor children, Hazel H. and Samuel Clark Hamilton; by Lee Gee for

himself; by D. Inez White for herself; and by Ada Gee Rice for herself; and that applications for identification as Mississippi Choctaws by intermarriage were made to this Commission by Samuel B. Gee for his wife, Elizabeth Gee; by William Gee for his wife, Nancy T. Gee; by Edwin F. Gee for his wife, Rena D. Gee; by Ira Gee for his wife, Ressa Gee; by Ida Gee Hamilton for her husband, ~~Edw.~~ Hamilton; by D. Inez White for her husband, John C. White, and by Ada Gee Rice for her husband, William W. Rice, 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 from the evidence that all the applicants who claim to be Mississippi Choctaws by blood are either the children, grand-children or great grand-children of John H. Gee, a white man, and his wife, Rachel Grace Gee (nee Cobb), an alleged partial blood Choctaw woman and the daughter of Wilson Cobb who was the son of Sam or Samuel Cobb and his wife, Obihoyo, both of whom are alleged to have possessed some Choctaw blood, degree thereof not positively stated, and to have resided in Mississippi in eighteen hundred and thirty, and it is by reason of being descendants or having married descendants of the last two named persons that the 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.

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).

The applicants in attempting to establish their rights to identification as Mississippi Choctaws rely partly upon the fact that certain of their relatives have been admitted to Choctaw citizenship by the United States Court for the Southern District, Indian Territory, in the case of W. F. Cobb, et al., versus the Choctaw Nation, No. 140, and they file a certified copy of the evidence submitted in said case, together with a certified copy of the transcript of the judgment therein, but it does not appear that any of the applicants herein were parties to said suit.

It further appears that the applicants have filed in support of their claim to rights as Mississippi Choctaws, a certified copy of the transcript of the record of a patent issued by the United States government on March 20, 1846, to Samuel Cobb and his children, conveying to them certain lands under article fourteen of the treaty of "Dancing Rabbit Creek", but the testimony fails to show that the Samuel Cobb to whom said patent was issued is the identical Sam or Samuel Cobb through whom they claim, it rather



appearing that they are not identical, as the testimony shows that the Sam or Samuel Cobb through whom they claim had a son named Wilson Cobb, who was the head of a family in eighteen hundred and thirty, his daughter Rachel Grace Cobb having married John H. Gee on May 18, 1836. The records in the possession of the Commission relating to claims under the treaty of "Dancing Rabbit Creek" do not mention a Sam or Samuel Cobb who had a son named Wilson Cobb; the only one mentioned therein who is shown to have been living in the old Choctaw Nation in Mississippi and Alabama in eighteen hundred and thirty and ten or fifteen years immediately following, is shown to have been one of the captains of the tribe and a man of more than ordinary intelligence and of some importance among his people, so much so in fact, that in a report to the Commissioner of Indian Affairs made by John F. H. Claiborne, President of the Board of Choctaw Commissioners appointed under the act of Congress approved August 23, 1842, which report bears the date of May 8, 1843, it is stated that he was "the most influential and wealthy man of his tribe"; no where does it appear in said records, among the several depositions and other statements under oath made by the said Samuel Cobb in regard to claims under the treaty, that he had a son by the name of Wilson Cobb, who was married at that time and had a daughter, although he appeared before the Indian Agent, Colonel Wm. Ward, as a Beneficiary under article fourteen of the treaty and signified his intention of taking land for himself and minor children under its provisions. And in a list of claims in Captain Samuel Cobb's company under the treaty of "Dancing Rabbit Creek" which were either "proved and allowed" or "rejected by Murray and Vroom, Commissioners appointed under the provisions of the act of

Congress, approved March 3, 1837, which is found on pages 218 to 231 inclusive of the Claimants' Brief and Evidence in the case of the Choctaw Nation versus the United States before the Court of Claims, No. 12742, the names of Wilson Cobb and his daughter, Rachel Grace Cobb do not appear.

It does not seem reasonable to suppose that a man of the intelligence and standing of the Samuel Cobb of record, would fail to see that his son and grand-daughter were provided for, and in the absence of any record showing the compliance, in person or by proxy, of Wilson Cobb and his daughter, Rachel Grace Cobb, it is reasonable to conclude that they were the descendants of a Sam or Samuel Cobb other than the one referred to in the records above cited. But even if it were proven beyond all possible doubt that the Sam or Samuel Cobb through whom the applicants claim is the identical Samuel Cobb mentioned in the records, and to whom a patent (the certified copy of which is filed herein) was issued, the fact that a less remote ancestor of the applicants was living and the head of a family in eighteen hundred and thirty, in the person of Wilson Cobb, makes it incumbent upon them to show that he complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek" and they cannot rely for their identification as Mississippi Choctaws upon the compliance of their more remote ancestor, Sam or Samuel Cobb.

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 Sam (or Samuel) Cobb through whom these applicants claim, or Obihoyo, or Wilson Cebb, or Rachel Grace Gee (nee Cobb) 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 Samuel B. Gee, Samuel Gee, William Gee, William Imen Gee, Jewel T. Gee, Edwin F. Gee, Edwin Waitus Gee, Mattie B. Gee, Charley R. Gee, Thomas S. Gee, Ira Gee, Cecil Gee, Alverne Gee, Cleo Gee, Elizabeth Gee, Ida Gee Hamilton, Hazel H. Hamilton, Samuel Clark Hamilton, Lee Gee, D. Inos White and Ada Gee Rice as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by Samuel B. Gee for his wife Elizabeth Gee; by William Gee for his wife, Nancy T. Gee; by Edwin F. Gee for his wife, Rena D. Gee; by Ira Gee for his wife, Ressa Gee; by Ida Gee Hamilton

for her husband, R. Brad Hamilton; by D. Inez White for her husband John C. White and by Ada Gee Rice for her husband, William W. Rice as intermarried Mississippi Choctaws should, therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

SIGNED:

*James Bixby.*

Acting Chairman

SIGNED:

*T. B. Needles.*

Commissioner

SIGNED:

*C. R. Breckinridge.*

Commissioner

Muskogee, Indian Territory

FEB 14 1903

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.  
PHE.

I.T.D. 11054-1906.  
D. C. 25583.

L.R.S.

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

Sir:

In reply to your letter of June 6, 1906, requesting to be advised as to what disposition has been made by the Department of the consolidated Mississippi Choctaw case of Samuel B. Gee, et al., you are advised that the record in said case was forwarded to the Department by the Indian Office on January 29, 1906, with the recommendation that the applicants be identified as Mississippi Choctaws. Action will probably be taken by the Department in said case within the next thirty days.

Respectfully,

Jesse E. Wilson,  
Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.  
FHE.

I.T.D. 11054-1906.  
D. C. 25583.

L.R.S.

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Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.  
FHE.

I.T.D. 11054-1906.  
D. C. 25583.

L.R.S.

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

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Respectfully,

Jesse E. Wilson,  
Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

Bundle 135.

R-2277. Samuel B. Gee, et al.  
( 21 Claimants by blood  
7 claimants by Intermarriage)

Applicants claim through Rachel Grace Gee (nee Cobb) the daughter of Wilson Cobb, the son of Samuel Cobb.

Wilson Cobb was the head of a family in 1830, his daughter, Rachel Grace Cobb having married John H. Gee on May 18, 1836.

Feb. 14, 1903. The names of Wilson Cobb and Rachel Grace Cobb do not appear in the list of claims in Captain Samuel Cobb's Held: company before the Commission of 1837.

The Samuel Cobb through whom the applicants claim is not identical with the Samuel Cobb, a beneficiary under article 14 of the Treaty of 1830; the evidence was not sufficient to identify the claimants as Mississippi Choctaws.

July 30, 1903. Department directed the Commission to identify the claimants by blood as Mississippi Choctaws.

May 25, 1904. Department rescinded its action of July 30, 1903, and remanded the record for further investigation.

Jan. 29, 1906. Record returned to Dept. by Indian Office.

Jan. 25, 1907. Department, in accordance with the Opinion of Asst. Atty. Gen'l. of Jan. 22, 1907, affirms the decision of the Commission of Feb. 14, 1903.



(COPY OF TELEGRAM).

No. 39

253 p.

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Washington, D.C. 8/12.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Withheld action upon departmental decision, "I.T.D. forty-nine hundred thirty one, July thirty nineteen hundred three, " Mississippi Choctaw case, Samuel B. Gee, et al., until advised of action, upon motion for review as requested by attorneys for Choctaw and Chickasaw Nations by wire August eleventh, letter follows.

(Signed) E. A. Hitchcock.

COPY.

Muskogee, Indian Territory, February 14, 1903.

Mansfield, McMurray &amp; Cornish,

Attorneys for the Choctaw &amp; Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel B. Gee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel B. Gee, et al.,	M.C.R. 2277
William Gee, et al.,	M.C.R. 2278
Edwin F. Gee, et al.,	M.C.R. 2279
Ira Gee, et al.,	M.C.R. 2586
Ida Gee Hamilton, et al.,	M.C.R. 2587
Lee Gee,	M.C.R. 2588
D. Inez White, et al.,	M.C.R. 2589
Ada Gee Rice, et al.,	M.C.R. 2590.

These applications were made under the provision of the act of Congress of June 29, 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 Samuel B. Gee, Samuel Gee, William Gee, William Inon Gee, Jewel T. Gee, Edwin F. Gee, Edwin Waitus Gee, Mattie B. Gee, Charley R. Gee, Thomas S. Gee, Ira Gee, Cecil Gee, Alverne Gee, Cleo Gee, Elizabeth Gee, Ida Gee Hamilton, Hazel H. Hamilton, Samuel Clark Hamilton, Lee Gee, D. Inez White and Ada Gee Rice 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 ~~is~~ as such should be refused,

and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by Samuel B. Gee for his wife, Elizabeth Gee; by William Gee for his wife, Nancy T. Gee; by Edwin F. Gee for his wife, Rena D. Gee; by Ira Gee for his wife, Ressa Gee; by Ida Gee Hamilton for her husband, R. Brad Hamilton; by D. Inez White for her husband, John C. White and by Ada Gee Rice for her husband, William W. Rice as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

SIGNED

*Tame Kirby*

Acting Chairman.

COPY.

M.C.R. 2277

Muskegee, Indian Territory, February 14, 1903.

Samuel B. Gee,  
Prescott, Arkansas.

Dear Sir:

You are hereby advised that on the 14th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel B. Gee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel B. Gee, et al.,	M.C.R. 2277
William Gee, et al.,	M.C.R. 2278
Edwin F. Gee, et al.,	M.C.R. 2279
Ira Gee, et al.,	M.C.R. 2586
Ida Gee Hamilton, et al.,	M.C.R. 2587
Lee Gee,	M.C.R. 2588
D. Inez White, et al.,	M.C.R. <del>2589</del>
Ada Gee Rice, et al.,	M.C.R. 2590

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel B. Gee, Samuel Gee, William Gee, William Imon Gee, Jewel T. Gee, Edwin F. Gee, Edwin Waitus Gee, Mattie B. Gee, Charley R. Gee, Thomas S. Gee, Ira Gee, Cecil Gee, Alverne Gee, Cleo Gee, Elizabeth Gee, Ida Gee, Hamilton, Hazel H. Hamilton, Samuel Clark Hamilton,

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

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by Samuel B. Gee for his wife Elizabeth Gee; by William Gee for his wife, Nancy T. Gee; by Edwin F. Gee for his wife, Rena D. Gee; by Ira Gee for his wife, Ressa Gee; by Ida Gee Hamilton for her husband, R. Brad Hamilton; by D. Inez White for her husband John C. White and by Ada Gee Rice for her husband, William W. Rice as intermarried Mississippi Choctaws should, therefore, be refused, and it is so ordered."

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

Respectfully,

(SIGNED)

*Tame D. ...*

Acting Chairman.

Registered.

Muskogee, Indian Territory, March 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Samuel B. Gee, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 14, 1903.

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

Samuel B. Gee, et al.,	M.C.R. 2277,
William Gee, et al.,	M.C.R. 2278,
Edwin F. Gee, et al.,	M.C.R. 2279,
Ira Gee, et al.,	M.C.R. 2586,
Ida Gee Hamilton, et al.,	M.C.R. 2587,
Lee Gee,	M.C.R. 2588,
D. Inez White, et al.,	M.C.R. 2589,
Ada Gee Rice, et al.,	M.C.R. 2590.

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,

*Samuel B. Gee*  
Chairman.

Through the  
Commissioner of Indian Affairs.

2 enclosures M.C.R. 2277.

(COPY)

Land.

15,004-1903.  
19,904-1903.  
26,555-1903.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, May 22, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith for Departmental consideration record of the Commission to the Five Civilized Tribes, in the matter of the applications of the following persons for identification as Mississippi Choctaws, wherein a decision rejecting them was entered by the Commission on February 14, 1903.

Samuel B. Gee for himself and his minor child, Samuel Gee; by William Gee for himself and his two minor children, William Imon and Jewel T. Gee; by Edwin F. Gee for himself and his four minor children, Edwin Waitus, Mattie B., Charley R. and Thomas S. Gee; by Ira Gee for himself and his four minor children, Cecil, Alverne, Cleo and Elizabeth Gee; by Ida Gee Hamilton for herself and her two minor children, Hazel H. and Samuel Clark Hamilton; by Lee Gee for himself; by D. Inez White for herself; and by Ada Gee Rice for herself; and that applications for identification as Mississippi Choctaws by intermarriage were made to this Commission by Samuel B. Gee for his wife, Elizabeth Gee; by William Gee for his wife, Nancy T. Gee; by Edwin F. Gee for his wife,

Rena D. Gee; by Ira Gee for his wife, Ressa Gee; by Ida Gee Hamilton for her husband, R. Brad Hamilton; by D. Inez White for her husband, John C. White, and by Ada Gee Rice for her husband, William W. Rice.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws on their descent from Samuel Cobb and his wife, Obihoye, whom, it is alleged, were citizens of the Choctaw Nation in Mississippi in 1830, and, as such, complied with the provisions of the 14th Article of the Choctaw Treaty of that year, and that they descend from these original Choctaw ancestors through Wilson Cobb, a son of Samuel Cobb. The Commission, while stating that their records show that there was a patent issued to Samuel Cobb by the United States Government on March 20, 1846, conveying to him for himself and his children certain lands under Article 14 of the Treaty of Dancing Rabbit Creek, claim the testimony fails to show that the Samuel Cobb, to whom <sup>said</sup> patent was issued, is the identical Sam or Samuel Cobb, through whom they claim, it rather appearing that they are not identical, as the testimony shows that the Sam or Samuel Cobb, through whom they claim, had a son named Wilson Cobb, who was the head of a family in 1830, his daughter, Rachel Grace Cobb, having married John H. Gee on May 18, 1836; that the records in the possession of the Commission relating to claims under the Treaty of Dancing Rabbit Creek do not mention a Sam or Samuel Cobb, who had a son named Wilson Cobb; the only one mentioned



therein who is shown to have been living in the old Choctaw Nation in Mississippi and Alabama in 1830, and ten or fifteen years immediately following is shown to have been one of the captains of the tribe and a man of more than ordinary intelligence and of some importance among his people, so much in fact, that in a report to the Commissioner of Indian Affairs made by John F. H. Claiborne, President of the Board, Choctaw Commissioners, appointed under the act of Congress approved August 23, 1842, which report bears the date of May 8, 1843, it is stated that he was "the most influential and wealthy man of his tribe", that nowhere does it appear in said records among the several depositions and other statements under oath made by the said Samuel Cobb in regard to claims under the treaty that he had a son by the name of Wilson Cobb, who was married at that time and had a daughter, although he appeared before the Indian Agent, Colonel William Ward, as a beneficiary under Article 14 of the treaty, and signified his intention of taking land for himself and minor children under its provisions.

Samuel Cobb as shown by the records of this office was a captain in the Choctaw Nation, Mississippi, in 1830, and was generally called Colonel Cobb. He was a man of influence, and one of the chief factors in the prosecution of claims under the 14th Article before the Commissions, which were charged with the duty of enrolling claimants under the 14th Article. He received for himself and one child over, and four under, ten years of age all of Section

22 T. 12 N., R. 8 E., all of section 5 T. 11 N., R. 8 E. and the W./2 of Section 33 T. 12 N., R. 8 E., Leake County, Mississippi. This patent to Samuel Cobb was issued at a time when it was the judgement of the commissions in Mississippi, and the Indian Office, and the War Department were of the opinion that the head of the family was entitled to all of the land which was due his family under the provisions of the 14th Article. Subsequently, the Attorney-General rendered a decision holding that the children were entitled to share based on their age, and a new rule was followed from that time. At the time Cobb's patent was issued it was not deemed necessary to have the names of the children, and consequently they were not ascertained or reported to the Indian Office, and this office has not the names of the children in behalf of whom certain of these lands were patented to Samuel Cobb. The five children provided for in this patent were not necessarily all of the children of Samuel Cobb, but, they were only the children who were living with him at his home and members of his immediate family in 1830. He may have had other children who were married, and had homes of their own. As to this the office has no information. This office has a record, however, of another family of Samuel Cobb by a second wife named Ho-to-nah. She claims separately, because Samuel Cobb had another wife, Abbe-hoyo) The Choctaws practiced polygamy, and Abbe-hoyo being the first wife and Ho-to-nah, having a separate establishment, the latter was entitled

to claim as the head of a separate family. The children of He-to-nah and Colonel Cobb at the time of the treaty were Pickens, Amy, and Molly Cobb, Hote-nah was successful in her application for script. All these children were living in 1843. There were born after the treaty, to Ho-to-nah by Colonel Cobb, two children Remus who died in Childhood, and Alis (Alice).

The mother of Colonel Cobb was Ow-wah-teah, whose children were, so far as the record discloses, Samuel Cobb, O-nubbee, a son, Cun-ne-ubbee, a son, and Ah-lock-cacha, a daughter. There was another daughter of Colonel Cobb named Betsey, who had a daughter named Becky. As to who was the mother of Betsey, the office has no record. Betsey went west with her husband, Ah-fah-mo-ah, leaving Becky with her grandmother, Ow-wah-teah. Ow-wah-teah received script under the 14th Article for herself, her son Cun-ne-ubbee, and for Becky, the daughter of Betsey.

The testimony in this case shows that these parties claim under Samuel Cobb through his son, Wilson Cobb. The testimony also shows that Wilson Cobb was the head of a family in 1830; Necessarily then, Wilson Cobb was not one of the children in behalf of whom Samuel Cobb received a patent for land.

Boccie Wache, age 82 years to the best of his knowledge, testifies that he knew Samuel Cobb in Mississippi, and knew him to be a Choctaw Indian by blood. He also knew him to be a captain

of the Choctaw tribe, and states that Sam Cobb died near Skelton Depot, Choctaw Nation, Indian Territory; that his mother was Betsey Cobb, daughter of Sam Cobb.

Mahalie Jones, 80 years of age to the best of her knowledge is a Choctaw Indian by blood. She says she knew Samuel Cobb to be a Choctaw Indian by blood, and knew him first in Mississippi. She also knew him to be a captain of the Choctaw tribe, and that he died near Skelton Depot, Choctaw Nation; that her mother's name was Rachel Cobb, daughter of Sam Cobb, her father being James Pickens, who was a Choctaw Indian by blood; that she knew William, Nat and Canus Cobb, sons of Sam Cobb; and that Sam Cobb's wife's name was Obihoyo.

Samuel B. Cobb testifies that he is 86 years of age, that his grandfather, Samuel Cobb, was a half-blood Choctaw Indian, who came from Alabama to Mississippi, and then to the Indian Territory, and died near Tuskahoma, Choctaw Nation, and that the said Samuel Cobb married a Choctaw Indian. He does not know what her name was before her marriage, but they raised a large family of children; that Wilson Cobb was the son of Samuel Cobb and the witness himself. Esira and Henry Cobb are sons of Wilson Cobb. It is also testified that the name of the wife of Samuel Cobb was Obihoyo. Satisfactory evidence is produced in the record showing the line of descent of the various applicants, except those by marriage, from Samuel Cobb through Wilson Cobb and their

descendants.

As will be seen by the statements made in this letter, and by copies of the depositions in the cases of Ho-te-nah, Ah-lock-ohcha and Ow-wah-teah, which are enclosed herewith; that the name of the wife of Samuel Cobb was Abbe-heyo, which is very near in sound to the name as given by the witnesses as the name of the wife of Samuel Cobb. The applicants and witnesses in this case had no means of knowing what the records of this office showed with reference to Samuel Cobb or his family, and yet they give the name of his wife practically as shown by the records. They give the name of his daughter, Betsey, as the mother of one of the witnesses Boccio Wache. Mahalie Jones claims that her mother's name was Rachel Cobb, the wife of James Pickens, and the records of this office show that James Pickens was a reservee under the 14th Article of the Choctaw Treaty, who received three sections of land for himself and his family, the land being sections Nos. 6 and 7, T. 11 N., R. 8 E. and Sec. 1 T. 11 N., R. 7 E., which shows that he was a near neighbor of Samuel Cobb in 1830. One of the children of Samuel Cobb by Hoto-nah was named Pickens, another circumstance to support the testimony of the applicants as to a relationship existing between Cobb and Pickens.

It is evident that Wilson Cobb was neither an applicant nor beneficiary under the 14th Article of the Choctaw Treaty, nor any

other article of that treaty; neither has the office any record of his having been transported west by the Government. The testimony of the witnesses is that he lived in Mississippi for years subsequent to the emigration of the Choctaw tribe to the west. It is not necessary in order that the applicants be entitled to identification in this case that Wilson Cobb should have been a beneficiary under the 14th article, since his father, Samuel Cobb, was a beneficiary. The Commission say the fact that Samuel Cobb, never gave any testimony as to his having a son named Wilson Cobb supports the presumption that he had no such son. It might be well, in this connection, to call attention to the fact that the records of this office do not show, so far as investigation has gone, that Samuel Cobb ever testified as to the names of any of his children by his wife, Abbe-hoyo or his wife, Ho-to-nah. As will be seen by the depositions submitted in this case, there is a Betsey Cobb mentioned as the daughter of Colonel Cobb, and another Betsey Cobb mentioned as the daughter of Ah-lock-cacha. The proof in connection with the claim of Ow-wah-teah shows that the Betsey Cobb, daughter of Colonel Cobb, went west in one of the Choctaw emigrations. The testimony in connection with the case of Ah-lock-cacha shows that Betsey Cobb, her daughter, was still in Mississippi January 28, 1843, the day the testimony was taken, and that she had never left the ceded country. It is evident therefore that there must have been two persons of the name of Betsey Cobb.

It is my judgment that the applicants have established their descent from Samuel Cobb with as great certainty as could be expected under the circumstances. When it is realized how difficult a matter it is even among the white people to clearly establish ancestry back seventy years, and then add to that the much greater difficulty -- in most cases impossibility -- of tracing descent from Indian ancestors after that lapse of time, I am convinced that the proof in this case is as clear as could be, and consider the case proved by a preponderance of the evidence. I am therefore of the opinion that the decision of the Commission rejecting the applicants, who claim by reason of their blood, should be reversed, and that the Commission should be instructed to identify the following persons as Mississippi Choctaws:-

Samuel B. Gee and his son, Samuel Gee; William Gee and his children, William Imon and Jewel T. Gee; Daniel F. Gee and his children, Daniel Waitus, Mattie B., Charles R. and Thomas S. Gee; Ira Gee and his children, Cecil, Alverne, Cleo and Elizabeth Gee; Ida Gee Hamilton and her children, Hazel and Samuel Clark Hamilton; Lee Gee; D. Inez White; and Ada Gee Rice.

Since there is no provision in the legislation with reference to the identification of Mississippi Choctaws providing for the identification of any persons as intermarried Mississippi Choctaws, I am of opinion that the decision of the Commission rejecting the following persons for identification was correct, and should be

approved.

Elizabeth Gee, wife of Samuel B. Gee; Nancy T. Gee, wife of William Gee; Rena D. Gee, wife of Daniel F. Gee; Ressa Gee, wife of Ira Gee; R. Brad Hamilton, husband of Ida Gee Hamilton; John S. White, husband of D. Inez White; and William R. Rice, husband of Ada Gee Rice.

Very respectfully,

(Signed). A. C. Tenner,  
Acting Commissioner:

EBH-Col)



The deposition of Onubbee, a full-blood Choctaw man taken before the Commissioner to be read as evidence in behalf of claim of Ow-wah-te-ah (case No. 74), the said deponent being first sworn deposes and says:-

That claimant is deponent's mother; that her husband named Cha-ja-bob was then living about fifteen miles from her - had separated from her long before the treaty & never visited her; that he, the husband, has gone West; that claimant had four children at that time, but one of her own living with her viz: Cunneubbee, who had been ~~six~~ married; but was then single his wife being dead; the claimant had also a granddaughter named Becky now present, who was at that time about four years old. That Becky is the daughter of Betsey Cobb, who went West at the last emigration, and that Betsey Cobb was the granddaughter of claimant, & daughter of Col. Cobb. That claimant has had the care of Becky ever since her birth, was adopted by her and treated as her own child.

That claimant then lived in a double cabin - she and family occupying one end, and Allocock-ca-cha, the daughter of claimant, lived in the other end, with her family consisting of one child; that they lived together as one family; cultivated their crops together & ate together; that Allocock-ca-cha's husband went West last emigration; and that Allocock-ca-cha is a claimant.

That claimant then lived half mile east of Yeckenookeny-  
five or six miles from Hayville in Leake County - her land  
was bottom land, level and good, used spring and sometimes  
lake water belonged to Stemelachis Company.

Place of residence:

NW/4 27, T 11 N., R 6 E., Leake County, Mississippi.

Case 251.

Ho-to-nah (dead) represented by her son Pickens Cobb as next frd. of the heirs Ac., five ft. 7 3/4 in. high - no mark - says he is twenty years old. His statement in writing filed. I Witness Pah-lubbee - a full-blood Choctaw man - being first sworn, gives the name of Pickens Cobb (man present) & says that his mother was named Ho-to-nah, who has recently died at the Camps since the Commissioners have been in session here. Witness is distantly connected by marriage with the Dec'd Ho-to-nah. Witness knew her well. She was a married woman at date of treaty, to Saml. Cobb - now known as Col. Cobb. Cobb then had another wife with whom he lived, named Abbe hoyo, his first wife - Ho-to-nah lived at date of Treaty separate from her husb'd a bout a mile off. She had lived with him a short time only soon after their marriage. Witness thinks Cobb settled her at this place but don't know the particulars conditions of the place. They were still living as man & wife, altho' living apart & separately as is customary among the Choctaws - & visit them both - Sometimes both wives live together. Ho-to-nah at date of Treaty was a full blood Choctaw & was then considered as the head of her own family. She had then living with her three children viz: 1 Pickens Cobb, man present. 2. Amy Cobb at home. #3. Molly Cobb, at home. These three

children were all unmarried & living with their mother at date of Treaty and were all under ten years of age at that time. Ho-to-nah had two other children born after the Treaty.

1. Rexus - died when a child.
2. Alis - now at home.

Ho-to-nah, claimed the house as her own, and cultivated field to herself - cribbed her crop and ate and cooked separately from any other family. Jim Pickens was her nearest neighbor who lived nearly a mile off.

She then lived on Robinson Road at old improvement this side of the Creek about 1 1/4 mile from Ho-pah-ka. The land was tolerable, rather broken - used Creek water. She remained on this place for about three years after the Treaty. This place was embraced in the Reserve of Sam'l Cobb - & he gave this place to his son Wm., who wished to settle it - & then Ho-to-nah had to give way to him, was the reason she left it. She then moved & settled north of Cobb's house, about half mile on East side of Cobb's Creek. She lived therefor about four years - then moved east of Pearl River, when she settled & then died - never went West or left the Ceded Choctaw Country, or any her family.

Case 107.

Ah lock ka cha or Kach ah (dead-) represented by her son, Ho tubbee. - five ft. seven in. high - no marks. Says he is about twenty. Is perhaps 4 or 5 years under the mark - is 23 or 25.

His statement filed.

1 Witness. Onubbee.

Gave the name of son & mother, the claim't & representative - was brother to Ka chah she died about five yrs after the Treaty, she was a widow at that time, her husb'd Nock cajah having left her before that, & he went West since Treaty. She was a blood Choctaw & head at that time of a Choctaw family. Her children were:

Viz: 1. Betsy Cobb, now present, then married & living off from her mother; i.e. in a double house separate families.

2. Jim Cobb - gone West - then married.

3. Ho tubbee - the young man present. These were all her children.

That only Ho tubbee, then lived with claimant, being unmarried, was a small child at the Treaty of Dekes Stand - was therefore over ten at date of last Treaty. The dec'd claimant occupied a house & owned a field at that time. .She

occupied one end of a double house & her mother Ow wah te ah (Case No.-) lived in the other end and claimant & mother has separate fields under the same common fence. There were many fields under this common fence cultivated by different persons - i.e. by the claimant & mother & Betsey Cobb & her husb'd - making these fields. These persons kept corn crops separat, & ceeked alternately. That Gunne ubbee lived with Ow wah teah - each owned their respective ends of house. The old lady was head over all - but claimant lived in another end of house & head over her son. They all settled that place together, soon after Jackson's purchase or Treaty at Dokes Stand. Witness built thehouse himself - built each end of it, one for the mother & one for claimant.

Claimant then lived a 1/2 mile east of Yockenockeny - five miles from Haysville, Leake County, Stemelachi's Company & Leflore's District.

Claimant lived at this place continuously until her death, which was five after the Treaty, her son Ho tiabee, still lived there - & none of family ever been West but always remained in the ceded Choctaw Country. The land is good, level used spring water and sometimes Lake water.

DEPARTMENT OF THE INTERIOR,

JWH.  
PHE.

ITD. 4596-1903.  
4931-

Washington,

L. R. S.

July, 30, 1903.

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

Gentlemen:

March 2, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Samuel B. Gee (M. O. R. 2277), for himself and his minor child, Samuel Gee, and for his wife, Elizabeth Gee as an intermarried Mississippi Choctaw; of William Gee for himself and his two minor children, William Imon and Jewel T. Gee, and for his wife, Nancy T. Gee, as an intermarried Mississippi Choctaw; of Edwin G. Gee for himself and his four minor children, Edwin Waitus, Mattie B., Charley R. and Thomas S. Gee, and for his wife, Rena D. Gee, as an intermarried Mississippi Choctaw; of Ira Gee for himself and his four minor children, Cecil, Alverne, Cleo and Elizabeth Gee, and for his wife, Ressa Gee, as an intermarried Mississippi Choctaw; of Ida Gee Hamilton for herself and her two minor children, Hazel H. and Samuel Clark Hamilton, and for her husband, R. Brad Hamilton as an intermarried Mississippi Choctaw; of Lee Gee

2

for himself; of D. Inez White for herself, and for her husband, John C. White, as an intermarried Mississippi Choctaw; and of Ada Gee Rice for herself, and for her husband, William W. Rice as an intermarried Mississippi Choctaw, including your decision of February 14, 1903, which was adverse to the applicants.

Reporting in the matter May 22, 1903, the Acting Commissioner of Indian Affairs concurred in your opinion so far as it affects those applicants who claimed by intermarriage, and as to them, recommended that your action be approved. He further recommended, however, that your decision rejecting those applicants who claim by blood should be reversed, and that you be instructed to identify them as Mississippi Choctaws.

It appears from the testimony contained in the record that these applicants, except those who claim by intermarriage, are the descendants in the first, second, and third degrees of Rachel Grace Gee. She was the wife of John H. Gee, to whom she was married on the 18th, of May, 1836, in Fayette County, Alabama. Rachel Grace Gee was the daughter of Wilson Cobb. It seems that the latter, who was the son of an one-half blood Choctaw named Sam Cobb, was a resident in Mississippi in 1830; that he died in that state, and that he never lived in the Indian Territory.



In connection with said Sam or Samuel Cobb, it is noted that it further appears from the testimony contained in the record that he originally resided in Alabama; that he removed to Mississippi and became the Captain of a company of Choctaws in that state; that he had three wives, one of whom was named Obi-hoyo; that, among other children, he had a daughter named Betsey and a son named William; that another daughter, Rachel, married a man named James Pickens; that Captain Cobb remained in Mississippi for a number of years after the treaty of 1830, and that he finally removed to the Indian Territory and died in the Choctaw Nation at Scullyville, or Skelton Depot, near Doaksville.

Said report of the Acting Commissioner furnished certain information showing that there was a person named Sam Cobb who resided in Mississippi in 1830; that a patent was issued to him and his minor children for a tract of land situated in that State, in what is now known as Leake County, and that said patent was issued under the provisions of article 14 of the treaty of September 27, 1830. For the purpose of comparing the information furnished by the Acting Commissioner with the facts hereinbefore set forth, it is noted that the records of the Indian Office show that Sam or Samuel Cobb, the 14th article beneficiary, was an one-half blood Choctaw and the Captain of a company of Choctaws in Mississippi; that he had three wives, one of whom was named Abbe-hoyo; that

among other children he had a daughter named Betsy and a son named William; that one James Pickens was a near neighbor of Sam Cobb, one of the latter's children being named Pickens, and that said Sam or Samuel Cobb continued to reside in Mississippi for ten or fifteen years after the treaty of 1830.

The Department considers that those applicants who claim by blood have established that they are Choctaw Indians by blood, and that their ancestors were members of that class of Choctaws who elected to remain in Mississippi in accordance with the privilege conferred by article 14 of the treaty of September 27, 1830. It is also believed that the testimony in the case, considered in connection with the information furnished by the Acting Commissioner, establishes to a high degree of certainty that the Captain Sam Cobb who was the ancestor of said applicants, was identical in person with the Captain Sam Cobb to whom a patent was issued under article 14 of the treaty of 1830. It is therefore clear that the proof submitted by said applicants in support of their claims meets the requirements laid down in the rule of evidence contained in section 41 of the act of July 1, 1902 (32 Stat., 641).

In your said decision of February 14, 1903, you state that

"no where does it appear in said records, among the several depositions and other statements under oath made by the said Samuel Cobb in regard to claims under the treaty, that he had a son by the name of Wilson Cobb, who was married at that time and had a daughter, although he

appeared before the Indian Agent, Colonel Wm. Ward, as a beneficiary under article fourteen of the treaty and signified his intention of taking land for himself and minor children under its provisions.

You therefore conclude that it is reasonable to believe that Wilson Cobb was not the son of Captain Cobb, the 14th article beneficiary.

That your position in the matter is untenable is clear from the aforesaid report of the Acting Commissioner of Indian Affairs. He says that

"At the time Cobb's patent was issued it was not deemed necessary to have the names of the children, and consequently they were not ascertained or reported to the Indian Office, and this office has not the names of the children in behalf of whom certain of these lands were patented to Samuel Cobb. . . . ."

The Commission say the fact that Samuel Cobb never gave any testimony as to his having a son named Wilson Cobb supports the presumption that he had no such son. It might be well, in this connection, to call attention to the fact that the records of this office do not show, so far as investigation has gone, that Samuel Cobb ever testified as to the names of any of his children by his wife, Abbe-hoyo, or his wife Ho-to-nah."

As a further reason in support of your decision you state

"even if it were proven beyond all possible doubt that the Sam or Samuel Cobb through whom the applicants claim is the identical Samuel Cobb mentioned in the records, and to whom a patent (the certified copy of which is filed herein) was issued, the fact that a less remote ancestor of the applicants was living and the head of a family in eighteen hundred and thirty, in the person of Wilson Cobb, makes it incumbent upon them to show that he complied or attempted to comply with the provisions of article fourteen of the treaty of 'Dancing Rabbit Creek' and they cannot rely for their identification as Mississippi Choctaws upon the compliance of their more remote ancestor, Sam or Samuel Cobb."

It is considered that your view of the law conflicts with the opinion of the Assistant Attorney General of October 30, 1902, in which he says :

"After careful consideration of this matter I am of opinion, and so advise you, that said paragraph 41 includes all applicants who are able to trace their descent from a beneficiary under the fourteenth article of the treaty of 1830, whether the line be through one who was then a minor, or otherwise."

For the reasons stated above the Department concurs in the recommendation of the Acting Commissioner relative to those applicants who claim by blood, and you are directed to identify them as Mississippi Choctaws.

Referring to the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

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

you stated -

"It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by Samuel B. Gee, for his wife Elizabeth Gee, by William Gee for his wife, Nancy T. Gee; by Edwin F. Gee for his wife, Rena B. Gee; by Ira Gee for his wife, Ressa Gee; by Ida Gee Hamilton for her husband, R. Brad Hamilton; by D. Ihes White for her husband John C. White and by Ada Gee Rice for her husband, William W. Rice as intermarried Mississippi Choctaws should, therefore, be refused, and it is so ordered."

In said report of May 22, 1903, the Acting Commissioner recommended that your decision, so far as it effects those applicants who claim by intermarriage, be approved, there being in his

opinion, no provision in the legislation with reference to the identification of Mississippi Choctaws providing for the identification of any persons as intermarried Mississippi Choctaws.

In an opinion rendered June 19, 1903, by the Attorney General, it was held that the rights conferred upon Mississippi Choctaws by the act of July 1, 1902, (32 Stat., 641), are "in the nature of gifts by the Choctaws." In accordance with this opinion, the agreement must be strictly construed, including none within its benefits except such as are strictly within its terms. As intermarried persons, wives or husbands of persons entitled to be identified, are not provided for in the strict terms of the agreement, their identification thereunder is not warranted.

Under the Choctaw law citizenship by intermarriage is acquired only by marriage with persons who are Choctaw citizens. It cannot be held therefore, under the Choctaw law, that the applicants in this case who claim by intermarriage, are entitled to identification as Mississippi Choctaws, because the persons to whom they are married are not yet Choctaw citizens, but are merely identified as entitled to become so upon removal to and settlement in the Choctaw country.

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The Department concurs in the recommendation of the Acting Commissioner, and your decision is hereby affirmed, in so far as it relates to these applicants who claim by inter-marriage.

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

Respectfully,

(Signed)

Thos. Ryan,  
Acting Secretary.

1 inclosure.

(COPY)

DC. 23179  
ITD 6953-1903.  
L.R.S.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

CMR

August 13, 1903.

The Commission  
to the Five Civilized Tribes.

Gentlemen:

The Department is in receipt of a telegram from Messrs. Mansfield, McMurray & Cornish, South McAlester, I. T., dated August 11, 1903, as follows:

We have just been furnished with your decision reversing action of Commission to Five Civilized Tribes and directing identification of Samuel B. Gee et al. as Mississippi Choctaws. Action of Department taken without opportunity for us to be heard on behalf of Choctaw and Chickasaw Nations. We have prepared and are to-day mailing motion for reconsideration or reference of case to Commission for taking further testimony. Applicants for identification in this case claim same ancestor and have identically same status and source of right as plaintiffs in case of W. F. Cobb et al. vs. Choctaw and Chickasaw Nations number 33 pending before Choctaw and Chickasaw citizenship court. Applicants before Department rely upon testimony and former adjudication of relatives in court case. That adjudication held null and void by decision of Choctaw and Chickasaw Citizenship Court on December 17, 1902, Court case will be retried in near future and status of ancestor and descendants adjudicated. Our investigations in preparation of court case for trial have developed that testimony formerly taken and relied upon before Department in present case is false in part forged in part and otherwise unreliable. We respectfully urge on behalf on Choctaw and Chickasaw Nations that Commission be directed to take no further action in case until our motion can be received and acted upon."

You were advised by wire on the 12th instant to withhold action upon departmental decision of July 30, 1903

-2-

(ITD 4931-1903), in the case of Samuel B. Gee, et al. until advised of the action that will be taken upon said motion for review when it is received by the Department.

Respectfully,

(Signed) E. A. Hitchcock.  
Secretary.



Washington D.C. 12/14

To Dawes Com

Muskogee, I.T.

What action did you take under departmental letter of July thirtieth and telegram of August twelfth nineteen hundred three relative to Mississippi Choctaw case of Samuel Gee Wire answer.

Thos. Ryan Actg Secy.

(COPY).

JWH  
PHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, December 17, 1903.

D.C. 35065-1903.

ITD 4596-1903.

8842- "

L.R. 3.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of your telegram of December 14, 1903, which reads as follows:

"Telegram received On August thirteenth department directed that no further action be taken by the Commission upon departmental decision of July thirtieth Nineteen hundred three in Mississippi Choctaw case of Samuel B. Gee, until advise of departmental action upon motion of attorneys for Nations for review in said case commission has not been advised of further departmental action in this case and no action has been taken with the exception of notification to attorneys for the Choctaw and Chickasaw Nations and to Thomas C. McRae attorney for applicant if departmental action therein."

Said telegram is in reply to the Department's telegram of the same date, in which you were asked:

"What action did you take under departmental letter of July thirty and telegram of August twelfth, nineteen hundred three, relative to Mississippi Choctaw case of Samuel Gee. Wire answer."

In departmental letter of July 30, 1903, you were "directed to identify" certain applicants in the case of Samuel B. Gee et al., as Mississippi Choctaws

By its telegram of August 12, 1903, the Department instructed you to withhold action in the matter until consideration could be given to a motion filed by the attorneys for the Choctaw and Chickasaw Nations for a rehearing in the case. These instructions were repeated in a letter to you dated the following day.

By Section 41 of the act of July 1, 1902, (32 Stat. 641) persons who have been identified as Mississippi Choctaws are allowed six months from the date of their identification by you within which to remove to the Choctaw Nation. It therefore is necessary for the Department to determine, at as early a date as is possible, the exact time when the six month limit began to run against these applicants. It was the purpose of the Department's telegram quoted above, to ascertain whether you identified the applicants, as desired, giving them and their attorney formal notice thereof, or merely furnished them with a copy of the Department's letter. Your answering telegram does not furnish the information desired. It is of great importance to these applicants that this matter should receive immediate attention. You will therefore furnish the Department a report, as early as possible, setting forth more fully the information requested.

Respectfully,

Thos. Ryan,  
Acting Secretary.

Muskogee, Indian Territory, December 26, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of December 17, 1903, (I.T.D. 4596,8842-1903) relative to the Mississippi Choctaw case of Samuel B. Gee, et al. Reference is made to Departmental letter of July 30, 1903, Departmental telegram of August 12, 1903, Departmental telegram of December 14, 1903, and the telegram of the Commission in reply thereto of December 14, 1903.

The Department desires, in connection with this matter to be advised whether the applicants in this case have been identified as directed, giving them and their attorneys formal notice thereof or if they have merely been furnished with a copy of the Departmental letter.

In reference to this matter I have the honor to report that there was received at the office of the Commission on August 6, 1903, Departmental letter of July 30, 1903, I.T.D. 4596,4931-1903) in which the Commission was directed to identify such of the applicants in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al, as claimed by blood. Copies of the aforesaid Departmental letter were being prepared and about the time of the completion thereof

Mr. J. F. McMurray, of the firm of Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, was personally at the office of the Commission at Muskogee, Indian Territory, and was furnished with a copy of this letter. This was on August 11, 1903, and immediately upon being furnished with a copy of said Departmental letters Messrs. Mansfield, McMurray & Cornish wired the Department as follows:

"We have just been furnished with your decision reversing action of Commission to Five Civilized Tribes and directing identification of Samuel B. Gee et al as Mississippi Choctaws. Action of Department taken without opportunity for us to be heard on behalf of Choctaw and Chickasaw nations. We have prepared and are today mailing motion for reconsideration or reference of case to Commission for taking further testimony. Applicants for identification in this case claim same ancestor and have identically same status and source of right as plaintiffs in case of W. F. Cobb, et al. vs. Choctaw and Chickasaw Nations Number 33 pending before Choctaw and Chickasaw Citizenship Court. Applicants before Department rely upon testimony and former adjudication of relatives in court case. That adjudication held null and void by decision of Choctaw and Chickasaw Citizenship Court on December 17, 1902. Court case will be retried in near future and status of ancestor and descendants adjudicated. Our investigations in preparation of court case for trial have developed that testimony formerly taken and relied upon before Department in present case is false in part forged in part and otherwise unreliable. We respectfully urge on behalf of Choctaw and Chickasaw nations that Commission be directed to take no further action in case until our motion can be received and acted upon."

A copy of this telegram was furnished the Commission by Messrs. Mansfield, McMurray & Cornish on the date above mentioned. The Commission in view thereof did not feel warranted in notifying the applicants in the consolidated Mississippi Choctaw case of Samuel B. Gee et al. of the action of the Department in reversing the decision of the Commission of February 14, 1903.

On August 12, 1903, the Commission was in receipt of the following telegram from the Department:

"Withhold action upon departmental decision I.T.D. 4931, July 30, 1903, Mississippi Choctaw case Samuel Gee et al until advised of action upon motion for review requested by attorneys for Choctaw and Chickasaw Nations by wire on August eleventh. Letter follows."

On August 13, 1903, (I.T.D. 6953-1903) the Department advised the Commission of the receipt of telegram of Messrs. Mansfield McMurray & Cornish of August 11, 1903, and confirmed Departmental telegram of August 12, 1903, directing the Commission to withhold action upon Departmental decision of July 30, 1903, in the case of Samuel B. Gee until advised of the action that will be taken upon the motion for review of Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations when it is received by the Department.

No further action was taken in this matter until in the early part of September, 1903, when Thomas C. McRae, of Prescott, Arkansas, was personally at the office of the Commission at Muskogee, Indian Territory, and was furnished with a copy of Departmental letter of July 30, 1903, and the report of the Commissioner of Indian Affairs of May 22, 1903, and was also advised of Departmental telegram of August 12, 1903, and Departmental letter of August 13, 1903, (I.T.D. 6953-1903)

In accordance with the instructions contained in Departmental letter of August 14, 1903, no further action has been taken in the matter of the identification of these persons as Mississippi

Choctaws for the reason that the Commission has never been advised of the action of the Department taken upon the motion for review of Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations referred to in their telegram of August 11, 1903.

On December 14, 1903, the Department wired the Commission as follows:

"What action did you take under departmental letter of July thirty and telegram of August twelfth, nineteen hundred three, relative to Mississippi Choctaw case of Samuel Gee. Wire answer."

In reply thereto on the same date I wired the Department as follows:

"Telegram received. On August thirteenth Department directed that no further action be taken by the Commission upon Departmental decision of July thirtieth Nineteen hundred three in Mississippi Choctaw case of Samuel B. Gee, until advised of Departmental action upon motion of attorneys for Nations for review in said case. Commission has not been advised of further departmental action in this case and no action has been taken with the exception of notification to attorneys for the Choctaw and Chickasaw Nations and to Thomas C. McRae attorney for applicant of Departmental action therein."

I have, in conclusion, further to report that none of the applicants in this case have been advised of the action of the Department as contained in its letter of July 30, 1903, (I.T.D. 4596, 4931-1903) nor of any subsequent action.

Respectfully,

Through the Commissioner  
of Indian Affairs

Chairman.

(COPY)

I.T.D. 4896-1903.  
9995- "

J.W.H.  
FHK

L.R.S.

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

January 4, 1904.

Meesrs. Mansfield, McMurray & Gornish ,

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

Gentlemen:

The Department has considered a "motion and prayer" filed by you on behalf of the Choctaw and Chickasaw Nations, requesting that the Commission to the Five Civilized Tribes be directed to withhold further action in pursuance of a decision of the Department dated July 30, 1903, relative to the Mississippi Choctaw case of Samuel B. Gee, et al. This motion was returned by you to the Department November 28, 1903, bearing proper evidence of service as requested.

Pending the consideration of this motion the Commission was directed by telegram August 12, 1903, to suspend action upon said decision of July 30, 1903.

It is your contention that the applicants in the case of Samuel B. Gee, et al., depend upon the same law and evidence for their identification as Mississippi Choctaws as that upon which



is based the decree of the United States Court of June 18, 1898, declaring their relatives, W. F. Cobb, et al., to be citizen of the Choctaw Nation.

You also contend that the testimony taken in the Cobb case "is forged in part, false in part, and otherwise unreliable"; that said case is now pending for a retrial before the Choctaw and Chickasaw court, "upon the law and the facts", and that therefore, until a decision is rendered in the Cobb case, no further action should be taken towards the identification of the Gee family as Mississippi Choctaws.

In support of this contention you argue that the Department of the Interior and the citizenship court have identically the same jurisdiction with reference to the identification of Mississippi Choctaws, and that the decision of said court should be binding upon all tribunals of the government, dealing with kindred and parallel questions growing out of Choctaw and Chickasaw citizenship.

By section 21 of the act of June 28, 1898 (30 Stat., 495), and section 41 of the act of July 1, 1902 (32 Stat., 641), the Commission to the Five Civilized Tribes is vested with authority to identify persons claiming identification as Mississippi Choctaws under article 14 of the treaty of September 27,

1830. By sections 31 and 32 of the second of the acts referred to above, the Choctaw and Chickasaw citizenship court is vested with jurisdiction over those citizenship cases in which the applicants were admitted upon appeal from the Commission to the Five Civilized Tribes to the United States courts for the Indian Territory. The Department is of the opinion that its jurisdiction with reference to the identification of Mississippi Choctaws is not identical with that of the citizenship court, and for this, as well as other reasons, the decisions of that court cannot be given more than a persuasive force and will not be regarded as binding upon the Department. It must be remembered in this connection that the identification of Mississippi Choctaws is not a work of adjudication alone. The duties which must be performed under the direction of the Department in reference to such work are largely of an executive nature, requiring the Department in many instances to take action of its own motion, and necessitating in all cases investigation in connection with the evidence contained in the records of the Indian Office.

In so ruling, it is not the intention of the Department to recall its letters of November 18, 1903, relative to cases similar to those which are pending before the Choctaw and Chickasaw court, it being understood that Mississippi Choctaw cases

are not included within the purview of the Department's letters of that date.

Aside from the foregoing consideration, it is considered that any action whatever, predicated upon the possible outcome of the Cobb case before the citizenship court, would be improper and unjust. The impropriety of allowing the decision in the Cobb case to govern the Department's action in the Gee case is manifest, when it is remembered that neither the parties in the two cases nor the tribunals are identical, and that the issues are not in all respects the same. Your motion that departmental action in the Gee case, under its decision of July 30, 1903, be postponed until a decision is rendered by the Choctaw-Chickasaw court in the Cobb case, must therefore be denied.

The Department considers that a rehearing, if found advisable, should be had before the Commission to the Five Civilized Tribes, in order that the applicants in the Gee case may have an opportunity to appear in person and present such testimony as they may be able to furnish by way of rebuttal. Such rehearing, however, cannot be ordered on your unsupported statements as the attorneys for the Nations. While alleging fraud, you do not show that any particular portion of the testimony, is fraudulent, or

that the testimony of any particular witness was procured through fraudulent means.

In view of the consideration already given their case, the applicants protest against further delay, claiming that the decision of the Indian Office, affirmed by that of the Department, places their rights upon such a substantial basis that they ought not to be overturned by mere statements emanating from the opposite parties.

It is recognized that the applicants' contention has much force. You will, however, be allowed thirty days within which to present a petition direct to the Department, for a rehearing before the Commission to the Five Civilized Tribes, duly verified and properly substantiated, setting forth the grounds upon which you rely for a rehearing. Your petition must show the names of the witnesses whose testimony you expect to produce at the rehearing, and the material part of the evidence which they will furnish. You must also show by what means said witnesses acquired their knowledge of the matters of which they will testify. All papers must bear proper evidence of service upon the attorney for the applicants.

Respectfully,

Thos. Ryan,

Acting Secretary.

(COPY)

I.T.D. 4596-1903.  
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J.W.H.

DEPARTMENT OF THE INTERIOR,

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L.R.S.

WASHINGTON.

January 7, 1904.

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

Gentlemen:

Inclosed is a copy of a letter dated January 4, 1904, addressed to the attorneys for the Choctaw and Chickasaw Nations, denying a motion filed by them relative to the Mississippi Choctaw case of Samuel B. Gee, et al.

Your attention is particularly direct to that portion of said letter in which it is held that departmental directions of November 18, 1903, relative to certain cases now pending before the Choctaw-Chickasaw court, have no application to Mississippi Choctaw cases.

Respectfully,

Thos Ryan,  
Acting secretary.

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83477-1903. DEPARTMENT OF THE INTERIOR, (COPY)  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, Jan. 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward for Departmental consideration, letter of the Commission to the Five Civilized Tribes Commission, of December 26, 1903, acknowledging receipt of Departmental letter of December 17, 1903, (I.T.D. 4596, 8842-1903), relative to the Mississippi Choctaw case of Samuel B. Gee, et. al.

Reference is also made to Departmental letter of July 30, 1903; Departmental telegram of August 12, 1903; Departmental letter of December 14, 1903; and a telegram of the Commission in reply thereto of December 14, 1903.

The Department requested in connection with this matter, to be advised whether the applicants in this case have been identified as directed, giving them and their attorneys formal notice thereof, or if they have merely been furnished with a copy of the Departmental letter.

In response the Commission report that there was received at the office of the Commission on August 6, 1903, Departmental letter of July 30, 1903, (I. T.D. 4596, 4931-1903), in which the Commission was directed to identify such of the

applicants in the consolidated Mississippi Choctaw case of Samuel B. Gee, et. al., as claimed by blood. Copies of the aforesaid Departmental letter were being prepared, and about the time of the completion thereof, Mr. J. F. McMurray, of the firm of Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations, was personally at the office of the Commission at Muskogee, Indian Territory, and was furnished with a copy of this letter. This was on August 11, 1903; and immediately upon being furnished with a copy of said Departmental letter, Messrs. Mansfield, McMurray and Cornish wired the Department as follows:

"We have just been furnished with your decision reversing action of Commission to Five Civilized Tribes and directing identification of Samuel B. Gee, et. al., as Mississippi Choctaws. Action of Department taken without opportunity for us to be heard on behalf of Choctaw and Chickasaw Nations. We have prepared and are today mailing motion for reconsideration or reference of case to Commission for taking further testimony. Applicants for identification in this case claim same ancestor and have identically same status and source of right as plaintiffs in case of W. F. Cobb, et al. vs. Choctaw and Chickasaw Nations Number 33 pending before Choctaw and Chickasaw Citizenship Court. Applicants before Department reply upon testimony and former adjudication of relatives in court case. That adjudication held null and void by decision of Choctaw and Chickasaw Citizenship Court on December 17, 1902. Court case will be retired in near future and status of ancestor and descendants adjudicated. Our investigations in preparation of court case for trial have developed that testimony formerly taken and relied upon before Department in present case is false in part forged in part and otherwise unreliable. We respectfully urge on behalf of Choctaw and Chickasaw Nations that Commission be directed to take no further action in case until our motion can be received and acted upon."

A copy of this telegram was furnished to the Commission by Messrs. Mansfield, McMurray and Cornish, on the date above mentioned. The Commission in view thereof did not feel warranted in notifying the applicants in the consolidated Mississippi Choctaw case of Samuel B. Gee, et. al. of the action of the Department in reversing the decision of

the Commission on February 14, 1903.

On August 12, 1903, the Commission was in receipt of the following telegram from the Department:

"Withhold action upon Departmental decision I. T. D. 4931, July 30, 1903, Mississippi Choctaw case Samuel Gee, et. al., until advised of action upon motion for review requested by attorneys for Choctaw and Chickasaw Nations by wire on August 11th. Letter follows."

On August 13, 1903 (I. T. D. 6,953-1903), the Department advised the Commission of the receipt of telegram of Messrs. Mansfield, McMurray and Cornish of August 11, 1903, and confirmed Departmental telegram of August 12, 1903, directing the Commission to withhold action upon Departmental decision of July 30 in case of Samuel B. Gee, et al., until advised of the action that would be taken upon the motion for review of Mansfield, McMurray and Cornish, the attorneys for the Choctaw and Chickasaw Nations, when it is received by the Department.

No further action was taken in this matter until in the early part of September, 1903, when Thomas C. McRae, of Prescott, Arkansas, was personally at the office of the Commission at Muskogee and was furnished with a copy of Departmental letter of July 30th and the report of this office of May 22d and was also advised of Departmental telegram of August 12th and Departmental letter of August 13, 1903, (I. T. D. 6,953-1903).

In accordance with the instructions contained in Departmental letter of August 14th, no further action has been taken in the matter of the identification of these persons as Mississippi Choctaws, for the reason that the Commission has never been advised of the action of the Department taken



upon the motion for review of Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations, referred to in their telegram of August 11, 1903.

On December 14, 1903, the Department wired the Commission as follows:

"What action did you take under Departmental letter of July 30, and telegram of August 12, 1903, relative to Mississippi Choctaw case of Samuel B. Gee. Wire answer."

In reply thereto on the same date, Mr. Bixby, the Chairman, wired the Commission as follows:

Telegram received. On August thirteenth Department directed that no further action be taken by the Commission upon Departmental decision of July thirtieth Nineteen hundred three in Mississippi Choctaw case of Samuel B. Gee, until advised of Departmental action upon motion of attorneys for Nations for review in said case. Commission has not been advised of further Departmental action in this case and no action has been taken with exception of notification to attorneys for the Choctaw and Chickasaw Nations and to Thomas C. McRae attorney for applicant of Departmental action therein."

It is now reported that none of the applicants in the case have been advised of the action of the Department as contained in its letter of July 30, 1903, (I. T. D. 4596, 4931- 1903) nor of any subsequent action.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

EBH-H

Muskogee, Indian Territory, January 18, 1904.

Honorable Thomas C. McRae,  
Prescott, Arkansas,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 7, asking if the six months allowed the applicants in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al. within which to remove to the Choctaw-Chickasaw country, began to run from the date of the decision of the Secretary of the Interior of July 30, 1903, or whether there was any such action on the part of this Commission as would put that limitation in operation.

You state that you make this request because you are in receipt of a notice from the Department of the Interior informing you that the attorneys for the Nations have been allowed thirty days from the fourth instant within which to present a petition to the Department for a rehearing before the Commission, and that if the six months began to run on July 30, 1903, it will expire before the time allowed said attorneys for presenting said petition, and the applicants desire to move into the country at once if it is the judgment of the Commission and the Department that they ought to do so.

You further state, however, that it seems to you a great

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injustice would be done in requiring them to remove pending the consideration of a motion for rehearing, and you ask information in regard to this matter.

In reply to your letter you are advised that no action was taken by the Commission under the directions of the Secretary of the Interior of July 30, 1903, that the applicants in the consolidated Mississippi Choctaw case of Samuel B. Gee should be identified as Mississippi Choctaws, as, before action could be taken, the Commission was in receipt of a telegram from the Secretary of the Interior instructing that action under Departmental letter of July 30, 1903, be withheld as a motion for rehearing had been filed by the attorneys for the Choctaw and Chickasaw Nations.

In the case of Susan S. Burton, et al., applicants for identification as Mississippi Choctaws, the Department directed that the Commission write a new decision identifying the applicants as Mississippi Choctaws, and that notice of such decision be forwarded the applicants, and they be allowed six months from the date of the decision within which to remove to the Choctaw-Chickasaw country.

It is probable, in the event the motion of the attorneys for the Choctaw and Chickasaw Nations for rehearing in this case is refused, that the Commission will be directed to render a new decision identifying the applicants, as was done in the consolidated case of Susan S. Burton, et al.

Respectfully,

Commissioner in Charge

DEPARTMENT OF THE INTERIOR,

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DC-17605-1904.

WASHINGTON. May 25, 1904.

I.T.D. 4596,8172-1903.

2531,3137-1904.

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Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 31, 1904, Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, filed a petition relative to the consolidated Mississippi Choctaw case of Samuel B. Gee (M. C. R. 2277), et al., requesting that a rehearing be ordered before your commission.

The Department's decision of July 30, 1903, subsequently suspended, directing you to identify the applicants in this case who claim by blood, as Mississippi Choctaws, was based upon the finding that they are the descendants of Captain (or Colonel) Samuel Cobb, a one-half blood Choctaw, who received a patent under the provisions of Article 14 of the treaty of September 27, 1830.

From the testimony which now constitutes the record in the case it appears that the principal applicants, Samuel Gee, William Gee, and Edwin F. Gee, are the sons of John H. Gee and Rachel Grace Gee, and that the latter was the daughter of one Wilson Cobb, who died and was buried in Fayette County, Alabama. It further appears that this Wilson Cobb was born in 1784, and was married in South Carolina in 1804 or 1808, to Grace G. Seaborn, when he was about 20 or 24 years of age.

In the fall of 1814 he enlisted in Captain B. D. Garrison's company of South Carolina volunteers, and served until April 8, 1815. Subsequently, he became a resident of Fayette County, Alabama, and in 1839 and 1840 represented his county in the state legislature. He was killed by a falling tree in 1842.

From the testimony of the applicants it appears that this Wilson Cobb was the son of Col. Samuel Cobb, the patentee referred to above. The accuracy of their testimony is questioned by the attorneys for the Choctaw and Chickasaw Nations. In support of their petition for a rehearing, said attorneys propose to introduce the testimony of Mahala Jones, Matilda Phelps and William McCullough. In this connection, however, it should be noted that Mrs. Phelps, whose deposition was taken at the instance of the attorneys for the Choctaw and Chickasaw Nations, also testifies that the Wilson Cobb who lived in Fayette County, Alabama, was the son of a Col. Samuel Cobb. The petitioners allege that if a rehearing is granted they will be able to prove by the above named witnesses, that the applicants are not the descendants of Captain Samuel Cobb, as alleged, but are the descendants of a man by the name of Wilson Cobb, a resident of Alabama; that the said Wilson Cobb was the father of a son who died in January, 1900, at the age of 91 years, and that Wilson Cobb could not, therefore, have been the son of the Colonel (or Captain) Samuel Cobb who complied with the provisions of article 14 of the treaty of 1830.

The Department is not in possession of the dep-

osition of Mahala Jones. The depositions of Mrs. Phelps and Mr. McCullough, however, have been considered. Without discussing in detail the testimony submitted in support of this petition, it is sufficient to say, the Department does not consider that the contentions of the attorneys for the Choctaw and Chickasaw Nations are established. A rehearing would not be warranted, therefore, alone upon the showing made. There are other reasons, however, why, in the opinion of the Department, a rehearing is considered advisable. The decision of the Department of July 30, 1903, was based upon the theory that Wilson Cobb was the son of Col. Samuel Cobb, by his Choctaw wife, Abbe-hoyo; this view of the case seems to be the one held by the applicants, but, by their testimony it is clear that Wilson Cobb was a Choctaw of the quarter blood. Inasmuch as Col. Cobb was a one-half blood, it follows either that Abbe-hoyo was not the mother of Wilson Cobb, or that she was not a Choctaw by blood. It appears from the records of the Indian Office that she was a Choctaw, although the degree of her Choctaw blood is not known. In this connection it is noted that Col. Cobb had a daughter named Betsey, whose mother's name is unknown, also a son named Nat (or Nathaniel) Cobb, who was a quarter blood Choctaw (See page 208, Vol.1, in the case of the Choctaw Nation vs. the United States, Court of Claims No. 12742). This indicates that Col. Cobb was at an early date the father of several children by a white wife.

In this connection reference is again made to the deposition of Mr. McCullough, in which he states that the

maiden name of Wilson Cobb's mother was Brashier, and that she was a sister of Elijah Brashier. Granting that this testimony is true, it is important, inasmuch as there were four heads of families residing in the Alabama portion of the old Choctaw Nation of the name of Brashears, who complied with article 14 of the treaty of 1830, for themselves and on behalf of their children. It is accordingly desired that, in examining the witnesses who may appear before you at the rehearing, you determine if possible, what relation, if any existed between Col. Sam Cobb, the patentee, and the Brashears family; also, whether or not he was identical in person with the Col. Samuel Cobb referred to in the deposition of Mrs. Phelps.

The Department's decision of July 30, 1903, is hereby rescinded, and the record in the case is returned here with for further investigation. In advising the applicants hereof, you will follow the instructions, so far as they are applicable, contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins.

Inclosed herewith, for your information, and to be used in connection with the rehearing, are the papers filed in support of and against the petition of the attorneys for the Choctaw and Chickasaw Nations, with copies of the depositions of Mrs. Phelps and Mr. McCullough, also an abstract of the testimony taken in connection with the bounty land claim of Grace G. Cobb, widow of Wilson Cobb. There are also inclosed copies of the testimony of certain witness-

as taken from the records of the Indian Office, relative to the wives, children and immediate neighbors of Col. Sam Cobb.

You are directed to institute this investigation at the earliest date practicable.

Respectfully,

18 inclosures.

Acting Secretary.



DEPARTMENT OF THE INTERIOR, FHE  
WASHINGTON. May 26, 1904.

DC-17585-1904.  
I.T.D. 306-1904.

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

Gentlemen:

Referring to your report of December 26, 1903, relative to the application of Samuel B. Gee (M.C.R.2277), et al., for identification as Mississippi Choctaws, you are informed that said report is satisfactory to the Department, and that a letter has been transmitted to you under date of May 25, 1904, rescinding departmental decision of July 30, 1903, and directing that further investigation be had in reference to said case.

A copy of the Acting Commissioner of Indian Affairs' letter of January 15, 1904, is inclosed herewith.

Respectfully,

1 inclosure.

Acting Secretary.

Muskogee, Indian Territory, June 7, 1904.

Thos. C. McRae,  
Froscott, Arkansas.

Dear Sir:

You are heroby advised that the Secretary of the Interior on May 25, 1904, rescinded Departmental decision of July 30, 1903, reversing the decision of the Commission to the Five Civilized Tribes of February 14, 1903, refusing the application of Samuel B. Cobb, et al., for identification as Mississippi Choctaws.

The Secretary of the Interior, in his letter of May 25, 1904, advised the Commission that the Department had granted the petition of Messrs. Mansfield, McMurray & Corrish, the attorneys for the Choctaw and Chickasaw Nations, for a rehearing in this case upon the grounds that if such rehearing is granted they will be able to demonstrate that the testimony offered by the applicants is fraudulent and untrue in so far as they claim that their ancestor, Wilson Cobb, was a son of Captain Samuel Cobb, who complied with the provisions of the 14th article of the treaty of 1830.

The Department also transmitted to the Commission, with the return of the records in this case, copies of the testimony of certain witnesses taken from the records of the Indian office relative to the wives, children and immediate neighbors of Col. Sam Cobb. These records are subject to your inspection at any

T. C. McR., 2.

time at the General Office of the Commission at Muskogee, Indian Territory.

In accordance with Departmental instructions of May 25, 1904, you are advised that the Commission to the Five Civilized Tribes will, at its office, at Muskogee, Indian Territory, on Monday, July 11, 1904, at 9 o'clock a. m., hear the testimony of such witnesses as may be presented by the attorneys for the Choctaw and Chickasaw Nations in support of their contention that the testimony offered by the applicants in this case is fraudulent and untrue in so far as they claim that their ancestor, Wilson Cobb, was a son of Captain Samuel Cobb who complied with the provisions of the 14th article of the treaty of 1830. The Commission will also at the same time and place hear the testimony of such witnesses as may be presented by the applicants.

It is most earnestly desired that in this rehearing all witnesses whose testimony is desired be present in person.

For your information there is enclosed you herewith copy of Departmental letter of May 25, 1904, hereinabove referred to.

Respectfully,

Registered.  
JYM-78.

Chairman.

Muskogee, Indian Territory, June 7, 1904.

Samuel B. Gee,  
Fayetteville, Arkansas.

Dear Sir:

You are hereby advised that the Secretary of the Interior on May 25, 1904, rescinded Departmental decision of July 30, 1903, reversing the decision of the Commission to the Five Civilized Tribes of February 14, 1903, refusing the application of Samuel B. Gee, et al. for identification as Mississippi Choctaws.

The Secretary of the Interior, in his letter of May 25, 1904, advised the Commission that the Department had granted the petition of Messrs. Mansfield, Murray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, for a rehearing in this case upon the grounds that if such rehearing is granted they will be able to demonstrate that the testimony offered by the applicants is fraudulent and untrue in so far as they claim that their ancestor, Wilson Cobb, was a son of the Captain Samuel Cobb, who complied with the provisions of the 14th article of the treaty of 1830.

The Department also transmitted to the Commission, with the return of the record in this case, copies of the testimony of certain witnesses taken from the records of the Indian Office

S. B. C., 2.

relative to the wives, children and immediate neighbors of Col. Sam Cobb. These records are subject to your inspection at any time at the General Office of the Commission at Muskogee, Indian Territory.

In accordance with Departmental instructions of May 25, 1904, you are advised that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Monday July 11, 1904, at 9 o'clock a. m., hear the testimony of such witnesses as may be presented by the attorneys for the Choctaw and Chickasaw Nations in support of their contention that the testimony offered by the applicants in this case is fraudulent and untrue in so far as they claim that their ancestor, Wilson Cobb, was a son of Captain Samuel Cobb, who complied with the provisions of the 14th article of the treaty of 1830. The Commission will also, at the same time and place, hear the testimony of such witnesses as may be presented by the applicants.

It is most earnestly desired that in this rehearing all witnesses whose testimony is desired be present in person.

For your information there is enclosed you herewith copy of Departmental letter of May 18, 1904, hereinabove referred to.

Respectfully,

Registered.  
JYL-79.

Chairman.

Muskogee, Indian Territory, June 7, 1904.

Mansfield, McKurray & Cornish,

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

Gentlemen:

On February 14, 1903, in the consolidated Mississippi Choctaw case of Samuel B. Goe, et al., the Commission rendered a decision refusing the applications of the several persons therein named for identification as Mississippi Choctaws. The record in this case, together with the decision of the Commission, was on the same date transmitted to the Secretary of the Interior.

On July 30, 1903, the Secretary of the Interior reversed the decision of the Commission refusing the application of Samuel B. Goe, et al. for identification as Mississippi Choctaws, and directed their identification as the descendants of a Choctaw Indian who complied with the provisions of the fourteenth article of the Choctaw treaty of 1830.

The Department, on August 12, 1903, instructed the Commission by telegraph to withhold action upon Departmental letter of July 30, 1903, until advised of action upon the motion for review filed by the attorneys for the Choctaw and Chickasaw Nations.

The Commission is now in receipt of a letter from the Secretary of the Interior under date of May 25, 1904, rescinding

M., Mem. & C., 2.

the decision of the Department of July 30, 1903, reversing the decision of the Commission of February 14, 1903, refusing the application of Samuel B. Gee, et al. for identification as Mississippi Choctaws.

The Department also advises that your petition for a rehearing in this case has been granted upon the allegation that you will be able to demonstrate that the testimony offered by the applicants is fraudulent and untrue, insofar as they claim that their ancestor, Wilson Cobb, was a son of the Captain Samuel Cobb who complied with the provisions of article 14 of the Choctaw treaty of 1830.

The Department, in returning the record heretofore forwarded in this case, also transmitted copies of the testimony of certain witnesses as taken from the records of the Indian Office relative to the lives, children and immediate neighbors of Col. Sam Cobb.

The original record and the papers referred to are subject to your inspection at the General Office of the Commission, at Muskogee, Indian Territory.

You are advised that in accordance with Departmental direction of May 25, 1904, the Commission to the Five Civilized Tribes 111, at its office at Muskogee, Indian Territory, on Monday, July 11, 1904, at 9 o'clock a. m., hear the testimony of such witnesses as may be presented by you in support of your contention that the

M., Nov 2 0., 3.

testimony offered by the applicants in this case is fraudulent and untrue insofar as they claim that their ancestor, Wilson Cobb, was a son of Captain Samuel Cobb who complied with the provisions of the 14th article of the treaty of 1830.

It is the earnest desire of the Commission that the testimony of such witnesses as you anticipate offering in support of your contention be present in person at the office of the Commission at the day and hour above set forth.

For your information there is enclosed you herewith copy of a parental letter of May 18, 1904, hereinabove referred to.

Respectfully,

Chairman.

Registered

JYI-77.



M C R 2277

Muskogee, Indian Territory, July 13, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is enclosed you, herewith, one copy of the testimony taken before this Commission on July 11, 1904, in the matter of the application of Samuel B. Gee, et al., M C R 2277, for identification as Mississippi Choctaws.

Kindly acknowledge receipt of same, and oblige,

Respectfully,

JD- 1

Chairman.

M C R 2277

Muskogee, Indian Territory, July 25, 1904.

McRae & Tompkins,  
Attorneys at Law,  
Prescott, Arkansas.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you state that certain corrections should be made in the testimony taken at this office on the 11th instant in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al.

In reply you are informed that a copy of your letter has been filed with and made a part of the record in this case.

Respectfully,

Commissioner in Charge.

M C R 2377

Muskogee, Indian Territory, July 28, 1904.

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

Gentlemen:

There is herewith enclosed you one copy of the decision of the Commission to the Five Civilized Tribes granting your motion for a continuance for thirty days from August 1, 1904, in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al.

Respectfully,

Commissioner in Charge.

McM 7/28

Huskogee, Indian Territory, July 28, 1904.

McRae & Tompkins,  
Attorneys at Law,  
Prescott, Arkansas.

Gentlemen:

There is herewith enclosed you one copy of the decision of the Commission to the Five Civilized Tribes granting the motion of Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, for a continuance for thirty days from August 1, 1904, in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al.

Respectfully,

Commissioner in Charge.

McM IX

Muskogee, Indian Territory, August 3, 1904.

McRae & Tompkins,  
Attorneys at Law,  
Prescott, Arkansas.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 30th ultimo, in which you ask that the attorneys for the Choctaw and Chickasaw Nations be requested to furnish you with a copy of the testimony they desire to submit in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al., in order that you may have an opportunity to rebut the same if you so desire.

In reply you are informed that Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, have this day been notified that proof of service upon you of a copy of the testimony taken in the Choctaw and Chickasaw Citizenship Court which they intend to introduce in the case above referred to, must be shown when said testimony is filed.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, August 3, 1904.

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

Gentlemen:

Relative to your filing in the Mississippi Choctaw case of Samuel B. Gee, et al. certain testimony taken before the Choctaw and Chickasaw Citizenship Court, you are requested to furnish Messrs. McRae & Tompkins, Prescott, Arkansas, counsel for applicants in the above case, with a copy of the testimony which you desire to introduce, in order that they may have an opportunity to rebut the same if they so desire.

Respectfully,

Commissioner in Charge.

Muskegee, Indian Territory, September 2, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On February 14, 1903, the Commission to the Five Civilized Tribes, in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al., M C R 2277, rendered a decision refusing the application of the several claimants therein for identification as Mississippi Choctaws. The record in this case, including the decision of the Commission of February 14, 1903, was forwarded the Department March 2, 1903.

In departmental letter of July 30, 1903 (I T D 4596, 4931-1903) the Commission was directed to identify the claimants by blood in this case as Mississippi Choctaws, as being the descendants of Captain Sam Cobb, to whom a patent was issued under the provisions of the fourteenth article of the Choctaw treaty of 1830. Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, were furnished a copy of said letter and of the report of the Acting Commissioner of Indian Affairs of May 22, 1903 (Land 18004, 19004, 26555-1903).

On August 12, 1903, the Commission was instructed by telegram, as follows:

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

Withhold action upon departmental decision 'I.T.D. forty-nine hundred thirty one, July thirty nineteen hundred three,' Mississippi Choctaw case, Samuel B. Gee, et al., until advised of action upon motion for review as requested by attorneys for Choctaw and Chickasaw Nations by wire August eleventh, letter follows."

This telegram was confirmed by departmental letter of August 13, 1903 (I T D 6953-1903).

On December 14, 1903, the Department requested by wire to be informed as to what action had been taken by the Commission under departmental letter of July 30th and telegram of August 12, 1903, relative to this case, and on the same date the Department was advised by wire as follows:

"Secretary of the Interior,  
Washington, D. C.

Telegram received. On August thirteenth Department directed that no further action be taken by the Commission upon departmental decision of July thirtieth, nineteen hundred three in Mississippi Choctaw case of Samuel B. Gee, until advised of departmental action upon motion of attorneys for nations for review in said case.

Commission has not been advised of further departmental action in this case and no action has been taken with the exception of notification to attorneys for the Choctaw and Chickasaw Nations and to Thomas C. McRae, attorney for applicants, of departmental action therein."

December 17, 1903, the Department addressed to the Commission a communication (I T D 4596, 8642-1903), directing that the Department be furnished a full report as early as possible, setting forth in detail the information requested in departmental telegram of December 14, 1903. On December 26, 1903, the Commission report-



ed at length as to the procedure had up to that date.

On January 7, 1904, the Department again, in reference to this case, addressed a communication to the Commission (I T D 4596, 9995, 10481-1903), enclosing a copy of a letter from the Department to Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, under date of January 4, 1904, denying the motion of the attorneys for the Nations that departmental action in the Mississippi Choctaw case of Samuel B. Gee, et al. be postponed until a decision is rendered by the Choctaw and Chickasaw Citizenship Court in the case of W. F. Cobb, et al. vs. the Choctaw and Chickasaw Nations, pending before said court.

In denying this motion the Department expresses the opinion "that its jurisdiction with reference to the identification of Mississippi Choctaws is not identical with that of the citizenship court, and for this, as well as other reasons, the decisions of that court cannot be given more than a persuasive force and will not be regarded as binding upon the Department. It must be remembered in this connection that the identification of Mississippi Choctaws is not a work of adjudication alone. The duties which must be performed under the direction of the Department in reference to such work are largely of an executive nature, requiring the Department in many instances to take action of its own motion, and necessitating in all cases investigation in connection with the evidence contained in the records of the Indian Office."

The Department further advises Messrs. Mansfield, McMurray & Cornish that if a rehearing is deemed advisable, the same should be had before the Commission to the Five Civilized Tribes in order that the applicants in the case may have an opportunity to appear

in person and present such testimony as they may be able to furnish by way of rebuttal.

The attorneys for the Nations were in conclusion advised that they would be allowed thirty days from the date of departmental letter of January 4, 1904, within which to present a petition direct to the Department for a rehearing before the Commission to the Five Civilized Tribes, duly verified and properly substantiated, setting forth the grounds upon which they relied for a rehearing.

On March 31, 1904, Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, filed with the Department a petition relative to the consolidated Mississippi Choctaw case of Samuel B. Gee, et al., requesting that a rehearing be ordered before the Commission to the Five Civilized Tribes.

The Department, with its letter of May 25, 1904 (I T D 4596, 8172-1903 - 2531, 3137, 3253, 3255-1904), rescinded departmental decision of July 30, 1903, directed the Commission to identify the claimants by blood in the Gee case as Mississippi Choctaws and remanded the record for further investigation.

On June 7, 1904, the Commission addressed by registered mail to the several applicants in this case, their attorneys of record, and the attorneys for the Choctaw and Chickasaw Nations, notice of the rescinding of departmental decision of July 30, 1903,

of the remanding of the record for a rehearing to be had before the Commission to the Five Civilized Tribes, and that the Commission would, at its office at Muskogee, Indian Territory, on Monday, July 11, 1904, at nine o'clock A. M., hear the testimony of such witnesses as were presented by the attorneys for the Choctaw and Chickasaw Nations and by the applicants.

At the office of the Commission at Muskogee, Indian Territory, on July 11, 1904, and in response to the notices aforesaid, further proceedings were had in this matter, the Choctaw and Chickasaw Nations being represented by Melven Cornish, of the firm of Mansfield, McMurray & Cornish, and the applicants by W. V. Tompkins, one of their attorneys. The testimony of several witnesses was heard on this date and there was filed by the attorneys for the Choctaw and Chickasaw Nations a copy of the record of the oral testimony taken before the Choctaw and Chickasaw Citizenship Court in the case of W. F. Cobb, et al. vs. the Choctaw and Chickasaw Nations, pending before that court. Upon motion of the attorneys for the Choctaw and Chickasaw Nations a continuance was granted until August 1, 1904, for the purpose of filing additional evidence which had been submitted before the Choctaw and Chickasaw Citizenship Court in the case of W. F. Cobb, et al. vs. the Choctaw and Chickasaw Nations.

On July 26, 1904, there was filed by the attorneys for the

Choctaw and Chickasaw Nations the deposition of T. S. Cooper taken before Judge Adams, Chief Justice of the Choctaw and Chickasaw Citizenship Court, near Caddo Mills, in Hunt County, Texas, on July 8, 1904.

Messrs. Mansfield, McMurray & Cornish, on July 27, 1904, filed a motion for a further continuance in this case for a period of thirty days from August 1, 1904, for the purpose of introducing before the Commission a transcript of the testimony of a number of witnesses whose testimony was to be heard before the Choctaw and Chickasaw Citizenship Court, in the case of W. F. Cobb, et al. vs. the Choctaw and Chickasaw Nations. This motion was granted, and on August 31, 1904, there was filed by the attorneys for the Choctaw and Chickasaw Nations copies of the evidence of a number of witnesses before the Choctaw and Chickasaw Citizenship Court, in the case of W. F. Cobb, et al. vs. the Choctaw and Chickasaw Nations. There were also filed on the same date several exhibits offered by the attorneys for the Choctaw and Chickasaw Nations and a memorandum of argument on behalf of the Nations.

I have further to advise that no argument or brief has up to the present time been filed in this case by the attorneys for the applicants.

On August 26, 1904, Messrs. McRae & Tompkins, attorneys at law, of Prescott, Arkansas, representing the applicants in this

case, addressed the Commission a communication in which they stated that it was their desire and intention if the Choctaw and Chickasaw Nations introduced the testimony of one Mrs. McMurtry taken before one of the judges of the citizenship court in the State of Mississippi, in the case of W. F. Cobb, et al. vs. the Choctaw and Chickasaw Nations, to request a continuance for a reasonable time in this case within which to submit testimony to rebut the evidence of Mrs. McMurtry.

No formal motion having been filed for a continuance in this cause, I have the honor to transmit herewith for the consideration of the Department, the original record and decision of the Commission in the case of Samuel B. Gee, et al., M C R 2277, and the additional proceedings had in conformity with departmental instructions of May 25, 1904.

Respectfully,

Chairman.

Through the Commissioner  
of Indian Affairs.

McM 99

W  
Muskogee, Indian Territory, September 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 29th ultimo, transmitting certified copies of the testimony of Telitha McMurtrey, Elizabeth Ann Melvin and J. C. Mansell, with exhibits attached thereto, taken before the Choctaw and Chickasaw Citizenship Court in the case of W. F. Cobb, et al. vs. the Choctaw and Chickasaw Nations, pending before that court. Also certain record evidence certified by the proper custodian of the records and memorandum of argument on behalf of the Choctaw and Chickasaw Nations; all of the papers above referred to bearing proof of service of copies thereof upon Messrs. McRae & Tompkins, the attorneys for the applicants in the Samuel B. Gee case, at Prescott, Arkansas.

You are advised that the several enclosures transmitted with your letter of August 29, 1904, have been filed with the record in the matter of the application of Samuel B. Gee, et al. for identification as Mississippi Choctaws, and the entire record, including the proceedings had before the Commission in accordance with departmental instructions of May 25, 1904, have this day been

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transmitted to the Secretary of the Interior without recommendation  
by the Commission.

Respectfully,

Chairman.

Muskogee, Indian Territory, September 2, 1904.

McRae & Tompkins,  
Attorneys at Law,  
Prescott, Arkansas.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 26th ultimo, in reference to the consolidated Mississippi Choctaw case of Samuel B. Gee, et al. You request to be advised if the testimony of Mrs. McMurtry recently taken before one of the judges of the Choctaw and Chickasaw Citizenship Court in the State of Mississippi, in the case of W. F. Cobb, et al. vs. the Choctaw and Chickasaw Nations, has been filed in the Gee case before the Commission. You state you have received no notice of the filing of the testimony of this witness and that if the same has been filed you will ask a further continuance in the case within which to rebut such testimony.

In reply to your letter I have to advise that on August 31, 1904, Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, filed with the Commission in the matter of the application of Samuel B. Gee, et al. for identification as Mississippi Choctaws, certified copies of the testimony of a number of witnesses taken before the Choctaw and Chickasaw Citizenship Court in the State of Mississippi, in the case of



McR & T 2

W. F. Cobb, et al. vs. the Choctaw and Chickasaw Nations, pending before that court. The testimony of one Telitha McMurtrey is included therein. It appears that a copy of the testimony of these witnesses was forwarded you by registered mail on August 29, 1904, by Messrs. Mansfield, McMurray & Cornish.

Inasmuch as the continuance granted in this case expired September 1, 1904, and in the absence of any formal motion for a further continuance, I do not feel warranted in further withholding the forwarding of the record in this case for departmental action.

The Commission is most desirous of disposing of all pending Mississippi Choctaw cases with the least practicable delay, and as the Gee case has now been pending before the Commission for a period of practically three years, I have to-day transmitted to the Department the original record with the decision of the Commission of February 14, 1903, and additional proceedings had in conformity with departmental instructions of May 25, 1904, without recommendation.

Respectfully,

Chairman.

Muskogee, Indian Territory, September 3, 1904.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that there was received at the General Office of the Commission at Muskogee, Indian Territory, on September 3, 1904, at one o'clock P. M., a motion of Messrs. McRae & Tompkins, the attorneys for the applicants in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al., for an extension of thirty days from the first of September, 1904, within which to present testimony to rebut the testimony of Mrs. Telitha McMurtry.

On September 2, 1904, I transmitted to the Secretary of the Interior the original record in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al., together with the additional proceedings had before this Commission in accordance with departmental instructions of May 25, 1904.

The motion of Messrs. McRae & Tompkins has this day been transmitted to the Secretary of the Interior for his consideration in connection with the record forwarded the Department on September 2, 1904.

Respectfully,

Chairman.

Muskogee, Indian Territory, September 3, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Under date of September 2, 1904, I had the honor to transmit to the Department the record in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al., together with additional proceedings had in accordance with departmental instructions of May 25, 1904.

I now have to advise that there was received at the General Office of the Commission at Muskogee, Indian Territory, on this date, at one o'clock P. M., a motion of Messrs. McRae & Tompkins, the attorneys for the applicants in the above named case, for an extension of time of thirty days from September 1, 1904, to present testimony to rebut the testimony of Mrs. Talitha McMurtry taken before the Choctaw and Chickasaw Citizenship Court in the case of W. F. Cobb, et al. vs. the Choctaw and Chickasaw Nations and filed by the attorneys for the Nations on August 31, 1904.

The motion of Messrs. McRae & Tompkins is transmitted herewith for departmental consideration in connection with the record forwarded on September 2, 1904.

Respectfully,

Through the Commissioner  
of Indian Affairs.  
McM 77

Chairman.

Muskogee, Indian Territory, September 3, 1904.

McRae & Tompkins,  
Attorneys at Law,  
Prescott, Arkansas.

Gentlemen:

Receipt is hereby acknowledged of your motion for an extension of time of thirty days from September 1st, 1904, within which to introduce testimony rebutting the testimony of Mrs. McMurry in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al. You are advised that this motion was received at the General Office of the Commission at Muskogee, Indian Territory, on September 3, 1904, at one o'clock P. M.

I had the honor on September 2, 1904, to transmit to the Secretary of the Interior the original record in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al., together with the additional procedure had in accordance with departmental instructions of May 25, 1904.

Your motion for a continuance of thirty days has this day been forwarded to the Secretary of the Interior for his consideration in connection with the record heretofore transmitted.

Respectfully,

Chairman.

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DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, September 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commission to the Five Civilized Tribes of September 3 transmitting motion of Messrs. McRae and Tompkins of Prescott, Arkansas, in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al.

Under date of September 2 the record in the above named case was returned together with additional proceedings had in accordance with Departmental instructions of May 25, 1904.

The Commission says that there was received at the office of the Commission at Muskogee on September 3, at one o'clock P. M. the motion of McRae and Tompkins for an extension of thirty days time from September 1, 1904, to present testimony to rebut the testimony of Mrs. Telitha McMurtry taken before the Choctaw and Chickasaw Citizenship Court in the case of W. F. Cobb, et al, versus the Choctaw and Chickasaw Nations and filed by the attorneys for the Nations on August 31, 1904.

Messrs. McRae and Tompkins attached to their motion

for an extension of time of thirty days an affidavit of Mrs. Nancy J. Henderson, subscribed and sworn to to on the 27th day of August, 1904, in Harrison County, Texas, setting forth some of the matters she would testify to if examined, which matters are or might be very important in the final disposition of the Gee case.

There is also enclosed letter of Harvey M. Friend of this city of September 9, local attorney of record in the Gee case, submitting an application or motion addressed to you praying for the allowance of the motion of Messrs. McRae and Tompkins for a continuance. Mr. Friend in his application states what is already shown in the letter of the Commission that the testimony of Mrs. Telitha McMurtry and several other witnesses, taken by and on behalf of the Choctaw and Chickasaw Nations was filed in the case on August 31, 1904, service having been made upon Messrs. McRae and Tompkins late in the evening of August 30, only a few hours before the record was filed with the Commission, also on the same day, August 31, the attorneys for the Choctaw and Chickasaw Nations filed their brief and argument on the whole record as thus made up with the Commission and that by letter of September 2, 1904, the Commission transmitted the record and brief and argument of the attorneys for the Nations to this office for Departmental disposition.

He further shows that as soon as possible after the receipt by Messrs. McRae and Tompkins, attorneys for the applicants, of a copy of the testimony filed on the 31st day of August by the attorneys for the Nation they prepared a motion for a continuance for the purpose of taking testimony of Mrs. Nancy J. Henderson and other witnesses to rebut the testimony last filed by the attorneys for the Nations together with the affidavit already referred to.

He further states that the testimony of Mrs. Telitha McMurtry and other witnesses which was filed on August 31, 1904, with the Commission tends to throw doubt upon the integrity of the claim of the applicants in the Gee case and unless rebutted might tend to influence the judgment of this office and your office in the final disposition of the rights of the applicants and that they believe if they shall be permitted to take the testimony of Mrs. Henderson and other witnesses in rebuttal of the testimony of Mrs. McMurtry they can show her testimony to be wholly untrue and unreliable; that the applicants and their attorneys did not know what the testimony of the witnesses, Mrs. McMurtry and others, would be until they received copies thereof late in the evening of the 30th of August, 1904, and did not therefore have an opportunity to rebut it at any time prior to the transmission of the rehearing to this office and were diligent in the strictest degree in making and filing motion for the continuance of such rebuttal testimony.

There are now in the office the compliants of Messrs. Mansfield, McMurray & Cornish based on the ground that arguments have been filed in this office or with the Department in two cases in which they appear for the Choctaw and Chickasaw Nations and which arguments have not been served upon them in order that they might have an opportunity to answer. The action in this case was taken in the same manner as the action about which the attorneys for the Choctaw and Chickasaw Nations now complain. They ask in these cases to which I have referred that the parties be required to serve them with copies of their arguments before they shall be received and considered by the Department. I believe the contention of the attorneys for the Choctaw and Chickasaw Nations in these cases are well founded and should be sustained. Conversely I believe the application of the attorneys in this case should be for the same reason sustained and that an opportunity should now be granted them to introduce additional testimony to rebut if they can the testimony of Mrs. Telitha McMurtry and other witnesses since they have not had opportunity up to the present time to meet the testimony so submitted by the attorneys for the Choctaw and Chickasaw Nations. I therefore recommend that the attorneys for the applicants in the Mississippi Choctaw case of Samuel B. Gee, et al, be given



thirty days from the date of the action of the Department on this motion within which to submit testimony to meet the proof filed by the attorneys for the Choctaw and Chickasaw Nations and taken in the case of W. F. Cobb, et al, before the Choctaw and Chickasaw Dtitenship Court and that this testimony be taken in the regular manner with notice to both parties.

Very respectfully,

A. C. Tenner,

Acting Commisssiener.

MBH-VDW

C O P Y

D.C. No. 38756.

Y.P.

DEPARTMENT OF THE INTERIOR,

FHE

Washington.

I.T.D. 9094-1904.

October 7, 1904.

L.R.S.

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

Gentlemen:

September 30, 1904, the Acting Commissioner submitted a motion filed by the local attorney for the claimants, requesting a continuance in the Mississippi Choctaw case of Samuel B. Gee, et al, for the purpose of taking testimony to rebut certain testimony submitted on the part of the Choctaw and Chickasaw Nations, being copies of depositions taken in a case pending before the Choctaw and Chickasaw Citizenship Court, the same having been made applicable to the present case and filed therein with your Commission August 30, 1904.

It appears that service of the copies was made upon the attorneys for the claimants August 30th; that on September 2nd you transmitted the record in the case through the Indian Office to the Department; that on September 3, 1904, the attorneys for the claimants filed with you a motion for a continuance. The Acting Commissioner also submits this motion.

In accordance with the recommendation of the Acting Commissioner, the request for a continuance for the purpose

mentioned is hereby granted, and thirty days from notice hereof to the claimants are allowed within which to submit, in accordance with the rules governing your Commission, the testimony mentioned.

The request of said attorneys to be allowed a reasonable time, after the submission of such testimony, within which to file an argument in support of their contentions in the case, and in reply to the argument of the attorneys for said nations filed August 31, 1904, is also granted, and they will be allowed fifteen days for the purpose mentioned.

A copy of the Acting Commissioner's letter, and the motions mentioned, are inclosed herewith.

Respectfully,

(signed) THOS. RYAN,

Acting Secretary.

3 inclosures.

Muskogee, Indian Territory, October 26, 1904.

McRae & Tompkins,  
Attorneys at Law,  
Prescott, Arkansas.

Gentlemen:

For your information there is enclosed you herewith copy of departmental letter of October 7, 1904, (I T D 9094-1904) accompanied by the report of the Acting Commissioner of Indian Affairs of September 30, 1904, in reference to the consolidated Mississippi Choctaw case of Samuel B. Gee, et al.

The Commission is directed within thirty days from the date hereof to receive such testimony as may be presented by the claimants in this case in rebuttal to the testimony submitted on the part of the Choctaw and Chickasaw Nations filed with the Commission on August 30, 1904. It is earnestly desired that this testimony be taken at the earliest practicable date, in order that the same may be forwarded to the Secretary of the Interior for consideration in connection with the record heretofore transmitted in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al.

You will be required at the time of the offering of such testimony to submit satisfactory proof to the Commission of service of notice of the time of submitting such testimony upon Mansfield,

MoR & T 2

McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations. This testimony will be heard at the general office of the Commission at Muskegee, Indian Territory. After the submission of such testimony, fifteen days will be allowed you within which to file argument in support of your contentions in the case and in reply to the argument filed by the attorneys for the Choctaw and Chickasaw Nations on August 31, 1904.

Respectfully,

Chairman.

Registered.

McM 1

Muskogee, Indian Territory, October 26, 1904.

Mansfield, McMurray & Cornish,

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

Gentlemen:

For your information there is enclosed you herewith copy of departmental letter of October 7, 1904 (I T D 9094-1904), accompanied by the report of the Acting Commissioner of Indian Affairs of September 30, 1904, in reference to the consolidated Mississippi Choctaw case of Samuel B. Gee, et al.

In accordance with the instructions of the Secretary of the Interior, Messrs. McRae & Tompkins, of Prescott, Arkansas, the attorneys for the applicants in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al., have this day been notified that the Commission will hear such testimony as may be offered by them in behalf of their clients within thirty days from the date hereof. This testimony will be heard at the general office of the Commission at Muskogee, Indian Territory.

Messrs. McRae & Tompkins have also been notified that it will be necessary for them to submit satisfactory proof of service of notice of the time of taking such testimony upon you as the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Registered.  
McM 2

Chairman.

Muskogee, Indian Territory, November 10, 1904.

McRae & Tompkins,  
Attorneys at Law,  
Prescott, Arkansas.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 1st instant, in reply to our communication to you dated October 26th. You state that the testimony you desire to submit for the claimants in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al., consists of copies of testimony taken before one of the judges of the citizenship court, and ask if it will be sufficient to send copies of such testimony and your argument to this office by registered mail, with proof of service thereof upon the attorneys for the Choctaw and Chickasaw Nations.

In reply you are informed that the Commission cannot advise you as to the sufficiency of evidence to be introduced in support of this case. This is a matter entirely within your discretion. In departmental letter of October 7, 1904, relative to this case, a copy of which has heretofore been furnished you, the Commission was directed to allow you thirty days within which to submit "testimony to meet the proof filed by the attorneys for the Choctaw and Chickasaw Nations and taken in the case of W. F.

MoR & T 2

Cobb, et al. before the Choctaw and Chickasaw Citizenship Court."

However, such copies of testimony as you may submit to this office, together with your argument, will be transmitted to the Secretary of the Interior, provided the same bears proof of service of copies thereof upon the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.



M C R 2277

Muskogee, Indian Territory, November 14, 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 12th instant, enclosing evidence taken before the Choctaw and Chickasaw Citizenship Court in the case of W. F. Cobb, et al. vs. Choctaw and Chickasaw Nations, No. 33 on the Tishomingo Docket, which you ask be filed in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al. The same will be transmitted to the Secretary of the Interior for consideration in connection with the record heretofore forwarded the Department.

Respectfully,

Chairman.

M C R 2277

Muskegee, Indian Territory, November 21, 1904.

McRae & Tompkins,  
Attorneys at Law,  
Prescott, Arkansas.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 17th instant, enclosing certified copy of certain testimony taken before the Choctaw and Chickasaw Citizenship Court which you ask be filed in support of the Mississippi Choctaw case of Samuel B. Gee, et al. You attach to said testimony letter from Mansfield, McMurray & Cornish waiving service of copy of same upon them, and ask if this will be satisfactory.

In reply you are informed that the letter of Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, will be accepted in lieu of proof of service of copy of said testimony upon them. When your argument is received all the papers in this case will be forwarded to the Secretary of the Interior for his consideration.

Respectfully,

Chairman.

M C R 2277

Muskogee, Indian Territory, November 26, 1904.

McRae & Tompkins,  
Attorneys at Law,  
Prescott, Arkansas.

Gentlemen:

Your brief in the Mississippi Choctaw case of Samuel B. Gee, et al., which was received at this office to-day, is herewith returned for your signature. After you have signed the same return it to this office with as little delay as possible.

Respectfully,

Commissioner in Charge.

McM 20

M C R 2277

Muskogee, Indian Territory, December 9, 1904.

McRae & Tompkins,  
Attorneys at Law,  
Prescott, Arkansas.

Gentlemen:

Your brief in the Mississippi Choctaw case of Samuel B. Gee, et al., which was received at this office on November 26th, was returned to you on the same date for your signature and you were requested to again transmit the same to this office at the earliest practicable date. Said brief has not up to the present time been received at this office since its return to you, and it is desired that you give this matter your immediate attention.

Respectfully,

Chairman.

M C R 2277

Muskogee, Indian Territory, December 28, 1904.

McRae & Tompkins,  
Attorneys at Law,  
Prescott, Arkansas.

Gentlemen:

Referring to your letter of December 12, 1904, relative to original brief filed by you in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al. and which was returned to you on November 26, 1904, you are advised that the same was returned to the Commission by the Muskogee post office on December 22nd, having been erroneously forwarded to Prescott, Kansas.

All of the papers filed in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al. since the receipt by this office of Departmental letter of October 7, 1904, directing that you be allowed a reasonable time to submit certain evidence, have this day been transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Chairman.

Muskogee, Indian Territory, December 28, 1904.

The Honorable,  
The Secretary of the Interior.

Sir:

On October 7, 1904, the Department with its letter of that date (I T D 9094-1904), granted the request of Messrs. McRae & Tompkins, of Prescott, Arkansas, the attorneys for the applicants in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al., for a continuance for the purpose of submitting testimony to rebut the testimony of Mrs. Telitha McMurtry filed by the attorneys for the Choctaw and Chickasaw Nations in this case, and directed that they be allowed a reasonable time after the submission of such testimony within which to file argument in support of their contentions in the case and in reply to the argument of the attorneys for the Nations filed August 31, 1904.

I now have the honor to advise in reference to this case that on November 14, 1904, Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, filed with this Commission certain evidence taken before the Choctaw and Chickasaw Citizenship Court in the case of W. F. Cobb, et al. vs. the Choctaw and Chickasaw Nations, No. 33 on the Tishomingo docket of said court, to be read in evidence in the consolidated Mississip-

pi Choctaw case of Samuel B. Gee, et al.

On November 21, 1904, Messrs. McRae & Tompkins, the attorneys for the applicants in this case, filed with the Commission certified copies of testimony taken before the Choctaw and Chickasaw Citizenship Court in the case of W. F. Cobb, et al. vs. the Choctaw and Chickasaw Nations, to be considered in evidence in the consolidated case above referred to.

On November 26, 1904, there was received at the office of the Commission at Muskogee, Indian Territory, brief and argument of Messrs. McRae & Tompkins in the Mississippi Choctaw case of Samuel B. Gee, et al. This brief bears proof of service of a copy thereof upon Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, but being unsigned was returned to McRae & Tompkins, at Prescott, Arkansas, with the request that the same be signed and returned to the Commission with as little delay as possible.

No reply being received to the Commission's letter of November 26, 1904, Messrs. McRae & Tompkins were requested by wire on December 9, 1904, to sign and return brief at the earliest practicable date. In reply to said telegram Messrs. McRae & Tompkins informed the Commission that the unsigned brief had not been received by them, and on December 12, 1904, transmitted a signed copy thereof. The original brief was returned to the Commission by the Muskogee post office on December 22, 1904, having been

erroneously forwarded to Prescott, Kansas.

All of the papers hereinbefore referred to, bearing proof of service of copy thereof upon the adverse party, are transmitted herewith for the consideration of the Department.

I have the honor to further report that on December 22, 1904, there was certified to the Commission by the Choctaw and Chickasaw Citizenship Court a copy of its decree of December 5, 1904, rendered in the case of W. F. Cobb, et al. vs. The Choctaw and Chickasaw Nations, case No. 33 upon the Tishomingo docket of said court, denying the petition of the applicants for admission to citizenship in the Choctaw Nation. Copies of the decree and opinion of the court in the case of W. F. Cobb, et al. vs. The Choctaw and Chickasaw Nations have heretofore been transmitted to the Department.

Respectfully,

Chairman.

Through the Commissioner  
of Indian Affairs.

Enclosure.



( COPY )

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DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.      January 29, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commission to the Five Civilized Tribes of September 2, 1904, referring to the fact that on February 14, 1903, the Commission to the Five Civilized Tribes, in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al., rendered a decision refusing the application of the several claimants therein for identification as Mississippi Choctaws. The record in the case, including the decision of the Commission, was forwarded the Department March 2, 1903.

In Departmental letter of July 30, 1903 ( I. T. D., 4596, 4931-1903), the Commission was directed to identify the claimants by blood in this case as Mississippi Choctaws, as being the descendants of Captain Sam Gebb, to whom a patent was issued under the provisions of the 14th article of the Choctaw treaty of 1830. Messrs. Mansfield, McMurray and Cornish, the attorneys for the Choctaw and Chickasaw Nations, were furnished a copy of the letter, and of the report of this Office of May 22, 1903.

On August 12, 1903, the Commission was instructed, by telegram, as follows:

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

Withheld action upon departmental decision 'I.T.D. forty-nine hundred thirty one, July thirty nineteen hundred three,' Mississippi Choctaw case, Samuel B. Gee, et al., until advised of action upon motion for review as requested by attorneys for Choctaw and Chickasaw Nations by wire August eleventh, letter follows."

On December 14, 1903, the Department requested by wire to be informed as to what action had been taken by the Commission under Departmental letter of July 30, and telegram of August 12, 1903, relative to this case, and on the same date the Department was advised by wire as follows:

"Secretary of the Interior,  
Washington, D. C.

Telegram received. On August thirteenth Department directed that no further action be taken by the Commission upon departmental decision of July thirtieth, nineteen hundred three in Mississippi Choctaw case of Samuel B. Gee, until advised of departmental action upon motion of attorneys for nations for review in said case.

Commission has not been advised of further departmental action in this case and no action has been taken with the exception of notification to attorneys for the Choctaw and Chickasaw Nations and to Thomas C. McRae, attorney for applicants, of departmental action therein."

December 17, 1903, the Department addressed to the Commission a communication ( I. T. D., 4596, 8842-1903), directing that the Department be furnished with a full report as early as possible, setting forth in detail the information requested in Departmental telegram of December 14, 1903.

On December 26, 1903, the Commission reported at length as to the procedure had up to that date.

On January 7, 1904, the Department again, in reference to this case, addressed a communication to the Commission

( I. T. D., 4596, 9995, 10481-1903), enclosing a copy of a letter from the Department to Messrs. Mansfield, McMurray and Cornish, the attorneys for the Choctaw and Chickasaw Nations, under date of January 4, 1904, denying the motion of the attorneys for the nations, that Departmental action in the Mississippi Choctaw case of Samuel B. Gee, et al., be postponed until a decision is rendered by the Choctaw and Chickasaw Citizenship Court in the case of W. F. Cobb, et al., vs. the Choctaw and Chickasaw Nations, pending before the court.

In denying this motion the Department expressed the opinion

"that its jurisdiction with reference to the identification of Mississippi Choctaws is not identical with that of the citizenship court, and for this, as well as other reasons, the decisions of that court cannot be given more than a persuasive force and will not be regarded as binding upon the Department. It must be remembered in this connection that the identification of Mississippi Choctaws is not a work of adjudication alone. The duties which must be performed under the direction of the Department in reference to such work are largely of an executive nature, requiring the Department in many instances to take action of its own motion, and necessitating in all cases investigation in connection with the evidence contained in the records of the Indian Office."

The Commission further says the Department advised Messrs. Mansfield, McMurray and Cornish that if a rehearing is deemed advisable it should be had before the Commission to the Five Civilized Tribes, in order that the applicants in the case might have an opportunity to appear in person and present such testimony as they may be able to furnish by way of rebuttal.

The attorneys for the nations were, in conclusion, advised that they would be allowed thirty days from the date of Depart-

mental letter of January 4, 1904, within which to present a petition direct to the Department for a rehearing before the Commission to the Five Civilized Tribes, duly verified and properly substantiated, setting forth the grounds upon which they relied for a rehearing.

On March 31, 1904, Messrs. Mansfield, McMurray and Cernish, the attorneys for the Choctaw and Chickasaw Nations, filed with the Department a petition relative to this case, requesting that a rehearing be ordered before the Commission to the Five Civilized Tribes.

The Department in its letter of May 25, 1904 ( I. T. D., 4596, 8172-1903, 2531, 3157, 3253, 3255-1904), rescinded Departmental decision of July 30, 1903, directing the Commission to identify the claimants by blood in the Gee case as Mississippi Choctaws, and remanded the record for further investigation.

On June 7, 1904, the Commission addressed by registered mail to the several applicants in this case, their attorneys of record, and the attorneys for the Choctaw and Chickasaw Nations, notice of the rescinding of Departmental decision of July 30, 1903, and of the remanding of the record for rehearing, to be had before it, and that it would, at its office at Muskogee, on Monday, July 11, 1904, at 9 o'clock A. M., hear the testimony of such witnesses as were presented by the attorneys for the Choctaw and Chickasaw Nations, and by the applicants.

At the office of the Commission, at Muskogee, on July

11, 1904, in response to the notices aforesaid, further proceedings were had in this matter, the Choctaw and Chickasaw Nations being represented by Melvin Cornish, of the firm of Mansfield, McMurray and Cornish, and the applicants by W. B. Tompkins, one of their attorneys. The testimony of several witnesses was heard on this date, and there was filed by the attorneys for the Choctaw and Chickasaw Nations a copy of the record of the oral testimony taken before the Choctaw and Chickasaw Citizenship Court in the case of W. F. Cobb, et al., vs. the Choctaw and Chickasaw Nations, pending before that court. Upon motion of the attorneys for the Choctaw and Chickasaw Nations a continuance was granted until August 1, 1904, for the purpose of filing additional evidence, which had been submitted before the Choctaw and Chickasaw Citizenship Court in the case of W. F. Cobb, et al., vs. the Choctaw and Chickasaw Nations.

On July 26, 1904, there was filed by the attorneys for the Choctaw and Chickasaw Nations the deposition of T. S. Cooper, taken before Judge Adams, Chief Justice of the Choctaw and Chickasaw Citizenship Court, near ~~Sanitary~~ Caddo Mills, in Hunt County, Texas, on July 8, 1904.

Messrs. Mansfield, McMurray and Cornish, on July 27, 1904, filed a motion for a further continuance in this case for a period of thirty days from August 1, 1904, for the purpose of introducing before the Commission a transcript of the testimony of a number of witnesses who were to be heard before the Choctaw and Chickasaw Citizenship Court in the case of W. F. Cobb, et

al., vs. the Choctaw and Chickasaw Nations. This motion was granted, and on August 31, 1904, there was filed by the attorneys for the Choctaw and Chickasaw Nations copies of the evidence of a number of witnesses before the Choctaw and Chickasaw Citizenship Court in the case of W. F. Cobb, et al., vs. the Choctaw and Chickasaw Nations. There were also filed, on the same date, several exhibits offered by the attorneys for the Choctaw and Chickasaw Nations, and a memorandum of argument on behalf of the nations.

No argument or brief had up to the time of the transmission by the Commission been filed by the attorneys for the applicants.

On August 26, 1904, Messrs. McRae and Tompkins, attorneys at law, of Prescott, Arkansas, representing the applicants in the case, addressed to the Commission a communication, in which they stated that it was their desire and intention, if the Choctaw and Chickasaw Nations introduced the testimony of one Mrs. McMurtry, taken before one of the Judges of the citizenship court in the State of Mississippi, in the case of W. F. Cobb, et al., to request a continuance for a reasonable time in this case, within which to submit testimony to rebut the evidence of Mrs. McMurtry.

No formal motion having been filed for a continuance in this cause on the date of the Commission's letter, the record was transmitted for the consideration of the Department, in conformity with instructions of May 25, 1904.

On December 28, 1904, Chairman Bixby of the Commission to the Five Civilized Tribes, addressed a communication to the Department, referring to the fact that on October 7, 1904, the Department, with its letter of that date ( I. T. D., 9094-1904), granted the request of Messrs. McRae and Tompkins, the attorneys for the applicants, for a continuance for the purpose of submitting testimony to rebut the testimony of Mrs. Telith McMurtry, filed by the attorneys for the Choctaw and Chickasaw Nations in this case, and directed that they be allowed a reasonable time from the submission of such testimony within which to file argument in support of their contentions in the case, and in reply to the argument of the attorneys for the nations, filed August 31, 1904.

In response to the direction of the Department, he reported that on November 14, 1904, Messrs. Mansfield, McMurray and Cernish, the attorneys for the Choctaw and Chickasaw Nations, filed with the Commission certain evidence taken before the Choctaw and Chickasaw Citizenship Court in the case of W. F. Cobb, et al., to be read in evidence in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al.

On November 21, 1904, Messrs. McRae and Tompkins, the attorneys for the applicants, filed with the Commission certified copies of testimony taken before the citizenship court in the case of W. F. Cobb, et al.

On November 26, 1904, there was received at the office of the Commission, at Muskogee, brief and argument of Messrs.

McRae and Tompkins in this case. The brief bears proof of service of a copy thereof upon Mansfield, McMurray and Cornish, the attorneys for the Choctaw and Chickasaw Nations, but being unsigned was returned to McRae and Tompkins, at Prescott, Arkansas, with request that it be signed and returned to the Commission with as little delay as possible.

No reply having been received to the Commission's letter of November 26, 1904, Messrs. McRae and Tompkins were requested by wire on December 9, 1904, to sign and return brief at the earliest practicable date.

In reply, the attorneys informed the Commission that the unsigned brief had not been received, and on December 12, 1904, transmitted a signed copy thereof.

The original brief was returned to the Commission by the Muskogee postoffice on December 22, 1904, it having been erroneously forwarded to Prescott, Kansas.

All the papers referred to, bearing proof of service of copy thereof upon the adverse parties, are transmitted for the consideration of the Department.

Chairman Bixby further reported that on December 22, 1904, there was certified to the Commission by the Choctaw and Chickasaw Citizenship Court a copy of its decree of December 5, 1904, rendered in the case of W. F. Cobb, et al., denying the petition of the applicants for admission to citizenship in the Choctaw Nation. Copies of the decree and opinion of the Court have heretofore been transmitted to the Department.



Samuel B. Gee, the principal applicant, who at the time of taking this testimony was 55 years of age, testified that he is a resident of Prescott, Arkansas, where he has lived since 1866. Prior to that time he had lived in Texas and Mississippi, but was born in Alabama, at or near Elyetteville. He is the son of John H. and Rachel Grace Gee, both of whom are dead. He claims his Choctaw blood through his mother, her father having been Wilson Cobb, and grandfather Samuel Cobb. He has no personal knowledge of a compliance on the part of his ancestors with the provisions of the 14th article of the Choctaw treaty of 1830. Samuel Cobb, his ancestor, lived in Mississippi, and he understood he removed West with the Indians. He knew his grandmother Cobb well. He learned the family lineage from his mother. It was his understanding, through his parents, that his grandfather, Captain Sam Cobb, was a half breed Indian. He had been informed Sam Cobb died in the Choctaw Nation a few years before the Civil War, having removed to the Nation in 1836 or 1838, but understood Cobb went back and forth between the nation and Mississippi. Wilson had a half brother ~~and~~ named William, but he does not know what other brothers and sisters he had. Neither does he know whether Henry Cobb was a half brother or full brother of Wilson. He knew Larkin Bridges and Hannah Dumas, two ex slaves and witnesses in his behalf, when he was a boy. He had been informed that his great grandfather, Sam Cobb, had had three wives, all living at one time. He knew Nicholas Dyer, a resident of Clark

County, Arkansas, whose wife was a cousin of his mother's. The witness was wounded during the Civil War and taken to Arkadelphia hospital. Dyer having learned of that fact took him from the hospital to his own home, claiming him as a relative. Dyer at that time was County Judge. The witness had learned from his family that the Cobbs and Brashears were related, but never heard of Dyer until the incident just given. He was never acquainted with the Brashears in Alabama, but he knew Mrs. Kissie Thompson, who was a Brashears. He had heard of other Brashears there. He also learned from members of his family that Rachel Cobb, a daughter of Sam Cobb, married Pickens.

T. S. Cooper, a resident of Cadde Mills, Texas, a witness who testified in behalf of the plaintiff in the case of W. F. Cobb, et al., before the citizenship court, testified he was born in Greenville District, South Carolina, in 1820, but had lived in Texas for thirtyfour years. He knew Wilson Cobb in South Carolina; also he knew his father, "old Sam Cobb;" that there were two Sam Cobbs there. "Old Sam Cobb" was some times called captain. He saw Captain Cobb at his Uncle Wilson's and other places in the neighborhood. As he did not live there, but off somewhere else, he never saw Captain Cobb after that visit. The witness went with his father to Tennessee, and then to Arkansas. At the time Cobb was moving the Indians, he could not tell the exact date, he sent them over in boats and landed them somewhere on White River, he thinks at Porter's Bluff. Cobb sent out agents to get teamsters to haul the Indians to Fort Towson. Seabern Black, a cousin of the witness, a grown

man, and a nephew of Wilson Cobb, his mother being a sister of Wilson's wife, was hired by the agent to go and haul these Indians. Black did this work, and on his return said when he arrived at the rendezvous the boats had not come, being delayed, and he had to lay over three or four days before he found Sam Cobb, his Uncle Wilson's father, who was there as principal agent; that Cobb treated him with more friendship than he did the rest of the teamsters. On cross-examination he said he could not tell how old he was when he saw the father of Wilson Cobb, but was a boy under ten years of age. He saw him several times at his Uncle Wilson's, his own home being about a mile from there. He had no knowledge of other children of the father of Wilson. Captain Cobb appeared to him when he saw him prior to 1830 to be about 50 years old. He knows nothing of Wilson's mother. He thinks the incident of Black meeting Cobb occurred in 1834 or 1835. The Indians landed on White River below Batesville and north of Porter's Bluff. He had never heard of Indian emigrations before, and presumed for that reason it was the first. Of the children of Wilson he had heard of Rachel, Henry and Sam. Rachel died in Arkansas. Henry died in North-east Mississippi, about Burnsville. He was told Sam Cobb died in the Territory. Wilson was still a resident of South Carolina at the time witness and his father passed through Tennessee, Cobb being on his way to Arkansas for the purpose of closing up the estate of John Black, a brother-in-law. He heard that Wilson Cobb moved to Alabama. His parents told him Sam Cobb was Wilson Cobb's father, his mother saying the Cobbs

had Indian blood. Sam Cobb, the father of W. F. Cobb, often called him little Indian, and he heard him called "Choctaw Sam."

D. J. Smith, a witness in the case of W. F. Cobb, et al., before the Chickasaw Citizenship Court, a resident of Fernbank, Lamar County, Alabama, 76 years of age, testified that he knew Wilson Cobb, who was killed, but did not remember the date, saying he was a tolerably large man, fully six feet tall, broad shouldered, very black eyes, very black hair, and very straight. His complexion was dark, and he was buried at Pleasant Grove Church, near Millport, Alabama. He has been acquainted with the tomb stone of Cobb for 40 years, it being six miles from his home. When Smith went to that part of Alabama where he now resides there were a few Choctaw Indians there. Wilson Cobb lived within a mile of where he was buried. He knows nothing of Wilson's having Indian blood, except statements of the Cobb family and general talk in the community. He heard sons of Wilson--Henry, Sam, George, Isaiah, Isirah, and Wilson's widow, acknowledge the Indian blood. Wilson did not take offence at statements that he was of Indian blood unless it said in a taunting manner, and then there was trouble. He knows from statements of members of the Cobb family and others that Wilson Cobb's father was a half blood Indian, named Captain Sam Cobb, but he never saw Wilson's father. The witness was born in Georgia and removed to Alabama about 1842. He arrived there in December, and thinks Wilson Cobb was killed between that time and August.

Mrs. Matilda Phelps, 57 years of age, of Burnsville,

Tishominge County, Mississippi, testified in the case of W. F. Cobb, et al., tried before the citizenship court, saying her father was Henry M. Cobb and her mother Emily B. Cobb. She was born in Lamar, now Fayette County, Alabama, in 1848. Her grandfather was Wilson Cobb, but she does not know where he was born. She knew of his having two half brothers. Her father said there was a mystery in the family; that he didn't know how these half brothers came. Wilson's father was Col. Samuel Cobb, but does not know when and where he was born. The Cobbs lived in South Carolina until they came to Alabama. She does not know when they emigrated to Alabama, but her father came with the party, and Wilson Cobb removed at the same time. Wilson was a member of the State Legislature in Alabama. If Wilson or his father ever lived in Mississippi she never heard of it. Her father said there was Indian blood in the family, but he did not know how it came. He did not say what tribe.

J. H. Brasher (pronounced Brasier), 75 years of age, of Bankston, Fayette County, Alabama, testified that he saw Wilson Cobb, who was in a party which removed from South Carolina with the witness's parents. His family and Wilson Cobb's were related by marriage, the Cobbs and Brashers having married into the same family. Wilson married a Seaborn. He never saw Sam Cobb, whose first wife was an own cousin of Brasher's father, her name being Rachel. She was the mother of Wilson. He thinks Wilson and his wife were related. He overheard a conversation between his father and George Cobb, son of Wilson, wherein it was stated that Samuel Cobb was the father of Wilson. The father

of the witness, Aquilla Brasher, said Sam Cobb was a half Choctaw, having seen him. The witness met Elijah Brasher about Millport, Alabama. The grandfather did not spell his name as the family at present spell it. In a conversation which he overheard between his father and George Cobb, his father also mentioned that he himself had Choctaw blood. His father married and moved to Shelby County, Alabama, remained two years, and returned with two Brashers to South Carolina. The witness's grandfather's name was John Brasher. The witness's mother also had Indian blood, her name being Henderson. His father and the Dyers left South Carolina together. He overheard a conversation between his father and mother, wherein they said Sam Cobb lived with more than one woman. There were Brashers in Alabama long before his father moved there.

Samuel B. Cobb made an affidavit, which was used in the United States Court in 1896. He has since died. He was at that time 86 years of age, and lived at Tishomingo. He said Samuel Cobb, his grandfather was a half blood Indian, who came from Alabama to Mississippi, then to Indian Territory, and died near Tuskahoma, Choctaw Nation. Samuel Cobb married a Choctaw Indian, but does not know her name. They raised a large family. Wilson Cobb was a son of Samuel. The affiant, Esira, and Henry were sons of Wilson. The affiant lived in Mississippi a number of years, then went to Lamar County, Texas, and from there to the Territory. In Texas he was denied the use of the public schools for his children because of his possession of Indian

blood. During all his residence in the Territory he enjoyed the rights of a citizen, and was never asked for a permit.

George S. CeBB, of Cadde, Indian Territory, 56 years of age, a son of Samuel B. CeBB, testified that his grandfather was Wilson CeBB, his grandmother Gracie Seaborn, and his great grandfather Samuel CeBB. His grandfather on his mother's side was William Clement Thompson, his mother being Niah Thompson. His grandmother on his mother's side was Casira Brashears. He claims Choctaw blood from both sides, on the CeBB side from Captain Sam and Wilson. His father, who died in 1896, had very dark hair, black eyes, very dark skin, and looked like an Indian. He knew his grandmother on his mother's side, Casira (Kosiah) Brashears. She was dark skinned, had black hair, dark eyes, and thick, swarthy skin. She spoke a language not English, which she said was Choctaw. The witness's father went to Texas and came to Indian Territory after he got a favorable judgment in the United States Court in 1896. This witness is a cousin of Samuel B., William and Edwin P. Gee.

Larkin Bridges, a former slave, 74 to 80 years of age, of Millport, Lamar County, Alabama, a farmer, testified in the W. F. CeBB case, that he was born in Greenville District, South Carolina, a slave of Wilson CeBB; that he was between 7 and 8 when CeBB moved to Alabama. They stopped at George Seaborn's on the way, who was a brother of Wilson's wife. He was at Wilson's funeral, and was soon after sold on the block to Henry CeBB. Isariah, Wilson's son, bought the witness and took

him back to South Carolina. Henry was a brother of Wilson. In a year Bridges was returned to Alabama, as Henry got old Mr. Brasher to take him, and he was a slave of the latter until liberated. George Cobb, Wilson's son, married a Spear, and her family objected to him because he was of mixed blood. The witness said Wilson Cobb was a tall man, with long, coarse, dark hair, heavy eyebrows, and high cheek bones. Before Wilson died he gave Bridges a shovel and pan handle, saying the shovel and pan handle had been given him by Sam Cobb when he was married. Three of Wilson Cobb's sons, two or three of the Dumascs, and two or three of the Brashears went to the Choctaw Nation to get land. Flem Thompson's wife was Kizzie Brashears. Sam Cobb married Flem Thompson's daughter, Misaniah. George Cobb, one of the plaintiffs in the case of W. F. Cobb, et al., is their son. Betsy Brashears married a Dumas. Jim Dumas married Flem Thompson's oldest daughter, Mary Ann.

Hannah Dumas, 97 years of age, born a slave of Wilson Cobb, a sister of Larkin Bridges, was also a witness for the plaintiffs in the W. F. Cobb case. She testified that she was 18 years of age when the family moved to Alabama. They stopped on the road at Wilson Cobb's mother's, where they stayed three days. His mother was a little, stooped over woman, with thick, dark skin. His father came to Wilson's in South Carolina once, remaining a day or two, and the children called him Grandpa Cobb. She remained in Cobb's family until his death. At the sale of his property she was purchased by Isariah Cobb, finally



going into the hands of the Dumas family. George Cobb married Caroline Spears, and old man Spears said he didn't want his only daughter to marry a man who looked like a part negro. Kizzie Brashears married Flem Thompson. Misaniah, a daughter, married Sam, a son of Wilson Cobb. Elhanan Dumas married Elisabeth Brashears. Jim or "Pink" Dumas married Mary Ann Thompson, a daughter of Flem Thompson. Wilson's mother was a Brashears or Brazell.

The record as originally forwarded to the Department contained sundry affidavits relative to the ancestry of Samuel B. Cobb, who is not an applicant in this case, but a relative, and it will not be necessary that this matter be gone into in detail.

Mahala Jones, who was at the time 80 years of age, a resident of Fowlerville, Indian Territory, executed an affidavit for use before the Commission and the United States Court in 1896. She knew Sam Cobb first in Mississippi, and knew him to be a captain of the Choctaw tribe, and that he died near Skelton Depot, Choctaw Nation. Her mother was Rachel Cobb, a daughter of Samuel Cobb. Her father, James Pickens, was a Choctaw Indian by blood. She knew William, Nat and Canus (Gaines) Cobb, sons of Sam. She also knew Wallace Jones' mother, who was a daughter of Sam Cobb, Kanaheyo. Her grandmother's name was Obiheyo (Abbe-hoye).

William Gee, 50 years of age, one of the applicants, a resident of Prescott, Arkansas, was born in Mississippi, his

parents being Jehn H. and Rachel Grace Gee, who were married in Fayette County, Alabama, in 1836. He claims Choctaw blood through his mother, her father being Wilson Cobb.

William McCullough, 75 years of age, testified that his wife's maiden name was Sarah Grace Cobb; that she was a daughter of Wilson Cobb, and died in 1903, aged 75 years. Mrs. Phelps, who also testified, is a niece. His wife was born in Greenville District. Wilson and family came to Fayette County, Alabama, in 1836. It was his understanding from family tradition that Wilson's mother was named Brashears. He knew old Elijah Brashears a number of years, he being a brother of Wilson's mother. His wife's sister, Rachel, married John H. Gee, and went to Arkansas. When Wilson was killed, in 1839 or 1840, he was 75 years old, and had served in the Seminole War. He was given land scrip for service in the war, and his wife drew the scrip for 80 acres. He never heard Wilson Cobb or anyone say he had Indian blood. He first heard the Cobbs were claiming Indian blood 12 or 15 years ago, and had heard his wife say if there was any Indian blood in the family she knew nothing about it. Wilson was a large, raw boned man, over six feet tall, his hair straight and dark, but he did not look like an Indian, other than his complexion.

R. S. Fields, 79 years of age, of Millport, Alabama, was a witness in the W. F. Cobb case. He was born in Fayette County, within three miles of his present residence, in 1826. He cannot recollect exactly when he first knew Wilson Cobb, but he was

15 or 16 years of age. He knew the Cobb family from his earliest recollection; also knew the Brashears. The Cobbs and Brashears lived in the same county, Fayette, now Lamar. When he lived with his father it was probably three or four miles from Cobb, and when he was staying with his grandmother he was not more than one mile away. He knew of Cobb's death, and heard of it the same day. Cobb was about six feet tall, broad shouldered, stood straight and erect, had black hair and black eyes, and was buried at Pleasant Grove Church, in the neighborhood of the Cobbs and Brashears, near Millport. The witness was no relation of the Cobbs unless by marriage. Some of the Brashears married into his family, but he didn't know of any Cobbs. He thinks the Brashears married into the Cobb family. Wilson Cobb, by general talk of people in the neighborhood, was said to be a half Indian, but sometimes they would have a little "ruckus" if it was mentioned in such a way as to be thrown up to him. He heard Wilson Cobb say in a conversation that he had Indian blood.

Mary Elizabeth Smith, 73 years of age, of Fayette County, Alabama, was born in Tuscaloosa, and went to Pickens County when five years old. She knew Wilson Cobb and George, his son. Objection was made by the family of his wife to George's marrying her because of his being of mixed blood. In her opinion Wilson's children gave evidence of their personal appearance of Indian blood. She heard of George Cobb say to Spears, the father of his wife, that if he did have Indian blood it came to him honestly.

George W. Julian, of Berry Station, Fayette County, Alabama, 80 years of age, had lived in Fayette County since 1832. He knew Wilson Cobb, who was tolerably tall, had straight black hair, high cheek bones, dark eyes, and dark skin. The witness had some knowledge of Indians and their characteristics, and is of the opinion that Wilson Cobb had Indian blood.

Mrs. Mahala Jones, who testified through an interpreter, and gave her age as somewhere in the eighties, and residence as Valliant, Indian Territory, testified in the W. F. Cobb case. Her grandfather was Sam Cobb, a half blood. He had blue eyes and looked like a white man, but was a Choctaw captain. Cobb married twice. Her old granny, Obihoyo (Abbe-hoyo) was his first wife. She was a half breed Choctaw. Her children were William, Nat, Canus (Gaines), and 'Crief (Muncrief), who was the youngest. Her daughters were Rachel, the mother of the witness, Jincy, Suckey, Betsey, and Nola. Cobb's second wife was Anuntema or Beckey Cobb. He had four children by this wife, but they died small. A child Susie was grown and unmarried when she died. Another was Jessie, but she cannot remember the rest. William Cobb died in the Territory, leaving three sons, Ward, Matt and Alex. Matt Cobb died without children. Canus had no children while she knew him. He lived in Sugar Leaf County, Indian Territory. 'Crief Cobb died when young, leaving no children. Rachel Cobb married Jim Pickens, and was her(witness') mother, the other children being Niecey, David, Ben and Jose. Jincey Cobb married Sam Carnes. She was a widow when she came to the Territory, and died. Suckey died unmarried.

The witness does not remember who Betsey married. The mother of the witness died in Mississippi, and her sisters came to the Territory long before the mother died. These sisters were Betsey and Canahoye, the latter marrying Solomon Jones. Betsey married after she went to the Territory, and lived in Sugar Loaf County. Nolah did not have a good mind, and did not marry. The witness remembers her grandfather, Sam Cobb, well, having gone to his home often when they were still in Mississippi. He lived near Sucasatche River. Asked how far Sam lived from Yeckanacokany, she said 24 miles. Captain Sam Cobb went to the Territory at the same time the witness went. He died across Little River from her home, close to Lukfata. After she came she married Michael Leflore, and had been married about four years when Samuel Cobb died. Her father, James Pickens, and her grandfather, Cobb, came together, but she was unable to give the year. She never heard of her grandfather having lived in South Carolina, nor of his having any other than the two wives mentioned by her. He had a son called Pickens Cobb, but "wasn't married to that woman." She was a full-blood Choctaw, but ~~xx~~ the witness could not give her name. She saw this woman at Lukfata. Pickens Cobb was grown when the witness first heard of him, and she saw him first at Lukfata. She thinks Pickens was younger than she was herself. She had no knowledge of Captain Samuel Cobb having had a son Wilson; never had heard of him and does not believe there was anyone by that name. Samuel Cobb was an old, gray haired man when he died. His death occurred long before the Civil War, but she is unable to give

the year. He was an old man before he left Mississippi. William Cobb was married when he came to the Territory. She does not know how old he was, but he had been married a long time. She had no recollection of a wife of Cobb named Hetena. Cobb had a big field and lots of negroes in both Mississippi and the Territory. She does not know whether he had children named Remus or Alice or Amy or Molly. He had two children by his last wife, but they died in childhood, and she does not know their names. She did not know of a half brother of Cobb named Ho-tubbee, but thinks she heard of him. She also thinks she heard of a sister of his named Ah-loc-kacha, but is not positive. Betsey, Sam's daughter, went to the Territory, <sup>first,</sup> as did Canahoyo. She thinks this was about 20 years before the rest went to the Territory. She herself was from 20 to 25 years old when she came to the Territory. Sam Cobb lived 20 miles from Ben Leflore's in Mississippi. Her grandfather and father brought a great many Indians with them when they moved. She never heard where Samuel Cobb was born. He quit her granny and married the last woman when she got old, his new wife being a full blood Choctaw. She did not remember ever having heard of Cobb having a white wife before her "granny". He was an old, gray headed man when she was small. She never heard of his having a son named Henry. When she first heard of the Brashears family they were living in the nation.

Al. W. Cobb, who testified through an interpreter in the W. F. Cobb case, was 56 years of age, and a resident of Antlers, Indian Territory. He is the son of William Cobb, and a grand-son of Samuel Cobb, who died in Buk-tuk-le County.

Mahala Jones is a daughter of William Cobb's sister. He heard her father was a Pickens. He thinks he was 12 years old when Sam Cobb died. He saw him at one time at council, when they were together several days, he having gone there with his father, William. He thinks he came in the last emigration. Samuel Cobb's family came at the same time. William Cobb's children at the time of the emigration were Mac, Galvin and Ellis. The first child born West was Forrester, and the next himself, born in 1848. He says Samuel Cobb did not speak English. The only child of Cobb who could speak English was his father, William, and he only slightly. He says this was the condition at the time he knew Captain Samuel Cobb, and he never knew any other Samuel Cobb. He had seen George Cobb twice, and when asked if he remembered meeting George Cobb on the train with Mr. Threadgill and having stated to Mr. Threadgill out of the presence of George Cobb that Cobb was his cousin, he replied, "No," but said the incident occurred at another time and place, and then afterwards denied ever having admitted a relationship with George Cobb. At the council where he appeared with his father, William, his father said to the people, in the presence of Mr. Cobb: " You always call me a half breed, but I am not a half breed. This man is my father" (pointing to Sam Cobb)" and he cannot talk English." The witness does not know the percentage of Indian blood of Samuel Cobb, but says he looked like a full blood. Neither does he know the color of Cobb's eyes. He never heard who was the father of Sam Cobb, but

it was said he was a white man. He never saw or heard the name of Sam Cobb's mother. Neither does he know his brothers or half brothers, nor when he died. He did not remember of having heard of O-nubbee, but heard of a man at the head of the Kiamichi by the name of Kemah, who was a half brother. The people used to say they were brothers. He did not know of Sam having a brother Pahtubbee, but was informed Cobb came from Mississippi, and did not live anywhere else. Cobb had a wife in the Territory, whom he brought with him. She died and they had a funeral, but he does not remember her name. He knows the brothers of the woman. They were Nicha-i-tays, Mucha-tubbee and Hatatambee. He had no knowledge as to how many wives Cobb had had before, but thinks he had two at the time this one died. He learned that William was a son of one woman and Jim was a half brother of William. He did not know if the woman over whom the funeral was held was the mother of William or Jim, but supposes it was his father's mother.

Mrs. Mary Grace Greenwood Leathe, of near Mansfield, Texas, 77 years of age, was a witness in the W. F. Cobb case. She was the daughter of Lemuel Cobb, whose brothers were Ransom, Samuel, Josiah, Humphrey and Miles. Her grandfather was Humphrey. She saw Wilson Cobb at her grandfather's in Georgia about 1842, when Wilson was moving West. He stayed there about seven or eight days. She did not know the relationship between Wilson and Humphrey, but the father of Humphrey was Samuel Cobb. Humphrey had a brother Wilson, but she did not know if this Wilson she saw was that brother. Lemuel, her father, and Ransom married Seaberns. She was named after Grace Greenwood



Seabern, who also married a Cobb. It may have been Wilson. She saw her uncle, Sam Cobb, who died in Alabama. Mrs. Benjamin F. (Betsey) Hawkins and Nancy McGee are her aunts. She said Humphrey's mother was Io-wa-ta. She is uncertain as to who told her the father of Humphrey was Sam, but she has known it many years. Humphrey was born in South Carolina. Her father, Lemuel, had Indian blood, and she thinks it was Cherokee.

Mary J. McGee, of Anderson, South Carolina, was a witness in the W. F. Cobb case, aged 62 years, and a daughter of Josiah Wilson Cobb, son of Henry Cobb. She did not know Henry's brothers, except Wilson. The Wilson in her father's name was from the uncle, Wilson Cobb. The father of her grandfather, Henry, was also Henry. She understands the family came originally from North Carolina to South Carolina. Wilson Cobb was killed in Alabama while on a campaign for reelection to the State Legislature, the limb of a tree falling on him. She never saw him. She does not know that her grandfather had a brother Sam, but she had heard of a Sam Cobb.

Mrs. Telitha McMurtrie, aged 89 years, of Thrift, Mississippi, was a witness in the W. F. Cobb case. She was a daughter of Henry Cobb, who was born in Anderson District, South Carolina. His brothers were George, Isariah, William, Wilson and Samuel. William died in Georgia. Isariah went to Arkansas, but first stopped near Tuscaloosa, Alabama. Sam died when a young man in South Carolina, and Wilson died in Alabama. She knew Wilson, having gone from Greenville District to Alabama. The father of her father, Henry, and of Wilson and

others, was Henry Cobb. The mother of Henry and Wilson was Rachel Wilson Cobb. These ancestors came from North Carolina to South Carolina. She knew her grandmother as a child. Wilson married Gracie Seaborn. She thinks Wilson had a son John. The witness went to Mississippi in 1835, but knows of no member of her family having previously lived in Mississippi. Henry Cobb died in July, 1850. He had black hair, black eyes, and was probably 60 years of age when he died. She never knew any of his brothers or sisters except Wilson. Wilson went to Pickens County, Alabama. She did not know when he died, but he was killed by the limb of a tree falling on him. She never heard of there being any Indian blood in the family, and was never acquainted with anyone named Brashears.

Mrs. Sarah E. Wilson, 67 years of age, of Orangeburg, South Carolina, was a witness in the W. F. Cobb case. She was a daughter of Josiah Wilson Cobb, a son of Henry Cobb, who lived and died in Anderson County, South Carolina. Her grandfather, Henry, had a brother Wilson and a brother Sam. The father of Henry was also Henry. His wife was Rachel Wilson. Wilson Cobb, the brother of her grandfather, lived in Alabama at the time he was killed.

William H. Cobb, 73 years of age, of Grove Station, South Carolina, was a witness in the W. F. Cobb case. He is a son of David, who was a son of William, whose brothers were Wilson, George, Asariah, Henry and, he thinks, Sam. He does not know the name of his great grandfather, but is sure Humphrey and Wilson Cobb were not brothers.

Anna Louisa Edwards, 74 years of age, living near Buchanan, Georgia, was also a witness in the W. F. Cobb case. She is a daughter of Campaspie Seabern, sister of Wilson's wife. She was personally acquainted with Wilson and his wife, and never heard of any brother of Wilson except Humphrey. When eight years of age she left South Carolina, and Wilson was still living there. He did not have a brother Henry. She saw Wilson at her father's home in Georgia while he was on his way to Alabama, where he settled in Fayette County about 1839 or 1840. Her grandmother on her mother's side was Mary Seabern, born Brazer or Brashier. It was this grandmother whom she heard say Humphrey and Wilson were brothers.

Benjamin Franklin Hawkins, 73 years of age, living near Rockmart, Georgia, a witness in the case of W. F. Cobb, et al., was a son of Campaspie Seaborn. Wilson Cobb's wife was her sister. He had seen Wilson Cobb when he was small, up to the time he was six years of age, at that time living near him in South Carolina, and was at his house many times. Cobb was a tall, spare man. The only brother of Wilson he heard of was Humphrey. He understands Wilson removed to Fayette County, Alabama.

Mrs. Frances E. McDaniels, 82 years of age, a resident of Atlanta, Georgia, was a witness in the W. F. Cobb case. She is a daughter of Ransom Cobb, the son of Humphrey Cobb. Her mother was Matilda Seaborn. Humphrey had a brother Wilson. She was acquainted with her grandfather and Wilson in South

Carolina. Wilson moved West, she thinks to Mississippi. She lived about 14 miles from him in South Carolina, and knew him well. She never saw Wilson Cobb after she left South Carolina for Georgia, at the age of 15. She does not know the date of his death, but does the cause, he having been killed by the falling of the limb of a tree. She is unable to say whether Wilson had a brother Henry, and does not remember of his having had brothers George, William or Sam. Humphrey, the grandfather, died in Georgia.

Mrs. Cornelia Boseman, 65 years of age, a witness in the W. F. Cobb case, was a daughter of Josiah Wilson Cobb, who was a son of Henry, whose brothers were Wilson and Humphrey. She says Wilson was in the Legislature of Alabama, and was killed.

Richard V. Cobb, 67 years of age, was also a witness in the W. F. Cobb case. He was a son of Henry B. Cobb, who was a son of William. He had heard his father speak of his Uncle William, and of an uncle being killed, but he got the impression that the uncle who was killed was his Uncle Washington.

D. A. Richardson, 29 years of age, a witness in the W. F. Cobb case, had made an investigation in Anderson and Greenville Districts, in South Carolina, with reference to the persons of the name of Cobb who had resided there from 1785 to 1850. He found one Wilson Cobb and two Samuels, besides a large number of other persons of the surname of Cobb.

J. C. Mansell, 52 years of age, of Camden, Mississippi, was a witness in the Cobb case, and was a son of Lucindarilla Cobb, a daughter of Henry Cobb. He learned from a record he

looked over that Henry had a brother Wilson. His mother had a written history of her grandfather's family, but it has been misplaced. It was a history of the family of Henry Cobb, the father of Henry Cobb, the younger Henry being a brother of Wilson. The Cobb family came originally from North Carolina.

Mrs. Nancy J. Henderson, 82 years of age, of Marshall, Texas, was a witness in the W. F. Cobb case. She was a daughter of Mary Berry, nee Hiett, her mother having been born Nancy Brashears. She knew Wilson Cobb, and understood he was a relative of the Brashears family. She knew Henry and other sons of Wilson. Thinks he had a daughter Rachel. Col. Sam Cobb was Wilson's father. She saw Sam when he was at her mother's in South Carolina, whom he was trying to induce to go West with him, where land was cheap. She said she presumed Col. Sam Cobb had lived in South Carolina before she was born, but he had been in the "nation" and come back, and there were others who went with him at that time, but she does not recollect the year they went away. She testified her mother always said cousin Wilson Cobb was related through the Brashears side. They always claimed kin. Her mother was born in 1752, in Greenville District. She had been told by her mother that her grandfather was a full blood Choctaw. The Brashears and Dumases, she had always been told, had Choctaw blood. On cross-examination she stated that if she had said who the father of Wilson Cobb was, it was a mistake, as she did not know.

A number of exhibits are attached to the record, showing transfers of property in South Carolina, among others being a

deed by Samuel Cobb and his wife, Nancy, transferring land in Greenville District; also a deed transferring land to Samuel Cobb in the same District, the first being dated in 1820, and the second in 1819. Other transfers contain the name of Wilson Cobb.

In a letter of Captain J. A. Phillips, Superintendent of the Choctaw removal, dated December 8, 1836, and written from Natchez, Mississippi, he says:

I visited that portion of the state recently owned by the Choctaws. I saw some of the most intelligent men among them, and from Cobb, who is nominally at the head of about 150 warriors who live about him, I learnt that most of his people were dispersed through that and the southern part of the state picking cotton and hunting, and that they would not return before the middle of February, next. I asked him many questions touching the wishes and condition of his people, but his answers were generally unsatisfactory. Among other questions, I inquired if any of his people had expressed a desire to emigrate west, could they obtain the assistance of the Government. He said he never had heard any of them express a desire to leave their own homes. I saw several small parties on their way to pick cotton and hunt, who looked in their outward appearance much more cleanly and comfortable than many of their tribe who emigrated to the west three or four years ago. (Choctaw Nation vs. United States. Vol. 2, p/ 1155).

In a letter of Captain Phillips written from Natchez, Mississippi, April 31, 1837, he says:

One of the principal men (Cobb), recently gave his people a "talk" and recommended them to remove now as they might never have another offer of the kind from the Government and told them finally, although he has a large tract of land secured to him by the treaty, that he might in a year or two go himself. (Choctaw Nation vs. United States, Vol. 2, 1161).

In a letter of this Office of March 25, 1844, addressed to John J. McRae, at Jackson, Mississippi, the following occurs:

By order of the Secretary of War a contract was entered into in March, last, as you know, between the United States and General Alexander Anderson for transporting in steamboats all the Choctaws now in Mississippi who will consent to emigrate from a point near Vicksburg to Fort Coffee in Arkansas.

A petition of Samuel Cobb and James Pickens, dated 21st of September, last, to the President U. States, sets forth that at a council of their warriors among other business transacted was the adoption of the following resolution, namely: 'That we will emigrate by land and go any part of the route by water, and will urge the Government to make arrangements accordingly.' (Choctaw Nation vs United States, Vol. 2, 1180).

In a letter of John J. McRae, written at Hopahka, Mississippi, September 23, 1843, the following occurs:

Since my letter to you of the 6th inst., the Pearl River and Big Black Indians have held a general council on the subject of their emigration, under the direction of their leading men, Col. Samuel Cobb and Captain James Pickens. The council was called by Col. Cobb at his own instance and with the advice of his leading captains, and was attended by about two hundred and fifty of his head men and warriors who, with their families, constituted from five to seven hundred present. The council was held ten miles east of this place on a beautiful running creek, called the Tuc-a-lo-ta-ha, near Pearl River, and continued five days. It was the first time the Indians had met to take into consideration the subject of their emigration of their own accord, as it had been repeatedly presented to them by myself, and it was a solemn and imposing scene to witness their proceedings, in making their first determination to leave the homes of their fathers here for the stranger homes prepared for them in the West. But the character of the Indian was still visible in their subdued but exalted nature. Stern in grief and unmelting in their sorrows, they proceeded with calmness and deliberation to the consideration of their situation here, their removal to the West, and the brighter or gloomier prospects which awaited them in coming events. The council was opened by the venerable chief, Col. Cobb, in a speech of about one hour's length, but full of touching pathos for the condition of his people here, and deep concern for their future interests. Taking decided grounds himself for emigration, but at the same time declaring ~~him~~ that he did not wish to drag any of his people with him who did not choose to go of their own consent. (Choctaw Nation vs United States, Vol. 2, 1187).

In a letter of John J. McRae addressed to the Secretary of War, dated October 26, 1843, the following occurs:

The success of emigration was still doubtful, and the prospect of general, or concerted and effectual removal of any number of the Indians, seemed to be entirely remote. Persuasion and inducement were unavailing, and the next step was to secure the co-operation of the white citizens and officers of the law, in connection with my own. For this purpose a collection of the white people was appointed, and the leading men of the Indians assembled at Col. Cobb's, the leading chief among them, where they were told that it was expected by the white citizens that whenever their ~~xx~~ claims were settled by the Government they should remove to the West. And to produce the strongest possible impression upon them, the laws of Mississippi were read to them by one of the magistrates present, and explained by the U. States interpreter in my employ, stating the offences which, according to their own usages, they committed against our laws, and which, though their own immemorial customs were of such criminality under the laws of Mississippi, as to subject them to heavy pecuniary penalties and punishment by imprisonment in the penitentiary. These offences are the exercise of tribal offices by the head men of the Indians, abolished by our statutes, and punished by fine and imprisonment. Living in a state of adultery and polygamy; killing one another for certain causes, and, in some instances, inducing one another to commit suicide. In connection with this the names of some of the leading men guilty of these offences were read out, and it was distinctly and peremptorily stated by the magistrates and white citizens that if they remained in the country after their business was finally completed and returned to them by the Government, that these laws would be strictly and rigidly enforced against them, in the same manner that they were against the white people; and that they should be subject to all the civil duties of white citizens, such as the road laws, taxes, and other burdens to which they could not, from their inability to perform them, easily submit.

. . . . .

Cobb and Pickens are both half-breeds, men of equal intelligence with any uneducated men in the country, and having their lands already patented to them by the Government. They live in some measure and dress like white men, and own slaves and stock and other personal property, sufficient for all the comforts and many of the luxuries of life. They obtain nothing under the law organizing the commission, have no inducement to leave the country, and are opposed to emigrating to the West.



They control their people, and could only be induced to emigrate by being paid for it. This contract was made by me to purchase their assent to removal, which secures the whole emigration, not only of their people, but of all the Choctaws in Mississippi. They are regarded as the head and leaders, and when they leave it will be difficult even to retain the others. Without their removal the emigration must fail.

In ~~an~~ a deposition of Cobb taken at Leflores January 3, 1838, before Commissioners Murray & Vroom, he was examined through an interpreter and testified at some length relative to a conversation he had with Col. Ward, the Indian Agent, concerning the registration by those Choctaws who desired to take the benefits of the 14th article.

On being interrogated by the Commissioners as to whether he could count 100 or more, he said he could count in the Choctaw language. (Choctaw Nation vs United States, Vol. 1 p. 156).

In an affidavit of John Johnston, Sr., and Elias, a Choctaw interpreter, sworn to and subscribed on November 13, 1843, certain interesting information is given relative to transactions by Cobb, and the efforts made by the authorities of Mississippi to drive him and his followers out of the state and to the Choctaw country west. It is shown that Cobb said that he was threatened with death and with prosecution for bigamy and other offences against the laws of Mississippi, all, apparently, for the purpose of compelling him to leave the state. With these representations should also be considered a letter of John P. H. Caliborne, a United States commissioner, dated Hillsborough, November 14, 1843, which appears on pages 412 and 413 of the same volume.

A copy of a deposition of Nathaniel Cobb, a son of Captain Samuel Cobb, who was at the time 19 years of age and represented to be a quarter blood Choctaw, taken May 11, 1838, before Commissioners Murray and Vroom, appears on page 208, of Vol. 1, Choctaw Nation, vs. United States. In that deposition it is shown that he acted as interpreter, -using the English and Choctaw languages. Mention is also made of him and his knowledge of English on page 200 of the same book.

A question having been raised as to the removal of Choctaws by water, reference is hereby made to letter of this Office of March 16, 1843 (letter book 33, p. 374, Choctaw Nation vs United States, Vol. 2, p. 1174), addressed to John J. McRae, at Vicksburg, Mississippi, an agent for the transportation of the Choctaws west, wherein the following appears:

You will observe that General Anderson is to transport the Choctaw Indians, by water, from the nearest landing above or below Vicksburg, on the Mississippi River, to Fort Coffee, on the Arkansas River, and that he is to provision them on the voyage.

The testimony in this case is very conflicting, in that both sides identify the Wilson Cobb who was a resident of Greenville District, South Carolina, and subsequently removed to Alabama, where he was elected to the legislature, and was killed by the falling of a limb from a tree during a canvass for re-election, as the Wilson Cobb to whom they refer. The witnesses in behalf of the Nation either do not mention the subject of Indian blood, or say they never heard of any member of the family having claimed or alleged to have Indian blood, with

the exception of Mrs. Matilda Phelps, a granddaughter of Wilson Cobb. She testified that her father said there was Indian blood in the family, and that his father, Wilson Cobb, had half brothers, but how they came he did not know.

All the witnesses for the applicants who were in a position to have known, or who claim to have known, or to have heard anything on the subject, testify that Wilson Cobb was well known to have Indian blood; that he admitted that he had Indian blood; and that it was generally understood in the community in which he lived that he was of Indian descent. They also testified that his personal appearance indicated the presence of Indian blood. Most of them are very emphatic in their statements that his Indian blood was Choctaw blood.

It is contended that Samuel Cobb could not have been the father of Wilson Cobb on the score of age, but while there is no evidence as to the age of Samuel Cobb, and there is some as to the age of Wilson at the time of his death, the records of the Office, which are mentioned in this report, show allusions to Cobb as being a "venerable" man and an "old" man about the year 1830,-all of these references giving the impression that he was a man of great age at that time. It is also contended that Samuel Cobb, the Choctaw, had no white wife, the only wives whose names are known being Abbe-hoye and He-te-na-, but it is evident that he had another ~~wife~~ <sup>wife</sup> who was white, or at least of a greater percentage of white blood than himself, he being a half-blood, because his son, Nathaniel Cobb, is shown to be only one-quarter Indian blood. Necessarily, in order to be

of that percentage of blood, his mother must have been of white blood. It is also shown by the testimony of a member of the family, whose descent from Captain Samuel Cobb is unquestioned, that he had another wife whom he married after he removed to the Choctaw Nation west.

There is no positive evidence in the record, nor has there been found any in the Office showing that at any particular time Samuel Cobb ever talked or testified in the English language, but he was a man of large affairs, being considered the most wealthy man among the Choctaws, conducting very important business transactions, and having as his partner in most all of his later enterprises, his son-in-law, James Pickens, who was less than half Choctaw, and who talked the English language. Persons who are required to appear as witnesses and testify in English whose confidence in their command of English is limited, in nearly all cases demand the privilege of testifying through an interpreter. It may have been that Cobb, for this or some other reason, demanded an interpreter whenever he gave testimony, even though he really understood some English. If he married, or lived with a white woman, as would appear to be the case in view of the percentage of Indian blood of his son Nathaniel, or Nat, he must necessarily have had some command of English. It is established by a preponderance of the evidence that Wilson Cobb possessed Indian blood. The applicants and their witnesses explain this circumstance by saying that he was a son of Samuel Cobb, and give various details, such as a visit of Captain Samuel Cobb to South Carolina for the pur-

pose of inducing his son to come to the Choctaw country west. Subsequently to the date when it is alleged Captain Samuel Cobb did visit Wilson, Wilson removed to the Choctaw country in Alabama. It is claimed by the applicants that the mother of Wilson was a Brashears, and it is asserted by them that members of the Brashears family, together with members of the Dyer and Dumas families, removed to the Choctaw country at the same time that Wilson Cobb removed. The records of this Office show that there were citizens of the Choctaw Nation, resident in Alabama or Mississippi, who bore the surname of Brashears, others who bore the surname of Dyer, and still others who bore the name of Dumas.

It is averred by the Nations that the name of the family to which the applicants refer as the Brashears family was not, in fact, Brashears, but Brazier, or Brasher. In fact, some of the witnesses in behalf of the applicants call themselves Brasher. This is immaterial in view of the fact that the name of the family of which the Office has record, and who were well known members of the Choctaw tribe and who were beneficiaries under the 14th article of the treaty, was variously spelled as Brashears, Brashiers, Brechiers, and with other modifications.

The proof in the case is not as complete nor as clear as would be desirable in one of such great importance, but when it is taken into consideration that seventy-five, or more, years have elapsed since the occurrences about which the witnesses testify, it is not to be wondered at that such discrepancies exist, and that the witnesses should differ as to very

many material matters. I find that the preponderance of the evidence, as submitted, is in favor of the contentions of the applicants, and, therefore renew the original recommendation of the Office that the Commissioner to the Five Civilized Tribes be directed to identify them as Mississippi Choctaws, entitled to share in the distribution of the lands of the Choctaws and Chickasaws.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KEH-D.

M C R 2277

Muskogee, Indian Territory, February 17, 1906.

McRae & Tompkins,  
Attorneys at Law,  
Prescott, Arkansas.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 14th instant, transmitting the applications of Mrs. Inez White, Mrs. Jewell Wilson, and Mr. Imon Gee, Mississippi Choctaw applicants, for the enrollment of their minor children.

The applications are herewith returned, with the information that the time within which original applications for identification as Mississippi Choctaws could be received, expired March 25th, 1905, and under the provisions of the Act of Congress approved March 3, 1905, there was no authority for the reception of applications for the enrollment of new born children of Choctaw and Chickasaw citizens, after May 2, 1905.

Respectfully,

Acting Commissioner.

McM 17/4

Muskogee, Indian Territory, June 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to respectfully request that this office be advised as to what disposition, if any, has been made by the Department in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al., M. C. R. 2277.

The original record in the above case, together with the adverse decision rendered by the Commission to the Five Civilized Tribes February 14, 1903, was forwarded through the Commissioner of Indian Affairs to the Secretary of the Interior March 2, 1903. Different additional proceedings have been had in conformity with Departmental instructions in said case and the record last returned by the Commission to the Five Civilized Tribes December 28, 1904.

Parties are continually making inquiry of this office, in person and by letter, as to the status of the consolidated Mississippi Choctaw case of Samuel B. Gee, et al., and for this reason the above request is made.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.



W.H.M.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D.6-1906.

January 3, 1907.

LRS.

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

Sir:

The Department is in receipt of your telegram, dated December 31, 1906, stating--

"Thirty three applications pending before this office for enrollment of children of applicants in Mississippi Choctaw cases of Alberta W. Ganes Alice Gardner Samuel B Gee Sally Berry man Mary F Crunk and Richard Hagar now pending before department important that these cases receive immediate consideration in order that applications of children may be disposed of."

The Department has advised the Assistant Attorney-General of the statement made by you and urged him to render an opinion speedily upon the Gee case, which is pending before him.

Respectfully,

(Signed) Thos. Ryan

First Assistant Secretary.

Through the  
Commissioner of Indian Affairs.

COPY

Muskogee, Indian Territory, January 25, 1907.

The Honorable,  
The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record in the consolidated Mississippi Choctaw case of Emeline G. Adams, et al., consolidating the applications of

Emeline G. Adams, et al.,	M C R 6805,
Minnie A. Cook, et al.,	M C R 6806,
Hattie A. Ward,	M C R 6807,

together with my decision of January 25, 1907, adverse to the applicants, Emeline G. Adams, Leroy Adams, Minnie Adams Cook, Virgil Adams Cook and Hattie Adams Ward.

The claimants in this consolidated case are the co-relatives of the applicants in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al., and claim their right to identification as Mississippi Choctaws from the same identical source.

A decision was rendered by the Commission to the Five Civilized Tribes in the Samuel B. Gee case adverse to the applicants February 14, 1903.

The claimants in the case herewith transmitted made application to the Commission to the Five Civilized Tribes for identification as Mississippi Choctaws March 2, 1903, subsequent to the

(2)

transmission to the Department of the record in the Mississippi Choctaw case of Samuel B. Gee, et al.

Action upon the case herewith transmitted has heretofore been suspended by this office awaiting the decision of the Department in the Samuel B. Gee case, but the decision rendered on January 25, 1907, refusing the applicants, was based upon the decision of the Commission to the Five Civilized Tribes of February 14, 1903, in the Gee case.

Since the preparation and promulgation of the decision herewith transmitted, this officer is in receipt of Departmental telegram of January 25, 1907, as follows:

"Washington, D. C., January 25, 1907.  
Commissioner to the Five Civilized Tribes,  
Muskogee, I.T.

In conformity with approved opinion of Assistant Attorney-General in consolidated Mississippi Choctaw case of Samuel B. Gee, et al., Department affirms Commissioners decision of February 14, 1903, adverse to all applicants named therein. Letter follows.

Thos. Ryan,  
First Assistant Secretary."

It is recommended that my decision of January 25, 1907, be affirmed in conformity with the opinion of the Assistant Attorney General for the Department of the Interior, in the Mississippi Choctaw case of Samuel B. Gee, et al.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

McM 99

G. R.

( C O P Y )

DEPARTMENT OF THE INTERIOR,      LLB  
WASHINGTON.

I. T. D. 4596-1903.  
1714-1906.  
1474-1907.

January 25, 1907.

D. C. 5999.

L. R. S.

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

Sir:

In conformity with the approved opinion of the Assistant Attorney-General for this Department dated January 22, 1907, (I. T. D. 1474-1907), in the matter of the consolidated applications of Samuel B. Gee et al. for identification as Mississippi Choctaws, a copy whereof is inclosed, the decision of the Commission to the Five Civilized Tribes of February 14, 1903, adverse to all the applicants named therein is hereby affirmed.

You will advise applicants of this action.

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

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

43 inclosures to Ind. Of.

1 inclosure.

COPY.

DEPARTMENT OF THE INTERIOR

Office of the Assistant Attorney-General,  
Washington.

Ind. Ter. Div.  
5,492-1904.  
11,054-1906.

January 22, 1907.

The Secretary of the Interior.

Sir:

By reference of October 9, 1906, I am in receipt of the records in the Mississippi Choctaw cases of Samuel B. Gee et al., and Nancy J. Henderson et al., with request for my opinion thereon. For reasons to be stated hereinafter the Gee case only will be considered at this time.

The applicants in this case claim identification as Mississippi Choctaws under Article 14 of the treaty of September 27, 1830 (7 Sts., 333, 335), which reads as follows:

ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as maybe under 10 years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple

shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity---

(2)

and by virtue of the authority vested in the Secretary of the Interior and the Commission to the Five Civilized Tribes by subsequent laws. See section 21 of the act of June 28, 1898 (30 Stat., 495,503); also section 41 of the act of July 1, 1902 (32 Stat., 641,651).

The original application in the Gee case included <sup>about</sup> twenty-eight persons, the greater number of whom claim to be Choctaws by blood. The others rely upon their marriage with members of the first class as the basis of their claims. Subsequent applications have also been presented for enrolment of certain children recently born to the original applicants.

It is alleged that all of the applicants who claim Indian blood are the descendants of a Choctaw Indian named Captain (or Colonel) Samuel Cobb, to whom a patent was issued by the United States, conveying certain lands in Leake County, Mississippi, in accordance with said article 14.

The Commission to the Five Civilized Tribes decided adversely to the applicants. The Indian Office, in its first report, dated May 22, 1903, recommended that the decision of the Commission be rescinded as to the applicants by blood, but that said decision be affirmed as to the applicants claiming by intermarriage. On July 30, 1903, the Department rendered a decision following the recommendation of the Indian Office. The action was based upon the understanding that the applicants claimed that their ancestor, Wilson Cobb, was the son of Samuel Cobb by an Indian woman named Abbehoys.

On May 25, 1904, however, the Department rescinded its decision and granted a rehearing, it then appearing that Wilson Cobb, if a quarter-blood Indian, must have been the child of a white woman rather than of Abbehoys, who was a half-blood.

To the original record there has been added the testimony taken at the rehearing, and, by consent of the parties, a transcript of the record in the Choctaw case of W. F. Cobb et al., wherein the applicants also claim to be descendants of Captain Samuel Cobb. The latter case was adjudicated by the Choctaw-Chickasaw court, its decision being adverse to the applicants.

Forwarding the record thus made up, the Indian Office, on January 29, 1906, renewed its recommendation in favor of the applicants who claim Choctaw blood, and, in so doing, made the following observation, on page 37 of its report:

The proof in the case is not as complete nor as clear as would be desirable in one of such great importance, but when it is taken into consideration that seventy-five, or more, years have elapsed since the occurrences about which the witnesses testify, it is not to be wondered at that such discrepancies exist, and that the witnesses should differ as to very many material matters. I find that the preponderance of the evidence, as submitted, is in favor of the contentions of the applicants.

Upon examination of the decisions of the Department it is found that the rule is well settled that citizens of the old Choctaw Nation in Mississippi and Alabama who complied, or attempted to comply, with article 14 of the treaty of 1830, supra, and the descendants of such persons, are entitled to identification as Mississippi Choctaws. It is also well settled that 14th article patentees

and their descendants come within this rule. Relative to persons of the latter class, see opinion of my predecessor, dated October 30, 1902, in the Rachel Tinsley case, construing said section 41 of the act of July 1, 1902. This opinion was followed by the Department in its decision of November 24, 1903, in the Susan S. Burton case. Accordingly, I have no hesitation in saying that the applicants by blood are entitled, in point of law, to identification as Mississippi Choctaws, if the testimony submitted by them establishes their allegations.

It is to be determined, therefore, as a question of fact, whether they are the descendants of Captain Cobb, the 14th article beneficiary. Thus their pedigree is directly in issue. The settlement of this question requires a comparison of the history of the Cobb family of South Carolina, as the same may be gathered from the record in the case before me, with the history of the Cobb family of Mississippi as disclosed by the records of the Indian Office and by the testimony of persons who are conceded to be members thereof.

The principal applicants, thru whom the others claim, are the children of John H. Gee and Rachel Grace Gee who were united in marriage May 18, 1836. Both came from South Carolina and were probably natives of that state. Mrs. Gee was the daughter of Wilson Cobb and his wife, Grace G. Cobb, to whom he was married in South Carolina, in 1804 or 1808. Besides their daughter, Rachel Grace, there were born to them sons, Henry and William, in 1809 and 1810, respectively, and other children. Thru this Wilson Cobb all



of the applicants by blood claim to be descendants of the Indian Chief, Captain Samuel Cobb. No positive claim is asserted as to who was the mother of Wilson Cobb, but there is some testimony of a vague nature tending to show that her maiden name was Rachel Brasher. The wife of Wilson Cobb was a Seaborn by birth. On her mother's side she was of Brasher (or Brashiers) descent. The Brashiers family also claimed to possess Choctaw blood. There seems to be no difference of opinion as to the descent of the applicants from Wilson Cobb, but the attorneys for the nations deny that his father bore the name of Samuel Cobb, or that said father was a 14th article beneficiary. To the contrary they have submitted testimony designed to show that Wilson Cobb was the son of Henry Cobb and Rachel Wilson, of North Carolina, and that Wilson Cobb's Christian name was given him in honor of his mother's family.

It further appears that Wilson Cobb was born in 1784, but at what place the record does not show. His only known residence, however, up to the year 1836, was in Greenville district, South Carolina. While a resident of South Carolina he served in the War of 1812, and there is some evidence tending to show that he was a member of the legislature of that State. The land records of Greenville district show that he bought and sold extensive tracts of land therein. He was sometimes called "Colonel" and it is evident that he was a member of a leading family and belonged to well to do and better educated class in the country. He was not an only

child, but had brothers, Henry, George, Isariah, William, and Samuel, and possibly a brother Humphrey; also two sisters. They were apparently all full-blood brothers and sisters of Wilson, with the possible exception of Humphrey, who may have been a cousin; and the record indicates that they bore the paternal name of Cobb. Wilson's brothers seem also to have been men of property and official standing in the communities where they lived. In 1836, with his family and slaves he migrated westward, visiting by the way with relatives who had located at an earlier date in Georgia and Alabama. Reaching western Alabama, he located there in what was then Lamar, but now Fayette county, near the town of Millport. Here he entered politics and became a member of the Alabama legislature. While a candidate for re-election he was killed on the highway, July 27, 1842, by a falling limb. He was buried near Millport, in his home county.

Passing now to Captain Cobb, the Indian chief, it appears from the records of the Indian Office, that he was a half-blood Choctaw and half-blood white. Neither the time nor place of his birth is known. His parentage is also unknown, but it may be presumed that his father was a white man and his mother an Indian, inasmuch as he had an English name but spoke the Choctaw language. It has been suggested that his mother was a woman named Owateah, but this is not clearly borne out by the records. Nor is there anything in them which positively shows his residence prior to 1820. He was

then, according to the treaty of 1820 between the Choctaws and the United States, in which he is mentioned and of which he was a signer, one of a class of men who owned "valuable buildings" in the old Choctaw Nation. From this it seems probable that he had been a resident of the locality for some time prior to the treaty. His age can be inferred/<sup>only</sup>from chance descriptions of him, from the ages of the members of his family, and from the nature of the undertakings which engaged his attention. In 1843, he was spoken of in an official report as a "venerable" man; as early as 1820 he was a tribal captain and a man of standing and influence in the tribe, and his granddaughter, Mahali Jones, who testified before the Citizenship Court, says he was an old gray-headed man when she was small. She is now, if living, over eighty years old. Thus it appears he probably passed middle age in 1843, yet there are other facts which indicate that he had not reached old age at that time, E. g., in 1845 he and his son-in-law, James Pickens, fulfilled a contract with the Government under which they, in conjunction with some white agents, transported a company of nearly 1200 Choctaws from Mississippi to the Choctaw Nation, west. The ages of his children, as given by him in his deposition of March 22, 1843, also indicate that he was a man of less than middle age in 1830. From this deposition it appears that at the date of the treaty of Dancing Rabbit Creek, 1830, he had seven children living with him, viz: Betsy William, Jinsey, Suckey, Nat, Gaines, and Ahnola, the last two of whom were then under ten years of age; also that he had at that

time a "young wife", Hotonah, then the mother of three children under ten years of age, living apart from him; further that he had a daughter, Rachel, who at the time of said treaty, 1830, was the "young wife" of James Pickens and the mother of three children under ten years old. He also had in 1830 another daughter, Becky, four years of age, who was the daughter of a woman named Betsey Cobb and the granddaughter of the said Owateah. By another's deposition given in the year 1843, it appears that Cobb's "first" wife, with whom he lived at the time of the treaty, was named Abdehoyo. A second deposition given by Cobb in 1843 shows that he was then attempting to settle his property upon his "first" and "second" wives and their children, the natural presumption being that he had reference to these Indian women who were residents of the Choctaw Nation, east, before and after 1830. From the fact that Cobb was a beneficiary under article 14 of the treaty he must have been a resident of Mississippi, not only in 1830, but for the five years which followed its ratification, such being the requirement upon which issuance of patent under said article was based. Other records indicate Captain Cobb's residence in Mississippi in each of the years that followed up to 1845. He then migrated west with a large company of Choctaws. As late as 1853 reference was made in an official report showing that he then lived in the Choctaw Nation west. Elsewhere it is shown that he lived until about 1860. He died in the Indian Territory and was buried in the Choctaw Nation. Besides the children named he had also daughters Betzy and Canahoyo, who preceded him west. Mrs. Jones also testified con-

cerning a "second" wife, Anuntema, English name Beckey Cobb, by whom Captain Cobb had four children, all of whom but one, Susie, died when young. Cobb spoke the Choctaw tongue and uniformly communicated with the whites, so far as is known, thru an interpreter. He signed his letters and depositions by mark and was undoubtedly an ignorant, illiterate man, notwithstanding this he was a man of natural intelligence, a leader among the Choctaws, and the owner of considerable property, including a number of slaves. The records of the Indian Office do not indicate that he was ever a resident of any place except the Indian Territory and the State of Mississippi, and Mrs. Jones testified that, so far as she remembered, he never lived elsewhere. She also testified that William Cobb was Captain Cobb's oldest son. The latter was over ten years old in 1830, but was still living with his father. In 1845 he had three children under ten and later had two more born to him. Thus it would seem that he was a mere youth when the treaty of 1830 was made.

Before comparing these family histories and before entering upon an analysis of the testimony, it may be observed, inasmuch as the pedigree of the applicants is in issue, that the record is largely made up of hearsay testimony. Under the circumstances such testimony, generally speaking, is competent, but in determining its weight certain tests should be applied. Self-interest is a potent factor in inducing people to acquire a knowledge of their family history, particularly where financial or social considerations are involved. Accordingly, of persons in the line of descent, those who are closely related to the ancestor in question may be

expected to have a more accurate knowledge concerning him than those who are distantly related to him; likewise descendants are likely to be better informed than collateral relatives of the same generation. So, also, relatives by blood should, as a rule, have a keener interest and as a result a more accurate knowledge than persons who are related by marriage, and, among relatives of the latter class, those who are remotely connected with the family have a corresponding lack of knowledge as to its history. These rules are modified in some cases by factors such as association with the declarant, age of witness when declaration was made, frequency of its utterance, and the length of time which has since elapsed.

The rule to be followed in determining identity of persons is also of great importance in this case. It has been said that identity of names is prima facie evidence of identity of persons, but this rule must be applied with caution. Manifestly such a presumption must vanish where it develops that the persons supposed to be identical were of different ages or residences, or whose appearance, character, or occupation was not identical, or whose families were composed of persons who did not correspond in names or numbers.

It is also important to note that the position of the applicants makes it incumbent upon them to establish their case by affirmative showing. They include three generations, but it does not appear that they, or their ancestor Rachel G. Gee, or her father Wilson Cobb, ever formed a part of the Choctaw Nation or associated

with its people. Yet it is their claim that over thirty persons are entitled to share in the lands and money of the Choctaw Nation, a claim which involves over 10,000 acres of land and thousands of dollars. Under such circumstances the burden of proof is clearly upon them.

From the foregoing it is not meant to imply that applicants should be bound by harsh and unreasonable requirements in submitting their testimony; on the other hand, presumptions unsupported by evidence and based upon mere possibility should not be invoked simply because in their favor. Nor do I consider that a mere preponderance of evidence is enough to establish such cases as this. It should be determined rather, whether the showing made by them, after due allowance for the rebuttal evidence, is reasonably sufficient to support the allegations.

A comparison of the family history of the applicants with the history of the Mississippi family of Cobbs throws considerable light upon the merits of the case. Wilson Cobb, conceded to be the common ancestor of the applicants, was born in 1784, and it is claimed by counsel for applicants that his mother was a "white woman who never lived in the Indian Territory." It is not shown that Wilson was born in Mississippi, or that he ever resided elsewhere than in South Carolina prior to 1836. Accordingly it must be assumed that Captain Cobb, the half-blood Choctaw, if the father of Wilson, was a man grown prior to Wilson's birth in 1784, and that

he then associated, presumably in South Carolina, with Wilson's mother. It is not reasonable to suppose, however, that he made a chance visit to the east, inasmuch as it has been shown that Wilson had five or six brothers and two sisters. Apparently they were children of the same father, as they seem to have taken the surname of Cobb. Such a large family presupposes that the father and mother resided together for a considerable term of years, evidently between the close of the Revolution and the year 1800. If Cobb, the chief, was "a venerable" man in 1843, it is possible that he was the father of this family, but there is nothing in the records of the Indian Office which suggests that he ever resided outside of Mississippi until 1845, nor is there anything in the testimony of applicants' witnesses to identify Wilson's alleged father with any particular place prior to 1830. It may be that Captain Cobb lived with Wilson's mother for a time and then abandoned her, leaving her to rear this large family in the east, but there is no evidence to support such a theory.

The assertion that Wilson Cobb and Nat Cobb were the sons of Captain Cobb by the same woman is also material. Nat was born in 1819. His father, Captain Cobb, was evidently a resident of Mississippi then, at any rate he was the owner of "valuable buildings" in the Choctaw Nation during the next year. Wilson Cobb, as stated, was born in 1784, and their alleged white mother was never, so far as known, a resident of Mississippi. This contention would imply,



then, that thirty-five years after Wilson's birth, and after rearing a large family, his mother gave birth to another child by a man who was the father of her other children. If this be true, it must be assumed that the Indian captain returned at intervals to his old home in the east, notwithstanding the known fact that he was at the time of Nat's birth the father of a number of children in Mississippi by the Indian woman Abbehoys. Moreover, it is not shown that there was ever a Nat Cobb among the South Carolina members of the family. Not only this, but Maheli Jones testifies directly that Nat was the son of Abbehoys. Opposed to Mrs. Jones' statement, however, is Nat's classification as a "one-quarter blood Choctaw", which is inconsistent with the fact that Captain Cobb and Abbehoys were half-blood Choctaws.

The fact that Wilson Cobb and his brothers were men of wealth and position, and of more than average education for the times, does not confirm the theory that they were the sons of an illiterate half-blood Choctaw, particularly as practically nothing has been submitted by the applicants concerning Wilson's mother. Besides, if Captain Cobb was the father of such a family, it would seem that he had ample opportunity to learn English through association with the whites. Furthermore, Wilson Cobb and his descendants have been people of standing for years among the whites, some have held responsible positions, and were apparently educated and influential people. It does not appear that any of them knew the Choctaw language. By contrast, it is observed that Captain

Cobb, so far as the Indian Office records show, was closely identified for nearly forty years, and doubtless longer, through inter-marriage and residence, with the Choctaw Nation; he participated in their treaties and was a leader among them, spoke their language, and lived as other half-bloods did. His children, with the exception of Nat and William, did not use English, and his descendants, Mahali Jones and A. W. Cobb, today live among the Indians and require the services of an English interpreter. There seems to have been no association of these families with each other, nor any communication between them at any time.

The records of the Indian Office show further that of Captain Cobb's children there were five, and perhaps seven or eight, born prior to 1820 and six born thereafter. Comparing this with the facts as to Wilson Cobb's children, it appears that the latter had two sons born in 1809 and 1810 respectively, and that his other children were probably born not later than 1820. This comparison tends to show that Wilson Cobb and Captain Samuel Cobb were not far from the same age.

While there was a great mass of testimony taken in this case, there were comparatively few witnesses, other than the applicants themselves, whose testimony tends in any degree to show that Wilson Cobb's father bore the name of Samuel Cobb. Without discussing in detail the testimony of each, it is considered sufficient to specify certain objections, some of which apply to every such witness e. g., some of them were slaves; some are remote descendants

of the ancestor in question; others are remotely connected by marriage only. Some are uncertain as to the name of the alleged ancestor, or his residence, being silent, even, in some cases as to the latter. The witnesses generally are even more uncertain as to who was the wife of said ancestor, and they fail almost wholly to give her any specific residence. Some have never seen the alleged ancestor, others claim to have seen him on one or two occasions when they were small children, and then only as he happened to be visiting in their locality. Generally, the witnesses fail to show that Wilson Cobb or the woman who was supposed to be his mother ever resided in the Choctaw Nation in Mississippi; nor can it be concluded from their testimony that Captain Cobb, the chief, ever lived in South Carolina. Some of the witnesses have testified as to the family history without showing any relationship with the family and without even indicating the source of their information.

Several of the applicants testified in their own behalf, claiming descent from Captain Samuel Cobb of Mississippi. Aside from the motives of self interest which usually bias such witnesses, it is observed that they are in this case able to testify, in the main, as to their connection with Captain Cobb, only from what they claim they were told by their parents. Yet they fail to show satisfactorily that the persons upon whom they depended for information were so situated themselves as to be able to furnish valuable testimony.

The most noticeable defect in the applicants' showing are disclosed where specific information is offered respecting per-

sons and places. One witness testified to the effect that the Samuel Cobb, who was supposed to be the father of Wilson Cobb, in traveling to the latter's place in Greenville District, came from the Southeast. Evidently, then, this Samuel Cobb lived in South Carolina, and yet, at the time to which he manifestly referred, the same being between 1820 and 1830, Captain Cobb, the Indian, was undoubtedly a resident of Mississippi, several hundred miles to the West. Reference is also made to a certain woman, showing that about the year 1836 she was "Sam Cobb's widow." But the historic Cobb did not die until about 1860. Another witness describes the visit which a man named Samuel Cobb made to her mother's place to induce the latter to go to a certain locality where land was cheap. According to said witness, this man, who she supposed was the father of Wilson Cobb, had come from the seat of the old Cherokee Nation in Georgia or Alabama, and was trying to form a colony there. He was apparently a well dressed and well educated man, who spoke English. In this connection, it is sufficient to observe that the visit which this man made at the witness' home must have occurred about 1830. Yet Cobb, the unlettered half-breed, with his two Indian wives, <sup>and</sup> their numerous children, was undoubtedly a resident of Mississippi at that time. Another witness, speaking wholly from hearsay, attempted to identify the Samuel Cobb whom he had in mind as the leader of ~~the~~ a Cheetaw migration from Mississippi to the Indian Territory, and, in so doing, he located the route which the Indians took as being along the

White River in northern Arkansas, and fixed the time as about the year 1834. As a matter of fact, the Indian Chief, Captain Cobb, did lead a large company of Choctaws westward, but the route which they took was by or near the Washita River in northern Louisiana, and during the year 1845. This journey is fully described in a letter, dated April 13, 1845, and from H. N. Barstow to the Commissioner of Indian Affairs.

There is still another instance of this kind worthy of marked attention. George Seaborn Cobb, of Cartersville, Georgia, who was, like the others referred to above, a witness for the applicants, testified that he was a son of Humphrey Cobb, and that the latter was a son Humphrey Cobb, Sr.; also that he had been told "frequently" by his father that there were originally five brothers of the name of Cobb who came from England to this country; that they settled first in Virginia, and afterwards in the Carolinas, and that two of them went west. He testified further that his grandfather was a son of one of the original brothers. Now, it was stated by other witnesses who testified on behalf of the applicants that Wilson Cobb and Humphrey Cobb, Sr. were brothers. If they were, it follows that Wilson's father was an English immigrant and not a Choctaw Indian as alleged.

To rebut the showing made by the applicants, testimony was submitted on behalf of the Choctaw and Chickasaw Nations relative to the ancestry of Wilson Cobb. This testimony was given by

Talitha Melurtra and others who are members of the Cobb family.

Mrs. Melurtra, who was born in 1815, states that she is the daughter of Henry Cobb; that her father and Wilson Cobb were brothers, and that they were the children of Henry Cobb and his wife, Rachel Cobb, of North Carolina; also that the maiden name of said wife was Rachel Wilson. With the exception of a mistake as to the height of her uncle Wilson, this witness, after an extensive test of her memory, was found unusually conversant with family matters. Her testimony is supported by another witness as to the name of Wilson's mother and by others as to his father's name. Tested by the rules of evidence heretofore referred to, it is considered that these witnesses are entitled to as much credit for truthfulness and accuracy as the witnesses for the applicants. Their testimony is more convincing, and involves no contradiction of known facts. Nor is it in its nature improbable.

Summarizing, I am unable to find that the testimony of the applicants is reasonably sufficient to establish their case. Accordingly, it is my opinion, and I so advise you, that the applicants by blood should not be identified as Mississippi Choctaws upon the record as now made up. It follows that the applicants who claim identification by intermarriage should also be denied, as they can have no greater rights than their husbands and wives.

(19)

The case of Nancy J. Henderson et al., which was received with the case of Samuel B. Gee, et al., will be the subject of a separate opinion, inasmuch as the applicants in the two cases, while claiming relationship, do not claim to be entitled to identification as Mississippi Choctaws thru a common ancestor.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved: January 22, 1907.

E. A. Hitchcock,  
Secretary.

( COPY )

G. R.

DEPARTMENT OF THE INTERIOR,      LLB  
WASHINGTON.

I. T. D. 1714-1906.  
1474-1907.

January 31, 1907.

D. C. 6249.

L. R. S.

Direct.

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

Sir:

Referring to departmental letter of January 25, 1907, promulgating the opinion of the Assistant Attorney-General for this Department in the consolidated case of Samuel B. Gee et al., applicants for identification as Mississippi Choctaws, there is forwarded herewith a copy of Indian Office letter of January 29, 1906 (Land 60615-1904), reporting in the matter.

Respectfully,

Thos. Ryan,

1 inclosure.

First Assistant Secretary.



C O P Y

J.W.G.

DEPARTMENT OF THE INTERIOR,  
D.C. #7611 Washington.

I. T. D. 2386-1907.

February 6, 1907.

L R S

DIRECT.

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

Sir:

There is inclosed copy of opinion in the Mississippi Choctaw cases of Samuel B. Gee, et al. which you say in your telegram of the 6th instant. was not received. The copy of said opinion was transmitted to you through the Indian Office by letter dated January 25, 1907.

Respectfully,

(Signed) Jesse E. Wilson

Assistant Secretary.

1 inclosure.

MCR-2277

Muskogee, Indian Territory, February 9, 1907.

Samuel B. Gee,  
Prescott, Arkansas.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of January 25, 1907, accompanied by the opinion of the Assistant Attorney-General of January 22, 1907, affirming the decision of the Commission to the Five Civilized Tribes of February 14, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Samuel B. Gee et al; also copy of Departmental letter of January 31, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of January 29, 1906, in this case.

Respectfully,

WIM.  
Encl. 9/3

Commissioner.

MCR-2277

Muskogee, Indian Territory, February 9, 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 January 25, 1907, accompanied by the opinion of the Assistant Attorney-General of January 22, 1907, affirming the decision of the Commission to the Five Civilized Tribes of February 14, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Samuel B. Gee et al; also copy of Departmental letter of January 31, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of January 29, 1906, in this case.

Respectfully,

WLM.  
Encl. 9/5

Commissioner.

MCR-2277

Muskogee, Indian Territory, February 9, 1907.

McRae & Tompkins,  
Attorneys at Law,  
Prescott, Arkansas.

Gentlemen:-

There is enclosed herewith copy of Departmental letter of January 25, 1907, accompanied by the opinion of the Assistant Attorney-General of January 22, 1907, affirming the decision of the Commission to the Five Civilized Tribes of February 14, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Samuel B. Gee et al; also copy of Departmental letter of January 31, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of January 29, 1906, in this case.

Respectfully,

Commissioner.

WIM.  
Encl. 9/4

REFER TO M. C. R. 2277

*Samuel D. Lee*  
*et al*

*Consolidated Case.*

Sam Cobb  
married Choctaw woman  
"Obihoyo"

Wilson Cobb

Rachel Grace Cobb '14  
married Dead  
John St Gee  
Dead

William Gee 30/18  
married  
Nancy J. Wilson white  
claims for wife

Edwin J. Gee 47/18  
married  
Rena B Woodbury  
claims for wife

George T. Cobb  
married admitted by  
M J A Sanders  
admitted as SW by U.S. Court

W. J. Cobb  
married admitted by U.S.  
Court  
Ida m. Pitt  
admitted as SW by U.S. Court.

mbR 2586  
Ina Gee 30/16  
married  
Rosa Evans white  
claims for wife

mbR 2587  
Ida Gee 28/16  
married  
R B Hamilton white  
claims for husband

mbR 2590  
Ada Gee 26/16  
married  
William W. Rice white  
claims for husband

mbR 2588  
Lee Gee 23/16

mbR 2577  
Thomuel Gee 18

mbR 2589  
N. Iny Gee 22/16  
married  
John C. White  
claims for husband

mbR 2278  
William Edmon Gee 18  
" Jewel T. Gee 16

mbR 2279  
Edwin White Gee 17  
" Mattie B Gee 14  
" Charley R Gee 11  
" Thomas S Gee 8

Sidon C. Cobb  
married admitted by U.S. Court  
Florence Clark  
admitted as SW by U.S. Court  
Ethel Cobb  
Edna Cobb

Graie m. Cobb  
Walter R. Cobb  
Lillian B. Cobb  
Jalie B. Cobb  
Hugh J. Cobb  
Gorp A. Cobb  
admitted by U.S. Court

James E. Harrison " admitted by U.S. Court  
Clau d m Harrison "

mbR 2586  
Cecil Gee 6  
" Morris Gee 5  
" Cleo Gee 3  
" Elizabeth Gee 5 m

mbR 2587  
Hazel Hamilton 5  
" Samuel Hamilton 3 m

Claude Cobb admitted by U.S. Court  
Mina Cobb " " "

Michelle Grace Cobb '11  
married  
John St Gee  
Deac

mlb R  
2588 Lee Gee 23/16  
mlb R  
2589 Samuel Gee 18

mlb R  
2578 William Gee 30/18

mlb R  
2589 N. Jay Gee 24/16  
married  
John C White  
claim for husband

mlb R  
2578 Henry J. Wilson white  
claim for wife

mlb R  
2578 William Snow Gee 18  
" David T Gee 16

mlb R  
2579 Edwin J. Gee 47/18

mlb R  
2579 Edwin White Gee 17  
" Walter B Gee 14  
" Charles R Gee 11  
" Thomas S Gee 8

mlb R  
2579 Rena B Woodbury  
claim for wife

Sam Cobb  
married Choctaw woman  
Ochikoy

Wilson Cobb

Samuel B. Cobb  
married  
M. P. Thompson

George T. Cobb  
married admitted by  
M J A Sanders  
admitted as SW by U.S. Court

Simon T. Cobb  
married admitted by U.S. Court  
Florence Clark  
admitted as SW by U.S. Court  
Ethel Cobb  
Edna Cobb

Claude Cobb admitted by U.S. Court  
Mena Cobb " " "

W. J. Cobb  
married admitted by U.S.  
Sida M. Bell  
admitted as SW by U.S. Court

Grace M. Cobb  
Walter R. Cobb  
William B. Cobb  
Lillie B. Cobb  
Hugh J. Cobb  
George A. Cobb

admitted by U.S. Court

Gene Cobb  
married admitted by U.S.  
James A. Harrison  
Court

James J. Harrison " admitted by U.S. Court  
Claud M. Harrison " " " "  
Minnie Kelly " " " " as SW  
Joe H. Harrison " " " "  
Major P. Harrison " " " "  
Edgar G. Harrison " " " "  
Thomas J. Harrison " " " "

Henry M. Cobb  
married  
Bernice Hamby

Matilda Cobb  
married  
William H. Phelps

Henry J. Cobb Deas  
married  
Anna E. Jordan  
Deas husband  
Drow  
admitted by U.S. Court as  
" Mrs J. J. Bond "

Henry Jordan Cobb  
admitted by U.S. Court

claiming through his mother  
Lillian Bond on Su Oct 3570

Form No. 260.

# THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

THOS. T. ECKERT, President and General Manager.

Receiver's No.

Time Filed

Check

Government collect.

**SEND** the following message subject to the terms  
on back hereof, which are hereby agreed to.

Muskogee, I. T., March 5, 1903.

Honorable Thos. C. McRae,  
Member of Congress,  
Washington, D. C.

Record in Gee case forwarded to Secretary of Interior  
March second, nineteen hundred and three, prior to receipt of  
your letter twenty-sixth ultimo.

BIXBY

Chairman.

READ THE NOTICE AND AGREEMENT ON BACK.



Form No. 260.

**THE WESTERN UNION TELEGRAPH COMPANY.**

INCORPORATED

21,000 OFFICES IN AMERICA.

CABLE SERVICE TO ALL THE WORLD.

ROBERT C. CLOWRY, President and General Manager.

Receiver's No.

Time Filed

Check

Government Paid.

**SEND** the following message subject to the terms  
on back hereof, which are hereby agreed to.

Muskogee, Indian Territory, December 14, 1903.

Secretary of Interior,  
Washington, D.C.

Telegram received. On August thirteenth Department directed that no further action be taken by the Commission upon departmental decision of July thirtieth, nineteen hundred three in Mississippi Choctaw case of Samuel H. Gee, until advised of Departmental action upon motion of attorneys for nations for review in said case.

Commission has not been advised of further departmental action in this case and no action has been taken with the exception of notification to attorneys for the Choctaw and Chickasaw Nations and to Thomas C. McRae, attorney for applicant, of Departmental action therein.

Sincerely,

U. S. G. R.

Chairman.

READ THE NOTICE AND AGREEMENT ON BACK.

• Copies of correspondences  
with Department  
subsequent to  
retraction of  
decision.

in  
Miss. Choctaw case  
Saml. B. Gee et al.

Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Copies of correspondence  
with Department  
subsequent to  
revelation of  
decision.

in  
Miss. Choctaw case  
Sam'l. B. Gees et al.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Waskover A. J.

Oct 4. 1902

One copy of the testimony  
of the several applicants  
and witnesses delivered  
to Hayden Linbaugh  
Atty., this date

Consolidated this  
Chortaw case 70 R 2247  
Samuel P. See vol

For Identification as a Mississippi Choctaw.

Date MAY 24 1901

Name Samuel B. Gee.

Age 58 Blood 1/8

Post Office, Prescott, Ark.

Father: John H. Gee (dead)

Mother Rachel Grace Gee "

Claims through mother

Wife: Elizabeth Gee 54

Father: Am. Adams ✓

Mother: Mary .. ✓

Children:

Samuel Gee 18

Claims for himself, his wife and his minor child. Claims for wife as intermarried.

Stenographer

Henry G. Hains.

Choctaw MCR 2278

William Gee

MCR 2278

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I. T. May 24, 1901.

42278

In the matter of the application of William Gee, for the identification of himself and his two minor children as Mississippi Choctaws, and for his wife as an inter-married Mississippi Choctaw.

William Gee having been first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William Gee
- Q What is your age? A I will be fifty the last day of August.
- Q What is your post-office address? A Prescott, Arkansas.
- Q How long have you lived there? A I suppose about thirty-five years, close to Prescott.
- Q Where did you live before you lived there? A Over in Texas.
- Q How long did you live in Texas? A About four years.
- Q And before you moved to Texas where? A In Arkansas; we came from Alabama to Arkansas when I was small.
- Q Born in Alabama? A No, in Mississippi; born in Mississippi and moved to Alabama and moved to Arkansas when I was still very small
- Q What is your father's name? A John H. Gee
- Q Is he living? A No.
- Q What is your mother's name? A Rachel Grace Gee.
- Q Is she living? A No.
- Q Through which one of your parents do you derive your Choctaw blood? A Mother's side.
- Q How much Choctaw blood do you claim? A I don't hardly know; I suppose it would be about an eighth or one sixteenth; we have not fully decided; I think it is about one eighth.
- Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A I don't think she has.
- Q Are you married? A Yes.
- Q What is your wife's name? A Nancy T. Gee.
- Q Do you make application on behalf of your wife? A Yes.
- Q Do you claim for her by inter-marriage? A By marriage.
- Q When and where were you married? A About '75; October 1st.
- Q What was your wife's age? A She was about 43 I reckon.
- Q What was her father's name? A R. T. Wilson
- Q Is he living? A Yes.
- Q What is her mother's name? A Susan C. Wilson.
- Q Is she living? A Yes.
- Q They are both white people and have no claim to Indian blood? A No
- Q Have you any children in your family under twenty-one years of age and unmarried for whom you wish to make application? A I have two.
- Q Give their names and ages. A William Imon Gee, eighteen; Jewel T. (girl), sixteen.
- Q These are both your children? A Yes.
- Q And Nancy T. Gee is their mother? A Yes.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.
- Q Have you your marriage license and certificate and do you desire to offer same in evidence? A Yes, certified copy.
- Q Is your name or the name of your wife or children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Did you ever make application either for yourself or them to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No.

2---William Gee

- Q Did you, or any one for you or for them, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under Act of Congress of June 16, 1896? A No.
- Q Have you or they ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by judgment of the United States Court in Indian Territory? A No.
- Q Have you ever made application prior to this time for yourself, your wife or these children, to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application of any description you have ever made? A Yes.
- Q Is it now your purpose to make application for identification as Mississippi Choctaws? A Yes.
- Q Do you claim as beneficiaries under the provisions of the 14th. article of the treaty of 1830? A Yes.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A I don't know; suppose they have; don't know about that.
- Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and recognized members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A Grand-father Wilson Cobb lived in Mississippi in 1830.
- Q Have you any evidence showing that such ancestor was a recognized member of the Choctaw tribe of Indians at that time? A I think we have.
- Q Did he, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians, from 1833 to 1838? A I think he did-but don't understand-
- Q You don't know? A No.
- Q If he did not remove with the other members of the tribe, did he, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw tribe in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I don't know.
- Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the 14th. article of the treaty of 1830? A Possibly-I don't know.
- Q Are there any additional statements you desire to make in support of this application? A Nothing only just filing these papers.
- Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A Yes.
- Application of William Gee offered in evidence by applicant marked Exhibit "A", filed and made a part of the records in this case; certified copy of marriage license of William Gee to Miss M.T. Wilson offered in evidence by applicant, marked Exhibit "B", filed and made a part of the records; affidavit of RL. Hinton offered in evidence by applicant, marked Exhibit "C", filed and made a part of the records in this case.

Q Would you like more time--? A Yes.



3---William Gee

Thirty days time is allowed applicant in which to file such additional evidence as he may desire in support of his application

~~Thomas G. McRae being called and sworn as a witness in this case,~~  
testified in his friend's behalf as follows:

Statement of Thomas G. McRae in behalf of applicant:

"I have known MrGee since '74; I think I know him to be a reputable citizen; that he has always claimed to be a descendant of Mississippi Choctaws.

Q (By the Commission:) You don't know anything about his ancestors?

A No, but I know from the record that his ancestors, his cousins who have no more Indian blood than he have been admitted to citizenship on judgment of the United States Court for the Southern District of the Territory, and it has occurred to me that if they are entitled to it he is. I don't know that his ancestors took land under the fourteenth article of '30, but it has always occurred to me that because they lost their rights there they should not lose them here--.

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

Witness excused.

The decision of the Commission as to your application for identification as Mississippi Choctaws for yourself and your minor children and for your wife as an inter-married Mississippi Choctaw will be determined at the earliest possible date, and report of same made to the Secretary of the Interior, conformable to the provisions of the 21st Section of the Act of Congress of June 28, 1898, and a copy of the same mailed to you at your post-office address as given by you in your testimony.

(Applicant is apparently white man).

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 15 day of July 1901.

*R. H. Linebaugh*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I.T. May 24, 1901.

Testimony of George S. Cobb to be filed with H.C. # 2278  
George S. Cobb having been duly sworn, as a witness in this case  
testified as follows in behalf of applicants, William, Samuel P., and  
Edwin P. Cobb:

Examination by the Commission:

- Q What is your name? A George S. Cobb.  
Q What is your age? A Fifty-three.  
Q What is your post-office address? A Caddo, Indian Territory.  
Q You are acquainted with applicants, Samuel P. Cobb, William Cobb and Edwin P. Cobb? A Yes.  
Q What relation are they to you? A First cousins.  
Q Is their mother related to you or is it their father? A Their mother is my father's sister.  
Q You claim your Indian blood through your father? A Yes.  
Q Are you a recognized citizen of the Choctaw Nation? A I have a judgment from the court, enrolled, as I understand it, by the Dawes Commission.  
Q And did the Commission reject your application? A Yes, and it was taken before Judge Townsend.  
Q And he repealed it? A No, they reversed the judgment and gave us the judgment against the Choctaw Nation.  
Q Was that W. F. Cobb v. Choctaw Nation, Court Case #140? A Yes; and a copy of that judgment and evidence filed at that time has been filed in this case, I understand.  
Q Are the witnesses in this case dead? A Most of them are dead.  
Q Is William P. Cobb? A He is my brother- he is dead.  
Q How about S. P. Perry? A I have been told that he is dead; wont be sure that he is; I am not positive; if he is not he could be found.  
Q Samuel Cobb? A My father; he is dead.  
Q Boccia Wache? A Where from?  
Q Garvin, Indian Territory. A I can't say about him.  
Q Willis McGan? A I think he is living.  
Q Yellow Wolf? A Is dead; of course, I did not see him buried, but that is my information, and having relations living there, they say Yellow Wolf is dead.  
Q Mary Baker? A That is my cousin; she is living.  
Q James M. Thompson? A He is dead.  
Q Mahali Jones? A I have been informed that she is dead; good report is that she is dead.  
Q Were you personally acquainted with any of the ancestors of these applicants? A No, I never knew my grand-father; he was dead before I was born; he died in Mississippi.  
Q Was your grand-father their grand-father also? A Yes.  
Q And you don't know whether he declared his intention to the United States Indian Agent in Mississippi to remain there and become a citizen of the United States? A I don't know.  
Q You don't know whether he ever received any land in Mississippi as a beneficiary under the fourteenth article of the treaty of 1830? A No, my father came here early and these people were left back there, and they came here since to Arkansas.  
Q Do you know anything further in regard to their ancestors?  
A Nothing except that their great-grand-father's name was Sam Cobb and was buried here in Skeltonville.  
Q Do you know when he came to the Territory? A No.  
Q Is there any tradition in the family about it? A I think not; of course at the time this suit was brought my father was living and gave these names; Governor Jones was asked, but he said he didn't want to be encumbered, expected to hold office again- but he gave us the names of his witnesses and the places of their residence. He stated to my brother where they were and he looked them up.

2---GEORGE S. COBB.

these witnesses. A No told them where Mahali Jones and Mary Baker, counts of Governor Jones, lived before they died right down in this country.

- Q I thought you said your grand-father died here? A No, my great-grand-father, Wilson Cobb, died here at Skelton--Scullyville, near Doakville; our grand-father, Wilson Cobb did not come here at all. My father was Sam Cobb, named after the great-grand-father.
- Q You were acquainted with the father and mother of these applicants?  
A Yes.
- Q And you know that they were married? A Nearly so as could be -- I know that they were always recognized as man and wife, and that was the information I had from my father.
- Q And you visited them in their home? A Yes?
- Q And they visited your people? A Yes.

Witness excused.

Henry G. Hains, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above testimony on May 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 15 day of July 1901.

*R. H. Linebaugh*

Notary Public.

COPY.

M.C.R. 2278

Muskogee, Indian Territory, February 14, 1903.

William Gee,  
Prescott, Arkansas.

Dear Sir:

You are hereby advised that on the 14th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel B. Gee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel B. Gee, et al.,	M.C.R. 2277
William Gee, et al.,	M.C.R. 2278
Edwin F. Gee, et al.,	M.C.R. 2279
Ira Gee, et al.,	M.C.R. 2586
Ida Gee Hamilton, et al.,	M.C.R. 2587
Lee Gee,	M.C.R. 2588
D. Inez White, et al.,	M.C.R. 2589
Ada Gee Rice, et al.,	M.C.R. 2590

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel B. Gee, Samuel Gee, William Gee, William Imon Gee, Jewel T. Gee, Edwin F. Gee, Edwin Waitus Gee, Mattie B. Gee, Charley R. Gee, Thomas S. Gee, Ira Gee, Cecil Gee, Alverne Gee, Cleo Gee, Elizabeth Gee, Ida Gee Hamilton, Hazel H. Hamilton, Samuel Clark Hamilton, Lee Gee, D. Inez White and Ada Gee Rice as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by Samuel B. Gee for his wife, Elizabeth Gee; by William Gee for his wife, Nancy T. Gee; by Edwin F. Gee for his wife, Rena D. Gee; by Ira Gee for his wife, Ressa Gee; by Ida Gee Hamilton for husband, R. Brad Hamilton; by D. Inez White for her husband John C. White and by Ada Gee Rice for her husband, William W. Rice as intermarried Mississippi Choctaws should therefore, be refused, and it is so ordered."

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

Respectfully,

(S)

*Tame*

Acting Chairman.

Registered.

Muskogee, Indian Territory, June 7, 1904.

William Gee,

Proscott, Arkansas.

Dear Sir:

You are heroby advised that the Secretary of the Interior, on May 26, 1904, rescinded Departmental decision of July 30, 1903, reversing the decision of the Commission to the Five Civilized Tribes of February 14, 1903, refusing the application of Samuel P. Gee, et al., for identification as Mississippi Choctaws.

The Secretary of the Interior, in his letter of May 26, 1904, advised the Commission that the Department had granted the petition of Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, for a rehearing in this case, upon the grounds that if such rehearing is granted they will be able to demonstrate that the testimony offered by the applicants is fraudulent and untrue in so far as they claim that their ancestor, Wilson Cobb, was a son of the Captain Samuel Cobb, who complied with the provisions of the 14th article of the treaty of 1830.

The Department also transmitted to the Commission, with the return of the record in this case, copies of the testimony of certain witnesses taken from the records of the Indian Office relative to the wives, children and immediate neighbors of Col.

U. S., 2.

Sam Cobb. These records are subject to your inspection at any time at the General Office of the Commission at Muskogee, Indian Territory.

In accordance with Departmental instructions of May 25, 1904, you are advised that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Monday, July 11, 1904, at 9 o'clock a. m., hear the testimony of such witnesses as may be presented by the attorneys for the Choctaw and Chickasaw Nations in support of their contention that the testimony offered by the applicants in this case is fraudulent and untrue in so far as they claim that their ancestor, Wilson Cobb, was a son of the Captain Samuel Cobb who complied with the provisions of the 14th article of the treaty of 1830. The Commission will also, at the same time and place, hear the testimony of such witnesses as may be presented by the applicants.

It is most earnestly desired that in this rehearing all witnesses whose testimony is desired be present in person.

Respectfully,

Registered

Chairman.

MCR-2278

Muskogee, Indian Territory, February 9, 1907.

William Gee,  
Prescott, Arkansas.

Dear Sir:-

You are hereby notified that on January 25, 1907, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of February 14, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Samuel B. Gee et al.

Respectfully,

Commissioner.



For Identification as a Mississippi Choctaw

Date MAY 24 1901

Name William Lee

Age 50 Blood 1/8

Post Office, Prescott Ark.

Father: John H. Lee (dead)

Mother: Rachel Grace Lee

Claims through mother

Wife: Nancy T. Lee 43

Father: R. V. Wilson

Mother: Susan C. Wilson

Children:

William Lee 18

F Jewel T. Lee 16

Claims for himself and 2 minor children and for wife as intermarried

Stenographer

Henry G. Hains

REFUSED

*William Gre, et al.*

2278

DECISION ORDERED, F.R.

RECORD OF THE

FOR CHOCTAW

MAY 14 1903

RECORD OF THE

MAY 14 1903

ACTION APPROVED BY SECRETARY OF INTERIOR,

Ch.

JUL 30 1903

*Dec.*

MAY 25 1903

ORDER FORWARDED DEPARTMENT

S. P. B.

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Choctaw MCR 2279

Edwin F. Gee

MCR 2279

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I. T. May 24, 1901.

#2279

In the matter of the application of Edwin B. Gee for the identification of himself and four minor children as Mississippi Choctaws, and for his wife as an inter-married Mississippi Choctaw.

Edwin P. Gee having been duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Edwin P. Gee.  
Q What is your age? A Soon be forty-seven years old.  
Q What is your post-office address? A Prescott, Arkansas.  
Q How long have you lived there? A About thirty-five years.  
Q Where did you live before that? A I lived in Texas.  
Q How long did you live in Texas? A Four years.  
Q Where did you live before you went to Texas? A Arkansas, about three or four years; and I was two year old when I came to Arkansas I was born in Alabama.  
Q What was your father's name? A John H. Gee.  
Q Is he living? A No, he is dead.  
Q What is your mother's name? A Rachel Gee.  
Q Is she living? A No.  
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 suppose about one eighth  
Q Has your moter through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians either by the Choctaw tribal authorities or the authorities of the United States?  
A No, I think not.  
Q Are you married? A Yes.  
Q What is your wife's name? A Rena D. Gee.  
Q Do you make application on behalf of your wife? A Yes.  
Q Do you claim that she has Indian blood? A No.  
Q Just through inter-marriage? A Yes.  
Q When were you married? A June 26, 1881.  
Q What was your wife's age? A Forty-seven, she is.  
Q What was her father's name? A Joseph W. Woodbery.  
Q Is he living? A No, dead.  
Q What was her mother's name? A J. E. Woodbery.  
Q Is she living? A Yes.  
Q They are both white people; make no claim to Indian blood? A No.  
Q Have you any children in your family under twenty-one years of age and unmarried for whom you desire to make application? A Yes, I have four.  
Q Give their names and ages. A Edwin Waitus Gee, seventeen; Mattie B. Gee, fourteen; Charley R. Gee, eleven; and Thomas S. Gee, eight.  
Q Is that all? A Yes.  
Q These are all your children? A Yes.  
Q What was the name of their mother? A Rena D. Gee.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.  
Q Have you your marriage license and certificate and do you desire to offer same in evidence? A Yes.  
Q Is your name or the name of your wife or these children of yours on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
Q Have you ever made application for yourself or them to the Choctaw

- tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No.
- Q Did you or any one for your or for them, in 1890, make application to the Commission to the Five Civilized Tribes in for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1897?
- A No.
- Q Have you or they ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.
- Q Have you ever made application for yourself or them prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as members of the Choctaw Nation? A No.
- Q Is this the first application you have ever made of any description? A Yes.
- Q Is it now your purpose to make application for identification as Mississippi Choctaw? A Yes.
- Q Do you claim your rights as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Yes.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A I can't answer; I don't know.
- Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and recognized members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A Wilson Cobb, my grand-father.
- Q Have you any evidence showing that such ancestor was a recognized member of the Choctaw tribe of Indians at that time? A Nothing, only I think we expect to file some with our papers.
- Q What relation was Wilson Cobb to you? A My grand-father.
- Q Did this ancestor remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in the Indians Territory at the time of the removal of the other members of the Choctaw tribe of Indians from 1833 to 1838?
- A I don't think he did.
- Q If he did not remove with the other members of the tribe did he, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw tribe of Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I can't say; I don't know.
- Q Have any of your ancestors ever received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know.
- Q Are there any additional statements you desire to make in support of this application? A Yes, I have some papers here; and I have some there of my brothers.
- Q But there is nothing else that you want to say at this time? A No.
- Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits as under that article of that treaty?
- A I don't think I have; we have some papers here that we want to file.

Application of Edwin F. Gee offered in evidence by applicant, marked Exhibit "A", filed and made a part of the record in this case; marriage license between Edwin F. Gee and Miss Rena D. Woodbery offered in evidence by applicant marked Exhibit "B", filed and made a part of the records in this case; affidavit of J.M. Denman offered in evidence by

3--Edwin P. Gee

applicant, marked Exhibit "C" filed and made a part of the record in this case; affidavit of Annie C. Scott offered in evidence marked Exhibit "D", filed and made a part of the record in this case; affidavit of A. Harris offered in evidence by applicant, marked Exhibit "E", filed and made a part of the record in this case.

Q Would you like time in which to file any further evidence? A Yes

Thirty days time from the date hereof is allowed applicant in which to file marriage license and certificate or certified copies thereof, and any additional evidence he may desire in support of his application.

Thomas C. McRae being called and sworn as a witness in this case, testified as follows in behalf of applicant:

My name is Thomas C. McRae; age forty-nine; I reside at Prescott, Arkansas.

Q You are acquainted with the applicant in this case? A I am; have known him since '73 or '74 and know that he is a reputable citizen, and ever since I have known him has always claimed to be a descendant of Mississippi Choctaws through his mother.

Q You were not personally acquainted with his ancestors? A I knew his father and mother very well.

Q You don't know whether any of his ancestors ever claimed or received any land in Mississippi under the provisions of the fourteenth article of the treaty of 1830? A I don't; under the treaty as I read it they are entitled to land, and, as I understand it, the records will show that some of the ancestors did receive. I have always thought that if they did not receive land, that ought not to deprive them from getting land now. If they have Indian blood it seems that they ought to share in the land if not in the annuities.

Q Is there anything further you want to say? A Nothing except that these are neighbors of mine and acting in good faith; but the question of blood is outside of the evidence.

Witness excused.

The decision of the Commission as to your application for identification as Mississippi Choctaws for yourself and your minor children and for your wife as an inter-married Mississippi Choctaw will be determined at the earliest possible date and report of same made to the Secretary of the Interior, in conformity to the provisions of the 21st. section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

(Apparently a white man).

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 15 day of July 1901.

*R. H. Lane Baughin*

Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I. T. May 24, 1901.

Testimony of George S. Cobb to be filed with M.C. # 2279  
George S. Cobb having been duly sworn, a witness in this case  
testified as follows in behalf of applicants, William, Samuel B., and  
Edwin P. Gee:

Examination by the Commission:

- Q What is your name? A George S. Cobb.  
Q What is your age? A Fifty-three.  
Q What is your post-office address? A Cando, Indian Territory.  
Q You are acquainted with applicants, Samuel B. Gee, William Gee and  
Edwin P. Gee? A Yes.  
Q What relation are they to you? A First cousins.  
Q Is their mother related to you or is it their father? A Their  
mother is my father's sister.  
Q You claim your Indian blood through your father? A Yes.  
Q Are you a recognized citizen of the Choctaw Nation? A I have a  
judgment from the Court, enrolled, as I understand it, by the  
Deeds Commission.  
Q And did the Commission reject your application? A Yes, and it  
was taken before Judge Townsend.  
Q And he repealed it? A No, they reversed the judgment and gave  
us the judgment against the Choctaw Nation.  
Q Was that W. P. Cobb v. Choctaw Nation, Court case 7140? A Yes;  
and a copy of that judgment and evidence filed at that time has  
been filed in this case, I understand.  
Q Are the witnesses in this case dead? A Most of them are dead.  
Q Is William P. Cobb? A He is my brother- he is dead.  
Q How about S.P. Perry? A I have been told that he is dead; wont be  
sure that he is; I am not positive; if he is not he could be found.  
Q Samuel Cobb? A My father; he is dead.  
Q Boccia Wache? A Where from?  
Q Gerwin, Indian Territory. A I can't say about him.  
Q Willis Moran? A I think he is living.  
Q Yellow Wolf? A Is dead; of course, I did not see him buried, but  
that is my information, and having relations living there, they  
say Yellow Wolf is dead.  
Q Mary Baker? A That is my cousin; she is living.  
Q James M. Thompson? A He is dead.  
Q Mahali Jones? A I have been informed that she is dead; good re-  
port has that she is dead.  
Q Were you personally acquainted with any of the ancestors of these  
applicants? A No, I never knew my grand-father; he was dead be-  
fore I was born; he died in Mississippi.  
Q Was your grand-father their grand-father also? A Yes.  
Q And you don't know whether he declared his intention to the United  
States Indian Agent in Mississippi to remain there and become a  
citizen of the United States? A I don't know.  
Q You don't know whether he ever received any land in Mississippi  
as a beneficiary under the fourteenth article of the treaty of  
1830? A No, my father came here early and these people were left  
back there, and they came here since to Arkansas.  
Q Do you know anything further in regard to their ancestors?  
A Nothing except that their great-grand-father's name was Sam Cobb  
and was buried here in Skeltonville.  
Q Do you know when he came to the Territory? A No.  
Q Is there any tradition in the family about it? A I think not; of  
course at the time this suit was brought my father was living and  
gave these names; Governor Jones was asked, but he said he didn't  
want to be encumbered, expected to hold office again- but he gave  
us the names of his witnesses and the places of their residence.  
He stated to my brother where they were and he looked them up,

these witnesses; he told them where Mahali Jones and Mary Baker, aunts of Governor Jones, lived before they died right down in this country.

- Q I thought you said your grand-father died here? A No, my great-grand-father died here at Shelton-Scullyville, near Beaksville, our grand-father, Wilson Cobb did not come here at all. My father was Sam Cobb, named after the great-grand-father.
- Q You were acquainted with the father and mother of these applicants?  
A Yes.
- Q And you know that they were married? A Nearly so as could be- I know that they were always recognized as man and wife, and that was the information I had from my father.
- Q and you visited them in their home? A Yes.
- Q And they visited your people? A Yes.

Witness excused.

Henry G. Hains, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above testimony on May 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date.

*Henry G. Hains*

Subscribed and sworn to before me this & 15 day of July 1901.

*R. H. Linebaugh*  
Notary Public.



Muskogee, Indian Territory, January 3, 1902.

Edwin F. Gee,

Prescott, Arkansas,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 28, 1901, inquiring as to the status of your application for identification as a Mississippi Choctaw, and when you will receive a decision in your case.

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, and it is impossible to say at this time when your case will be taken up for consideration. As soon as an opinion is rendered, you will be advised of any action taken by the Commission.

Yours truly,

Commissioner in Charge.

MC 2279

COPY.

M.C.R. 2279

Muskogee, Indian Territory, February 14, 1903.

Edwin F. Gee,  
Prescott, Arkansas.

Dear Sir:

You are hereby advised that on the 14th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel B. Gee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel B. Gee, et al.,	M.C.R. 2277
William Gee, et al.,	M.C.R. 2278
Edwin F. Gee, et al.,	M.C.R. 2279
Ira Gee, et al.,	M.C.R. 2586
Ida Gee Hamilton, et al.,	M.C.R. 2587
Lee Gee,	M.C.R. 2588
D. Inez White, et al.,	M.C.R. 2589
Ada Gee Rice, et al.,	M.C.R. 2590

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:

E. F. G. #2

\*It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel B. Gee, Samuel Gee, William Gee, William Emon Gee, Jewel T. Gee, Edwin F. Gee, Edwin Waitus Gee, Mattie B. Gee, Charley R. Gee, Thomas S. Gee, Ira Gee, Cecil Gee, Alverne Gee, Cleo Gee, Elizabeth Gee, Ida Gee, Hamilton, Hazel H. Hamilton, Samuel Clark Hamilton, Lee Gee, D. Inez White and Ada Gee Rice as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by Samuel B. Gee for his wife, Elizabeth Gee; by William Gee for his wife, Nancy T. Gee; by Edwin F. Gee for his wife, Rena D. Gee, by Ira Gee for his wife, Ressa Gee; by Ida Gee Hamilton for her husband, R. Brad Hamilton; by D. Inez White for her husband, John C. White and by Ada Gee Rice for her husband, William W. Rice as inter-married Mississippi Choctaws should, therefore, be refused, and it is so ordered."

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

Respectfully,

*Tamc Diaby.*

Acting Chairman.

Registered.

M C R 2278

Muskogee, Indian Territory, October 20, 1903.

Thomas C. McRae,  
Attorney at Law,  
Prescott, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 3, 1903, enclosing certified copy of marriage license and certificate between Henry J. Wilson and Jewell Temperance Gee, and affidavit of Wm. Gee. The same have been duly filed with the record in the Mississippi Choctaw case of William Gee, et al., which application is a part of the consolidated case of Samuel B. Gee, et al., applicants to this Commission for identification as Mississippi Choctaws.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, June 7, 1904.

Adwin F. Goo,  
Prescott, Arkansas.

Dear Sir:

You are hereby advised that the Secretary of the Interior, on May 25, 1904, rescinded Departmental decision of July 30, 1903, reversing the decision of the Commission to the Five Civilized Tribes of February 14, 1903, refusing the application of Samuel B. Goo, et al. for identification as Mississippi Choctaws.

The Secretary of the Interior, in his letter of May 25, 1904, advised the Commission that the Department had granted the petition of Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, for a rehearing in this case, upon the grounds that if such rehearing is granted they will be able to demonstrate that the testimony offered by the applicants is fraudulent and untrue in so far as they claim that their ancestor, Wilson Cobb, was a son of the Captain Samuel Cobb, who complied with the provisions of the 14th article of the treaty of 1830.

The Department also transmitted to the Commission, with the return of the record in this case, copies of the testimony of

E. F. G., 2.

certain witnesses taken from the records of the Indian Office relative to the wives, children and immediate neighbors of Col. Sam Cobb. These records are subject to your inspection at any time at the General Office of the Commission at Muskogee, Indian Territory.

In accordance with Departmental instructions of May 28, 1904, you are advised that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Monday July 11, 1904, at 9 o'clock a.m., hear the testimony of such witnesses as may be presented by the attorneys for the Choctaw and Chickasaw Nations in support of their contention that the testimony offered by the applicants in this case is fraudulent and untrue in so far as they claim that their ancestor, Wilson Cobb, was a son of the Captain Samuel Cobb who complied with the provisions of the 14th article of the treaty of 1830. The Commission will also, at the same time and place, hear the testimony of such witnesses as may be presented by the applicants.

It is most earnestly desired that in this rehearing all witnesses whose testimony is desired be present in person.

Respectfully,

Registered.

Chairman.

MCR-2279

Muskogee, Indian Territory, February 9, 1907.

Edwin F. Gee,  
Prescott, Arkansas.

Dear Sir:-

You are hereby notified that on January 25, 1907, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of February 14, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Samuel B. Gee et al.

Respectfully,

Commissioner.

U. S. DEPARTMENT OF JUSTICE  
COMMISSION TO THE FUTURE OF CIVILIZATION  
FILED

OCT 1903

CHAS

(L)



STATE OF ARKANSAS )  
COUNTY OF NEVADA. )

I, William Gee, do solemnly swear that my minor daughter Jewell T. Gee, for whom I made application to be identified as a Mississippi Choctaw, was born June 2, 1885; that she has now under the laws of Arkansas, which I understand to be in force in the Indian Territory, reached her majority; that on the 10th day of June, 1903, she was married to Henry J. Wilson.

William Gee

Subscribed and sworn to before me this August 3rd, 1903.

Thos. C. McRae Jr.  
Notary Public

# CERTIFICATE OF RECORD.

STATE OF ARKANSAS,

County of Wada } J. Nat Martin

Clerk of the County Court of said County, certify that the above License  
for and Certificate of the Marriage of Mr. Henry Wilson  
and Miss Jewell Temperance Gee was filed in my office on the  
22nd day of June 1903 and the same is duly recorded on page  
544 of Book 1 of Marriage Records.

WITNESS my hand and the seal of said Court this 22nd

day of June 1903  
Nat Martin Clerk.

Seal here

By J.C.

**MARRIAGE CERTIFICATE**

Mr. Henry Wilson  
Miss Jewell G. Gee

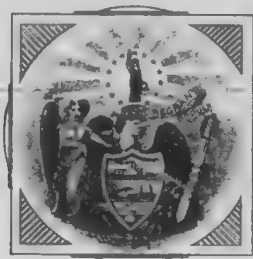


Recorded. Book 1 Page 544

Returned and filed this 22nd day of June 1903  
Nat Martin Clerk.

# MARRIAGE CERTIFICATE

Mr. Henry J Wilson  
TO  
Miss Pearl O Sel,



Recorded Book A Page 544

Returned and filed this 22<sup>nd</sup> day of

June 1909  
Edw. W. Martin,  
Clerk.

# MARRIAGE LICENSE



## STATE OF ARKANSAS.

County of Nevada

To any Person Authorized by Law to Solemnize Marriage, Greeting:

You are hereby commanded to solemnize the rite and publish the bans of Matrimony between Mr. Henry Wilson of Prescott in the County of Nevada and State of Arkansas aged twenty two years and Miss Jewell Temperance Lee of Prescott in the County of Nevada and State of Arkansas aged eighteen years according to law and do you officially sign and return this license to the parties herein named.

Witness my hand and official seal this 10<sup>th</sup> day of June 1903  
Bob Martin  
County Clerk

nc.

## CERTIFICATE OF MARRIAGE.

State of Arkansas.  
County of Nevada. I R. W. McKay do hereby certify that on the 10<sup>th</sup> day of June 1903 I did, duly and according to law, as commanded in the foregoing license, solemnize the rite and publish the bans of Matrimony between the parties therein named.  
Witness my hand this 10<sup>th</sup> day of June 1903  
The Cudonhubs are recorded in Recorder's Office  
L. Enale County. Sub. Book Page R. W. McKay

NOTE - This license with the certificate duly executed and officially signed, must be returned to the office whence it is issued within sixty days from the date of license, under penalty of forfeiture of the license.



No.

For Identification as a Mississippi Choctaw.

Date MAY 24 1901

Name Edwin F. Gee

Age 47 Blood 1/8

Post Office, Prescott, Ark.

Father: John H. Gee (dead)

Mother: Rachel Grace Gee (dead)

Claims through mother

Wife: Rena D. Gee 47

Father: Joseph N. Woodbery <sup>(dead)</sup>

Mother: J. E. Woodbery

Children:

Edwin Waitus Gee 17

Mattie A. 14

Charley R. 11

Thomas S. 8

Claims for himself and  
4 children, and for his wife  
as intermarried Miss Choctaw.

Stenographer

Henry G. Harris.

R. 2279

A MISSISSIPPI CHOCTAW.

*Edwards F. Phelps et al*

RECEIVED

RECORDED IN DEPARTMENT OF THE INTERIOR  
FEB 11 1903

RECORD FORWARDED DEPARTMENT OF THE INTERIOR  
MAY 15 1903

ACTION APPROVED BY SECRETARY OF INTERIOR

JUL 30 1903

MAY 25 1904

RECORDED IN DEPARTMENT OF THE INTERIOR  
SEP 15 1904  
OCT 17 1904

RECORD FORWARDED DEPARTMENT OF THE INTERIOR  
DEC 13 1904

ACTION APPROVED BY SECRETARY OF INTERIOR

DEPARTMENTAL ACTION

NOTICE OF DEPARTMENTAL ACTION  
FOR APPLICANTS FOR LANDS

NOTICE OF DEPARTMENTAL ACTION  
FOR APPLICANTS FOR CHOCTAW

RECEIVED

*See volume 111 2271*

Choctaw MCR 2280

William Hooper

See MCR 4484, 4485, 4486  
4576

MCR 2280



DEPARTMENT OF IDENTIFICATION  
MISSISSIPPI HIGHWAY

*William Hooper*

1951

MAR 3

MAR 3

RECORDED

MAR 3

4484, 4485, 4486 4-76



(2)

The records of the Commission show that William Hooper on his own behalf and on behalf of his children, John, Joseph, Hattie, Mary, Eva, Jessie (Jesse), Logan, Fannie, James and Jennie Hooper, and his wife Samantha Hooper, Zachariah Hooper and Annie E. Blackwell, nee Hooper, filed with this Commission on September 8, 1896, the application for citizenship by blood and intermarriage in the Cherokee Nation; that the answer of the Cherokee Nation was duly filed, and that said petition was denied. And that in the cases of William Hooper et al. and Annie E. Blackwell an appeal was taken to the United States Court, Indian Territory, Northern District, and that the decision of the Commission was sustained. In the case of Zachariah Hooper no appeal was taken. The applicants in the application for citizenship by blood in the Cherokee Nation, set up the claim of Indian descent from their father John L. Hooper, who they alleged is possessed of one-half Cherokee blood.

The records of the Commission further show that during the month of September, 1899, William Hooper and Annie E. Blackwell appeared before this Commission at South Canadian, Indian Territory, and made application for enrollment as citizens by blood of the Choctaw Nation, and that said applications were refused; and that at Muskogee, Indian Territory, on October 2, 1900, William Hooper made personal application to this Commission for the enrollment as citizens by blood of the Choctaw Nation of himself and his seven minor children, and that no decision in this application has been rendered. See Choctaw R 136. And at Atoka, Indian Territory, on May 24, 1901, William Hooper made personal application before this Commission for the identification of himself and his seven minor children as Mississippi Choctaws claiming descent as hereinbefore stated. At the time of his personal appearance at Atoka, Indian Territory, on May 24, 1901, this applicant asked to withdraw his applications made at South Canadian and Muskogee, Indian Territory, for the enrollment of himself and his minor children as citizens by blood of the Choctaw Nation, and that the evidence filed in said cases be made a part of the record in his application for the identification of himself and his minor children as Mississippi Choctaws.

On May 28, 1901, said applicant, William Hooper, filed with this Commission his petition praying that the records made in his two applications for the enrollment of himself and his minor children as citizens by blood of the Choctaw Nation be dismissed and that the testimony in said cases be made to apply to the application of himself and his minor children for identification as Mississippi Choctaws. The records made in the cases of this applicant for enrollment as a citizen by blood of the Choctaw Nation are now made a part of the record in the case of the application of himself and his minor children for identification as Mississippi Choctaws.

Case M.C.R. 4484, Mary E. Harmon et al., the record shows that this applicant made personal appearance before the Commission on October 18, 1900, and made ~~personal~~ application for enrollment as a citizen by blood of the Choctaw Nation of herself and her minor child Edna May Thompson, she at that time being the wife of one Henry Thompson from whom she is now divorced. See Choctaw Mem. 46.

(3)

Case M.C.R. 4485, John Hooper, the record shows that this applicant made personal appearance before this Commission on October 4, 1900, and made application for enrollment as a citizen by blood of the Choctaw Nation. See Choctaw Mem. 44.

Case M.C.R. 4486, Hattie Nelson, the record shows that this applicant also made personal appearance before this Commission on October 4, 1900, and made application for enrollment as a citizen by blood of the Choctaw Nation. See Choctaw Mem. 43.

With respect to these three cases reference is made to their evidence taken at the time of their appearance before this Commission in their applications for identification as Mississippi Choctaws, wherein they deny having made any application to this Commission for enrollment as citizens by blood of the Choctaw Nation.

All of the applicants herein testify orally that they are residents of Muskogee, Creek Nation, Indian Territory.

The proof submitted in these cases is the oral testimony of the applicants and the affidavits of Thomas White and Wat Christie, who aver that they were personally acquainted with James Turner--sometimes called "Fox Turner"--in the old Choctaw Nation, Mississippi. These affiants also aver that "Said James Turner or Fox Turner, taken up lands in Mississippi and become a United States citizen."

There is also a part of the record in this case the affidavits of Tom White, John Ross and Annie E. Blackwell and Harriet White. These affidavits were originally filed with the applications of William Hooper for his enrollment as a citizen by blood of the Choctaw Nation, and tend only to show the line of Indian descent claimed by the applicant.

In considering the averment of affiants, Thomas White and Wat Christie, that James Turner took lands from the United States government in the old Choctaw Nation in Mississippi, it should be considered that this evidence is controverted by the oral testimony of William Hooper the principal applicant in this consolidated case, who testifies orally that he had no positive knowledge of any act of compliance by James Turner with the provisions of the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27, 1830.

The proof in these cases is not sufficient to show that James Turner was a recognized member of the Choctaw tribe of Indians and resided with that tribe in the old Choctaw Nation in Mississippi and Alabama at the time of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27, 1830. Nor is there sufficient evidence before the Commission to show that James Turner, the ancestor through whom the applicants in this consolidated case claim identification as Mississippi Choctaws, complied with any of the requirements of article 14 of said treaty.

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DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

in the matter of the application of William Hooper,  
et al., for identification as Mississippi Choctaws, consoli-  
dating the records of :

William Hooper, et al.,	M.C.R.	2280
Mary E. Harmon et al.,	M.C.R.	4484
John Hooper,	M.C.R.	4485
Hattie Nelson,	M.C.R.	4486
Joseph Hooper,	M.C.R.	4596

-----  
List of papers forwarded to the Secretary of the Interior  
in the above case, together with the page occupied by each  
in said record.  
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	Page
Original application of William Hooper before the Dawes Commission for enrollment as a Choctaw citizen, taken during the month of September, 1899,	1
Original application of William Hooper, et al., before the Dawes Commission for enrollment as a Choctaw citizen, taken October 2, 1900,	2
Petition of William Hooper to the Dawes Commission,	4
Affidavit of Tom White	4 A
Affidavit of John Ross,	4 B
Affidavit of Annie E. Blackwell	4 C

	Page
Affidavit of Harriet White,	3
Affidavit of Zachariah Hooper,	5 A
Supplemental testimony given by William Hooper in the matter of his application for enrollment of himself and family as citizens of the Choctaw Nation taken before the Commission May 3, 1900,	6
Original application of William Hooper, et al., before the Dawes Commission for identification as Mississippi Choctaws	7
Petition of William Hooper to the Dawes Commission	11
Certified copy of the marriage record between William Hooper and Samantha Harmon	12
Affidavit of Thomas White	13
Affidavit of Wat Christie,	14
Original application of Mary E. Harmon et al., before the Dawes Commission for identification as Mississippi Choctaws,	18
Original application of John Hooper before the Dawes Commission for identification as a Mississippi Choctaw	22
Original application of Hattie Nelson before the Dawes Commission for identification as a Mississippi Choctaw	27
Original application of Joseph Hooper before the Dawes Commission for identification as a Mississippi Choctaw,	32
Written decision of the Commission refusing the applications of William Hooper, et al., for identification as Mississippi Choctaws	39

DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes.

----oOo----

In the matter of the application of William Hooper for the identification of himself and his minor children as Mississippi Choctaws.

---oOo---

The testimony and exhibits filed with the records of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of William Hooper and his minor children as citizens by blood of the Choctaw Nation.

Commission to the Five Civilized Tribes.

South Canadian, Indian Terr.

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

Q What is your name? A William Hooper.

Q How old are you? A Sixty-one.

Q You claim as a Choctaw? A Yes sir.

Q Where are you living? A I am living in the Creek Nation.

Q How long have you been living there? A About six years.

Q Where did you come from there? A From the Chickasaw Nation.

Q How long did you live in the Chickasaw Nation? A Six or seven years.

Q Where did you come from there? A I came from Alabama.

Q Did you come direct from Alabama to the Chickasaw Nation?

A Not exactly.

Q Where did you come from to the Chickasaw Nation? A From Missouri.

Q How long did you live in Missouri? A Only a few months.

Q Where did you come from to Missouri? A From the state of Ohio.

Q How long did you live in Ohio? A I disremember exactly.

Q About how long? A I expect about eighteen or nineteen years.

Q Your name is not on the Choctaw rolls in the Choctaw Nation?

A No sir.

Q Your father and mother's names are not on the Choctaw rolls here in the Choctaw Nation? A No sir.

Q Did you make application to the Dawes Commission in 1896?

A Yes sir .

Q And were refused? A Yes sir.

Com'r McKennon: That judgment is final against you.



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

. . . . .

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

M. D. Green.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., Oct. 2, 1900.

7-R-136.

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of William Hooper and his seven minor children and an application he makes on behalf of his wife, Mattie Hooper, as an intermarried citizen of the Choctaw Nation. William Hooper being first duly sworn by the Commission testified as follows:

Examination by the Commission:

- Q What is your name? A William Hooper.  
Q What is your age? A My age is 61. I think . Something near there.  
Q What is your post office address? A Muskogee.  
Q Are you a resident of Muskogee? A I live here, yes sir.  
Q You are making application for enrollment as a citizen by blood of the Choctaw Nation? A Yes sir.  
Q Do you apply for anyone besides yourself? A Only me and my family. My children and wife.  
Q What is the name of your wife? A Mattie Hooper.  
Q Where did you marry her? A I married her in Kansas.  
Q Under the laws of the state of Kansas? A Yes sir.  
Q What are the names and ages of your children for whom you make application? A Jesse Hooper.  
Q How old is Jesse? A I don't know his age. He is thirteen. I cant tell exactly. He is about eighteen.  
Q How old is Jesse? A He is eighteen.  
Q What is the name of the next one? A Evie Hooper.  
Q How old is Evie? A She's about twenty years old.  
Q What is the next one? A The next one is Fannie.  
Q How old is Fannie? A She is fourteen.  
Q What is the next one? A The next one is Logan.  
Q How old is Logan? A He is about sixteen years old.  
Q What is the next one? A James Hooper.  
Q How old is James? A He is twelve.  
Q The next one? A The next one is ten years old.  
Q What is the name? A A Jennie.  
Q The next one? A Charley, is seven.  
Q Is your name, the name of your wife, or the names of your seven minor children for whom you make application, on any of the tribal rolls of the Choctaw Nation? A No sir, not that I know of.

Tribal rolls of the Choctaw Nation in the possession of the Commission, examined and the names of noen of the applicants found thereon.

- Q Have you, your wife, or your seven minor children ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of the Choctaw Nation? A No sir.  
Q Were you, your wife or your children admitted to citizenship in the Choctaw Nation by this Commission under the act of Congress of June 10th, 1896? A Not that I know of. I never had no notice of it if there was.  
Q Did you make application in 1896? A Yes sir.

Records of the Commission of parties admitted to citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896, examined and the

William Hooper—2.

names of none of the applicants appear thereon.

Q Were you admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Indian Territory on appeal from the decision of the tribal authorities of the Choctaw Nation or the decision of this Commission? A No sir.

Record of persons admitted to citizenship in the Choctaw Nation by judgment of the United States Court, examined and the names of none of the applicant's found thereon.

Q Have you ever prior to this time made an application to this Commission for enrollment or citizenship as a Choctaw? A I have.

Q When? A Last year.

Q Where? A In the Choctaw Nation.

The records of the Commission examined and it appears that William Hooper made application to the Commission at South Canadian in the summer of 1899.

Q You will be permitted to make any statement you desire in regard to your case. A Well, I went before the Choctaw Council and they refused me because I didn't have a hundred dollars. I was in the Choctaw Nation and I put in farms down there and they didn't refuse me. I went before the Choctaw authorities and they refused me because I did not give them \$100.00 to put my claim in.

Q What is your claim? A I claim as a Choctaw Indian.

Q How do you claim? A My mother was a Choctaw.

Q Was she a recognized member of the Choctaw tribe of Indians?

A She was not that I know of.

Q Well, you are not are you? A No sir.

Q What is your claim then? A I claim that I am a Choctaw by blood.

Q That is the whole basis of your claim is it? Have you ever done anything toward having your right recognized? A Yes sir, I have.

Q What did you do? A I put in my papers here before the Dawes Commission when they were in the Choctaw Nation in 1886.

Q In 1886? A Yes sir.

Q The Dawes Commission was not in existence at that time?

A It was four or five years ago.

Q They were not in the Choctaw Nation then. They were sitting at Vinita for the purpose of admitting applicant's. We want to know what your claim is? A I can't tell you any more, only I claim I am a Choctaw by blood and I have a right to citizenship.

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 October, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes of said proceedings on said date.

(Signed) Myra Young.

Subscribed and sworn to before me this 3rd day of October, 1900.

(Signed) Guy L. V. Emerson.  
Notary Public.

Indian Territory \*  
United States of \*  
America. \*

TO THE DAWES COMMISSION TO THE FIVE CIVILIZED TRIBES, INDIAN  
TERRITORY:

The petition of Wm. Hooper, who is joined herein by his  
minor children to-wit:- Eva Hooper, Jesse Hooper, Logan Hooper,  
Fannie Hooper, James Hooper, Jennie Hooper and Charley Hooper,  
and also his wife Matty Hooper.

Your petitioners would respectfully show that he is a  
Choctaw by blood, that he now resides in the Indian Territory  
and has for many years prior to the filing of this application  
and he now appears before your Honorable body and ask that this  
application be heard, and that proof of the facts be heard and  
considered of the facts here in alleged and that their rights  
be granted them under the laws relating to Citizenship of  
the Five Civilized Tribes of the Indian Territory.

A F F I D A V I T .

Cherokee Nation \*

Ind. Ter. \*

SS.

BE IT REMEMBERED, That on this 15 day of July, 1896, Personally appeared before me Thomas White who is a reliable and creditable citizen of Flint District, Cherokee Nation, Indian Territory, and after being by me duly sworn according to law, deposeth and says that he is a resident of Flint District, Cherokee Nation, Indian Territory, that his age is 69 years, and his occupation that of a farmer, that he was well and personally acquainted with Harriett Turner in the old Cherokee Nation, State of North Carolina, and that the said Harriett Turner was a Choctaw Indian by blood, about one-half or more Choctaw by blood. Affiant makes this, his sworn statement, from his own personal knowledge and acquaintance with the aforesaid Harriet Turner family of N. C., and affiant further states that he is not directly or indirectly interested in the prosecution of the heirs of said Harriet Turner deceased, for citizenship in the Cherokee Nation, Indian Territory.

Tom           his  
                  X     White.  
                  mark

Sworn and subscribed to before me

Joseph T. Johnson,  
N. P.

Com. expires April 3, 1900, A.D.

This is to certify that the foregoing is a true and perfect copy of the original affidavit of Joseph T. Johnson. Witness my hand this 5th day of Sept. 1896.

J. C. B. Lindsey,

Notary Public.

A F F I D A V I T .

Cherokee Nation )  
Ind. Ter. ) SS.

BE IT REMEMBERED, That on this 17 day of July, 1896, Personally appeared before me John Rose who is a reliable and creditable citizen of Flint District, Cherokee Nation, Indian Territory, and after being by me duly sworn according to law, deposed and says that he is a resident of Flint District, Cherokee Nation, Indian Territory, that his age is 75 years, and his occupation that of a farmer, that he was well and personally acquainted with Harriet Turner, in the old Cherokee Nation, state of North Carolina, and that the said Harriet Turner was a Choctaw Indian by blood, about one-half or more Choctaw by blood. Affiant makes this, his sworn statement from his own personal knowledge and acquaintance with the aforesaid Harriet Turner family of N. C., and affiant further states that he is not directly or indirectly interested in the prosecution of the heirs of said Harriet Turner, deceased, for citizenship in the Cherokee Nation, Indian Territory.

his  
John X Rose .  
mark

Sworn and subscribed to before me

Joseph T. Johnson,  
N. P.  
Com. expires April 3,  
1900, A. D.

This is to certify that the foregoing is a true and perfect copy of the original this 5th day of Sept. 1896.

J. C. B. Lindsey,

Notary Public.

State of Ohio, )  
Lincoln Co. ) SS.

Before J. C. Boone a Notary Public within and  
for county and state aforesaid personally came Harriet White  
personally known to me to be the person she represents herself  
to be, and who under oath says; that her maiden name was Harriet  
Turner, that she was born at Plymouth, N. C. about 1820, her  
father was named James Turner, that her grandfather was a full  
blood Indian of the Choctaw tribe and that her people were named  
Turner, that she afterwards married Minor White, and that she  
has a son, Wm. Hooper, by her first husband, John Hooper, and  
that the Indian blood comes from her father's side.

Dated Sept. 24, 88, at Salem, Ohio.

Harriet            her  
                      X     White.  
                      mark

Attest

J. C. Boone

M. J. Lucas.

Sworn and subscribed to before me by the said Harriet Turner  
this 24 day of Sept. 1888.

J. C. Boone,

Notary Public.

This is to certify that the foregoing is a true copy of  
the original certificate of J. C. Boone, Notary Public, Sept.  
5, 1896.

J. C. B. Lindsey,

Notary Public.

A F F I D A V I T .

Indian Territory }  
Creek Country. } SS.

Be it Remembered, That on this 20 day of July 1896, Personally appeared before me, Annie E. Blackwell who is a reliable and creditable citizen of the County of Lincoln, State of Okla. Ter. and after being duly sworn according to law, deposeth and says: That she is a resident of the County of Lincoln, O. T., that her age is 48, occupation that of wife of farmer, that postoffice is Wright P.O., that she is personally and well acquainted, with Wm. Hooper, who is a son of John and Harriet Hooper, nee Turner, and grandson of Jas. Turner of N.C. and sometimes called Fox Turner, Great grandson of . . . Turner of N. C. at or near Gen. Portion. Affiant makes this her sworn statement from her own personal knowledge and acquaintance with the family.

Annie E. Blackwell.

Subscribed and sworn to before me a Notary Public  
this 20 day of July, 1896.

Z. T. Walrond,

N. P.

Term expires 97- 3- 30.

This is to certify that the foregoing is a true and perfect copy of the original affidavit of Annie E. Blackwell. Witness my hand this 5th day of Sept. 1896.

J. C. B. Lindsey,

Notary Public.



State of Kansas, )

Barber County. )

Before me a Notary Public for and in the  
Kiowa, State and County aforesaid

on this day personally appeared Zachariah Hooper, to me known

to be the person whose name is here to attached and to me known  
to be a credible person and by me being duly sworn to true  
answers make to such questions as may be asked up on oath an-  
swers as follows to-wit:-

What is your name? Zachariah Hooper.

What is your age? A Fifty, seven (57)

Are you personally acquainted with Wm. Hooper? Yes.

How long have you known him? Fifty years.

Did or, do you know his parents? Yes.

What is their nationality? His mother Plymouth North Carolina.

What tribe of Indians were they? On mother side Choctaw Indians.

How long has he resided in the I. T.? about 18 years.

Was you personally acquainted with his parents? Yes.

Which one was Choctaw? His mother was Choctaw Indian.

Do you know where he was borne, if so where? Benton County  
Alabama.

Is there anything else you know of the blood of Wm. Hooper, and  
of their relation to and connection with the Choctaw Indians;  
if any of them ever taken the advantage of the treaty of 1830;  
if so, what and all about it?

I remember hearing mother talk about the Choctaw and Cherokee  
Indians but cannot recall what it was. I dont know about the  
treaty of 1830.

(Signed) Zachariah Hooper.

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

(Signed) Wm. F. Smith,

Notary Public.

Commission expires Dec.30<sup>th</sup>, 1901.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., MAY 3, 1901.

7-R-136.

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation, of William Hooper and his seven minor children, and the application he makes on behalf of his wife Mattie Hooper, as an intermarried citizen of the Choctaw Nation.

William Hooper, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A My name is William Hooper.  
Q What is your age? A My age is about 62 years old. Born in 1839.  
Q What is your post office? A Muskogee.  
Q Indian Territory? A Yes sir.  
Q Are you a resident of the Creek Nation? A Yes sir, I live here in Muskogee.  
Q Did you, during the month of September, 1899, at South Canadian, Indian Territory, and again on October 2, 1900, appear before the Commission at Muskogee, Indian Territory, and make application for enrollment of yourself, your children and your wife as citizens by blood of the Choctaw Nation?  
A Yes sir.  
Q You now desire to offer additional testimony in support of your application? A Yes sir.  
Q Make the statement just as you want to have it made.  
A My father's name is John L. Hooper, a half breed Cherokee. My mother's name was Harriett Turner, maiden name, and John L. Hooper's wife. In or about 1835, about that time, they moved from the old Cherokee country to Mississippi, and with her father, James Turner, sometimes called "Fox" Turner, whose father's name and great grandfather's name was Turner, they all moved to Mississippi together, and moved from Mississippi to Alabama. I do not know how long they lived in Mississippi, but I was born in Alabama. They were full blood Choctaws, my mother and grandfather and great grandfather, and my father was a half breed Cherokee.

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Kate De Bord, being first duly affirmed, states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled and numbered cause on the 3rd day of May, 1901, and that the above and foregoing is a full, true and correct transcript of all proceedings had in said cause on said date.

(Signed) Kate De Bord.

Subscribed and affirmed to before me this 14th day of May, 1901.

(Signed) Benjamin Martin, Jr.  
Notary Public.

(SEAL).

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I. T. May 24, 1901.

42200.

In the matter of the application of William Hooper for the identification of himself and his minor children as Mississippi Choctaws. William Hooper having been first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William Hooper.  
Q What is your age? A Sixty-two.  
Q What is your post-office address? A Muskogee, Indian Territory.  
Q How long have you lived there? A Bout eight years.  
Q Where did you live before you lived there? A Wynnewood, Chackasaw Nation, I.T.  
Q How long have you lived in the Indian Territory? A About fourteen years.  
Q Where did you live before you came to the Territory? A Fort Scott, Kansas.  
Q How long did you live at Ft. Scott? A I lived in Kansas about seventeen or eighteen years I came out there in '69.  
Q Where did you live before you moved to Kansas? A I was born and raised in Alabama.  
Q Where did you come from to Kansas in '69? A From Brown County, Ohio.  
Q How long were you in Ohio? A About ten or fifteen years.  
Q Where did you go from to Ohio? A From Alabama; and then I came from Ohio to Kansas.  
Q And where did you go from to Alabama? A I was born in Alabama.  
Q How old were you when you left Alabama and went to Ohio? A About thirteen years old-more than that.  
Q You yourself, never lived in Mississippi? A No.  
Q What is your father's name? A John L. Hooper.  
Q Is he living? A No.  
Q What is your mother's name? A Harriet Hooper.  
Q Is she living? A No.  
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 about 3/4 Indian, not all Choctaw.  
Q How much Choctaw blood? A I guess about two quarters-a half.  
Q Was your mother a full-blood? A Yes, and my father was half white and a half Cherokee; my mother was a full blood Choctaw.  
Q Could your mother talk Choctaw? A She could not- she got mixed up with the whites so that she did not talk it to the children.  
Q Are you sure your mother was a full-blood? A Yes, I know.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A I don't know that she was but hears that she was.  
Q Here in the Territory? A No, in Mississippi.  
Q Are you married? A Yes.  
Q What is your wife's name? A Mary S. Hooper.  
Q Do you make any claim for her? A Yes.  
Q What do you claim for her? A As Choctaw Indian.  
Q Is she a Choctaw Indian? A No, by marriage.  
Q When were you married to her? A I was married in '72 or '73.  
Q What is your wife's age? A Forty-eight or forty-nine.  
Q What was her father's name? A John Harmon.  
Q Is he living? A No.

2---William Hooper

- Q What is her mother's name? A I just can't tell you what her mother's name is.
- Q Is she living? A No.
- Q Her parents were both, white people and made no claim to Indian blood? A Yes.
- Q Have you any children in your family under twenty-one years of age and unmarried for whom you wish to make application? A Yes.
- Q Give their names and ages? A I did not come prepared; I forget them just- well, Eva Hooper, about twenty; Jesse (boy), about seventeen, I think; Logan Hooper, about fifteen; Fannie Hooper, thirteen; Jimmie Hooper, twelve; Jennie Hooper, ten; and Charlie Hooper, eight.
- Q Is that all? A Yes.
- Q These are all your children? A Yes.
- Q What is their mother's name? A Mary Samantha Hooper.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.
- Q Have you your marriage license and certificate and do you desire to offer same in evidence? A I think they got burned up; I could get them.

It will be necessary that the Commission be supplied with evidence of your marriage to your wife in support of this application on behalf of her and your children.

- Q Is your name, or the names of your children or wife, on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No.
- Q Have you ever made application either for yourself, your wife or children, to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A I came before Alington Telle and Captain Standly--
- Q They were not the Choctaw citizenship Commission at that time were they? A I think Mr. Telle was because I was sent to him.
- Q Didn't you just come to secure his, their services as attorneys in order to present your case before the Council? A I did that with Capt. Standly.
- Q You did not make any application to the Choctaw tribal authorities to the Council? A I thought that he was- I intended--
- Q Then you did not apply to the Choctaw Council? A I did not then, no.
- Q Did you or any one for you or your wife or children, 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 Yes.
- Q What was done with that application? A Well, it came back to me, the Commission filed- they was Cherokees- that's what they told me in Muskogee.
- Q They filed your application as a Mississippi Choctaw in with Cherokee papers? A They made some mistake.
- Q Well, did the Commission take any action in your application for citizenship as Choctaw Indians? A No.
- Q Have you or your wife or children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.
- Q Have you ever made application prior to this time for yourself or them to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A Yes.
- Q You applied to the commission in 1896 for citizenship as a Choctaw by blood? A Yes.
- Q Did you apply to the Commission in '96 for citizenship in the Cherokee Nation? A At the same time, yes.
- Q What was done with that application? A Judge Springer threwed us out.

3---William Hooper

- Q The Commission refused your application and you took it to the United States Court and they refused it? A The United States Court said I slept on my rights.
- Q Have you ever, since that time, made application--? A Yes.
- Q When? A Last August; sometime either in August or September.
- Q Of last year? A Yes.
- Q Where? A Muskogee.
- Q How did you apply there? A As Choctaw by blood.
- Q Did not you state before this examination began that you appeared before the Commission at South Canadian? A Yes.
- Q When was that? A In August, the last time they met in the Choctaw nation.
- Q About how many years ago? A Two, I think.
- Q How did you apply then? A I didn't apply then, they refused, wouldn't examine my papers.
- Q Is it now your purpose to make application for identification as Mississippi Choctaws? A Yes.
- Q Do you claim your rights as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Yes.
- Q Do you understand that article of that treaty? A I think I do.
- Q Have you ever received any benefits as a Choctaw Indian? A I have not but my people has.
- Q Your ancestors, have they--? A Yes.
- Q What was the name of your ancestor or ancestors who were residents of the old Choctaw nation in Mississippi or Alabama and recognized members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit creek was entered into between the United States and the Choctaw tribe of Indians? A James Turner; sometime called "Fox"; my mother's father.
- Q Have you any evidence showing that such ancestor was a recognized member of the Choctaw tribe of Indians there at that time? A I can get them.
- Q Did this ancestor if a Choctaw Indian remove from the territory occupied by the old Choctaw nation in Mississippi or Alabama to the present Choctaw nation in the Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A He died in Mississippi.
- Q If he did not remove with the other members of the tribe did he, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw tribe in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A He took his land there and his oath of allegiance to the United States.
- Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No.
- Q Didn't you just say a moment ago that your grand-father received land there? A Yes but I didn't; yes, he got land there.
- Q Your grand-father did? A Yes.
- Q Do you know where that land is? A I don't know just whether it is at Holly Springs or Pontotoc; they used to talk of them places considerable- come there and visit us.
- Q What became of that land? A I don't know since the war.
- Q Are there any additional statements you desire to make in support of this application? A I wish to withdraw my application as a Choctaw and file the papers, that is now filed in Mississippi, as Mississippi Choctaw.
- Q You wish to withdraw your application for identification as a Choctaw by blood and have the papers filed in that case transferred to this application which you are making now for identification as a Mississippi Choctaw? A Yes.
- Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830,

er that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty?  
A I have none now, think I can get them if you give me time.

~~Thirty days time from the date hereof is allowed applicant in which to file such additional evidence as he may desire in support of his application.~~

The decision of the Commission as to your application for identification as Mississippi Choctaws of yourself and your minor children and of your wife as an inter-married Mississippi Choctaw will be determined at the earliest possible date, and report of same made to the Secretary of the Interior, conformable to the provisions of the 21st. Section of the Act of Congress of June 28, 1893, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

(applicant apparently a white man.)

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on May 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 15 day of July 1901.

*A. H. Linebaugh*

Notary Public.

705070

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

FILED

JUL 7 1901



ACTING CHAIRMAN.

705070

I, Kate De Bord, stenographer to the Commission to the Five Civilized Tribes, being first duly affirmed do certify that the above and foregoing eleven pages are a true and correct copy of the originals on file in the office of the Commission to the Five Civilized Tribes in the matter of the application of William Hooper, et al, for enrollment as citizens of the Choctaw Nation.

Muskogee, Indian Territory, June 4, 1901.

Kate De Bord.

Subscribed and affirmed to before me this 4th day of June, 1901.

J. Dodson  
Notary Public.



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

In the matter of the application of William Hooper for the enrollment of himself and his children, Jessie Hooper, Logan Hooper, Fannie Hooper, James Hooper, Jennie Hooper, Charley Hooper, and Mattie Hooper, as citizens by blood, and for the enrollment of his wife, Evie Hooper, as a citizen by intermarriage, of the Choctaw Nation.

D e c i s i o n .

The applicant, William Hooper, appeared before the Commission at South Canadian, Indian Territory, during the month of September, 1899, and again on October 2, 1900, appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his children, Jessie Hooper, Logan Hooper, Fannie Hooper, James Hooper, Jennie Hooper, Charley Hooper, and Mattie Hooper, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Evie Hooper, as a citizen by intermarriage of the Choctaw Nation.

It appears from an examination of the records in the possession of the Commission, and the evidence in this case, that the names of the applicants have never been on the tribal rolls of the Choctaw Nation; and it does not appear that they have ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation. It further appears from said records and evidence, that the said applicants have never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the Act of Congress of June 10, 1896; or by the United States Court in Indian Territory, on appeal from the decision of the tribal authorities, or the decision of the Commission. And it further appears that the said Evie Hooper, who claims the right to enrollment as an intermarried citizen of the Choctaw Nation, has never been married to a recognized citizen of the Choctaw Nation under Choctaw law, as provided by the laws of said Nation.

Therefore, the application which William Hooper makes for the enrollment of himself and his children, Jessie Hooper, Logan Hooper,

Fannie Hooper, James Hooper, Jennie Hooper, Charley Hooper, and Mattie Hooper, as citizens of the Choctaw Nation by blood, and for the enrollment of his wife, Evie Hooper as a citizen by intermarriage of the Choctaw Nation, is hereby refused.

The Commission to the Five Civilized Tribes,

Acting Chairman.

Muskogee, Indian Territory,

This the \_\_\_\_\_ day of \_\_\_\_\_, 1901.

W. J.  
C. r. W.  
W. J. C. S.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

William Hooper, et al.,	M.C.R. 2280
Mary E. Harmon, et al.,	M.C.R. 4484
John Hooper,	M.C.R. 4485
Hattie Nelson,	M.C.R. 4486
Joseph Hooper,	M.C.R. 4596

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

In the matter of the application of William Hooper for the identification of himself and his seven minor children, Eva, Jesse, Logan, Fannie, Jimmie, Jennie and Charlie Hooper, as Mississippi Choctaws, and for the identification of his wife Mary Samantha Hooper, as an intermarried Mississippi Choctaw, taken at Atoka, Indian Territory, May 24, 1901.

In the matter of the application of Mary E. Harmon for the identification of herself and her minor child Edna May Thompson,

as Mississippi Choctaws, taken at Muskogee, Indian Territory, January 11, 1902.

In the matter of the application of John Hooper for the identification of himself as a Mississippi Choctaw, taken at Muskogee, Indian Territory, January 11, 1902

In the matter of the application of Hattie Nelson for the identification of herself as a Mississippi Choctaw, taken at Muskogee, Indian Territory, January 11, 1902.

In the matter of the application of Joseph Hooper for the identification of himself as a Mississippi Choctaw, taken at Muskogee, Indian Territory, January 30, 1902

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 William Hooper, et al., that in the month of September, 1899, the said William Hooper appeared before the Commission at South Canadian, Indian Territory, and there made personal application for the enrollment of himself as a Choctaw citizen by blood, and that then and there the Commission rendered an oral decision refusing the application he had made, for the reason that he had appeared before the Commission to the Five Civilized Tribes in 1896, and applied for admission to citizenship under the act of June 10, 1896, which application was, by said Commission, rejected. There is nothing in the oral decision so rendered which tends to show in what nation the said William Hooper applied for admission to citizenship in 1896, and subsequently on October 2, 1900, the said William Hooper appeared before the

Commission to the Five Civilized Tribes at Muskogee, Indian Territory and there made personal application for the enrollment of himself and his seven minor children, Jesse, Evie, Fannie, Logan, James, Jennie and Charley Hooper, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife Mattie Hooper, as an intermarried citizen of the Choctaw Nation, and subsequently, on May 24, 1901, the said William Hooper appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of himself and his seven minor children, Eva, Jesse, Logan, Fannie, Jimmie, Jennie and Charlie Hooper as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek," and for the identification of his wife, Mary Samantha Hooper, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Harriet Turner, an alleged full blood Choctaw woman who married John L. Hooper, who was possessed of one half Cherokee and one half white blood, and who are the parents of this applicant.

The record in this case further shows that the applicant William Hooper and his seven minor children and his wife, 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.

The evidence offered in support of this application aside from the oral statements of the principal applicant as made by him at the making of his several applications, embraces the certified copies of the ex parte affidavits of Tom White, John Ross, Annie E. Blackwell and Harriet White, the ex parte affidavit of Zachariah Hooper, the certified copy of the marriage record between William Hooper and Samantha Harmon, and the ex parte affidavit of Thomas White and Wat Christie. By the oral statement of the principal applicant as given by him at the making of his original application for identification as a Mississippi Choctaw, it is attempted to be shown that he was born in the state of Alabama in about the year 1839 and that for about fourteen years prior to the making of said original application, he had been a resident of the Indian Territory and is an one half blood Choctaw. He attempts to trace his alleged Choctaw descent from his mother to his maternal grandfather, James Turner, who, he alleges, was sometimes called "Fox" Turner, and was a resident of the old Choctaw Nation in Mississippi and Alabama in the year 1830, and who he claims, took land in the state of Mississippi and became a citizen of the United States. There is nothing in the statement of the principal applicant which tends to show that his alleged Choctaw grandfather, James or "Fox" Turner became possessed of land in Mississippi as a beneficiary under article fourteen of the treaty of 1830, neither is there anything in his testimony which tends to show that his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in Mississippi as members of the Choctaw tribe of Indians in that state

On June 18, 1901, the principal applicant herein filed with the Commission a petition, asking that the applications made by him before the Commission at South Canadian, Indian Territory in September 1899, and at Muskogee, Indian Territory on October 2, 1900, be dismissed, and that the evidence offered in support of said applications be made a part of his application for the identification of himself and family as Mississippi Choctaws, which motion was accordingly granted, and the evidence so made a part of his application for identification as a Mississippi Choctaw, consists of his own oral statements and the certified copies of the ex parte affidavits of Tom White, John Ross, Annie E. Blackwell and Harriet White and the ex parte affidavit of Zachariah Hooper which is interrogatory in form, and by the said evidence it is attempted to be shown that the principal applicant herein derived his alleged Choctaw blood from his mother, Harriet Turner, who was the daughter of James Turner, sometimes called "Fox" Turner. All the evidence so submitted tends to show that the mother and grandfather of the principal applicant herein were residents of the Cherokee Nation in the state of North Carolina, and there is nothing in any of the testimony submitted, except that of the principal applicant himself, which tends to show that they ever resided in the state of Mississippi. Particular attention is called to the certified copy of the ex parte affidavit of Harriet White (who is the mother of the principal applicant) wherein she states that she was born at Plymouth, North Carolina, about 1820, and that her father was named James Turner. In the supplemental testimony of the principal applicant herein given before the Commission at Muskogee, Indian Territory May 3, 1901, the following statement is made by the said

William Hooper: "My father's name is John L. Hooper, a half breed Cherokee. My mother's name was Harriet Turner, maiden name, and John L. Hooper's wife". In or about 1835, about that time, they moved from the old Cherokee country to Mississippi and with her father James Turner, sometimes called "Fox" whose father's name and great grandfather's name was Turner. They all moved to Mississippi together and moved from Mississippi to Alabama." There is nothing in any of the testimony herein submitted which tends to show that the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in 1830, or that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. The additional documentary evidence introduced directly in support of the application of William Hooper for identification as a Mississippi Choctaw consists of a certified copy of the marriage certificate between himself and Samantha Harmon and the ex parte affidavits of Thomas White and Wat Christie. By the ex parte affidavits referred to it is simply attempted to be shown that affiants were acquainted with one James or "Fox" Turner in the old Choctaw Nation in Mississippi, and that he was a full blood Choctaw, but there is nothing in either of said affidavits which tends to show the relationship of the said James Turner to the principal applicant herein, neither is it shown by said affidavits that James or "Fox" Turner whom the affiants knew in Mississippi was recognized by the Choctaw tribal authorities as a member of the Choctaw tribe of Indians in Mississippi, nor is it shown when he resided in Mississippi, or that he 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, Samantha Harmon for whom he makes application as an intermarried Mississippi Choctaw, and of the legitimacy of the issue of said marriage.

The next in order of the above applications is that of Mary E. Harmon, et al., and the record therein shows that on January 11, 1902, the said Mary E. Harmon appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of herself and her minor child, Edna May Thompson 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 William Hooper, an alleged one half blood Choctaw, who married Mattie Hooper (Samantha), a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant Mary E. Harmon 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 only evidence offered in this application is the unsupported oral statement of the principal applicant, wherein she claims to have been born in the state of Kansas in about the year 1879, and to be an one quarter blood Choctaw. There is nothing to show that the applicant has ever resided in the Indian Territory. She attempts to trace her alleged Choctaw descent through her father to her grandmother, Harriet Hooper, nee Turner and to her great grandfather James Turner, sometimes called "Fox" Turner. She alleges that her grandmother and her great grandfather were both full blood Choctaws, and that her grandmother was married and the head of a family in 1830, and a recognized member of the Choctaw tribe of Indians in Mississippi in that year. It appears from the applicant's testimony that at the date of the making of her application she was married to one Jacob Harmon, but that prior to her marriage to her present husband she was married to one Henry Thompson, who is the father of the minor child for whom she makes application.

The next in order of the above applications is that of John Hooper, and the record therein shows that on January 11, 1902, the said John Hooper appeared before the Commission at Muskogee, 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 William Hooper, an alleged three quarter blood Choctaw who

married Samantha Hooper, a white woman, and who are the parents of this applicant.

The record in this case further shows that the applicant John Hooper 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 principal applicant, wherein he attempts to show that he was born in the state of Kansas in about the year 1873 and that for eight or ten years prior to the making of his original application has been a resident of the Creek Nation Indian Territory, and is a three eighths blood Choctaw. He attempts to trace his alleged Choctaw descent from his father to his grandmother Harriet Turner and to his great grandfather James or Fox Turner and he alleges that his grandmother and great grandfather were full blood Choctaws and that Harriet Turner was married and the head of a family in 1830, but there is nothing to show that any of her alleged Choctaw ancestors were ever residents of the state of Mississippi and recognized 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.

The next in order of the above applications is that of Hattie Nelson, and the record therein shows that on January 11, 1902,

the said Hattie Nelson appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." She claims descent from William Hooper, an alleged three quarter blood Choctaw, who married Samantha Hooper, a white woman, and who are the parents of this applicant.

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

The only evidence offered in this application is the unsupported oral statement of the principal applicant, wherein she attempts to show that she was born in the state of Kansas in about the year 1878, and for sixteen years prior to the making of her original application had been a resident of the Indian Territory, but had never resided in th Choctaw Nation, and that she is a three eighths blood Choctaw. She attempts to trace her alleged Choctaw descent through her father to her grandmother, Harriet Turner and her great grandfather, James Turner, and she alleges that

the said Harriet Turner and James Turner were full blood Choctaws. There is nothing in the applicant's statement which tends to show that any of her alleged Choctaw ancestors were ever residents of the state of Mississippi and the e recognized 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 last in order of the above applications is that of Joseph Hooper, and the record therein shows that on January 30, 1902 the said Joseph Hooper appeared before the Commission at Muskogee, 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 William Hooper, an alleged Choctaw Indian, (degree of blood not given) who married Samantha Hooper a white woman, and who are the parents of this applicant.

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

The only evidence offered in this application is the

unsupported oral statement of the applicant, wherein he attempts to show that he was born in about the year 1874 in the state of Kansas, and that he has resided in the Indian Territory since 1886 and is an one quarter blood Choctaw. He attempts to trace his alleged Choctaw descent through his father to his grandmother, Harriet Turner, and to his great grandfather James or Fox Turner and he alleges that his grandmother and his great grandfather were full blood Choctaws and that they resided in the state of Mississippi, but there is nothing in his statement which tends to show when his alleged Choctaw ancestors resided in Mississippi or that they were ever recognized by the Choctaw tribal authorities 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 does not appear from an examination of the records in the possession of the Commission of those persons who did comply or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, that any person bearing the names as borne by the alleged Choctaw ancestors of the several applicants, ever signified their intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen or presented their claims as beneficiaries under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842, for the adjudication of such claims.

The Commission in view of the fact that the several applicants in this group of consolidated cases, have had sufficient time allowed them in which to present their testimony, considers these cases as closed, and the evidence submitted in them consists of the oral statements of the several applicants and the documentary

evidence submitted at the making of their original applications. By the evidence so submitted it is attempted to be shown that William Hooper, the principal applicant in this group of consolidated cases is the father of all the principal applicants in the applications consolidated with the application of the said William Hooper, and they they derive their Choctaw blood from one Harriet Hooper, (nee Turner) who was the mother of William Hooper, and that the said Harriet Hooper (nee Turner) was the daughter of one James Turner, sometimes called "Fox" Turner and that the said Harriet Hooper and James Turner were full Blood Choctaw Indians.

From a careful consideration of all the testimony herein, it would appear that the applicants are either woefully ignorant of their line of descent, or that they have willfully perjured themselves in regard to their said line of descent. The certified copy of the affidavit of Harriet White, whose name was Harriet Hooper prior to her marriage to White, and who is the mother of William Hooper the principal applicant herein, shows that she was born in Plymouth, North Carolina in about the year 1820 and from the oral statement of the applicant William Hooper, as made by him on May 3, 1901, it appears that his mother was married in the old Cherokee country to John Hooper, and that in the year 1835 she moved with her husband and with her father James or Fox Turner, to the state of Mississippi, and from the certified copies of the ex parte affidavits of Tom White, John Ross and Annie E. Blackwell, it appears that the old Cherokee Nation in which Harriet Hooper (nee Turner) resided, was in the state of North Carolina. From this testimony it would appear that the mother of William Hooper was ten years of age in 1830 and that not until the year 1835 did she ever

reside in the state of Mississippi, but in the applications made by Mary E. Harmon and John Hooper, the principal applicants therein make the positive statement that they claim to derive their Choctaw blood from Harriet Hooper, who they allege, was their grandmother, and a full blood Choctaw Indian, and who was married and the head of a family and residing in the old Choctaw Nation in Mississippi and Alabama in the year 1830, It is further apparent from the testimony of the principal applicant in the applications of Mary E. Harmon, John Hooper and Hattie Nelson, that the said principal applicants have willfully attempted to mislead the Commission, as will appear from the following question and answer, which is identical in each of the said three cases: "Have you ever made application prior to this time, to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation? Answer. No sir." While from the records of the Commission to the Five Civilized Tribes it appears that on October 4, 1900, application was made by John Hooper and Hattie Nelson, and on October 18, 1900, application was made by Mary Thompson (Name borne by the applicant Mary E. Harmon prior to her marriage to her husband Jacob Harmon) to the Commission to the Five Civilized Tribes at Muskogee, Indian Territory for enrollment as Choctaw citizens by blood, and that on October 20, 1900, in the applications of John Hooper and Hattie Nelson, and on November 20, 1900, in the application of Mary Thompson, their applications were denied by the Commission, in accordance with the act of Congress of May 31, 1900 (31 Stats. 321.) And on December 3, 1900, the records theretofore made in the said applications were forwarded to the Secretary of the Interior for his review, and on April 1,



1901, and September 13, 1901, the action of the Commission to the Five Civilized Tribes in said applications was approved by the Secretary of the Interior. It also appears from the records of the Commission that the principal applicant herein, William Hooper, on his own behalf, and on behalf of his minor children herein applied for, and his wife Samantha Hooper and his brother Zachariah Hooper and his sister Annie M. Blackwell (nee Hooper) filed with the Commission to the Five Civilized Tribes on September 8, 1896, an application for citizenship by blood and intermarriage in the Cherokee Nation, and that the answer of the Cherokee Nation was duly filed, and said petition was denied by the Commission to the Five Civilized Tribes, whereupon appeal was taken to the United States Court for the Northern District, Indian Territory ( U.S. Court case No. 89) and that the decision of the Commission was, by said Court, sustained.

As appears from the records of the Commission these applicants have endeavored in every way possible to have themselves enrolled as members either of the Choctaw or Cherokee tribes of Indians, having first made application for admission to Cherokee citizenship in 1896 and in 1899 made applications for enrollment as Choctaw citizens, and in 1900 they again made application for enrollment as Choctaw citizens and being denied in each of the said applications they now appear as applicants before this Commission for identification as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830 and complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek". The proof submitted by them in support of their last application is more or less conflicting and as before stated, part of it is

absolutely unreliable, but from the testimony of the principal applicant in this group of consolidated cases, and by the ex parte affidavit made by his mother, it would appear that the alleged Choctaw ancestors from from these several applicants claim their right to identification, were residents of the old Cherokee Nation in North Carolina from at least the year 1820 until the year 1865, at which time they removed to the state of Mississippi, if they ever previously resided there, which makes it conclusive in the mind of the Commission that the alleged Choctaw ancestors of these applicants could not have been recognized members of the Choctaw tribe of Indians and residents of the state of Mississippi at the conclusion of the treaty of "Dancing Rabbit Creek," and have complied or attempted to comply with the provisions of article fourteen of said treaty. The statement made by some of the principal applicants herein that their alleged Choctaw ancestors took land in Mississippi and became citizens of the United States, is unsupported by any documentary evidence such as deeds or patents, and no attempt seems to have been made to produce such documentary evidence.

The authority vested in the Commission by the twentyfirst section of the act of Congress of June 25, 1898, is as follows:

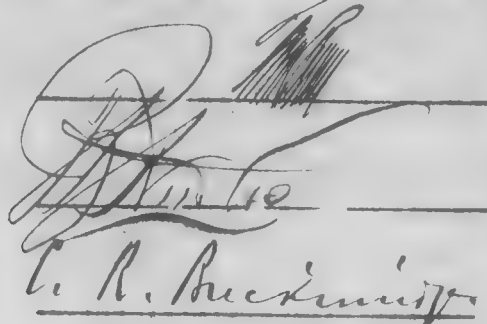
"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer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

Eva Hooper, Jesse Hooper, Logan Hooper, Fannie Hooper, Jimmie Hooper, Jennie Hooper, Charlie Hooper, Mary E. Harmon, Edna May Thompson, John Hooper, Hattie Nelson and Joseph Hooper, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted and that the application for their identification as such should be refused, and it is so ordered.

It is 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 William Hooper for the identification of his wife, Mary Samantha Hooper as an intermarried Mississippi Choctaw, should therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES



The block contains two handwritten signatures in cursive script, each written over a horizontal line. The signature on the left is more fluid and larger, while the one on the right is more compact. Below the lines, the name 'C. R. Buckmaster' is printed in a serif font.

Commissioners

Muskogee, Indian Territory

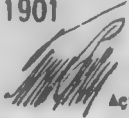
MAR 3 1902

one S.

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

**FILED**

JUN 5 1901



ACTING CHAIRMAN

*Copy.*

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY. )

-----  
In the matter of the application for enrollment of himself and family as members of the Choctaw Tribe of Indians, made before the Honorable Commission to the Five Civilized Tribes at South Canadian, Indian Territory, in September, 1899, and again at Muskogee, Indian Territory, October 2nd, 1900, the applicant now being desirous to change his application above mentioned, which he does hereby abandon and dismiss.  
-----

Your petitioner has made application to the Honorable Commission at Atoka, Indian Territory ( May 24th, 1901. ) for the identification of himself and his family as Mississippi Choctaws, and asks that the testimony now on file in Muskogee in the application for identification as Choctaw Indians, above mentioned, the same herein dismissed, be made to apply to his claim and that of his family for identification as Mississippi Choctaws.

William Hooper.

Attest.

W. L. Lester,

May 28th, 1901.

*Original filed in office of Commission to the Five Civilized Tribes in the matter of the application for enrollment as citizens by blood of the Choctaw Nation of William Hooper et al.*

*7-R-136.*

Muskogee, Indian Territory, October 29 1900.

William Hooper,

Muskogee, Indian Territory.

Dear Sir:

The Commission is in receipt of the deposition of Zachariah Hooper, offered by you for filing in the matter of your application for enrollment as a citizen of the Choctaw Nation and the same has been duly filed with the records of this Commission.

Yours truly,

Acting Chairman.

7-R-136

Muskogee, Indian Territory, May 27, 1901.

Mr. William Hooper,

Muskogee, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of May 14, in which you ask to have a correction made in your testimony, and state that you intended to make this change before you left the stand, but forgot it. You are advised that your letter has been filed with the other records in this case.

Yours truly,

Acting Chairman.

Atoka, Indian Territory, June 1, 1901.

Honorable Tans Bixby,

Muskogee, Indian Territory,

Dear Sir:

There is inclosed herewith the original testimony in the matter of the application of William Hooper et al. for identification as Mississippi Choctaws. This applicant appeared before the Commission at Atoka, Indian Territory, May 24, 1901. It appears from his testimony at that time that he applied to the Commission in 1896 both for Choctaw and Cherokee citizenship, but he states that his application as a Choctaw never reached the Commission, or was never acted on, but that his application as a Cherokee was rejected and appealed to the United States Court and the decision of the Commission sustained by Judge Springer. He further states in his testimony that he appeared before the Commission at South Canadian about two years ago to make application for enrollment as a Choctaw by blood, but he states that he was not permitted to make application. He says that he appeared before the Commission in August last and applied for enrollment as a Choctaw by blood. All the court records and the Choctaw indexes being at Muskogee, there was no way to verify these statements. He now desires to withdraw his application for enrollment as a Choctaw by blood, and to have the papers transferred to this case. He told us when he was here that he would send in a petition to this effect, to the office at Muskogee, as soon as he



T.B. 2

returned home. He also makes the same request in this application. The testimony is forwarded to you, for such action as is deemed proper.

Yours truly,

Inclosure

*McR 2280.*

Muskogee, Indian Territory, June 3, 1901.

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

Gentlemen:

Please examine the records of the applications for citizenship in the Cherokee Nation heard by the Commission under the act of Congress of June 10, 1896 in the case of William Hooper et. al vs the Cherokee Nation and inform this office of the number of this case.

It appears from the index in this office that the case entitled William Hooper et. al vs the Cherokee Nation is in 1896 Citizenship Docket B, page 181.

Also a statement as to the action taken by the Commission in this case and if appealed, the action on appeal. The same is for use in the Choctaw-Chickasaw Division in the matter of the application of William Hooper et. al for enrollment as citizens of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-R-136

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

ALLISON L. AVLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 4, 1901.

Mr. C. H. Sawyer,  
Atoka, Indian Territory.

Dear Sir:

Replying to your letter of the 1st of June, 1901, relative to the application of William Hooper et. al for identification as Mississippi Choctaws, M. C. R-2280.

In your letter you enclose a copy of the testimony of Mr. Hooper at the time of his personal appearance at Atoka, Indian Territory, May 24, 1901 and in your letter you call attention to the fact that such testimony states that in 1896 he applied to the Commission to the Five Civilized Tribes for citizenship in the Cherokee Nation.

Upon an examination of the records of applications filed in 1896, I find that William Hooper et. al did file an application for citizenship in the Cherokee Nation but as such records are now with the Cherokee party at Chelsea, I have written them requesting a statement as to this application. The same will be forwarded to your office when received here.

Mr. Hooper further states in his testimony that he appeared before the Commission at South McAlester about two years ago and made application for enrollment as a Choctaw by blood and that he subsequently made an application at Muskogee in August, 1900.

Our records show that a William Hooper, evidently this applicant, did at South Canadian, Indian Territory in 1899 make

C H S 2

application for enrollment as a citizen of the Choctaw Nation and which application he subsequently renewed on behalf of himself and his eight minor children before the Commission at Muskogee, Indian Territory, October 2, 1900, and that again on May 3, 1901, he appeared before the Commission for the purpose of making an additional statement in behalf of the application made for the enrollment of himself and children as citizens by blood of the Choctaw Nation.

I note from the testimony of Mr. Hooper that in reply to the question as to whether there was any additional statement he desired to make in support of his application he said, "I wish to withdraw my application as a Choctaw and file the papers that is now filed as Mississippi Choctaws". And in response to the question of the Commission as to the withdrawal of his application for enrollment as a citizen by blood and his desire to file the papers submitted in that application as part of the application he now makes for identification as a Mississippi Choctaw, his answer is in the affirmative.

While it is impossible for the Commission to permit the withdrawal of such papers as have been filed in the previous application of Mr. Hooper for the enrollment of himself and family as citizens by blood of the Choctaw Nation, it is deemed advisable in conformity with his request to allow the introduction of a copy of such record as a part of his application for the identification of himself and family as Mississippi Choctaws. There is accordingly enclosed you herewith a copy of all the testimony and exhibits on file with this office in the matter of the application of William

CHS 3

Hooper et. al for enrollment as citizens by blood of the Choctaw Nation. You will mark the same filed and make it a part of the record in the matter of the application of William Hooper et. al for identification as Mississippi Choctaws.

The original testimony forwarded in your letter of June 1, 1901, is also returned to you.

Yours truly,

Acting Chairman.

Enc 1

7-R-136

*Answered # J. 7.1901  
C.P.*

Muskogee, Indian Territory, June 5, 1901.

Mr. C. H. Sawyer,

Atoka, Indian Territory.

Dear Sir:

I enclose you herewith a copy of the petition of William Hooper, praying that the testimony now on file with the records of the Commission in the matter of his application for the enrollment of himself and his family as members of the Choctaw Tribe of Indians be withdrawn from such files and transferred to and made a part of the record in the matter of the application for the identification of himself and his family as Mississippi Choctaws.

The original petition submitted by William Hooper has been filed with the records in the matter of his application for enrollment of himself and children as citizens of the Choctaw Nation and you will file the copy transmitted you herewith as part of the record in the matter of the application for the identification of himself and family as Mississippi Choctaws.

I transmitted you yesterday a certified copy of all the testimony and exhibits on file in this office in the matter of the applications for enrollment as citizens by blood of the Choctaw Nation of William Hooper et. al.

Yours truly,

Enc 5

Acting Chairman.

7- r 136

Muskogee, Indian Territory, June 8, 1901.

William Hooper,

Muskogee, Indian Territory.

Dear Sir:

The Commission is in receipt of your motion of the 28th of May, in which you pray that the testimony and exhibits now on file with the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, in the matter of the application for the enrollment of yourself and family as citizens by blood of the Choctaw Tribe of Indians be withdrawn from such files and transferred to and made a part of the application for the identification of yourself and your children as Mississippi Choctaws, the application for the identification of yourself and your children as Mississippi Choctaws having been made before the Commission to the Five Civilized Tribes at Atoka, Indian Territory, May 24, 1901.

The Commission cannot grant your petition for the withdrawal of the original records in the matter of the application for the enrollment of yourself and children as citizens by blood of the Choctaw Nation but has had prepared a certified copy of all the original testimony and exhibits in such application and has filed the same as a part of the original application made by you at Atoka, Indian Territory for the identification of yourself and your children as Mississippi Choctaws.

The original petition has been filed in the matter of

W H 2th

the application for the enrollment of yourself and children as citizens by blood of the Choctaw Nation and a copy thereof has been filed and made a part of the record in the matter of the application of yourself and children for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

V-R-136.

M. C. R-



Muskogee, Indian Territory, June 12, 1901.

Mr. William Hooper,

Muskogee, Indian Territory,

Dear Sir:

The Commission is in receipt of certified copy of marriage certificate between William Hooper and Samantha Harmon, and the same has been made a part of the record in your application for the identification of yourself and your minor children as Mississippi Choctaws, and for the identification of your wife, Mary S. Hooper, as an intermarried Mississippi Choctaw. It is presumed that Mary S. Hooper is Samantha Hooper.

Yours truly,

Muskogee, Indian Territory, June 17, 1901.

Mr. William Hooper,

Muskogee, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of June 14, inclosing affidavits of Wat Christie and Thomas White, which you ask to have filed in support of your application for the identification of yourself and family as Mississippi Choctaws. The same have been duly made a part of the record in this case.

Yours truly,

MC 2280

Acting Chairman.

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

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,  
SECRETARY

Nowata, Indian Territory, June 17th, 1901.

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

Gentlemen:—

We are in receipt of your letter of the 12th instant with reference to the application made by William Hooper for citizenship in the Cherokee Nation under the provisions of the Act of Congress approved June 10th, 1896.

In reply you are advised that the Citizenship Docket B, page 81, #4050 shows that William Hooper filed an application for enrollment September 8th, 1896; that the answer of the Cherokee Nation was filed thereto and the application of William Hooper for citizenship in the Cherokee Nation denied at Vinita October 29th, 1896. An appeal was taken from this decision to the United States Court where the judgment of the Commission was sustained; Court case #89.

It also appears from Citizenship Docket A, page 232, #1470 that one William Hooper filed an application for citizenship in the Cherokee Nation September 8th, 1896; that the answer of the Nation was filed thereto and the application of the said William

2280  
INDEXED

COMMISSION TO FIVE TRIBES.			
No.	Received	ANSWERED	
		Book	Page
1901	JUN 19 19		

Needles, Hon. T. B.

June 17/01

Nowata, I. T.

ack. receipt of letter of June 10<sup>th</sup>  
& giving information regarding  
application for citizenship of  
an Cherokee Nation of  
William Cooper

Hooper was denied October 26th, 1896 at Vinita. From this decision an appeal was taken to the United States Court where the Judgment of the Commission, rejecting the application of William Hooper, was sustained; Court case #89.

Very respectfully

  
Commissioner.

Maskogee, Indian Territory, September 26, 1901.

Mr. William Hooper,

Hartshorne,

Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 18th, in which you state that your Post Office address in future will be Hartshorne, Indian Territory.

This change has been made a matter of record.

Yours truly,

M. C. 2280.

COPY.

-MCR-2280-

Muskogee, Indian Territory, March 3, 1902.

Mr. William Hooper,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 3rd day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Hooper, et al., embracing the following applications for identification as Mississippi Choctaws:

William Hooper, et al.,	M.C.R. 2280;
Mary E. Harmon, et al.,	M.C.R. 4484;
John Hooper,	M.C.R. 4485;
Hattie Nelson,	M.C.R. 4486;
Joseph Hooper,	M.C.R. 4586.

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

W. H., 2.

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

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William Hooper, Eva Hooper, Jesse Hooper, Logan Hooper, Fannie Hooper, Jimmie Hooper, Jennie Hooper, Charlie Hooper, Mary E. Harmon, Edna May Thompson, John Hooper, Hattie Nelson, and Joseph Hooper as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by William Hooper for the identification of his wife, Mary Samantha Hooper, 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,

*James D. Roy*

Commissioner in Charge.

Registered.



COPY.

-MOR-2280-

Muskogee, Indian Territory, March 3, 1902.

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

Gentlemen:-

You are hereby advised that on the 3rd day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Hooper, et al., embracing the following applications for identification as Mississippi Choctaws:

William Hooper, et al.,	M.C.R. 2280;
Mary E. Harmon, et al.,	M.C.R. 4484;
John Hooper,	M.C.R. 4485;
Hattie Nelson,	M.C.R. 4486;
Joseph Hooper,	M.C.R. 4596.

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

M., M. & C., 2.

end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William Hooper, Eva Hooper, Jesse Hooper, Logan Hooper, Fannie Hooper, Jimmie Hooper, Jennie Hooper, Charlie Hooper, Mary E. Harmon, Edna May Thompson, John Hooper, Hattie Nelson, and Joseph Hooper as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by William Hooper for the identification of his wife, Mary Samantha Hooper, 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,

Wm. S. Swope. (LLA)

SENIOR CHAIRMAN  
Commissioner in Charge.

Registered .

COPY.

-MCR-2280-

Muskogee, Indian Territory, March 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William Hooper, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 3, 1902.

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

William Hooper, et al.,	M.C.R. 2280;
Mary E. Harmon, et al.,	M.C.R. 4484;
John Hooper,	M.C.R. 4485;
Hattie Nelson,	M.C.R. 4486;
Joseph Hooper,	M.C.R. 4596.

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,  
*Jame Dixby*  
(SIGNED) ACTING CHAIRMAN  
Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.

M C R 2280

Muskogee, Indian Territory, April 29, 1902.

William Hooper,

Hartshorne, I. T.

Dear Sir-

You are hereby advised that on the 19th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Hooper, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge.

K C R 2280

Muskogee, Indian Territory, April 29, 1902.

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

Gentlemen-

You are hereby advised that on the 19th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Hooper, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, April 30, 1902.

Zach Hooper,

Kiowa, Kansas,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 26, in which you give the names of your ancestors and state that you desire to establish your right in the Choctaw Nation. You ask what proof will be necessary and what will be the cost of making application. You also state that your brother William Hooper has already made an application and ask if he has been enrolled.

In reply to your letter you are advised that it appears from our records that William Hooper, son of John L. Hooper and Harriet Hooper, applied to this Commission for the identification of himself and his family as Mississippi Choctaws. On March 3, 1902, the Commission rendered a decision refusing the application for identification as Mississippi Choctaws of the persons above named, together with the other applicants claiming through Harriet Hooper and her father, James Turner, and on that date the several applicants were notified of this decision and the record in the case was transmitted to the Secretary of the Interior. On April 19, 1902, the action of the Commission in refusing the above named applications

was approved by the Secretary of the Interior, and the decision of the commission in this case became final.

If you still desire, however, to present an application for identification as a Mississippi Choctaw, claiming rights in the Choctaw lands under the fourteenth article of the treaty of 1830, you will be heard upon your personal appearance at the office of the Commission at Muskogee, Indian Territory, at which time a proper record will be made of your case.

The fourteenth article of the treaty of 1830, above referred to, is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty; and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parents. If they reside upon said 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 makes no charge for the hearing of applications for identification as Mississippi Choctaws, and it is suggested that if you anticipate making such an application you should do so as early as practicable.

Yours truly,

Commissioner in Charge.

C

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

*Consolidated Case of*

*William Hooper et al*

*McR 2280*



700  
COPY.

DEPARTMENT OF THE INTERIOR.

Land  
19653--1902.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on March 3, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application for identification as Mississippi Choctaws of the following named persons, to wit:

William Hooper, et al.,  
Mary E. Harmon, et al.,  
John Hooper,  
Hattie Nelson,  
Joseph Hooper.

The Commission found that none of the parties were entitled to be identified and notified them on March 3, 1902.

A careful examination of the records of this office fails to show that any of the ancestors, claimed by the persons who are applicants herein to have received the benefits of the 14th article of the treaty of Dancing Rabbit Creek, are shown to be 14th article Choctaws. It is therefore respectfully recommended that the Commission be advised that its decision is affirmed.

Very respectfully,  
Your obedient servant,

A. C. Tonner,

Acting Commissioner.

W.C.V.(S)

*m R 2280*

## DEPARTMENT OF THE INTERIOR

WASHINGTON.

R.

I.T.D. 2442-1902  
File 896-1898.

April 19, 1902.

L.R.S.

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

Gentlemen-

On March 3, 1902, you transmitted the record in the consolidated case of the following mentioned applicants for identification as Mississippi Choctaws, viz:

William Hooper, et al.,  
Mary E. Harmon et al.,  
John Hooper,  
Hattie Nelson,  
Joseph Hooper.

It appears from the testimony that all the applicants attempt to trace their alleged Choctaw descent through William Hooper, the principal applicant, to Harriet Hooper, nee Turner, who was the mother of William Hooper; that Harriet Hooper was the daughter of James Turner, sometimes called "Fox" Turner, and that both she and her father were full-blood Choctaw Indians

You state in your decision of March 3, 1902, rejecting said applicants, that there is nothing in the records in the possession of your Commission or in the evidence submitted tending to show that either Harriet Hooper, or James Turner, or any other of the alleged ancestors of the applicants, 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 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 of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513), for the adjudication of such claims. See opinion of the Assistant Attorney General of December 3, 1901, approved by the Department?

You further state that it is the opinion of the Commission that under the provision of law no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by William Hooper for the identification of his wife, Mary Samantha Hooper, as an intermarried Choctaw, should be refused.

The Acting Commissioner of Indian Affairs, forwarding the papers in the case on April 16, 1902, states that an examination of the records of the Indian Office fails to show that any of the <sup>Choctaw</sup> alleged ancestors of the applicants ever received the benefits of the said 14th article of the treaty of 1830, and he recommends that your decision be affirmed.

The Department concurs in said recommendation, and your decision in rejecting said applications is accordingly affirmed.

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

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

EMD

M C R 2277

Muskogee, Indian Territory, November 26, 1904.

McRae & Tompkins,  
Attorneys at Law,  
Prescott, Arkansas.

Gentlemen:

Your brief in the Mississippi Choctaw case of Samuel B. Gee, et al., which was received at this office today, is herewith returned for your signature. After you have signed the same return it to this office with as little delay as possible.

Respectfully,

Commissioner in Charge.

McM 20

D 261-1909

M C R 2280

Muskogee, Oklahoma, July 9, 1909.

Subject:  
Case of Joseph Button  
Hooper and William  
Hooper.

The Honorable,

Commissioner of Indian Affairs,

Sir:

I have the honor to acknowledge receipt of Indian Office letter of June 28, 1909 (Land 44124, 49122-1909. R T B ) with which were inclosed letters from Messrs. Green & Green, of Cleveland, Ohio, letters dated June 5, and June 22, 1909, for investigation and reports as to whether any land of William Hooper or Joseph Button Hooper was taken for townsite purposes at Haleyville, and what the records of this office show as to a card said to have been lost by Joseph Button Hooper.

Messrs. Green and Green state in their letters that Joseph Button Hooper claims to be an Eastern Cherokee and reporting in this matter I have the honor to advise that it does not appear from the records of this office that any person by the name of William Hooper or Joseph Button Hooper was an applicant for enrollment as a citizen of the Cherokee Nation. Inasmuch, however, as Haleyville is located in the Choctaw Nation, the records of applicants in the Choctaw and Chickasaw Nations have also been examined

and it appears therefrom that one William Hooper and his son, Joseph Hooper, were applicants for identification as Mississippi Choctaws in the consolidated Mississippi Choctaw case of William Hooper, et al. and that the Commission to the Five Civilized Tribes, on March 3, 1902, refused to identify these applicants as Mississippi Choctaws; on the same date the record and decision were forwarded the Department and on April 19, 1902 this action was approved by the Secretary of the Interior. The parties in interest in this case were notified of Departmental action on April 29, 1902.

These applicants for identification as Mississippi Choctaws having been refused by the Commission and that action approved by the Secretary of the Interior no allotments of land were made to them and it would not appear, therefore, that any land to which they had a lawful claim could have been taken for townsite purposes for the town of Haileyville.

It is impracticable to state definitely that the William Hooper and Joseph Hooper above referred to are identical with the William and Joseph Button Hooper referred to in the communications of Messrs. Green & Green, and it is not known what they mean by the "lost card" referred to by them.

The letters of Messrs. Green & Green, inclosed with Indian Office communication, are herewith returned.

Respectfully,

AB  
M C R 2280

Commissioner.

CHEROKEE NATION

SEX

YEAR

DISTRICT

No.

SLAVE OF

NAME OF FATHER

TRIBAL ENROLLMENT

REFER TO M. C. R. 2280

*William Hooper et al*

*Consolidated Case*

James Turner full blood  
Choctaw,  
Called "Fox"



Marriet Turner full blood,  
Choctaw,  
married  
John L Hooper 1/2 white  
1/2 Cherokee

mlb R  
4480  
William Hooper 62 1/2  
wife  
Mary J Hooper, white,  
ne Harmon  
clarinet for wife

Zachariah Hooper  
Annie E Blackwell  
ne Hooper

mlb R  
4485  
John Hooper 29 3/8

mlb R  
4486  
Joseph Hooper 27 1/4

mlb R  
4486  
Nathie Hooper 24 3/8  
married  
Chris Nelson

mlb R  
4484  
Mary E Hooper 23 1/4  
married  
First, Henry Thompson, divorced  
Second, Jacob Harmon

mlb R  
4484  
Edna May Thompson 2

- mlb R  
4480  
Eva Hooper 20
- "  
Jessie Hooper 17
- "  
Logan Hooper 15
- "  
Fannie Hooper 13
- "  
Jimmie Hooper 12
- "  
Jennie Hooper 10
- "  
Charley Hooper 8



William Hooper. 61  
Mustrogee, Ind. Ter.

WIFE: Mattie Hooper.

Children.

Jessie Hooper 18

Evie " " 20

Fannie " " 14

Logan " " 16

James " " 12

Jenni " " 10

Charley " " 7

For Identification as a Mississippi Choctaw.

Date MAY 24 1901

Name William Hooper

Age 62 Blood 1/2

Post Office. Muskogee, S. F.

Father: John L. Hooper (dead)

Mother: Harriet Hooper "

Claims through mother

Wife: Mary D. Hooper 48

Father: John Harmon (dead)

Mother — Harmon "

Claims for himself and 7 minor children and for wife as inter-married.

Eva Hooper	20
Jesse Hooper	17
Logan Hooper	15
Fannie Hooper	13
Jimmie Hooper	12
Jennie Hooper	10
Charley Hooper	8

Stenographer

Henry S. Hains

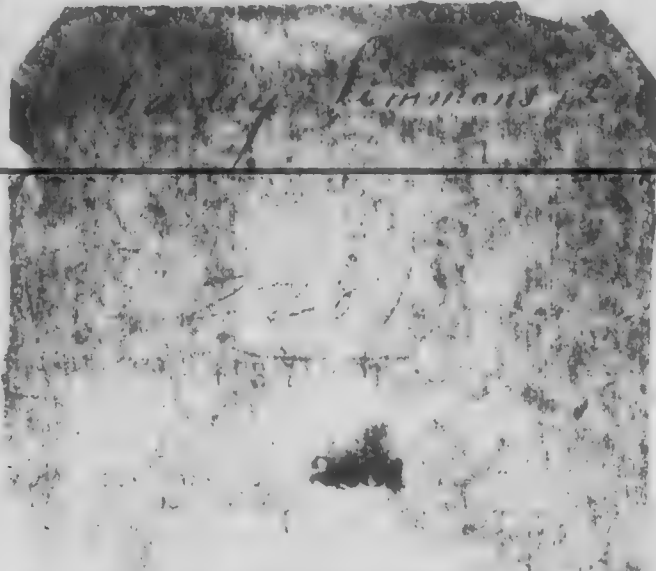
Choctaw MCR 2281

Charley Simmons

MCR 2281

MISS.-CHOCTAW  
ENROLLMENT

2281



COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1965

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Charley Simmons,  
et al., for identification as Mississippi Choctaws, M.C.R. 2281.

I N D E X

Original appli ation of Charley Simmons, et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Decision of the Commission identifying Charley Simmons, et al., as Mississippi Choctaws	4

227

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Decatur, Mississippi, May 15, 1901.

In the matter of the application of Charley Simmons for the identification of himself and six minor children as Mississippi Choctaws.

Charley Simmons, having been first duly sworn, upon his oath states as follows: (Indian McDonald, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Charley Simmons.  
Q What is your age? A Forty.  
Q What is your post office address? A Decatur.  
Q How long have you lived in Newton County? A I have lived everywhere.  
Q You have always lived in Mississippi? A Yes.  
Q What is your father's name? A Isaac Fish.  
Q Is he a full blood? A Yes.  
Q Is he living? A No, dead.  
Q What is your mother's name? A I don't recollect my mother; I was little when she died.  
Q It would be Fish? A Yes.  
Q She was a full blood? A Yes.  
Q You are a full blood? A Yes.  
Q You claim through both parents? A Yes.  
Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians, by the Choctaw tribal authorities, or by the authorities of the United States? A I don't know.  
Q What was your wife's name? A Sarah.  
Q She is dead? A Yes.  
Q Was she a full blood? A Yes.  
Q What is your oldest child's name? A Leona, Robert, Maggie, King, Pigfoot and Mamie.  
Q How old is Leona? A 16.  
Q And Robert? A 9 years old.  
Q And Maggie? A 8.  
Q King? A 6.  
Q Pigfoot? A 3.  
Q And Mamie? A Eight months old.  
Q Is your name, or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.  
Q Have you ever made application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No.  
Q Did you, or any one for you, or for your children, 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 made application before this time either for yourself or these children, either to the Choctaw tribal authorities or to the authorities of the United States, either to be admitted or enrolled as citizens of the Choctaw Nation? A Yes, Dansby made application for me two years ago.

Charley Simons, et al., #2.

The records of the Commission show that on ~~JANUARY~~ February 9, 1899, application was made for this applicant, his wife, Sarah, and children, Leona, Robert, Maggie, King, and Pigfoot Simons, for identification as Mississippi Choctaws their names appearing upon Mississippi Choctaw Card, Field Number 510; also, upon page 105 of the Schedule of Mississippi Choctaws, which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians, residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Numbers 1844, 1845, 1846, 1847, 1848, 1849 and 1850, respectively, thereon.

- Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A Yes.
- Q Do you claim your rights as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A Yes.
- Q Have you ever received any benefits as a Choctaw Indian, or have any of your ancestors ever received any? A No sir.
- Q What is the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi in 1830, when the Treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A I don't know.
- Q Did any of your ancestors, if Choctaw Indians, remove from Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the main part of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your ancestors, within six months after the ratification of the Treaty of Dancing Rabbit Creek, signify to the United States Indian Agent of the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A I don't know.
- Q Have 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 Dancing Rabbit Creek? A I don't know.
- Q Are there any additional statements you desire to make in support of your application? A No.
- Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers, showing that any of your ancestors were, in 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied with the provisions of the Fourteenth Article of the Treaty of 1830, or ever received any benefits under that article of that treaty? A No.

(This applicant has ever appearance and characteristic of a full blood Indian. He speaks the Choctaw language, and has a little knowledge of the English language, his examination having been conducted through the medium of a sworn Choctaw interpreter.)

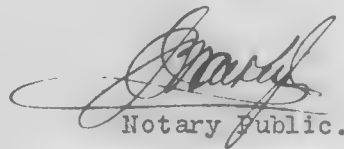
Charley Simmons, et al., #3.

The decision of the Commission as to the application you make at this time for the identification of yourself and minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of the same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 15th day of May, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings upon said date.



Subscribed and sworn to before me at Meridian, Mississippi,  
this 22nd day of June, 1901.



Notary Public.



*Over.*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Charley Simmons,  
et al., for identification as Mississippi Choctaws, M.C.R. 2281

-----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 May 15, 1901, by Charley Simmons for himself and his six minor children, Leona, Robert, Maggie, King, Pigfoot and Manie Simmons 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 Charley Simmons, Leona Simmons, Robert Simmons, Maggie Simmons, King Simmons, Pigfoot Simmons and Mamie Simmons 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.

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 a copy of the decision of the Commission rendered February 14, 1903, identifying Charley Simmons, and minor children Leona Simmons, Robert Simmons, Maggie Simmons, King Simmons, Pig-foot Simmons and Mamie Simmons as Mississippi Choctaw Indians under 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 Charley Simmons and 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,

*Tams Dixby.*

Acting Chairman.

Register.  
GR-encl-21-19.

COPY.

Muskogee, Indian Territory, March 11, 1903.

Charley Simmons,

Doctatur, 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, Leona Simmons, Robert Simmons, Maggie Simmons, King Simmons, Bigfoot Simmons and Mamie Simmons, 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,

*Tavis Bixby.*  
Chairman.

Registered.

Enc.: 2281.

M C R 1571  
M C R 2281

Muskogee, Indian Territory, May 23, 1903.

W. H. Gallaspy,  
Sterrett, 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 Mamie 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 15, 1901, Charley Simmons made application to this Commission for the identification of himself and minor children, Leona, Robert, Maggie, King, Pig-foot and Mamie 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 11, 1903.

Respectfully,

Chairman.

M.C.R. 2281

Muskogee, Indian Territory, August 21, 1903.

William Postoak,  
Care of T. A. Bounds,  
Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 3, asking to be advised how you may secure allotment of land for your wife's brother and sister, who are orphans living with you.

In reply to your letter your attention is invited to section 2 of the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations, copy of which is herewith enclosed you.

Respectfully,

Enclosure:  
Rules for allotments.

Commissioner in Charge.

Muskogee, Indian Territory, August 27, 1903.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby notified that the following notations have this day been made upon identified Mississippi Choctaw cards Numbers 89 and 187, and the information is furnished your office in order that you make corresponding notations upon your records.

Card No. 187:

SETTLEMENT ADDRESS "Kiowa, I.T."

DATE OF PROOF OF SETTLEMENT "August 7, 1903."

Card No. 89:

"SETTLEMENT ADDRESS OF nO. 2, Kiowa, I.T."

"DATE OF PROOF OF SETTLEMENT of No. 2, August 7, 1903."

Respectfully,

Chairman.

M.C.R.2281

Muskogee, Indian Territory, April 20, 1904.

J. E. Whithead,

Attorney-at-Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you ask if the names of Robert, Maggie, Cain, Mamie, Charlie and Pigfoot Simmons, have been approved by the Secretary of the Interior as Mississippi Choctaws.

In reply to your letter you are informed that on February 14, 1903, the Commission rendered a decision identifying Charley, Loona, Robert, Maggie, King, Pigfoot and Marie Simmons as full-blood Mississippi Choctaws.

You are further advised that these names appear upon a schedule of duly identified Mississippi Choctaws approved by the Secretary of the Interior April 7, 1903.

Respectfully,

Chairman.



Muskegee, Indian Territory, August 26, 1904.

W. H. Callaspy,  
Hickory, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you state that Albert Simon, a Mississippi Choctaw, has a small child that Charley Simmons gave him when it was an infant two or three days old. You ask to be advised as to how you shall proceed to get an allotment for this child.

In reply you are advised that if you will state the child's full name, the time and place application was made for its identification as a Mississippi Choctaw and the full names of its parents, your communication will then receive further consideration. However, if no application has ever been made for this child, 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

V H C 2

any person for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

M C R 2281  
M C R 1919

Muskogee, Indian Territory, April 11, 1905.

William Post Oak,  
Kiowa, Indian Territory.

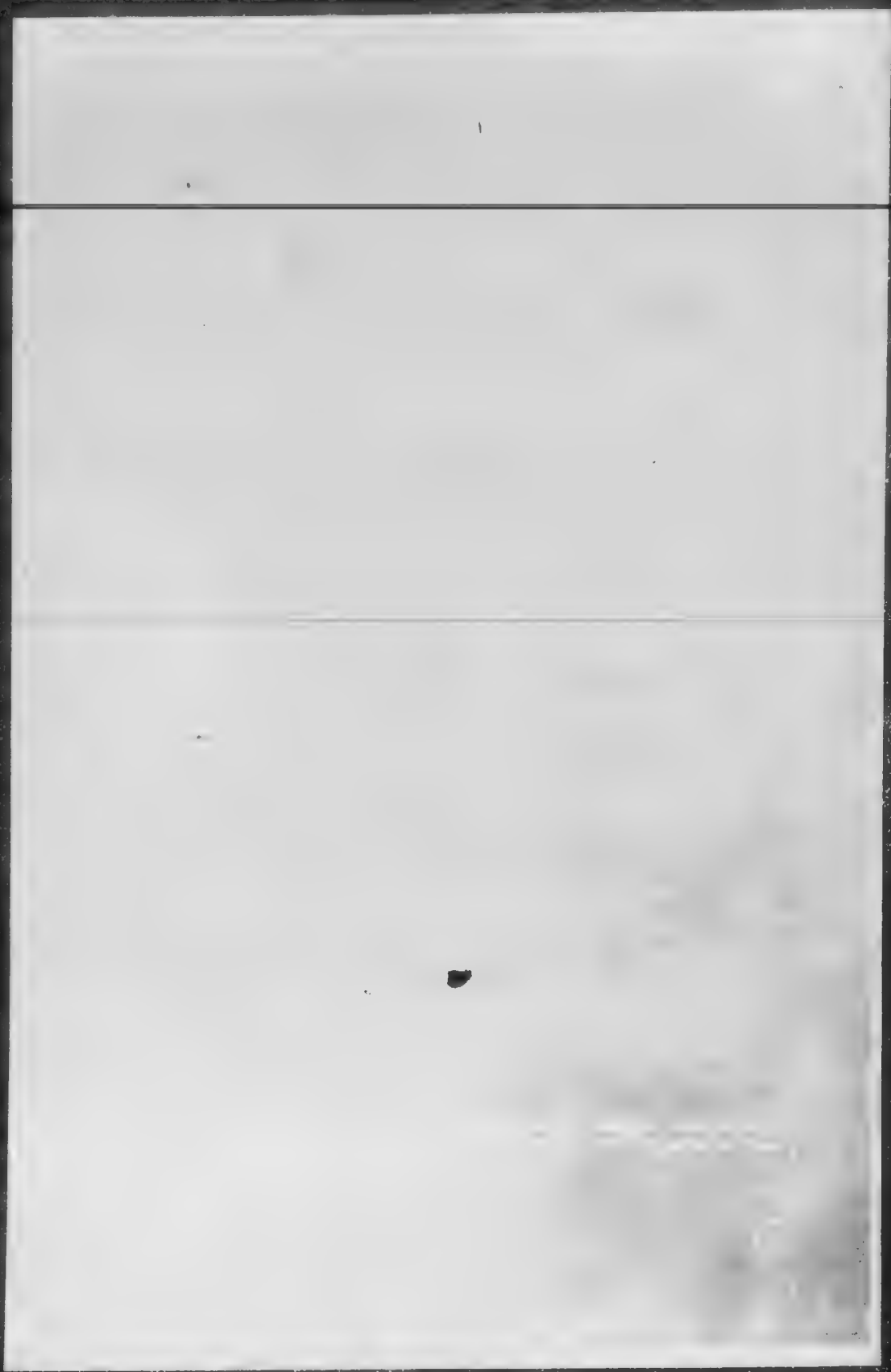
Dear Sir:

Receipt is hereby acknowledged of the application for the enrollment of Geames Post Oak, infant son of William and Leona Post Oak, born April 18, 1904, as a citizen of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

023



W. W. W.

Note on card and roll &

the same for Johnson, p. 100

W. W. W.

45756

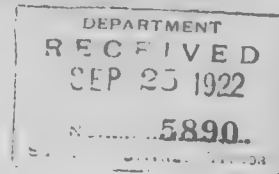
5-1100

REFER IN REPLY TO THE FOLLOWING:

ADDRESS ONLY THE  
COMMISSIONER OF INDIAN AFFAIRS

DEPARTMENT OF THE INTERIOR

Land-Probate-FCT  
100245-09 OFFICE OF INDIAN AFFAIRS  
71264-22  
O'N WASHINGTON



SEP 22 1922

Mr. Victor M. Locke, jr.,  
Supt., Five Civilized Tribes.

My dear Mr. Locke:

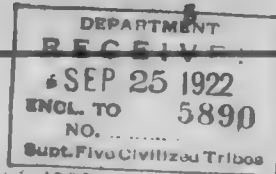
Referring to your report of September 1, 1922, there is transmitted herewith carbon of letter dated September 21, 1922, approved the same date, indicating the action taken relative to the allotment of land to Pigfoot Simmons, who was enrolled opposite No. 195 on the approved roll of Mississippi Choctaws. You will make the notation indicated in the letter on the approved Mississippi Choctaw rolls in your possession.

Very truly yours,

  
Assistant Commissioner.

Carbon to E. O. Clark,  
Choctaw Tribal Att'y,  
Stigler, Oklahoma.

Land-Pro. PCT  
100245-09  
71264 -22  
O'B



SEP 21 1922

The Honorable

The Secretary of the Interior.

Sir:

Transmitted herewith is report of the Superintendent for the Five Civilized Tribes of September 1, 1922, relative to the land allotment of Bigfoot Simmons. He was enrolled opposite No. 195 on the approved roll of Mississippi Choctaws. The record herewith shows that said Bigfoot Simmons was not entitled to allotment as indicated above for the reason that the law relative to said land allotment had not been complied with. In view of the Superintendent's report and the record in the case, it is respectfully recommended that the following notation be placed opposite the name of said Bigfoot Simmons on the approved roll of Mississippi Choctaws opposite No. 195 and that the Superintendent for the Five Civilized Tribes be instructed to place the same notation on the approved Mississippi Choctaws roll in his possession, to wit:

Not entitled to allotment of land because of failure of continuous bona fide residence in the Choctaw-Chickasaw Country as required by Sections 42 and 44 of the Act of July 1, 1902 (32 Stat. L., 641-651).

Respectfully,



Assistant Commissioner.

Approved: SEP 21 1922

(Signed) J. W. Goodwin.

Assistant Secretary.



# 646

No. 291

For Identification as a Mississippi Choctaw.

Date NOV 15 1901

Name Chailey Simmons.

Age ~~38~~ 40 - Blood full

Post Office, Vocaatur, Miss

Father: Isaac Fish, f.b. d

Mother: — Fish f.b. d

Claims through both parents  
wife Sarah f.b. d

Claims for self  
and children -

Children.

Leona	16
Robert	9
Maggie	8
King	6
Pig. foot,	3
Marnie	8 m.

See McCord, Fred No. 510.

Stenographer R. S. Street

Choctaw MCR 2282

Booth Lewis

MCR 2282

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The within record is in the matter  
of the application of Booth Lewis, et al., for identification  
as Mississippi Choctaws,  
M.C.R. 2282

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Booth Lewis, et al., for identification as Mississippi Choctaws, M.C.R. 2282.

I N D E X

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Decision of the Commission identifying Booth Lewis, et al., as Mississippi Choctaws	4.

2292

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Bogalusa, Mississippi, May 15, 1901.

In the matter of the application of Booth Lewis for the identification of himself, his wife and four minor children as Mississippi Choctaws.

Booth Lewis, having been first duly sworn, upon his oath states, as follows: (Indian McDonald, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Booth Lewis.  
Q What is your age? A Forty four.  
Q What is your post office address A Cooksey, Mississippi.  
Q How long have you lived in Newton County A About twenty five years.  
Q Where did you live before you lived in Newton County? A Meshoba.  
Q Were you born in Meshoba? A Yes.  
Q Never lived out of Mississippi? A No.  
Q What is your father's name? A Lewis.  
Q Do you know his first name? A Just Lewis.  
Q Was he a full blood? A Yes.  
Q Is he living? A Yes.  
Q What is your mother's name? A Sina.  
Q Full blood? A Yes.  
Q Living? A Yes.  
Q Are you a full blood? A Yes.  
Q Do you claim your Choctaw blood through both your father and mother? A Yes.  
Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States?  
A No.  
Q Are you married? A Yes.  
Q What is your wife's name? A Martha.  
Q Is she a full blood? A Yes.  
Q Is she living? A Yes.  
Q What is her age? A About forty I expect.  
Q You gave her age as thirty two, two years ago; she would be about thirty four wouldn't she now? A Yes, about thirty four.  
Q What is your wife's father's name? A Isaac.  
Q What other name? A Isaac Lewis.  
Q Full blood? A Yes.  
Q Is she living? A Yes.  
Q What is your wife's mother's name? A I don't know.  
Q Is she living? A No.  
Q Was she a full blood? A Yes.  
Q Do you claim for your wife? Martha? A Yes.  
Q You claim her to be a full blood through both her father and mother? A Yes.  
Q Were either of your wife's parents ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or by the authorities of the United States? A I don't know.  
Q Have you any children under twenty one years of age and unmarried

for whom you wish to make application? A Yes, four.

Q What are their names and ages? A Lucy.

Q How old is Lucy? A Next March will be 17.

Q The next one? A Annie, 15 years old.

Q The next? A Maggie, 13 years old.

Q The next? A Jesse, 12 years old.

Q Is Martha the mother of all these children? A Yes.

Q Are you the father? A Yes.

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

Q When were you married to her? A Nineteen or twenty years maybe.

Q Were you married under a license or according to the Choctaw custom? A Choctaw custom.

Q Is your name the name of your wife or any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory?

A No sir.

Q Did you ever make application for yourself, your wife or any of your children to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No.

Q Did you, or any one for you, or for your wife and children, in 1898, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No.

Q Have you, your wife or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No.

Q Have you ever made application for yourself, your wife or children to either the Choctaw tribal authorities, or to the authorities to the United States to be admitted or enrolled as citizens of the Choctaw Nation? A Yes.

The records of the Commission show that on February 6, 1899, this applicant appeared before the Commission at Decatur, Mississippi, and made application for the identification of himself, his wife, Martha and his children, Lucy, Annie, Maggie and Jesse as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 340; also, upon page 80 of the Schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Numbers 1201, 1202, 1203, 1204, 1205 and 1206, respectively, thereon.

Q Do you now make application for the identification of yourself, your wife and children as Mississippi Choctaws? A Yes sir.

Q Do you claim your rights as beneficiaries under the provisions of the Fourteenth Article of the Treaty of 1830? A Yes sir.

Q Did you or your wife, or children, or your wife's ancestors or your ancestors ever receive any benefits as Choctaw Indians? A I don't know.

Q What is the name of your ancestors or ancestors, who were residents of the old Choctaw Nation in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made? A I don't know.

Q Did any of your ancestors or any of your wife's ancestors, within six months after the ratification of the Treaty of Dancing Rabbit

Booth Williams, et al., #3.

Creek, signify to the United States Indian Agent for the Choctaws here in Mississippi, their intention to remain in Mississippi, and become citizens of the United States? A I don't know.

Q Did any of your ancestors, or any of your wife's ancestors 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 main part of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of your ancestors or any of your wife's ancestors ever claim or receive any land here in Mississippi, as beneficiaries under the provisions of the Fourteenth Article of the Treaty of 1830? A I don't know.

Q Are there any additional statements you desire to make in support of this application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors were, in 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that they ever complied or attempted to comply with the provisions of the Fourteenth Article of that Treaty or ever received any benefits thereunder? A No.

(This applicant has the appearance and characteristics of a full blood Indian; he speaks the Choctaw language, but does not speak the English language, his testimony having been given in the Choctaw language and translated into English by a sworn Choctaw interpreter. He has no knowledge of a compliance on the part of his ancestors with any of the provisions of Article Fourteen of the Treaty of 1830.

The decision of the Commission as to the application you make at this time for the identification of yourself, your wife and your minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 15th day of May, 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.

*R. S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi, this 22nd day of June 1901.

3

*[Signature]*

Notary Public.

Cow

DEPARTMENT OF THE INTERIOR  
COMMISSION TO INVESTIGATIVE CIVIL RIGHTS

In the matter of the application of Booth Lewis, et al.,  
for identification as Mississippi Choctaws, C.S.R.2282.

-----DEFINITION:-----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on May 13, 1901, by Booth Lewis for himself, his wife Martha and his four minor children, Lucy, Annie, Maggie and Jesse Lewis, under the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

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

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

Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902,

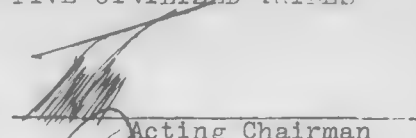


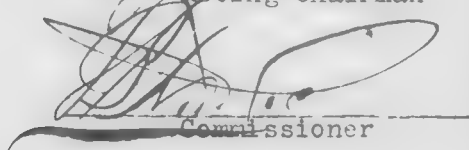
(32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

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

It is, therefore, the opinion of this Commission that Booth Lewis, Martha Lewis, Lucy Lewis, Annie Lewis, Maggie Lewis and Jesse Lewis should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Acting Chairman

  
Commissioner

  
Commissioner

Muskogee, Indian Territory

FEB 14 1903

COPY.

M C R 2282

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 Booth Lewis, his wife Martha Lewis, and minor children Lucy Lewis, Annie Lewis, Maggie Lewis and Jesse Lewis as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Booth Lewis, his wife and 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 will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

*Tame Dixey.*

Acting Chairman.

Register.  
GR-encl-21-35.

COPY

M. S. . . . .

Muskogee, Indian Territory, June 11, 1903.

Booth Lewis,  
Cooksey, 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 Martha Lewis, and your minor children, Lucy Lewis, Annie Lewis, Margie Lewis and Jesse Lewis, 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,

Chairman.

Registered.

Enc. 2282

Muskogee, Indian Territory, April 2, 1903.

Lucy Jackson,  
Cooksey, Mississippi.

Dear Madam:

On March 31, 1903, there was received at this office the affidavit of the mother, Lucy Jackson (alias Lucy Lewis) and that of the midwife, Martha Lewis, relative to the birth of your infant child, Eunice Jackson, February 22, 1903.

In reply 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 the Commission is now without authority to receive or consider the application of any person for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

Recd 3/31/03

IN RE  
FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

INFANT CHILD

*Eunice Jackson*

as a citizen of

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW. Nation.

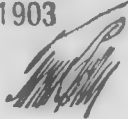
Approved . . . . . 190

Commissioner.

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

**FILED**

APR 1 1903



COMMISSIONER.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Choctaw Nation,  
of Emmie Jackson, born on the 22 day of February, 1903

Name of Father: Fato Jackson a full blood Mississippi Choctaw Indian citizen of the Choctaw Nation

Name of Mother: Ruby Jackson alias Ruby Lewis a full blood Miss. Choctaw Indian citizen of the Choctaw Nation

Post-office: Cooksey Miss.

AFFIDAVIT OF MOTHER.

State of Mississippi  
~~UNITED STATES OF AMERICA,~~  
~~INDIAN TERRITORY.~~  
Newton County District

Ruby Jackson alias Ruby Lewis, on oath state that I am 17 years of age and a full blood Mississippi Choctaw Indian citizen of the Choctaw Nation;

that I am the lawful wife of Fato Jackson (deceased), who is a full blood Mississippi Choctaw Indian citizen of the Choctaw Nation; that a female child was (Male or female)

born to me on 22 day of February 1903; that said child has been named Emmie Jackson, and is now living.

WITNESSES TO MARK:

Must be Two Witnesses.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_\_

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

State of Mississippi  
~~UNITED STATES OF AMERICA,~~  
~~INDIAN TERRITORY.~~  
Newton County District

Martha Lewis, a midwife, on oath state that I attended on Mrs Ruby Jackson alias Ruby Lewis, wife of Fato Jackson deceased on the 22 day of February, 1903; that there was born to her on said date a female child; that said child is now living and is said to have been named Emmie Jackson (MALE OR FEMALE)

WITNESSES TO MARK:

Must be Two Witnesses.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_\_

NOTARY PUBLIC.

#611

No

For Identification as a Mississippi Choctaw

Date MAY 15 1901

Name Booth Lewis -

Age 44 Blood full

Post Office, Cooksey Miss.

Father: - Lewis, f. b. l

Mother: Lina " f. b. l

Claims through both parents  
Wife - Martha, f. b. 34 l  
father, Isaac Lewis, f. b. l  
mother, dont know f. b. . d

see M. C. Card filed No  
340

Children:

- Lucy 17
- Annie 15
- Maggie 13
- Jesse (JESSE) 12

Claims for self wife  
and children -

Stenographer R. J. Strait

FOR THE

ALICE GOLF

AW.

R. 2282

*Booth Lewis, et al*

COPY OF DECISION FORWARDED  
APPLICANT MAR 11 1903



Choctaw MCR 2283

Elan Lewis

MCR 2283

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The within record is in the matter of the  
application of Elan Lewis for identification as a  
Mississippi Choctaw,  
M.C.R. 2283

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Elan Lewis for  
identification as a Mississippi Choctaw, M.C.R. 2283.

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Decatur, Mississippi, May 15, 1901.

In the matter of the application of Elan Lewis for identification as a Mississippi Choctaw.

Elan Lewis, having been first duly sworn, upon his oath states as follows: (Indian McDonald, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Elan Lewis.
- Q What is your age? A Twenty two.
- Q What is your post office address? A Cooksey, Mississippi.
- Q In what county is that? A Newton.
- Q How long have you lived in Newton County? A All my life.
- Q What is your father's name? A Booth Lewis.
- Q Full blood? A Yes.
- Q Is he living? A Yes.
- Q What is your mother's name? A Martha.
- Q Full blood? A Yes.
- Q Is she living? A Yes.
- Q Do you claim through both parents? A Yes.
- Q Are you married? A I was married, but my wife quit me.
- Q Do you make application for your wife? A No.
- Q Were you married under the Choctaw custom? A No, license.
- Q Your wife quit you? A Yes.
- Q When did she quit you? A Most one year ago.
- Q Have you any children? A No, not no children.
- Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States? A No.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Did you ever make application to the Choctaw tribal authorities out in Indian Territory to have your name placed on the rolls? A No.
- Q Did you or any one for you, in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A My father put in my name.
- Q What is your father's name? A Booth Lewis.

fail to

The records of the Commission show that any application was made by or in behalf of this applicant in the year 1896 for citizenship in the Choctaw Nation, under the Act of Congress of June 10, 1896.

Q Have you ever made application before this time, except the one you claim to have in 1896, to either the Choctaw tribal authorities or to the authorities of the United States, to be enrolled or admitted as a citizen of the Choctaw Nation? A Yes, two years ago.

Elan Lewis, #2.

Q Your wife's name is Annie? A Yes.

Q And you don't make application for her now because she has deserted you? A Yes.

The records of the Commission show that on February 6, 1899, this applicant appeared before the Commission at Decatur, Mississippi, and made application for the identification of himself and his wife Annie, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 357; also, upon page 83 of the Schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians, residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Numbers 1268 and 1269, respectively, thereon.

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

Q Do you claim your rights as a beneficiary under the provisions of Article Fourteen of the Treaty of 1830? A Yes sir.

Q Did you or any of your ancestors ever receive any benefits as Mississippi Choctaws? A No.

Q What is the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama, and recognized members of the Choctaw tribe of Indians when the Treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Indians? A I don't know.

Q Do you know whether they were recognized members of the Choctaw tribe of Indians at that time? A I don't know.

Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the main part of the Choctaw tribe of Indians between the years 1833 and 1838? A No.

Q Did any of them, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent for the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A No.

Q Did any of your ancestors ever claim or receive any land here in Mississippi as beneficiaries under Article Fourteen of the Treaty of 1830? A I don't know.

Q Are there any additional statements you desire to make in support of your application? A No.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors were, in the year 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of 1830, or ever received any benefits under that article of that treaty? A No.

(This applicant appears to be a full blood Choctaw Indian. He speaks the Choctaw language, but his knowledge of the English language is very imperfect, his testimony having been given through the assistance of a sworn interpreter of the Choctaw language.)

Elish Lewis, #3.

The decision of the Commission as to the application you make at this time for identification as a Mississippi Choctaw will be determined at the earliest possible date and a report of same made to the Secretary of the Interior conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. S. Streit, having been first duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 15th day of May, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings insaid cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi,  
this 22nd day of June, 1901.

*[Signature]*  
Notary Public.

C. W.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Elan Lewis for identification as a Mississippi Choctaw, M.C.R. 2283.

-----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 May 15, 1901, by Elan Lewis 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 the applicant is a full blood Mississippi Choctaw Indian.

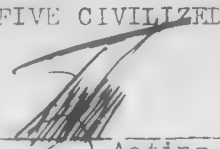
Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw

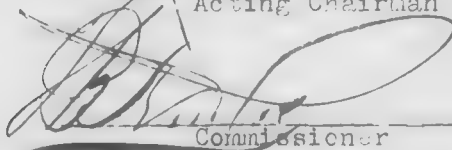
tribes of Indians, and for other purposes" approved July 1, 1902, (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:


"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 Elan Lewis 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



M C R 2233

COPY.

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 Elan Lewis 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 Elan Lewis 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,

*Thomas D. By*

Acting Chairman.

Register.  
GR-encl-21-23.

M.C.R.2283

COPY

Muskogee, Indian Territory, March 11, 1903.

Elan Lewis,

Cookroy, 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. (38 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 Atoha, Choctaw Nation, or Wishingo, Chickasaw Nation.

Respectfully,

*Tams Bixby*  
Chairman.

Registered.

Enc.: 2283.

POOR ORIGINAL -  
BEST AVAILABLE COPY

K C R  
3004-2366-2386  
3071-3092-3018  
2853-2869-2990

Waskogen, Indian Territory, May 4, 1903.

J. W. Gillett,  
Meridian, Mississippi

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd  
ultimo, in which you ask if the following named persons will be  
entitled to land in the Indian Territory:

George Teckolo,	John Wallace,
Jim Wallace,	James (Jim) Lewis,
John Williams,	Ellen Lewis,
Tom Jack	Little Lewis,
	Steve Lewis.

In reply you are informed that on February 18, 1903,  
the Commission rendered its decision identifying John Wallace, Jim  
Wallace, John Williams, Ellen Lewis, Tom Jack and Jim Wallace, the  
first mentioned Jim Wallace being thirty-five years of age, post  
office address Eads, Mississippi, and the latter thirty-seven years  
of age, post office address Eads, Mississippi, as Mississippi  
Choctaws entitled to allotment in the lands of the Choctaw and  
Chickasaw Nations.

On April 27, 1903, the Commission rendered its decision  
identifying Little Lewis and George Teckolo as Mississippi Choctaws  
entitled to allotment in the lands of the Choctaw and Chickasaw  
Nations, and on the same date notice to the same effect was fur-

POOR ORIGINAL -  
BEST AVAILABLE COPY

J V O 2

nished the attorneys for the Choctaw and Chickasaw Nations.

If at the expiration of fifteen days from April 27, 1903, no protest has been filed by the attorneys for the Choctaw and Chickasaw Nations against the identification of the above named applicants, their names will be placed upon a schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

It does not appear from our records that any person by the name of Steve Lewis is an applicant to this Commission for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

#648

No. 10111

For Identification as a Mississippi Choctaw.

Date MAY 15 1901

Name *Clan L <sup>LEWIS</sup> Lewis*

Age 22 Blood *full*

Post Office, *Cooksey, Miss*

Father: *Boub Jones, f. b. <sup>LEWIS</sup> &*

Mother: *Mauter " f. b. &*

Claims through *both parents*

See M. C. Card file No. 357

~~Children:~~

*Claims for self  
alone -*

Stenographer

*R. A. Street*

101  
1. c  
FOR  
AMERICAN  
R. 2

Elan Lewis.

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

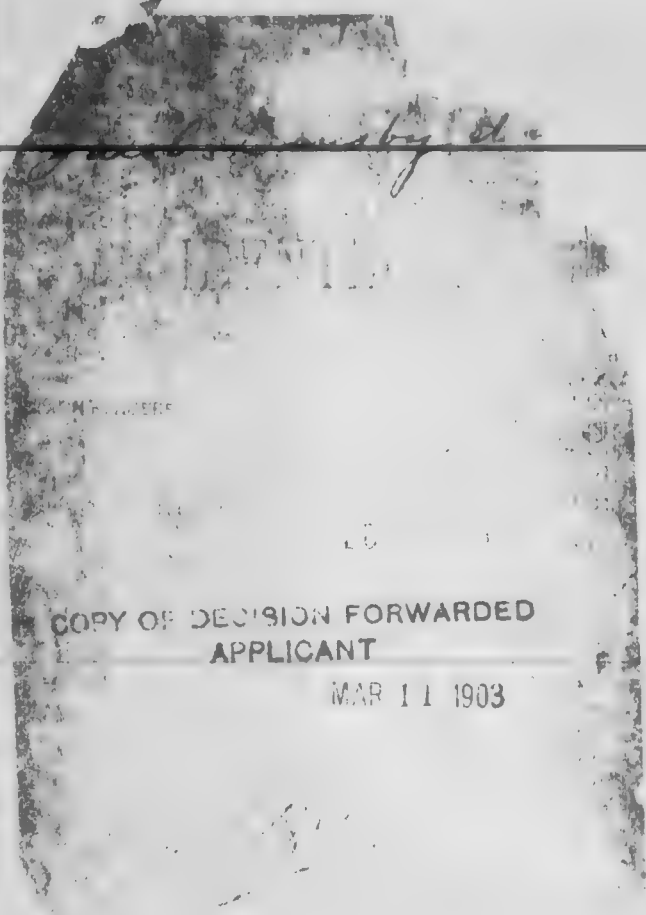
Choctaw MCR 2284

Jacob Dansby

MCR 2284

R-2281

MISS. CHOCTAW



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 Jacob Dansby et al., for identification as  
Mississippi Choctaws,  
M.C.R. 2284.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Jacob Dansby, et al., for identification as Mississippi Choctaws, M.C.R. 2284.

-----I N D E X -----

	Page
Original application of Jacob Dansby, et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Decision of the Commission identifying Jacob Dansby et al., as Mississippi Choctaws	5

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Decatur, Mississippi, May 15, 1901.

In the matter of the application of Jacob Dansby for the identification of himself and one step-child as Mississippi Choctaws.

Jacob Dansby, having been first duly sworn, upon his oath states as follows: (Indian McDonald, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Jacob Dansby.
- Q What is your age? A Twenty nine.
- Q What is your post office Address? A Decatur, Mississippi.
- Q How long have you lived in Newton County? A All my life.
- Q Born here? A Yes.
- Q What is your father's name? A Isom Dansby.
- Q Is he dead? A Living.
- Q Is he a full blood Choctaw? A Yes.
- Q What is your mother's name? A I don't know; been dead so long I can't recollect.
- Q Full blood? A Yes.
- Q Are you a full blood? A Yes.
- Q You claim your Choctaw blood through both your parents? A Yes.
- Q Have you r parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States?  
A No.
- Q Do you desire to make application for your wife? A No.
- Q You are not living with her now? A No.
- Q She is away? A Yes.
- Q Have you any children for whom you want to make application? A Yes, he died.
- Q You haven't any children of your own, have you? A No.
- Q Have you any children at home that you want to make application for? A ~~Yes~~ No, I aint got none now/
- Q Have you a child, Cornelius Billey? A Yes.
- Q Is he living with you? A Yes.
- Q Just the same as your child? A Yes.
- Q How old is Cornelius Billey? A Fifteen.
- Q Is that a step-child? A Yes.
- Q Your first wife's child? A Yes.
- Q Full blood? A Yes.
- Q What was Cornelius Billey's name? A Jane.
- Q Mother was Jane Dansby? A Yes.
- Q Is Jane Dansby, living? A No, dead.
- Q She was a full blood? A Yes.
- Q Who was the father of Cornelius Billey? A Billey Jackson.
- Q Full blood? A Yes.
- Q Is he dead? A Yes.
- Q Have you charge of this child now? A Yes.
- Q Do you claim Cornelius Billey to be a full blood through both parents? A Yes.

Jacob Dansby, et al., #2.

Q Were either of his parents ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians in Indian Territory? A No.

Q Was the father of Cornelius Billey married under a license or according to the Choctaw custom? A Choctaw custom.

Q Is your name or the name of this step-child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.

Q Have you ever made application for yourself or Cornelius Billey, to be enrolled as members of the Choctaw tribe of Indians in Indian Territory, to the Choctaw tribal authorities or to the authorities of the United States? A No.

Q Did you make application in the year 1896, to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896 A No.

Q Have you ever made application before this time either for yourself or this step-child to be enrolled or admitted as citizens of the Choctaw Nation, to either the Choctaw tribal authorities or the authorities of the United States? A I made application two years ago to Mr. McKennon.

The records of the Commission show that on February 6, 1896, this applicant appeared before the Commission at Decatur, Mississippi and made application for the identification of himself, his wife, Chuly Dansby, and minor child, Frank Dansby, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 347; also, upon page 81 of the Schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Numbers 1231, 1232 and 1233, respectively, thereon.

Q Except the application that you made two years ago, this is the first application you have ever made? A Yes.

Q Is it now your purpose to make application for the identification of your self and this minor child as Mississippi Choctaws? A Yes.

Q Do you claim your rights as beneficiaries under the provisions of the Fourteenth Article of the Treaty of 1830? A Yes sir.

Q Have you or your step-child ever received any benefits as Choctaw Indians? A No.

Q Have any of your, or his ancestors ever received any benefits as Choctaw Indians? A I don't know.

Q What are the names of your ancestors or your step-child's ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama in 1830, and who were acknowledged members of the Choctaw tribe of Indians? A My old granny.

Q What was her name? A Betsey.

Q What is the Indian name? A I don't know.

Q Did she receive any land? A No.

Q Did she draw money here in Mississippi? A Yes she drew money here in Mississippi - in Territory.

Q Did she go to the Territory? A Yes.

Q

Jacob Dansby, et al., #3.

Q Did she go with the other Indians between the years 1833 and 1838?

A Yes, she went with the other Indians.

Q Did she die out there? A No, she died here.

Q Came back? A Yes, and received some money

Q Do you know of any others who went out too? A No. That's all I know.

Q Did any of your ancestors or this step-child's ancestors, within six months after the ratification of the Treaty of 1830, signify to the United States Indian agent for the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A I don't know.

Q Did any of your ancestors, or your step-child's ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of Article fourteen of the Treaty of 1830? A My daddy's mother drew land.

Q What was your daddy's mother's name? A Low-ah-ho-ka.

On page 553 of Volume One of the the Record of the Court of Claims in the case of the Choctaw Nation of Indians versus the United States, Number 12742, in case 384, appears the name of Low-ah-ho-ka, it appearing that this child is the step-child of Is-te-ubbee. This case appears in Abstract Number One reported by Commissioners, Tyler, Gaines and Rush, appointed under the Act of Congress of August 23, 1842, to adjudicate claims made by Choctaw Indians in Mississippi under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek. It appears from the record of said case, that this child was over ten years of age at the ratification of the Treaty and that the East half of Section 18, Township 8, Range 13 East was awarded to said Low-ah-ho-ka by said Commissioners.

Q Are there any additional statements you desire to make in support of this application? A No.

Q Have you any evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors, or any of the ancestors of this step-child were in the year 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A I desire to file the patent to this land, if my father has not filed in his case.

Permission is granted to the applicant to file proper documentary evidence in support of this application, within thirty days from the date hereof.

(This applicant appears to be a full blood Indian. He speaks the English language imperfectly; he speaks the Choctaw language, and his examination was conducted with the aid of a sworn Choctaw interpreter.

Jacob Dansby, et al., #4.

The decision of the Commission as to the application you make for the identification of your self and this minor step-child for identification as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 15th day of May, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause on said date.

*R. S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi,  
this 22nd day of June, 1901.

*[Signature]*  
Notary Public.

MISSISSIPPI CHOCTAW

24

Cornelius Bidley

Atoka,

JAN 11 1904

DEPARTMENT OF THE INTERIOR,  
 COMMISSION TO THE FIVE CIVILIZED TRIBES,  
 CHOCTAW LAND OFFICE,  
 Atoka, Indian Territory, August 21, 1903.

-:-

In the matter of the proof of settlement within the Choctaw Chickasaw country of Jacob Dansby and his minor step son Cornelius Billey, duly Identified Mississippi Choctaws, Card No. 12, Approved Roll Nos. 23 and 24.

JACOB DANSBY being first duly sworn testifies:

EXAMINATION BY THE COMMISSION:

Jacob Homer, Interpreter:

- Q What is your name ? A Jacob Dansby.
- Q How old are you ? A Thirty one years.
- Q What was your post office address in the state of Mississippi prior to your removal to the Indian Territory ? A Rio and Decatur, Mississippi -- I got some of my mail at Rio.
- Q What was your post office address in Mississippi in 1899 and 1900 ? A Decatur, then.
- Q But you got some of your mail at Rio ? A Yes, sir, I got mail at both places.
- Q What is the name of your father ? A Isom Dansby.
- Q Is he living ? A Yes, sir.
- Q Where does he live ? A Kiowa, Indian Territory.
- Q What is your mother's name ? A I do not know her first name -- her name was Dansby.
- Q Did you make personal application to the Commission to the Five Civilized Tribes during any of its appointments in Mississippi for identification as a Mississippi Choctaw ? A Yes, sir.
- Q Did you state at that time that your father was living or dead ? A Yes, sir, I said that he was living.
- Q Your father Isom Dansby is an applicant to the Commission for identification as a Mississippi is he not ? A Yes, sir, he went before them at Philadelphia I believe.
- Q Are you married ? A Not now -- have been -- my wife is dead.
- Q What was the name of your wife A Jane Dansby.
- Q When did she die ? A I cannot recollect that.
- Q What it a number of years ago ? A Yes, sir, about six.
- Q Did you and Jane have any children ? A Yes, sir, one child named Frank.
- Q Is he living or dead ? A Dead.
- Q When did he die ? A About five years ago.
- Q Did Jane Dansby have any children when you married her ? A Yes, sir, four.



- Q Are any of these four children living at the present time ?  
A Yes, sir, Cornelius Billey.
- Q Cornelius Billey is living ? A Yes, sir.
- Q Who is the father of Cornelius Billey ? A Billey Jackson.
- Q Are you the identical Jacob Dansby and is Billey, Cornelius Billey the identical persons who were by the Commission to the Five Civilized Tribes identified as Mississippi Choctaws entitled to allotments of the Choctaw and Chickasaw lands ?  
A Yes, sir.
- Q When did you remove from Mississippi to the Choctaw Nation ?  
A Last November.
- Q About what time in November ? A It was the 19th day.
- Q November, 19, 1902 ? A Yes, sir.
- Q Did you bring your minor step son Cornelius Billey from Mississippi to the Indian Territory with you ? A Yes, sir. I did not bring him with me but after I got here I sent after him.
- Q When did he arrive here ? A 26th day of December last year, 1902.
- Q What is your post office address in Indian Territory ? A Kiowa, Indian Territory.
- Q Is Cornelius Billey living with you at the present time ?  
A Yes, sir. He is working around there but he lives with me.
- Q Where does he work ? A Right there in Kiowa.
- Q Who defrayed the expenses of the removal of yourself and your step son Cornelius Billey from Mississippi to Indian Territory ?  
A Judge Vernon.
- Q Do you know his full name ? A I think it is W. N. Vernon.
- Q What, if any of your property, or the property of Cornelius Billey did you bring from Mississippi with you ? A Brought some quilts and our trunks.
- Q Is it the intention of yourself and this boy, Cornelius Billey to accept lands from the Choctaw and Chickasaw Tribes of Indians and to make your permanent home in the Indian Territory ?  
A Yes, sir.
- Q Have you or any one for you, or Cornelius Billey or any one for him, made any contract or agreement whatever for the sale, or encumbrance in any way of any of the lands you may receive as Mississippi Choctaws from the Choctaw and Chickasaw tribe of Indians ? A Yes, sir.
- Q With whom have you made this contract ? A W. N. Vernon.
- Q Did you make this contract with Vernon for the land which you may receive yourself ? A Yes, sir.
- Q When was this contract between yourself and Vernon executed ?  
A It was in November about the 16th day.
- Q 1902 ? A Yes, sir.
- Q Have you a copy of this contract in your possession ? A No, sir, he never gave me a copy of it.
- Q What are the terms of this contract if you know ? A I am to give him one half the value of the hay.
- Q For how many years ? A For three years.
- Q Is that all he is to receive from you ? A Yes, sir.
- Q Are you positive of that ? A Yes, sir.
- Q That is all he is to get ? A Yes, sir.
- Q What are you to receive in consideration for the half of the hay ? A He is to furnish me with horses and a house and wire to fence the place.
- Q You say that he is to furnish you with horses ? A Yes, sir.
- Q How many ? A Two.

- Q Has he built any houses on the property which you expect to select ? A No, sir, not yet.
- Q Have you selected as yet, the land which you expect to file on ? A Yes, sir, I am about through now.
- Q Has he built any fences for you yet ? A Yes, sir, the fence is all built.
- Q Did you buy the improvements on this land which you desire to select or have you improved it ? A Mr. Vernon bought them for me.
- Q How much did he pay for that, if you know ? A He has not paid for it yet -- he is just waiting to look at the land.
- Q How many acres of land do you expect to take in your allotment ? A About 380 acres.
- Q Have you made any contract or has any one made any contract relative to the lands which Cornelius Billey may receive in allotment from the Choctaws and Chickasaws ? A No, sir, not yet..
- Q Have you and Mr. Vernon or you and any one else had any conversation relative to a lease on the lands which you may select in allotment for Cornelius Billey ? A No, sir, not yet.
- Q Are you positive, Mr. Dansby, that all Mr. Vernon is to receive under this contract is one half of the hay raised on your prospective allotment ? A Yes, sir, I know that is all.
- Q Have you ever seen and read the contract between Mr. Vernon and yourself ? A Yes, sir.
- Q Did you read it ? A No, sir, I did not read it.
- Q How do you know then, not having heard the contract read, that all Mr. Vernon is to get is half of the hay ? A Some one interpreted for me.
- Q Do you know who it was that acted as interpreter ? A Yes, sir, Tom Tubby.
- Q Can you read english ? A No, sir, not at all.
- Q You cannot read english at all ? A No, sir.
- Q Is it possible for you to procure a copy of this contract between Mr. Vernon and yourself ? A Yes, sir, if he will give it to me I will get it.
- Q What is the post office address of W. N. Vernon ?  
A It is now at Kiowa, Indian Territory, but I think that he lives in Texas.

Witness excused.

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

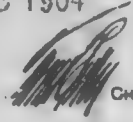
Sworn to before me this January 9, 1904.

*Barro Shelby*  
Notary Public.

MB 24

2 Mcin 25

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
CHOCTAW LAND OFFICE  
**FILED**  
JAN 23 1904

  
CHAIRMAN.

2  


Department of the Interior  
Commission to the Five Civilized Tribes  
Chickasaw Land Office  
Tulsa, Okla.  
Dec. 23, 1903.

In the matter of the declaration and proof of settlement within the Choctaw-Chickasaw Country of Jacob Dansby and Cornelius Billy Mississippian Choctaw Indians duly identified as such by the Commission to the Five Civilized Tribes on February 14, 1903 roll numbers 23 and 24 and number 12.

Jacob Dansby being first duly sworn testified as follows:

Examination by the Commission :

- Q What is your name? A Jacob Dansby.  
Q How old are you? A Thirty one.  
Q What is the name of your father? A Isen Dansby.  
Q What is the name of your mother. A I dont know; she's been dead a long time.  
Q Is your father living? A No he's not living.  
Q You are a full blood Mississippian Choctaw Indian?  
A Yes full blood.  
Q Are you married? A I've been married; he died.  
Q What was your wife's name? A Jane.  
Q Have you got any children? A I had two that died.  
Q Have you got any living children? A I've got one step child Cornelius Billy, living.  
Q How old is Cornelius Billy? A Seventeen.  
Q Is Cornelius the child of Jane? A Yes.  
Q What was Cornelius's ~~first~~ name? A Bill; Jackson father's  
Q Cornelius' father and mother are both dead? A Yes sir.  
Q Where did you live in the state of Mississippi? A Newton County.  
Q What was your post office address? A Decatur.  
Q Did you ever live near Rio? A Yes I moved to Rio.  
Q When did you leave Mississippi and come to the Indian Territory? A Last November was a year ago.  
Q Did you bring all your personal possessions with you?  
A Yes sir.  
Q Did you bring Cornelius Billy with you? A Yes sir.  
Q Has he been living with you ever since his mother's death?  
A Yes, I raised him.  
Q Are you guardian of this boy? A Yes.  
Q Where did you locate in Indian Territory? A Thackerville.  
Q Have you been living at Thackerville ever since you came here?  
A No, I've been living at Kiowa.  
Q Did you come here with the intention of making a permanent home in Indian Territory. A Yes sir.  
Q What is the intention of Cornelius Billy and your intention to have him stay here also? A Yes sir.  
Q Is it your intention at the present time to remain in Indian Territory and make your future home here both for your self and Cornelius Billy? A Yes, sir.  
Q What will be your permanent post office address? A Thackerville.

Clara Hitchell Wood being first duly sworn upon her oath  
states that as stenographer for the Commission to the Five  
Civilized Tribes she reported the above and foregoing proceed-  
ings on the 23rd day of December 1903 and that this is a  
correct transcript of her stenographic notes.

*Clara Hitchell Wood*

Subscribed and sworn to before me this 19th day of January  
1904.

*W. R. Rogers*

Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

*C.W.*

In the matter of the application of Jacob Dansby, et al.,  
for identification as Mississippi Choctaws, M.C. R. 2284.

-----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 May 15, 1901, by Jacob Dansby for himself and his minor step-  
child, Cornelius Billey, 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.

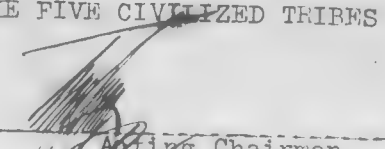
Section forty-one of the Act of Congress entitled "An Act  
to ratify and confirm an agreement with the Choctaw and Chickasaw

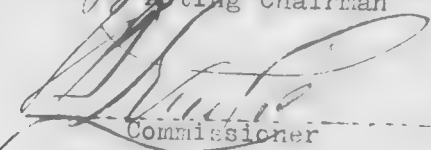
tribes of Indians, and for other purposes" approved July 1, 1902, (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:


"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 Jacob Dansby and Cornelius Billey 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

S.A.M.

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

-----cOo-----

In the matter of the removal to and settlement within the Choctaw-Chickasaw country, Indian Territory of Cornelius Billey, schedule of identified Mississippi Choctaws, No. 24.

The evidence herein shows that Cornelius Billey was identified as a Mississippi Choctaw by the Commission to the Five Civilized Tribes February 14, 1903: that he removed to and established his residence in the Choctaw-Chickasaw country December 26, 1902: that satisfactory proof of such removal and settlement was submitted to the Commission to the Five Civilized Tribes August 21, 1903, and that he 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.

Muskogee, Indian Territory.

DEC 13 1904



Muskogee, Indian Territory, November 5, 1902.

J. A. Daneby,

Pic, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 30, stating that a man by the name of Winton from the Territory promises the Choctaws to bring them to the Indian Territory and make improvements upon the lands which they will receive for a certain portion of the land to be allotted to them, and you ask to be advised concerning this matter.

In reply to your letter you are advised that the agreement recently entered into between the United States and the Choctaw and Chickasaw Nations, approved by an act of Congress of July 1, 1902, which was ratified September 25, 1902, provides:

"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., 496), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior. The applica-

J.A.D. 2

tion 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."

You are further advised that the Commission has not yet passed upon your right to identification as a full blood Choctaw Indian under the provisions of the agreement above quoted, but it is probable that within the near future decision will be rendered in your case and you will be duly notified thereof and of the forwarding of the record in the case to the Secretary of the Interior.

Relative to that part of your letter referring to contracts for a portion of the lands to be received in Indian Territory, your attention is invited to the following provision of the act of Congress of May 31, 1900:

"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,

Acting Chairman.

Muskogee, Indian Territory, January 31, 1903.

A. J. Dansby,

Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you ask if the following names appear upon the rolls:

E-misa-hoke	Tihikalee
homa-hoke	Tek-botima
a-boya-ha-bee	friapee
hokallee-tima	Nihima
fileema-bee	ai-a-hona
Tik-bileee	Ballie-Jun
J. A. Dansby	Alleee Billie
Ninnie Billie	leay Billie
hoyobee	hoyolee-hona
Moyih	Oka-ichok-ma-homo.

You state "we would like to have an identification ticket on this colony."

In reply to your letter you are informed that it appears from the records of the Commission that John Holybee is an applicant for the identification of himself and his minor children John, Mary, Effie and Harrison Holybee as Mississippi Choctaws. It is believed this family are identical with the name Hoyobee named by you, and you are advised that the Commission has not up to the present time reached any opinion or decision relative to their right to be identified as such Mississippi Choctaws, but is now

A. J. D.----2

considering their application and it is probable a decision will be rendered in the near future. The applicants will be notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

It does not appear from the records of the Commission that any of the above mentioned names are applicants to this Commission for identification as Mississippi Choctaws. If they are applicants, kindly advise the Commission when and where they made application, the english names under which such applications were made, the names of other members of their family for whom application was made at the same time and such other information as will enable the Commission to identify them as applicants, and the matter will receive further consideration.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, February 12, 1903.

A. J. Dansby,  
Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, wherein you make inquiry as to the present status of the cases of Isem Dansby and certain other Mississippi Choctaws who have recently removed to the Territory.

In reply to your letter you are informed that the Commission has not up to the present time reached any opinion or decision relative to the right of the persons mentioned in your letter to be identified as Mississippi Choctaws, but is now considering their applications and it is probable decisions will be rendered in the near future. Such applicants 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, February 21, 1903.

Lansfield, 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 Jacob Densby and step-child, Cornelius Billey, as Mississippi Choctaw Indians under the provisions of the forty-first section 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 Jacob Densby and step-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 Dixby.*

Acting Chairman.

H.C.R. 2284.

Muskogee, Indian Territory, March 11, 1903.

Jacob Dansby, *Forwarded to Keweenaw I.T. - Apr 23 1903*

Decatur, 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 step-child, Cornelius Billey, 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,

Chairman.

Registered.

Enc. 2284.

M C R 1784  
M C R 22841

Muskogee, Indian Territory, May 8, 1903.

A. J. Dansby,

Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the joint letter of yourself and Alice Billey, dated May 2, 1903, in which you ask to be advised the names and ages of yourselves and children.

In reply you are informed that it does not appear from our records that any person by the name of A. J. Dansby is an applicant to this Commission for enrollment as a citizen or freedman of either the Choctaw or Chickasaw Nation or for identification as a Mississippi Choctaw.

Our records do show, however, that on May 15, 1901, at Decatur, Mississippi, Jacob Dansby, twenty-nine years of age, made application to this Commission for the identification of himself and step child Cornelius Billey, fifteen years of age, as Mississippi Choctaws. On February 14, 1903, the Commission rendered its decision identifying Jacob Dansby and his step child Cornelius Billey 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 Decatur, Mississippi, on March 11, 1903.



A J D 2

Our records further show that on April 10, 1901, at Meridian, Mississippi, Alice Billey, twenty-eight years of age, made application to this Commission for the identification of herself and two minor children, Wannie Billey, age 5, and Clay Billey, age 4, as Mississippi Choctaws. On February 14, 1903, the Commission rendered its decision identifying these applicants 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 Toles, Mississippi, on March 11, 1903.

Respectfully,

Chairman.

M C R 2284

Muskogee, Indian Territory, December 8, 1903.

Cornelius Billey,

In care of Riley Willis,

Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, in which you state "I am a full Blood Miss Choctaw from Kemper Co Miss I have no father & mother do not know my exact age think I am about 21 years old My name was given to the Commission by J A Dansby," and ask "Will I be allowed to take my allotment if not now how soon?"

In reply you are informed that on February 14, 1903, the Commission rendered a decision identifying Jacob Dansby and his minor step-child, Cornelius Billey, as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations, and you are advised that allotment will be made to you under the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations, a copy of which is herewith enclosed.

Respectfully,

R & R Choo-Chic  
Allotments

Chairman.

M.C.R.2284

Muskogee, Indian Territory, April 12, 1904.

J. W. Whithead,

Attorney-at-Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledge of your letter of April 6, 1904, in which you state that Jacob Dansby and his minor step-son, Cornelius Billey, have been permitted by the Commission to allot land, but that Dansby informs you that they have both failed to make proof of settlement within one year from the date of their identification, and you ask if it is necessary for them to submit further proof.

In reply to your letter you are informed that it appears from our records that on February 14, 1903, the Commission rendered a decision identifying Jacob Dansby and his minor step-child, Cornelius Billey, as full-blood Mississippi Choctaws; that on August 21, 1903, Jacob Dansby appeared before the Commission at the Choctaw Land Office, at Atoka, Indian Territory, and testified relative to the removal to and settlement within the Choctaw-

J. E. W., 2.

Chickasaw country of himself and minor step-son, Cornelius Billoy. Also on December 23, 1903, at the Chickasaw Land Office, Tishomingo, Indian Territory, proof of settlement was again made relative to the removal to the Choctaw-Chickasa country of these persons.

No further proof of settlement is required on behalf of these applicants.

Respectfully,

Commissioner in Charge.

#640

No

For Identification as a Mississippi Choctaw.

Date MAY 15 1901

Name Jacob Wansby -

Age 29 - Blood Full.

Post Office, Vicksburg, Miss

Father: Isom Wansby, f.b. d.

Mother: - Wansby - f.b. d.

Claims through both parents

See M. C. Card. filed No 847

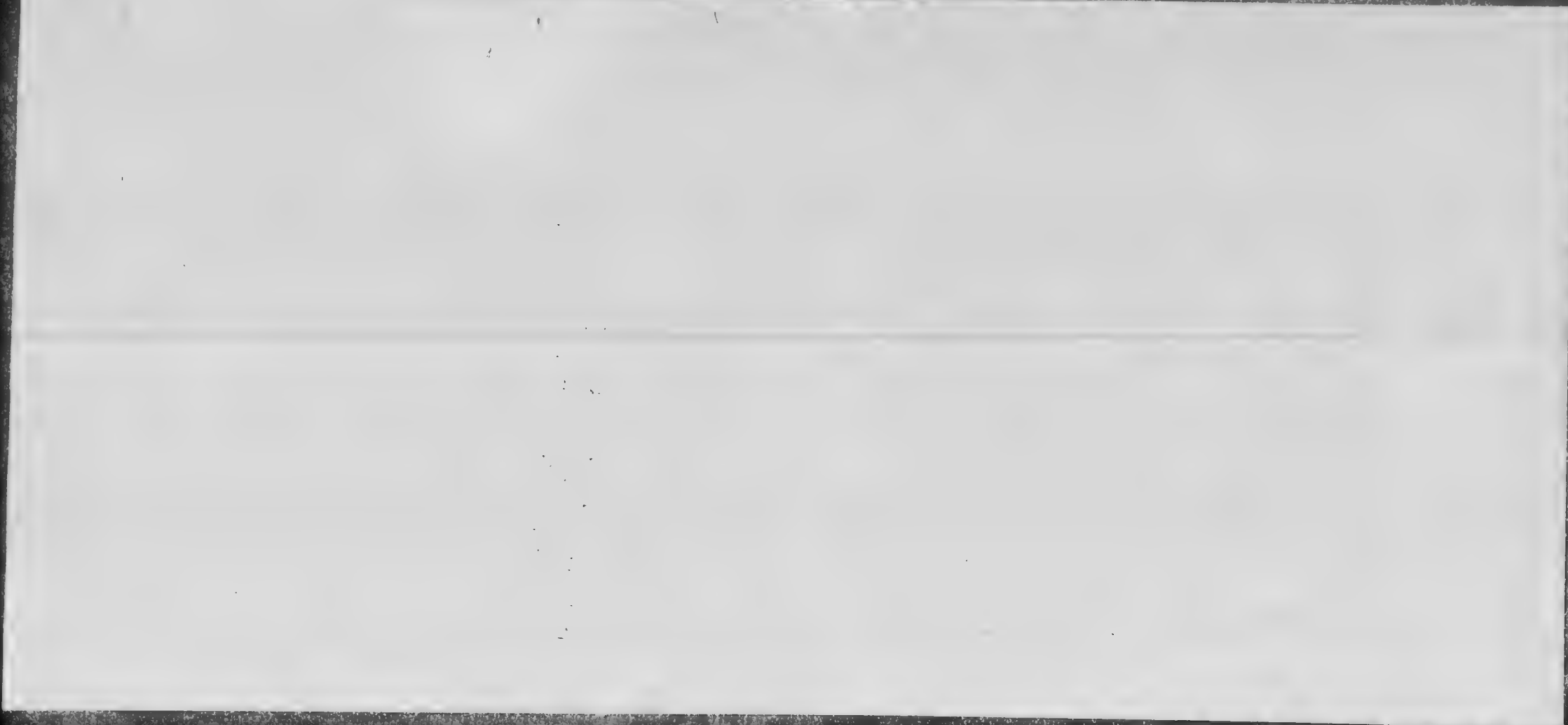
~~Children:~~

Cornelius Billey, f.b. 15  
step child,

Mother, Jane Wansby, f.b. d.  
Father: Billy Jackson, " d.  
(Applicants 1<sup>st</sup> wife -)

His ~~and~~ wife deserted him.  
claims for self, and  
step child -

Stenographer R. A. Strick.



Choctaw MCR 2285

John West

MCR 2285

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of  
the application of John West, et al., for identification as  
Mississippi Choctaws,

M.C.R. 2285



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of John West, et al.,  
for identification as Mississippi Choctaws, M.C.R. 2285

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2223

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Decatur, Mississippi, May 15, 1901.

In the matter of the application of John West, for the identification of himself and his wife as Mississippi Choctaws.

John West, having been first duly sworn, upon his oath states as follows: (Indian McDonald, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A John West.
- Q What is your age? A Twenty five.
- Q What is your post office address? A Cooksey, Mississippi.
- Q In Newton County? A Yes sir.
- Q Have you always lived in Newton County? A No sir, I was raised in Leake County, Mississippi, but moved to Newton County.
- Q What is your father's name? A West.
- Q What was his other name? A I don't remember; he died when I was little, and before I knowed him.
- Q Was he a full blood? A Yes.
- Q What is your mother's name? A I don't know the name, at all; it was West, but I don't know the first name.
- Q Was she a full blood? A Yes.
- Q She is dead? A Yes sir.
- Q Are you a full blood? A Yes.
- Q You claim through both your parents? A Yes sir.
- Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities, or by the authorities of the United States? A No sir.
- Q What is your wife's name? A Ollie.
- Q Is she a full blood? A Yes sir.
- Q What is her age? A Twenty one.
- Q What is her father's name? A Sam Lewis.
- Q Was he a full blood? A Yes sir.
- Q Is he dead? A Yes sir.
- Q What was her mother's name? A Martha.
- Q Is she a full blood? A Yes.
- Q Is she living? A Yes.
- Q Do you make application for your wife? A Yes sir.
- Q Does your wife claim her Choctaw blood through both her parents? A Yes sir.
- Q Have your wife's parents, through whom you claim for her the right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians, either by the Choctaw tribal authorities or the authorities of the United States? A No.
- Q Have you any children? A No.
- 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.

John West, et al., #2.

Q Have you ever made application for yourself or wife to the Choctaw tribal authorities in Indian Territory for enrollment as members of that tribe? A No sir.

Q Did you make application for yourself or your wife to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A I didn't, but my wife's father made application for her to Mr. Wirt on in 1896.

The records of the Commission fail to show that any application was made for the wife of this applicant to the Commission to the Five Civilized Tribes, in the year 1896.

Q Have you ever made application before this time, either to the Choctaw tribal authorities, or to the authorities of the United States for yourself and wife to be admitted or enrolled as citizens of the Choctaw Nation? A I didn't, but my wife's mother appeared for her two years ago.

The records of the Commission show that on February 6, 1899, the mother of the applicant's wife, appeared before the Commission at Decatur, Mississippi, and made application for her identification, ~~says~~ as a Mississippi, her name appearing upon Mississippi Choctaw Card, Field Number 340; also upon page 81 of the Schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Number 1207, thereon.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and wife? A Yes.

Q Do you claim your rights as beneficiaries under the provisions of the Fourteenth Article of the Treaty of 1830? A Yes sir.

Q Have you or your wife ever received any benefits as Choctaw Indians? A No sir.

Q Have any of your ancestors or any of your wife's ancestors ever received any benefits as Choctaw Indians? A I don't know.

Q What are the names of your ancestors, or your wife's ancestors, who were residents of the old Choctaw Nation in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made between the United States and the Choctaw tribe of Indians? A I don't know.

Q Have you any evidence that your ancestors or your wife's ancestors were recognized members of the Choctaw tribe of Indians at that time? A No. I don't know.

Q Did any of your ancestors or any of your wife's ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other part of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

John West, et al., #3.

Q Did any of your ancestors or any of your wife's ancestors within six months after the ratification of the Treaty of 1830 signify to the United States Indians Agent living 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 your ancestors or any of your wife's ancestors ever claim or receive any land in Mississippi as beneficiaries under Article Fourteenth of the Treaty of 1830? A I don't know.

Q Are there any additional statements you desire to make in support of this application? A No.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents or any other proper papers showing that any of your ancestors or your wife's ancestors were, in 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of that treaty or ever received any benefits thereunder? A No.

(This applicant appears to be a full blood Choctaw Indian. He does not speak the ~~Choctaw~~ English language, his examination having been through a sworn Choctaw interpreter. He has no knowledge of a compliance of the part of his ancestors with any of the provisions of the Fourteenth Article of the Treaty of 1830. )

The decision of the Commission as to the application you make for the identification of yourself and your wife as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 15th day of May, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi, this 22nd day of June, 1901.

*[Signature]*  
Notary Public.

*W*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of John West, et al.,  
for identification as Mississippi Choctaws, M.C.R. 2285.

----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 May 15, 1901, by John West for himself and his wife, Ollie West, 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.

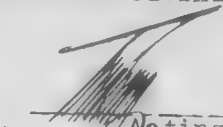
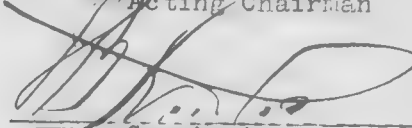
Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw

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 John West and Ollie West 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 2285

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 John West and his wife Ollie West as Mississippi Choctaw Indians under 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 West and his wife 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)

*W. C. P. D. P.*

Acting Chairman.

Register.  
GR-encl-21-51.

COPY.

M. C. S. 2285

Muskogee, Indian Territory, March 11, 1903.

John West,

*Remailed on November 16/03 to Albany D. P.  
Geeksey, 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 wife, Ollie West, 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)

*Jame Bixby.*

Chairman.

Registered.

Enc. 2285



M.C.R. 2285.

Muskogee, Indian Territory, April 2, 1903.

P.B. Shaly, P.M..

Cooksey, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st ultimo, in which you state that registered letter number 4415 from the Commission, addressed to John West, has not been delivered for the reason that the addressee is now living in Indian Territory.

In reply, you are informed that you may return said letter to this office.

Respectfully,

Commissioner in Charge.

M C R 2285

Muskogee, Indian Territory, November 16, 1903.

John West,  
Albany, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, in which you ask "Will Kindly inform me if I can get my Baby on the roll?" You state "She is in Miss. Was born Feb. 13-1902 but has never been enroled. I am a Mississippi Choctaw but have been enroled and have filed on my allotment and I want to bring her here and file for her if I can."

In reply 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:

"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 the Commission is now without authority to receive or consider the application of any person for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

M C R 2285

Muskogee, Indian Territory, February 16, 1904.

John West,

Albany, Indian territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 9, 1904, in which you ask if Mississippi Choctaw people are going back to Mississippi and if you can have your two year old child enrolled as a Mississippi Choctaw.

In reply you are advised that the Commission cannot inform you as to whether or not Mississippi Choctaws are returning to Mississippi from the Indian Territory.

As advised in our letter to you on November 16, 1903, the Commission is now without authority to receive or consider the application of any person for identification as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.

#100

No

For Identification as a Mississippi Choctaw.

Date May 15 1901

Name John West.

Age 25 Blood full.

Post Office. Cooney, Miss

Father: - West, f. b. d

Mother: - West f. b. d

Claims through both parents,  
wife -

Ollie - f. b. 21  
father. Sam Lewis f. b. - d  
mother. Martha " f. b. - l

See M. C. Card filed No. 340

~~Children:~~

Applies for self &  
wife -

Stenographer R. S. Street,

*John West, et al*

ILLUSTRATED

*2245*

RECEIVED

1903

**COPY OF DECISION FORWARDED  
APPLICANT**

**MAR 11 1903**

*P.O. Nov 16/03 - Mary A.*

Choctaw MCR 2286

MCR 2286

Morris Solomon

...

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The within record is in the matter of  
the application of Morris Soloman, et al., for identifi-  
cation as Mississippi Choctaws,

M.C.R. 2286

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Morris, Soloman,  
et al., for identification as Mississippi Choctaws, M.C.R. 2285

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Decatur, Mississippi, May 13, 1901.

In the matter of the application of Morris Solomon, for the identification of himself and his three children and one step child as Mississippi Choctaws.

Morris Solomon, having been first duly sworn, upon his oath states, as follows: (Indian McDonald, Official Interpreter.)

Examination by the Commission.

- Q What is ~~your~~ your name? A Morris Solomon.
- Q What is your age? A Forty, years old.
- Q What is your post office address? A Decatur, Mississippi.
- Q How long have you lived in this County? A All my life.
- Q Born here? A Yes.
- Q What is your father's name? A Solomon.
- Q Is he a full blood? A Yes.
- Q Is he living? A Living.
- Q What is your mother's name? A Eliza.
- Q Is she a full blood? A Yes.
- Q Is she living? A No sir.
- Q Are you a full blood? A Yes sir.
- Q Do you claim your Choctaw blood through both your father and mother? A Yes sir.
- Q What was your wife's name? A Mary.
- Q Is she dead? A Yes.
- Q Was she a full blood? A Yes.
- Q Have you any children you want to make application for? A Three children and one step-child.
- Q What is the name of your oldest child A Willie.
- Q How old is Willie? A 18.
- Q What is the next? A Minnie.
- Q How old? A 16.
- Q And the next? A Nora.
- Q How old? A 6.
- Q Now, is Mary the mother of Willie, Minnie and Nora? A Yes, the two oldest ones are different woman's.
- Q What woman? A She's named Mary too.
- Q Was she a full blood Choctaw? A Yes.
- Q Is this Mary, the mother of Nora? A Yes sir.
- Q Are these children all yours? A Yes.
- Q You have a step child? A Yes.
- Q What is her name? A Fannie.
- Q Is that Fannie Solomon? A Yes.
- Q Is Mary the mother of Fannie? A Yes.
- Q And you are the step-father? A Yes.
- Q How old is Fannie? A 8 years old.
- Q What is the name of the father of Fannie? A Ellis Davis.
- Q Is he a full blood? A Yes sir.
- Q Is he living? A No sir.
- Q Have your parents, or your wife's parents, through whom you claim your rights to identification as Mississippi Choctaws, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No sir.

Morris Soloman, et al., #2.

Q Has the father of Fannie Soloman, your step-daughter, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States? A I don't know.

Q Were you married under a license or according to the Choctaw custom? A Choctaw custom.

Q Is your name, the name of your wife, any of your children, or your step-child 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 for the enrollment of yourself, your wife, or these children as members of the Choctaw tribe? A No.

Q Did you, or any one for you, or for your wife, or these children, 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.

Have you ever been admitted to citizenship in the Choctaw Nation or has your wife or these children for whom you make application, by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A I don't know.

Q Have you ever made application before this time to either the Choctaw tribal authorities, for yourself, your wife, and children, including this step-child, or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A Yes, I made application two years ago.

The records of the Commission show that on February 8, 1899, this applicant appeared before the Commission at Decatur, Mississippi, and made application for the identification of himself, his wife, Mary and his children, Nora, Jim, Minnie and Willie Soloman, and also, his step-child, Fannie Soloman, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 468; also, upon page 99 of the Schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Numbers 1704, 1705, 1706, 1707, 1708, 1709 and 1710, respectively, thereon.

Q Except the application you made two years ago, this is the first application you have made? A Yes.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself, your wife, your children and this step-child? A Yes.

Q Do you claim your rights as beneficiaries under the provisions of Article Fourteen of the Treaty of 1830? A Yes sir.

Q Have you, your wife, children or step-child ever received any benefits as Choctaw Indians? A I don't know.

Q Have any of your ancestors, any of your wife's ancestors or the ancestors of your step-child ever received any benefits as Choctaw Indians? A I don't know.

Q Do you know the names of your ancestors, or your wife's ancestors or the ancestors of your step-child who were living in the old Choc-

law Nation in Mississippi in 1830, when the Treaty of Dancing Rabbit Creek was made between the United States and the Choctaw tribe of Indians? A I don't know.

Q Have you any evidence showing that any of these ancestors were recognized members of the Choctaw tribe of Indians in 1830?

A No.

Q Did any of your ancestors, any of your wife's ancestors or any of the ancestors of this step-child remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the main part of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of your ancestors, or your wife's ancestors or the ancestors of your step-child, signify to the United States Indian Agent in Mississippi, within six months after the ratification of the Treaty of 1830, their intention to stay in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your ancestors or any of your wife's ancestors or this child's ancestors ever claim or receive any land in Mississippi under article 14th of the Treaty of 1830? A I don't know.

Q Are there any additional statements you desire to make in support of your application? A No.

Q Have you any documentary evidence, affidavits of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors, your wife's ancestors or this child's ancestors were in 1830 recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, or ever received any benefits under that Article of that treaty? A No.

(This applicant appears to be a full blood Choctaw Indian. He speaks the Choctaw language, but does not speak the English language, his examination having been through a sworn Choctaw interpreter.)

The decision of the Commission as to the application you make for the identification of yourself, your wife and these children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported all proceedings had in the above entitled cause on May 15, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi, this 21st day of June, 1901.

*C. W. D.*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Morris Soloman,  
et al., for identification as Mississippi Choctaws, M.C.R. 2286.

-----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 May 15, 1901, by Morris Soloman for himself, his three minor children, Willie, Minnie and Nora Soloman, and his minor step-child Fannie Soloman, 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.

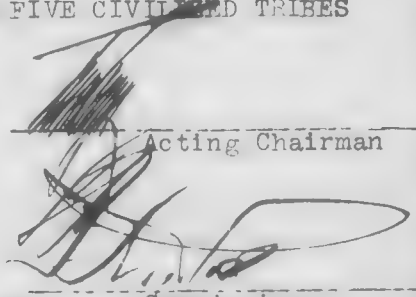
Section forty-one of the Act of Congress entitled "An

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 Morris Soloman, Willie Soloman, Minnie Soloman, Nora Soloman and Fannie Soloman 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

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cernish,  
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 Morris Solomon and minor children Willie Solomon, Minnie Solomon, Nora Solomon, and Fannie Solomon 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 Morris Solomon 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)

*Fannie Bishop*

Acting Chairman.

Registered.  
Enc. H.M.V. 29

M.C.R. 2286.

Muskogee, Indian Territory, March 11, 1903.

Morris Solomon,  
Decatur, Mississippi.

*Remailed to Willie Solomon.  
July 23/03*

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 three minor children, Willie, Minnie and Nora Solomon, and your step-child, Fannie Solomon, 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*  
Chairman.

Registered.

Enc. 2286.

No.

For Identification as a Mississippi Choctaw.

Date MAY 15 1901

Name Morris Solomon  
(Soloman)

Age 40 Blood full

Post Office. Vocateur, Miss.

Father: Soloman f. b. d

Mother: Eliza f. b. d

Claims through both parents  
wife - Mary f. b. d

~~Willie~~ ~~W~~

See M. C. Card filed No. 468

Children:

Willie \_\_\_\_\_ 18

Minnie. 16

Nora \_\_\_\_\_ 6

Fannie Solomon 8

(step daughter)

Fannie's father

Ellis Davis, f. b. - d

applies for self ~~and~~ chil-  
dren, and step-child Fannie

Stenographer R. S. Streit



11. C.  
Morris Solomon. et al.

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

Choctaw MCR 2287

Henry Johnson

MCR 2287

Henry Johnson

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

THE RECORD HEREIN IS IN THE MATTER OF  
THE APPLICATION OF HENRY JOHNSON, ET AL., FOR IDENTIFICATION AS  
MISSISSIPPI CHOCTAWS

M.C.R. 2287

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Henry Johnson, et al.,  
for identification as Mississippi Choctaws, M.C.R. 2287

I N D E X

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Supplemental testimony of Big Wiley Johnson taken in support of the above application	5
Decision of the Commission identifying Henry Johnson et al., as Mississippi Choctaws	7

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Decatur, Mississippi, May 15, 1901.

In the matter of the application of Henry Johnson for the identification of himself, his wife, Five minor children and one minor orphan, as Mississippi Choctaws.

Henry Johnson, having been first duly sworn, upon his oath states as follows: (Indian McDonald, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Henry Johnson.
- Q What is your age? A About forty eight.
- Q What is your post office address? A Conehatta.
- Q Mississippi? A Yes.
- Q What county? A Newton.
- Q How long have you lived in Newton County, Mississippi? A All my life.
- Q What is your father's name? A Johnson.
- Q What is the first name? A John Johnson.
- Q Is he living? A Yes.
- Q Full blood? A Yes.
- Q What is your mother's name? A Betsie.
- Q Full blood? A Yes.
- Q Is she living? A No.
- Q Are you a full blood? A Yes.
- Q You claim through your father and mother A Yes.
- Q Are you married? A Yes.
- Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities or by the authorities of the United States? A I don't know.
- Q What is your wife's name? A Sarah.
- Q Is Sarah a full blood Choctaw? A Yes.
- Q How old is she? A Forty four.
- Q Do you make application for Sarah, your wife? A Yes.
- Q What is her father's name? A I don't know; been dead long time.
- Q Was he a full blood? A Yes.
- Q What is Sarah's mother's name? A Nancy.
- Q Is she living? A No, dead.
- Q Was she a full blood? A Yes.
- Q Were your wife's parents, through whom you claim for her the right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians in the Indian Territory, by the tribal authorities or by the authorities of the United States? A No sir.
- Q When were you married to your wife? A Twenty two years.
- Q Were you married to her under a license or according to the Choctaw custom? A Choctaw custom.
- Q Have you children in your family that you want to make application for? A Yes.

- Q What is the name of the oldest child? A Lisby.  
Q How old is Lisby? A Fourteen.  
Q What is the name of the next child? A Nancy.  
Q How old is Nancy? A Thirteen.  
Q The next? A Frank.  
Q How old is Frank? A Nine years old.  
Q The next? A Bessie.  
Q How old is Bessie? A 8 years old.  
Q The next? A Seanna.  
Q A girl? A Yes.  
Q How old is she? A About seven.  
Q Is that all? A No, Edgar.  
Q How old? A About two years old.  
Q Is that all? A No, I have an orphan I want to make application for.  
Q Who is it? A John Wesley.  
Q How old? A Eighteen.  
Q Is he an orphan? A Yes.  
Q Is he a full blood? A Yes.  
Q What is its father's name? A John Wesley.  
Q Is he a full blood? A Yes.  
Q Dead? A Yes.  
Q What was the mother's name? A Nancy.  
Q Full blood? A Yes.  
Q Is this orphan living with you? A Yes.  
Q Do you support it? A Yes.  
Q What relation is it to you? A My wife's brother.  
Q You support him? A Yes.  
Q Do you know whether the father or mother of this minor, John Wesley, through whom you claim for it, the right to identification as a Mississippi Choctaw, have ever been recognized in any manner or enrolled as members of the Choctaw tribe in Indian Territory?  
A I don't know.  
Q Do you know whether the father and mother of this child, John Wesley, were married under a license or according to the Choctaw custom?  
A I don't know.  
Q Is your name, the name of your wife, or the names of your children, or the name of this minor, John Wesley, are on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.  
Q Have you ever made application for yourself, your wife, children or this minor, to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.  
Q Is this the first application you ever made for citizenship in the Choctaw Nation, either to the Choctaw tribal authorities, or to the United States authorities for yourself, your wife, your children or this minor child? A Yes.  
Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself, your wife, your children and this minor child? A Yes sir.  
Q Do you claim your rights as beneficiaries under the provisions of Article Fourteenth of the Treaty of 1830? A Yes sir.  
Q Have you, your wife, ever received any benefits as Choctaw Indians, or has this minor, John Wesley, ever received any benefits as a Choctaw Indian? A I don't know.

Henry Johnson, et al., #3.

Q Have any of your ancestors, any of your wife's ancestors, or any of the ancestors of this minor, John Wesley, ever received any benefits as Choctaw Indians? A I don't know.

Q Do you know the names of any of your ancestors, any of your wife's ancestors, or the ancestors of this minor child, John Wesley, who were living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made, and who were recognized members of the Choctaw tribe? A I don't know.

Q Did any of your ancestors, any of your wife's ancestors or any of the ancestors of John Wesley, this minor child, go from Mississippi and Alabama to the Indian Territory with the other Indians between the years 1833 and 1838? A I don't know.

Q Did any of your ancestors, your wife's ancestors or any of the ancestors of this minor orphan, go to the United States Indian Agent in Mississippi, within six months after the ratification of the Treaty of 1830, and signify their intention to remain in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your ancestors, your wife's ancestors, or the ancestors of this minor orphan, ever receive or claim any land in Mississippi as beneficiaries under Article Fourteen of the Treaty of 1830? A I don't know.

Q Are there any additional statements you desire to make in support of your application? A No.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors, or any of your wife's ancestors, or any of the ancestors of John Wesley were, in 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of that Treaty, or ever received any benefits under that Article? A No, sir.

(This applicant appears to be a full blood Choctaw Indian, having all the characteristics of a member of that tribe. He speaks the Choctaw language, but has no knowledge of the English language, his testimony having been given through a sworn Choctaw interpreter.)

The decision of the Commission as to the application you make at this time for the identification of yourself, your wife, your children, and this minor orphan, as Mississippi Choctaws, will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

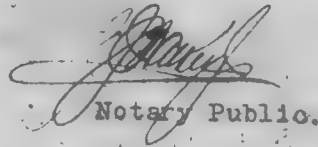
R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled

Henry Johnson, et al., #4.

cause on the 15th day of May, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings upon said date.



Subscribed and sworn to before me at Meridian, Mississippi,  
this 21st day of June, 1901.



Notary Public.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, July 7th, 1902.

In the matter of the application of Henry Johnson for the identification of himself, his wife, Sarah, and his minor children, Lisby, Nancy, Frank, Bessie, Seanna and Edgar Johnson, as Mississippi Choctaws, M.C.R.2287.

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 and your wife, Patsie, and your ward, Allen Gilmore, as Mississippi Choctaws?  
A Yes sir.  
Q Do you know a Choctaw Indian by the name of Henry Johnson? A Yes sir.  
Q Where does he live? A He lives in Newton County.  
Q Near what place? A Conehatta.  
Q About how old a man is he? A I couldn't tell, but somewhere about forty.  
Q Is he married? A Yes sir.  
Q What is his wife's name? A Sarah.  
Q Has he any children? A Yes, he got right smart children.  
Q Can you give the names of his children? A Some of them--one of them married.  
Q What is her name? A Amy.  
Q Who did she marry? A Bart Gibson.  
Q Do you know any of the names of his other children, the younger ones? A Lisby, Ancy--that's all I know.  
Q Do you know any of the children of Bart Gibson and his wife?  
A I couldn't tell-- he got some.

Reference is made to Mississippi Choctaw case No.4043, wherein Bart Gibson applies for the identification of himself, his wife Susanna and his two minor children, Lela and Kima Gibson, and gives the name of his wife's father as Henry Johnson and his wife's mother as Sealy Johnson and the evidence of the witness as to Susanna Gibson would indicate that she is identical with the Amy Gibson the daughter of Henry Johnson, the principal applicant in this case, M.C.R.2287.

Henry Johnson, et al--2

- Q What is Henry Johnson's father's name? A English name John Johnson; Indian name E-lu-nah-tubbe, or E-lu-nah-tah.  
Q What kin is E-lu-nah-tubbe to you? A My uncle.  
Q What was your mother's name? A Chin-al-le.  
Q What was the name of your grandfather? A Ah-che-ah-tubbe.  
Q Is Bart Gibson, who married Susanna or Amy Gibson, a daughter of Henry Johnson, your nephew? A Yes.

Reference is made to the Claimant's brief in the case of ~~x~~ the Choctaw Nation vs United States, No. 12742, Volume 1, page 507, Court No. 460; head of family Ah-che-ah-tubbe; children over ten years of age, Lo-sho-mah, Ok-ah-in-chuk-mah; under ten at time of treaty, Chin-al-le, E-lu-nah-tubbe, To-ne-ho-ha; location of residence at date of treaty, Section 29 (no township and range given); residence of five years; dispossessed two years after treaty; disposition of the land-part sold by Government; signification of intention to become citizens fully proved; judgment-possession taken by Jones, a white man; two years after treaty.

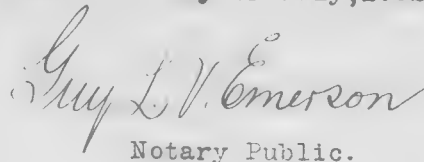
Reference is also made to a list of Choctaws to whom scrip was issued under the 14th article of the treaty of Dancing Rabbit Creek, prepared by the Indian Office and in the possession of the Commission, page 72 " A " .

111

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, July 7th, 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 11th day of July, 1902, at Muskogee, Indian Territory.



Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

*C.W.*

In the matter of the application of Henry Johnson, et al.  
for identification as Mississippi Choctaws, M.C.I. 2287.

-----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 May 15, 1901, by Henry Johnson for himself, his wife Sarah, his six minor children, Lisby, Nancy, Frank, Bessie, Seanna and Edgar Johnson, and his minor ward, John Wesley, 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:

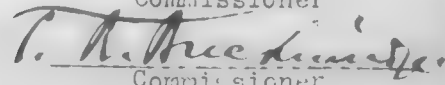
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants 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 Henry Johnson, Sarah Johnson, Lisby Johnson, Nancy Johnson, Frank Johnson, Bessie Johnson, Seanna Johnson, Edgar Johnson and John Wesley 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

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 Henry Johnson, his wife Sarah Johnson, his minor children Lisby Johnson, Nancy Johnson, Frank Johnson, Bessie Johnson, Seanna Johnson and Edgar Johnson, and minor ward John Wesley 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 Henry Johnson, his wife, his children and ward 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,

*Tamo Kirby.*

Acting Chairman.

Register.  
GR-encl-21-26.

M C.R. 2287

COPY

Muskogee, Indian Territory, March 11, 1903.

Henry Johnson,  
Conehatta, 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 Sarah Johnson, and your minor children, Lisby, Nancy, Frank, Bessie, Seanna and Edgar Johnson and your ward, John Wesley, 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,

RECEIVED

*Fame Kirby*

Chairman

Registered

Enclosure 2287

No

For Identification as a Mississippian Choctaw

Date MAY 15 1901

Name Henry Johnson

Age 48 Blood full.

Post Office. Conehatta, Miss.

Father: John Johnson <sup>f.b.</sup> d

Mother: Betsey " <sup>f.b.</sup> d

Claims through both parents.

wife - Sarah <sup>f.b.</sup> 44  
father - don't know <sup>f.b.</sup> d  
mother - Nancy " " d

Children.

Lisby - 14

Nancy - 13

Frank - 9

Bessie - 8

~~Ann~~ Deanna (pic) 7

Edgar 2

Claims for self wife and children

Stenographer R. P. Street

(over)

appears also for  
John Wesley a  
minor orphan.

Age. 18. f. b.

father. John Wesley f. b. d.  
Mother Nancy " f. b. d.



MISSISSIPPI R. 2287

*Henry Johnson, et al.*

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

Choctaw MCR 2288

Isaac Lewis

MCR 2288

...

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of the  
application of Isaac Lewis for identification as a Miss  
ippi Choctaw,  
M.C.R. 2288

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Isaac Lewis for  
identification as a Mississippi Choctaw, M.C.R. 2288

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Decatur Mississippi, May 15, 1901.

In the matter of the application of Isaac Lewis for  
identification as a Mississippi Choctaw.

Isaac Lewis, having been first duly sworn, upon his oath  
testified as follows: (Indian McDonald, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Isaac Lewis.
- Q What is your age? A Sixty seven.
- Q What is your post office address? A Dixon, Mississippi.
- Q How long have you lived in Mississippi, all your life?  
A Yes.
- Q What is your father's name? A Lewis.
- Q What is his Indian name? A He-ka-tubbe.
- Q Is he dead? A Been dead long time.
- Q Full blood Choctaw? A Yes.
- Q What is your mother's name? A Betsie.  
Is Betsie a full blood? A Yes.
- Q Is she living or dead? A Dead.
- Q Do you claim your Choctaw blood through both parents? A Yes.
- Q Are you a full blood Choctaw? A Yes.
- Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians in Indian Territory, by the Choctaw tribal authorities or by the authorities of the United States? A Yes.
- Q My father died here, but my mother went there? A
- Q They went to the Territory did they? A My brother and mother and grand mother all went there.
- Q I asked about your father and mother? A My daddy died here, and my mother went.
- Q Are you married? A Yes.
- Q Is your wife living? A No.
- Q Have you any children you want to make application for? A Just myself.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Have you ever made application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No.
- Q Did you, or any one for you, in 1896, under the Act of Congress of June 10, 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No.
- Q Have you ever made application before this time, to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation?  
A Yes.
- Q

The records of the Commission show that on February 3, 1899, this applicant appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of himself and son, Sam Lewis, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field

Isaac Lewis, #2.

Number 327; also upon page 79 of the Schedule of Mississippi Choctaws, which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians claiming rights in the Choctaw lands under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Numbers 1162 and 1163, respectively, thereon.

- Q Do you now make application for identification as a Mississippi Choctaw? A Yes.
- Q Do you claim your rights as a beneficiary under the provisions of Article Fourteen of the Treaty of 1830? A Yes.
- Q Have you ever received any benefits as a Choctaw Indian or your ancestors? A I never got it.
- Q Do you know the names of any of your ancestors who were living in Mississippi in 1830, when the Treaty of Dancing Rabbit Creek was made, and who were recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your ancestors go from Mississippi and Alabama to the Choctaw Nation in Indian Territory with the main part of the Choctaw tribe between 1833 and 1837? A They went.
- Q Did your father go? A No.
- Q Some of your people went? A My mother went.
- Q Anybody else that you know? A I don't recollect, who else went, but my mother went.
- Q Did any of your ancestors within six months after the ratification of the Treaty of 1830, signify to the United States Indian Agent in Mississippi, their intention to remain in Mississippi and become citizens of the United States? A Yes.
- Q Do you know who went to the Agent? A I don't remember the name.
- Q Have any of your ancestors ever claimed or received any land in Mississippi from the Government under Article Fourteen of the Treaty of 1830? A I don't know.
- Q Are there any additional statements you desire to make in support of your application? A No.
- Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors were, in 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of that treaty, or ever received any benefits thereunder? A No.

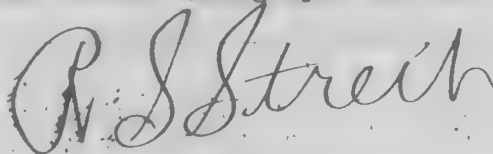
This applicant appears to be a full blood Choctaw Indian. He does not speak the English language, his examination having been conducted through a sworn Choctaw interpreter. He has no knowledge of a compliance on the part of his ancestors with any of the provisions of the Fourteenth Article of the Treaty of 1830.

The decision of the Commission as to the application you make for identification as a Mississippi Choctaw will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to

Isaac Lewis, #3.

the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the ~~21st~~ 15th day of May, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings upon said date.



Subscribed and sworn to before me at Meridian, Mississippi, this 21st day of June, 1901.



Notary Public.

*C.W.*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Isaac Lewis, for identification as a Mississippi Choctaw, M.C.R. 2288

-----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 May 15, 1901, by Isaac Lewis 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 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 Isaac Lewis 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

Muskogee, Indian Territory, January 19, 1903.

P. H. Johnson,  
Briscoe, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th inst., in which you state "I have power of attorney from Isaac Lewis a Choctaw Indian residing at Dixon, Neshaba Co. Mississippi made before the Clerk of the Circuit Court." You ask if, under this power of attorney, you can go into the Choctaw country, select land for him, cultivate and improve the same and if the Commission will recognize your right to collect the annuities and realties due him or to become due him.

In reply to your letter you are informed that it appears from the records of the Commission that Isaac Lewis, sixty-seven years of age, residence Dixon, Mississippi, is an applicant for identification as a Mississippi Choctaw. The Commission has not, up to the present time, reached any opinion or decision relative to his rights to such identification, but is now considering his application, and it is probable that a decision will be rendered in the near future. The applicant will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

P.H.Jonson---2

Relative to your rights under the power of attorney which you state you hold, your attention is invited to the following provision of the act of Congress approved July 1, 1902, and ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"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."

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 2, 1903.

P. H. Johnson,

Bristow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd ultimo, in which you ask to be advised if Jim Franchoief, who resides in Mandville, Louisiana, is enrolled as a citizen of the Chickasaw and Choctaw Nation; that you hold a power of attorney "to look after his interests." You also ask to be advised "if the Commission have passed on the rights of Isaac Lewis, of Dixon Co., Miss."

In reply to your letter you are informed that it does not appear from the records of the Commission that any person by the name of Jim Franchoief is listed for enrollment as a citizen of either the Choctaw or Chickasaw Nations or is an applicant for identification as a Mississippi Choctaw.

It appears from the records of the Commission that Isaao Lewis, age sixty-seven years, residence Dixon, Mississippi, is an applicant for identification as a Mississippi Choctaw. The Commission has not up to the present time reached any opinion or decision relative to his right to such identification, but is now considering his application and it is probable that a decision will be

P. H. J.---2

rendered in the near future. The applicant 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.

M.C.R. 2288

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 Isaac Lewis, 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 Isaac Lewis 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,

*Tams Birby*  
Acting Chairman.

Registered.  
Enc. H.G. 22

M.C.R. 2288.

Muskogee, Indian Territory, March 11, 1903.

Isaac Lewis,  
Dixon, 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,

*Y. W. Brown*  
Chairman.

Registered.

Enc. 2288.

#653

No

For Identification as a Mississippi Choctaw.

Date

5 1901

Name Isaac Lewis -

Age 67 Blood full

Post Office, Wixon, Miss., f. b.

Father: Lewis (He Ka tubbe) d

Mother: Bettie, f. b. d

Claims through both parents.

See M. C. Cara filed No. 327

~~Children:~~

Claims for self alone

Stenographer

R. S. Street



R. 2285

*Isaac Lewis.*

DECISION FORWARDED

**COPY OF DECISION FORWARDED  
APPLICANT**

**MAR 11 1903**

Choctaw MCR 2289

Tom Jack

MCR 2289

...

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Tom Jack for  
identification as a Mississippi Choctaw,---M.C.R. 2289.

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Decatur, Mississippi, May 15, 1901.

In the matter of the application of Tom Jack for identification as a Mississippi Choctaw.

Tom Jack, having been first duly sworn, upon his oath states as follows: (Indian McDonald, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Tom Jack.  
 Q What is your age? A Twenty two.  
 Q What is your post office address? A Cooksey, Mississippi.  
 Q Where were you born Tom? A Newton County.  
 Q Always lived in Newton County? A Yes.  
 Q What is your father's name? A Jack Nicholas.  
 Q What is your mother's name? A Sealy Jack.  
 Q Is your father living? A No, dead.  
 Q Is your mother living? A No, dead.  
 Q Was your father a full blood Choctaw? A Yes.  
 Q Was your mother a full blood? A Yes.  
 Q Are you a full blood? A Yes.  
 Q Do you claim through both your father and mother? A Yes sir.  
 Q Have your patents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians, by the Choctaw tribal authorities or by the authorities of the United States? A I don't know.  
 Q Are you married? A No.  
 Q You make application for yourself alone? A Yes.  
 Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.  
 Q Did you, or any one for you, in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No.  
 Q Have you ever been admitted to citizenship in the Choctaw Nation, by the Choctaw tribal authorities, by the United States authorities or by the United States Court in Indian Territory? A No sir.  
 Q Have you ever made application before this time to either the Choctaw tribal authorities or to the authorities of the United States to be enrolled or admitted as a citizen of the Choctaw Nation? A My mother made application for me.  
 Q Your mother, Sealy Jack? A Yes.

fail to  
 The records of the Commission show that ~~any~~ application was ever made before the Commission by Sealy Jack or in behalf of Tom Jack.

- Q You now come before the Commission to be identified as a Mississippi Choctaw? A Yes sir.  
 Q Do you claim your right as a beneficiary under the Fourteenth Article of the Treaty of 1830? A Yes sir.

Tom Jack, #2.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Did your ancestors ever receive any benefits as Choctaw Indians?

A I don't know.

Q Do you know the name of your ancestor, or ancestors, who were residents of the old Choctaw Nation in Mississippi and Alabama and in 1830, when the Treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A I don't know.

Q Did any of your ancestors, if Choctaws, ever remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory, at the time of the removal of the main part of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of your ancestors, within six months after the ratification of the Treaty of 1830, signify to the United States Indian Agent living in Mississippi, their intention to remain in Mississippi and become citizens of the United States? A I don't know.

Q Have any of your ancestors ever claimed or received any land in Mississippi under Article Fourteenth of the Treaty of 1830? A I don't know.

Q Are there any additional statements you desire to make in support of this application? A No.

Q Have you any documentary evidence, af idavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors were, in the year 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of that treaty or ever received any benefits thereunder? A No.

(This applicant has all the appearances and characteristics of a full blood Choctaw Indian. He speaks the Choctaw language, but has no knowledge of the English language, his testimony having been given through a sworn Choctaw interpreter.)

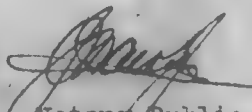
The decision of the Commission as to the application you make for identification as a Mississippi Choctaw will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 15th day of May, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings upon said date.

R. S. Streit

Tom Jack, #3.

Subscribed and sworn to before me at Meridian, Mississippi, this  
21st day of June, 1901.

  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, July 16, 1901.

In the matter of the application of Tom Jack for identification as a Mississippi Choctaw, M. C. R?-2289.

Tom Jack, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Tom Jack.  
Q Did you make application for identification before the Commission at Decatur, Mississippi, on the 15th day of May, 1901? A Yes.  
Q What name did you give then? A Tom Jack.  
Q Was application made for you for identification as a Mississippi Choctaw two years ago at Decatur, Mississippi, by your step-father, Elder Jackson? A Yes.  
Q Did he give your name at that time as Tom Jackson? A Yes.  
Q You want to have the records show your name now as Tom Jack instead of Tom Jackson? A Yes.

The records of the Commission show that Elder Jackson made application for the identification of this applicant as a Mississippi Choctaw at Decatur, Mississippi, February 9, 1899, his name appearing as Tom Jackson on Mississippi Choctaw Card Field No. 492, also upon page 103 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

This applicant, Tom Jack, appeared before the Commission at Decatur, Mississippi, May 15th, 1901, and made application for identification as a Mississippi Choctaw, but an examination of the records in the possession of the Commission failed to disclose, at that time, that ~~an~~ application had been made for him during the Commission's appointment in Mississippi in 1899. On this date, July 16, the applicant being present before the Commission, it was discovered that his step-father ~~Tom~~ Elder Jackson made application for him at Decatur, February 9th, his name having been given as Tom Jackson, instead of Tom Jack.

H. C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 16th day of July, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

subscribed and sworn to before me at Meridian, Mississippi, this 25th day of July, 1901

*H. C. Risteen*  
*[Signature]*  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, July 16, 1901.

In the matter of the application of Tom Jack for identification as a Mississippi Choctaw, N. O. P? - 2289.

Tom Jack, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Tom Jack.  
Q Did you make application for identification before the Commission at Decatur, Mississippi, on the 15th day of May, 1901? A Yes.  
Q What name did you give then? A Tom Jack.  
Q Was application made for you for identification as a Mississippi Choctaw two years ago at Decatur, Mississippi, by your step-father, Elder Jackson? A Yes.  
Q Did he give your name at that time as Tom Jackson? A Yes.  
Q You want to have the records show your name now as Tom Jack instead of Tom Jackson? A Yes.

The records of the Commission show that Elder Jackson made application for the identification of this applicant as a Mississippi Choctaw at Decatur, Mississippi, February 9, 1899, his name appearing as Tom Jackson on Mississippi Choctaw Card Field No. 492, also upon page 103 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provision of the fourteenth article of the treaty of Dancing Rabbit Creek.

This applicant, Tom Jack, appeared before the Commission at Decatur, Mississippi, May 15th, 1901, and made application for identification as a Mississippi Choctaw, but an examination of the records in the possession of the Commission failed to disclose, at that time, that ~~an~~ application had been made for him during the Commission's appointment in Mississippi in 1899. On this date, July 16, the applicant being present before the Commission, it was discovered that his step-father ~~was~~ Elder Jackson made application for him at Decatur, February 9th, his name having been given as Tom Jackson, instead of Tom Jack.

H. C. Risteen, having been first duly sworn, upon his oath states: that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 16th day of July, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 25th day of July, 1901

*H. C. Risteen*  
*[Signature]*  
Notary Public.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, July 16, 1901.

In the matter of the application of Tom Jack for identification as a Mississippi Choctaw, M. C. R?-2289.

Tom Jack, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Tom Jack.  
Q Did you make application for identification before the Commission at Decatur, Mississippi, on the 15th day of May, 1901? A Yes.  
Q What name did you give then? A Tom Jack.  
Q Was application made for you for identification as a Mississippi Choctaw two years ago at Decatur, Mississippi, by your step-father, Elder Jackson? A Yes.  
Q Did he give your name at that time as Tom Jackson? A Yes.  
Q You want to have the records show your name now as Tom Jack instead of Tom Jackson? A Yes.

The records of the Commission show that Elder Jackson made application for the identification of this applicant as a Mississippi Choctaw at Decatur, Mississippi, February 9, 1899, his name appearing as Tom Jackson on Mississippi Choctaw Card Field No. 492, also upon page 103 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provision of the fourteenth article of the treaty of Dancing Rabbit Creek.

This applicant, Tom Jack, appeared before the Commission at Decatur, Mississippi, May 15th, 1901, and made application for identification as a Mississippi Choctaw, but an examination of the records in the possession of the Commission failed to disclose, at that time, that ~~his~~ application had been made for him during the Commission's appointment in Mississippi in 1899. On this date, July 16, the applicant being present before the Commission, it was discovered that his step-father ~~Tom~~ Elder Jackson made application for him at Decatur, February 9th, his name having been given as Tom Jackson, instead of Tom Jack.

H. C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 16th day of July, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 25th day of July, 1901

*H. C. Risteen*

*[Signature]*  
Notary Public.

*C.W.*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Tom Jack for identification as a Mississippi Choctaw, M.C.R. 2289.

----- 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 May 15, 1901, by Tom Jack 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 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 Tom Jack 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

At ka, Indian Territory, July 12, 1901.

The Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory,  
Gentlemen:

There are inclosed you herewith letter received at this office this morning from Mrs. Helen Moore, Fort Worth, Texas, and Power of Attorney from Tom Jack to Helen Moore, and power of attorney and contract from Tom Jack to Helen Moore. Our records show that Tom Jack is a full blood Choctaw twenty two years old, who lives at Coaksey, Mississippi. On May 18, 1901, he applied for identification as a Mississippi Choctaw, at Doctar, Mississippi. No action has been taken in this case.

Yours truly,

*Charles H. Sawyer*  
Please make carbon copy of letter of reply for our

Muskogee, Indian Territory, October 9, 1901.

Mrs. Helen Moore,

Fort Worth, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of August 10th, 1901, inquiring what has been done with the contract and power of attorney of Tom Jack, forwarded by you to this office.

You are informed that on September 20, 1901, such power of attorney and contract was returned to you under instructions of the Department of the Interior.

Yours truly,

Acting Chairman.

M C 2269

COPY:

H.C.R. 2389

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cernish,

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 Tom Jack 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 Tom Jack 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).

Registered.  
Enc. H.M.V. 30

James D. King,  
Chairman.

COPY.

Muskogee, Indian Territory, March 11, 1903.

Tom Jack,

Cooksey, 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 Ateka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

*Ferns Blady.*  
Chairman.

Registered

Enclosure 2289

POOR ORIGINAL -  
BEST AVAILABLE COPY

M C R  
3004-3005-3006  
3071-3072-3073  
3201-3202-3203

Mustoge, Indian Territory, May 4, 1906.

J. W. Gillett,

Meridian, Mississippi

Dear Sir:

It is hereby acknowledged of your letter of the 15th  
ultimo, in which you ask if the following named persons will be  
entitled to land in the Indian Territory:

George Tuckole,	John Wallace,
Jin Wallace,	Jesse (Jin) Dwyer,
John Williams,	Blair Lewis,
Tom Jack,	Little Lewis,
	Steve Lewis.

In reply you are informed that on February 14, 1906,  
the Commission rendered its decision identifying John Williams, Jin  
Wallace, John William, Blair Lewis, Tom Jack and Jin Wallace, the  
first mentioned Jin Wallace being thirty-five years of age, post  
office address Eady, Mississippi, and the latter twenty-seven years  
of age, post office address Oakford, Mississippi, as Mississippi  
Cherokee entitled to allotment in the lands of the Cherokee and  
Chickasaw Nations.

On April 27, 1906, the Commission rendered its decision  
identifying Little Lewis and George Tuckole as Mississippi Cherokee  
entitled to allotment in the lands of the Cherokee and Chickasaw  
Nations, and on the same date notice to the same effect was fur-



POOR ORIGINAL -  
BEST AVAILABLE COPY

J W O 2

nished the attorneys for the Choctaw and Chickasaw Nations.

If at the expiration of fifteen days from April 27, 1905, no protest has been filed by the attorneys for the Choctaw and Chickasaw Nations against the identification of the above named applicants, their names will be placed upon a schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

It does not appear from our records that any person by the name of Steve Lewis is an applicant to this Commission for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

#654

No.

For Identification as a Mississippi Choctaw.

Date - MAY 15 1901

Name Tom Jack

Age 22 Blood full

Post Office, Coontsey, Miss.

Father: Jack Nicholas f. h. d.

Mother: Sealy, Jack f. h. d.

Claims through both parents.

~~Children:~~

claims for self alone

Stenographer R. S. Strick

11801-1901, Mrs. Helen Moore,  
Fort Worth, Texas.

M.C.R.2289, Tom Jack.

On May 15, 1901, Tom Jack, full blood, 22 years old, of Cooksey, Mississippi, appeared before the Commission and applied for identification as a Mississippi Choctaw.

No action has been taken in this case. It is not known at this office what disposition was made of the contract and power of attorney of Tom Jack referred to in this letter.

Atoka, Indian Territory,  
August 26, 1901.

A.B.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

2289

*Tom Jack*

IDENTIFICATION

DECISION

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

12-1903. 26. *Lawrence J. J.*

Choctaw MCR 2290

Tom Stephen

MCR 2290

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

-cOo-

In the matter of the application of Tom Stephen, et al.,  
for identification as Mississippi Choctaws.

-cOo-

Herein is the record in the matter of the application of  
Tom Stephen, et al., for identification as Mississippi  
Choctaws, M.C.R. 2290.

-cOo-

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

-oOo-

In the matter of the application of Tom Stephen, et al.,  
for identification as Mississippi Choctaws, M.C.R. 2290.

--: I N D E X :--

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Decision of the Commission identifying Tom Stephen as a Mississippi Choctaw-----	4

-oOo-

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Decatur, Mississippi, May 15, 1901.

In the matter of the application of Tom Stephen for the identification of himself, his wife and three minor children as Mississippi Choctaws.

Tom Stephen, having been first duly sworn, upon his oath testified as follows: (Indian McDonald, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Tom Stephen.  
Q What is your age? A Twenty Seven.  
Q What is your post office address? A Union, Mississippi.  
Q How long have you lived in Mississippi? A All my life.  
Q What County? A Neshoba.  
Q What is your father's name? A Jim Stephen.  
Q Is he a full blood? A Yes.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Betsie.  
Q Is she a full blood? A Yes sir.  
Q Is she living? A Yes sir, she's living.  
Q Are you a full blood? A Yes sir.  
Q Do you claim through both parents? A Yes sir.  
Q What is your wife's name? A Acy.  
Q Is Acy a full blood? A Yes.  
Q How old is Acy? A Thirty two.  
Q What is your wife's father's name? A Indian McDonald.  
Q Is he living? A Yes.  
Q Is he a full blood? A Half blood.  
Q What is your wife's mother's name? A Bo-te-ma.  
Q Is she a full blood? A Yes.  
Q Is she living? A No, she died.  
Q Do you claim for Acy, three quarters? A Yes.  
Q Have your wife's parents, through whom you claim for her the right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A I don't know.  
Q Have you any children under twenty one years of age and unmarried for whom you want to make application? A Silman.  
Q How old is Silman? A Seven years old.  
Q What is the next one? A Sealy.  
Q How old? A About three.  
Q What is the next one? A Nason.  
Q How old? A Two months.  
Q Who is the mother of these children? A Acy.  
Q You are the father? A Yes.  
Q The children are living with you? A Yes.  
Q Were you married according to the Choctaw custom or under a license? A Under license.  
Q Where did you get your license? A Philadelphia.  
Q In Neshoba County? A Yes sir.



Tom Stephen, et al., #2.

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

Q Have you ever made application to the Choctaw tribal authorities for yourself, your wife or these children, to be enrolled as Members of that tribe? A No sir.

Q Did you, or any one for you, or for your wife or these children in 1890, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

Q Have you ever made application before this time for yourself, your wife or children to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A Yes.

The records of the Commission show that on January 31, 1899, this applicant appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of himself, his wife, Acy and two minor children, Silman and Sealy, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 232, also, on page 65 of the Schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indian residing in Mississippi claiming rights in the Choctaw lands under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Numbers 797, 798, 799 and 800, respectively, thereon.

Q Is it now your purpose to make application for the identification of yourself, wife and children as Mississippi Choctaws? A Yes.

Q Do you claim your rights as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A Yes sir.

Q Have any of your ancestors, or any of your wife's ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Have you or your wife ever received any benefits as Choctaw Indians? A No sir.

Q Can you give me the name of any of your ancestors or any of your wife's ancestors who were living in the old Choctaw Nation in Mississippi and Alabama in 1830 when the Treaty of 1830 was made? A I don't know.

Q Have you any evidence showing that any of your ancestors or any of your wife's ancestors were recognized members of the Choctaw tribe of Indians at that time? A No.

Q Did any of your ancestors or any of your wife's ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the main part of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of your ancestors or any of your wife's ancestors within six months after the Treaty of 1830 was ratified, signify to the United States Indian Agent living in Mississippi, their intention to remain in Mississippi and become citizens of the States? A I don't know.

Tom Stephen, et al., #3.

Q Have any of your ancestors or your wife's ancestors ever claimed or received any land in Mississippi under the provisions of the Fourteenth Article of the Treaty of 1830? A I don't know.

Are there any additional statements you desire to make in support of your claim? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors, or any of your wife's ancestors were, in the year 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of that Treaty or ever received any benefits thereunder? A No.

(This applicant appears to be a full blood Choctaw Indian; he speaks the Choctaw language, his testimony having been given through a sworn interpreter of the Choctaw language.)

The decision of the Commission, as to the application made by you for the identification of yourself, your wife and three minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior ~~conformable~~ conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. 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 15th day of May, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings upon said date.

*R. Streit*

Subscribed and sworn to before me at Meridian, Mississippi, this 21st day of June, 1901.

*[Signature]*  
Notary Public.

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

-c0o-

In the matter of the application of Tom Stephen, et al.,  
for identification as Mississippi Choctaws, M.C.R. 2290.

---: 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 May 15, 1901, by Tom Stephen for himself, his wife, Acy Stephen, and his three minor children, Silman, Sealy and Nason Stephen, 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 Tom Stephen is a full-blood Mississippi Choctaw Indian. All the other applicants are mixed blood Choctaws, and as such do not come within the purview of Section forty-one of the act of Congress approved July 1, 1902, (32 Stats., 641). Whatever rights as Mississippi Choctaws they may possess by reason of being

mixed-blood Choctaws 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 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 Tom Stephen should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

JUL 16 1904

COPY.

Muskogee, Indian Territory, July 16, 1904.

Tom Stephen,

Union, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying you as a Mississippi Choctaw, 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 January 16, 1905, and must make proof of such removal and settlement on or before July 16, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*Fame Dwyer*

Chairman.

Registered.

Incl. MCR 2290.

M.C.R. 2290

COPY.

Muskogee, Indian Territory, July 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 to the Five Civilized Tribes, rendered July 16, 1904, identifying Tom Stephen as a Mississippi Choctaw, under the provisions of Section 41 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 within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Tom Stephen as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein. If at the expiration of said time no protest has been filed, his name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*Tamo Dixey.*

Chairman.

Registered.

Incl. MCR 2290.

(See MCR 6507 for registry receipt for this letter).

COPY.

M.C.R. 2290.

Muskogee, Indian Territory, September 27, 1904.

Acy Stephen,

Union, Mississippi,

Dear Madam:

Inclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying you and your children, Silman Stephen, Sealy Stephen and Nason Stephen, as Mississippi Choctaws.

Under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641), in order for you to avail yourselves of the benefits thereof you must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before March 27, 1905. The Act above referred to also provides that proof of such settlement shall be made to this Commission within one year after the date of the identification of the persons herein named, as Mississippi Choctaws.

By the Act of Congress approved April 21, 1904, (Public No. 125), it is provided that the Commission shall close its work and terminate on or before the first day of July, 1905. It is, therefore, suggested that you appear before the Commission, at the Choctaw Land Office, at Atoka, Indian Territory, or the Chickasaw Land Office, at Tishomingo, Indian Territory for the purpose of

A. S. 2

making proof of your removal to and settlement within the Choctaw-Chickasaw country, at the earliest practicable date.

Respectfully,

(SIGNED) *Tamo Bixby.*

Registered.

Chairman.

Incl. M.C.R. 2290.



IN RE

Application for Enrollment of

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW  
INDIAN CHILD

*Mrs. Stephen*

MISSISSIPPI CHOCTAW.

Nation.

Approved,

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

190

Commissioner.

The application herein is accepted by the Commission as evidence of the birth of this child, and not as an application for its enrollment as a citizen of the Choctaw Nation; and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws.

Acting Chairman.

FEB 28

2290

MISSISSIPPI CHOCTAW, 232

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
of Nasam Stephen, born on the 15 day of March, 1901

Name of Father: Tom Stephen, a citizen of the \_\_\_\_\_ Nation.

Name of Mother: Izzie Mae Stephen, a citizen of the Choctaw Nation.

Post-office, Union

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
District.

I, Izzie Mae Stephen, on oath state that I am 32  
years of age and a citizen, by Blood, of the Choctaw Nation;  
that I am the lawful wife of Tom Stephen, who is a citizen, by  
Blood, of the Choctaw Nation, that a Male child was  
born to me on the 15 day of March, 1901; that said child has been  
named Nasam Stephen, and is now living.

WITNESSES TO MARK  
(Must be Two Witnesses)  
W. A. Yates  
W. B. Quinn

Izzie Mae Stephen  
her mark

Subscribed and sworn to before me this the 25 day of May, 1901.

Howell J. Quinn  
Justice of the Peace  
Washita Co., State of Miss

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
District.

I, Petty Stephen, a Mid-wife, on oath state that I  
attended on Mrs. Izzie Mae Stephen, wife of Tom Stephen,  
on the 15 day of March, 1901; that there was born to her on  
said date a Male child; that said child is now living and is said to have been  
named Nasam Stephen.

WITNESSES TO MARK:  
(Must be Two Witnesses)  
W. A. Yates  
W. B. Quinn

Petty Stephen  
her mark

Subscribed and sworn to before me this 25 day of May, 1901.

Howell J. Quinn  
Justice of the Peace  
Washita Co., State of Miss

No

For Identification as a Mississippi Choctaw

Date MAY 15, 1901

Name Tom Stephen

Age 27 Blood full

Post Office, Union, Miss.

Father: Jim Stephen, f.b. l

Mother: Betie " f.b. l

Claims through both parents  
wife

Acy. ~~f.b.~~ <sup>3/4</sup> 3/4 3/2  
father - Indian Merced <sup>3/4</sup> l.  
mother - Botoma f.b. d.

See M. C. Card filed No.  
232

Children:

Silman. 7

Sealy. 3

Nason. 2 m

claims for self, wife  
children

Stenographer R. J. Street -

2290

*Tom Stephen et al.*

DECISION RENDERED JUL 16 1904

No. 1 - IDENTIFIED

COPY OF DECISION FORWARDED  
APPLICANT

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

JUL 16 1904

DECISION RENDERED. SEP 27 1904

SEP 27 1904

COPY OF DECISION

COPY OF DECISION FORWARDED  
AT TORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

*Nov. 2-3-4-5*

Choctaw MCR 2291

Frank Stephen

MCR 2291

FRANK STEPHEN

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter  
of the application of Frank Stephen, et al., for identification  
as Mississippi Choctaws,

M.C.R. 2291

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Frank Stephen, et al., for identification as Mississippi Choctaws, M.C.R. 2291.

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Decision of the Commission identifying Frank Stephen et al., as Mississippi Choctaws,	4

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Decatur, Mississippi, May 15, 1901.

In the matter of the application of Frank Stephen for the identification of himself, his wife and two minor children as Mississippi Choctaws.

Frank Stephen, having been first duly sworn, upon his oath states as follows: (Indian McDonald, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Frank Stephen.  
 Q What is your age? A Thirty two.  
 Q What is your post office address? A Engine, Mississippi.  
 Q Where were you born? A Neshoba.  
 Q Have you always lived in Neshoba County, Mississippi? A Yes.  
 Q What is your father's name? A Jim Stephen.  
 Q Is he living? A Living.  
 Q Was he a full blood Choctaw? A Yes.  
 Q Is your mother living or dead? A Yes.  
 Q What is her name? A Betsie.  
 Q Full blood? A Yes.  
 Q Are you a full blood? A Yes.  
 Q Do you claim through both parents? A Yes.  
 Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States? A No sir.  
 Q Are you married? A Yes.  
 Q What is your wife's name? A Lissie.  
 Q When you made application two years ago, the name of your wife was given as Polesie? A Lissie is right.  
 Q Is Lissie a full blood Choctaw? A Yes.  
 Q What is her age? A Twenty seven.  
 Q When were you married to Lissie? A About eight years ago.  
 Q Were you married by a license or according to the Choctaw custom? A Indian fashion.  
 Q What is your wife's mother's name? A Lucy.  
 Q Full blood? A Yes.  
 Q Is she living? A Dead.  
 Q What is your wife's father's name? A Allen.  
 Q Full blood? A Yes.  
 Q Living? A Yes.  
 Q Does your wife claim her Choctaw blood through both her father and mother? A Yes sir.  
 Q Have your wife's parents, through whom you claim for her the right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians, either by the Choctaw tribal authorities or by the authorities of the United States? A No sir.  
 Q Have you any children at your home under twenty one years of age and unmarried for whom you want to make application? A Got one five years old and one two years old.



Frank Stephen, et al., #2.

Now, what is the name of the one five years old? A Allie.

Q What is the name of the two year old one? A Eliza.

Q Was that child born after the Commission was here two years ago?

A No, before.

Q Why didn't you give in its name when the Commission was here two years ago? A It was too little for me to name it.

Q Is Lissie the mother of these two children? A Yes sir.

Q You are the father are you? A Yes.

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

Q Is your name, your wife's name, or the names of these children on the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application for yourself, your wife or these children to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No.

Q Did you, or any one for you, or for your wife or children, 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 made application before this time for yourself, wife or children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Is this the first application of any kind you have made for yourself, your wife or children? A No sir, two years ago.

Q This is the first time, except two years ago? A Yes.

The records of the Commission show that on January 31, 1899, this applicant appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of himself, his wife and one minor child, Allie, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number, 197, also, upon page 60 of the Schedule of Mississippi Choctaws, which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being numbers 674, 675 and 676, respectively, thereon.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself, your wife and children? A Yes sir.

Q Do you claim your rights as beneficiaries under the provisions of the Fourteenth Article of the Treaty of 1830? A Yes sir.

Q Did you ever receive any benefits as a Choctaw Indian? A No sir.

Q Have your wife or children? A No sir.

Q Have any of your ancestors, or your wife's ancestors, ever received any benefits as Choctaw Indians? A No sir.

Q Can you give the names of any of your ancestors or any of your wife's ancestors who were living in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made? A I don't know.

Q Did any of your ancestors or any of your wife's ancestors remove from Mississippi and Alabama to the present Choctaw Nation in Indian

Frank Stephen, et al., #3.

Territory, at the time of the removal of the other members of the Choctaw tribe between the years 1833 and 1838? A I don't know.

Q Did any of your ancestors, or any of your wife's ancestors, go to the United States Indian Agent in Mississippi and Alabama within six months after the ratification of the Treaty of 1830, and tell him they wanted to remain in Mississippi and Alabama and take land and become citizens of the States? A I don't know.

Q Did any of your ancestors, or any of your wife's ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the Fourteenth Article of the Treaty of 1830?

A No sir.

Q You speak the Choctaw language? A Yes.

Q Are there any additional statements you want to make in support of this application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors, or any of your wife's ancestors, were, in the year 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, or ever received any benefits under that Article of that treaty? A No sir.

(This applicant appears to be a full blood Choctaw Indian; he speaks the Choctaw language, and does not have a sufficient knowledge of the English language to give his testimony without the assistance of a sworn Choctaw interpreter. He has no knowledge of a compliance on the part of his ancestors with any of the provisions of the Fourteenth Article of the Treaty of 1830.)

The decision of the Commission as to the application you make at this time for the identification of yourself, your wife and two minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 15th day of May, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 21st day of June, 1901.

*[Signature]*  
Notary Public.

(65.0)

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Frank Stephen, et al., for identification as Mississippi Choctaws, M.C.R. 2291.

-----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 May 15, 1901, by Frank Stephen for himself, his wife Lissie, and his two minor children, Allie and Eliza Stephen, 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.

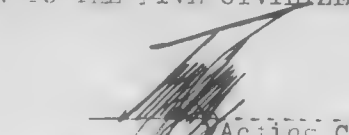
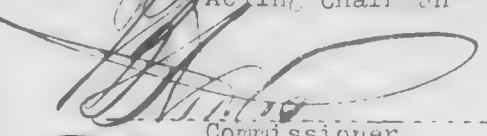
Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902,

(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 Frank Stephen, Lissie Stephen, Allie Stephen and Eliza Stephen 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

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 Frank Stephen, his wife Lissie Stephen and minor children, Allie Stephen and Eliza Stephen as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 14 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 Frank Stephen, 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,  
W. Y.

*W. Y.*  
Acting Chairman.

Registered.  
Enc. H.C. 1

COPY.

H.C.R. 2291

Muskogee, Indian Territory, March 11, 1903.

Frank Stephen,  
Engine, 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 Lissie Stephen, and your minor children, Allie and Eliza Stephen, 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

Enclosure 2291

Muskogee, Indian Territory, August 26, 1903.

Commissioner in charge,

Chickasaw Land office,

Tishomingo, Indian Territory,

Dear Sir:

You are hereby notified that the following notation has  
been made upon identified Mississippi Choctaw card Number  
407, and the information is forwarded that you may make the records  
of your office correspond:

"SETTLEMENT ADDRESS "Atoka, Ind. Ter."

DATE OF PROOF OF SETTLEMENT "Aug. 18, 1904."

Respectfully,

Chairman.

**FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.**

*IN RE.*

Application for Enrollment of

INFANT CHILD

*Eliza Stephen*  
as a citizen of

MISSISSIPPI CHOCTAW,

Nation.

190

**FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW**  
*Commissioner.*

The application herein is accepted by the Commission as evidence of the birth of this child, and not as an application for its enrollment as a citizen of the Choctaw Nation; and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws.

  
Acting Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE CIVILIZED TRIBES.

**FILED**

JUN 1 1901

MISSISSIPPI CHOCTAW,

#147.

  
MISSISSIPPI CHOCTAW.



M.C.N. 197

Foesie

BIRTH AFFIDAVIT.

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 Eliza Stephen, born on the 15 day of May, 1898

Name of Father: Frank Stephen, a citizen of the Choctaw Nation.

Name of Mother: Lizzie Stephen, a citizen of the Choctaw Nation.

Post-office, Engine Miss

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,

District.

I, Lizzie Stephen, on oath state that I am 27  
years of age and a citizen, by Blood, of the Choctaw Nation;  
that I am the lawful wife of Frank Stephen, who is a citizen, by  
Blood, of the Choctaw Nation, that a Female child was  
(male or female)  
born to me on the 15 day of May, 1898 that said child has been  
named Eliza Stephen, and is now living.

WITNESSES TO MARK

(Must be Two  
Witnesses)

Luther Welsh  
L Pigg

Lizzie Stephen  
her mark

Subscribed and sworn to before me this 21 day of May, 1907.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,

District.

I, Betsy Stephen, a Midwife, on oath state that I  
attended on Mrs. Lizzie Stephen, wife of Frank Stephen,  
on the 15 day of May, 1898 that there was born to her on  
said date a Female child; that said child is now living and is said to have been  
(male or female)  
named Eliza Stephen.

WITNESSES TO MARK:

(Must be Two  
Witnesses)

Luther Welsh  
L Pigg

Betsy Stephen  
her mark

Subscribed and sworn to before me this 21 day of May, 1907.

Hawell J Quinn  
Justice of the Peace, No. 1  
Wichita State of Miss

DEPARTMENT OF  
COMMISSION TO THE

JUL 23 1901



10 M F A ON AS R. 2291  
A W.  
*Frank Stephen et al.*

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

#656

No

For Identification as a Mississippi Choctaw

Date MAY 15, 1901

Name Frank Stephenson

Age 32 Blood full

Post Office, <sup>Engine</sup> Indian, Miss.

Father: Jim Stephenson t.b. - l.

Mother: Betsie " f.b. l.

Claims through both parents.  
wife

Lizzie f.b. - 27d  
<sup>mother</sup> <sup>father</sup> <sup>Callen</sup> t.b. - l.

See M.C. Callen  
No 197.

Children:

Allie	_____	5-
Eliza	_____	2

Claims for self,  
wife, and children.

Stenographer R.S. Street

Choctaw MCR 2292

John Johnson

MCR 2292

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The within record is in the  
matter of the application of John Johnson, et al., for  
identification as Mississippi Choctaws, M.C.R. 2292.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of John Johnson, et al.,  
for identification as Mississippi Choctaws, M.C.R. 2292.

----- I N D E X -----

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Original patent issued to Ha-cubbee, father of principal applicant herein, showing that her received land under the provisions of article fourteen of the treaty of eighteen hundred and thirty	5
Original patent issued to Bah-ne-tubbe, older brother of the principal applicant herein, showing that he received land under the provisions of the treaty of eighteen hundred and thirty	6
Decision of the Commission identifying John Johnson, et al., as Mississippi Choctaws	7



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Decatur, Mississippi, May 15, 1901.

In the matter of the application of John Johnson for the identification of himself and wife as Mississippi Choctaws.

John Johnson, having been first duly sworn, upon his oath states as follows: (Indian McDonald, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A John Johnson.
- Q What is your age? A Seventy-three.
- Q What is your post office address? A Union, Mississippi.
- Q Have you always lived in Mississippi? A Yes.
- Q In what County? A Newton County.
- Q What is your father's name? A Ha-cubbee.
- Q Is that all the name he had? A Tom Billey, the white folks call him.
- Q Is he dead? A Yes, long time.
- Q What is your mother's name? A Nacey Billy.
- Q What was her Choctaw name? A Na-la-che-mah.
- Q Is she dead? A Yes.
- Q Are you a full blood Choctaw? A Yes.
- Q Do you claim your Choctaw blood through both parents, your father and mother? A Yes.
- Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians, by the Choctaw tribal authorities, or by the authorities of the United States? A No sir.
- Q Are you married? A Yes.
- Q What is your wife's name? A Margaret.
- Q Full blood? A Yes.
- Q What is her age? A Forty six.
- Q Do you make application for your wife? A Yes.
- Q Have you any children under twenty one years of age and unmarried for whom you want to make a application? A No, just for myself and for my wife.
- Q When were you married to Margaret? A Since the surrender.
- Q You don't remember the exact date? A I don't remember what month or what year.
- Q Were you married under a license or according to the Choctaw custom? A Choctaw's custom.
- Q What is your wife's father's name? A Big John.
- Q What is his Choctaw name? A Ha-le-cha.
- Q Is he dead? A Yes.
- Q What is your wife's mother's English name? A I have forgot.
- Q What is the Choctaw name? A Ok-a-la-che-ho-yo.
- Q Is she dead? A Dead.
- Q Both full bloods? A Yes.
- Q Does your wife, Margaret, claim her Choctaw blood through both her parents? A Yes.
- Q Have your wife's parents, through whom you claim for her the right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities, or by the authorities of the United

States? A I think they had their names put there somewhere in the Choctaw Nation? A

Q Have you any evidence that they were enrolled there? A They went down there and drew a little money down there.

Q Did they have any land there? A No.

Q Did they die there? A Come back and died here in Mississippi.

Q Have you any children that you want to make application for?

A Just for myself and for my wife.

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.

Q Have you ever made application for yourself or your wife to the Choctaw tribal authorities in Indian Territory to be enrolled as members of the Choctaw tribe? A No.

Did you, or any one for you, in 1896, make application for yourself or your wife, under the Act of Congress of June 10, 1896, to the Commission to the Five Civilized Tribes for citizenship in the

Choctaw Nation? A I don't think I did. I don't think I give no body application.

The records of the Commission show that John Johnson made application to the Commission to the Five Civilized Tribes in the year 1896, for citizenship in the Choctaw Nation for himself and wife, Margaret Johnson, their names appearing in the case of Jack Amos, et al., versus the Choctaw Nation. The original application was filed with the Commission on September 10, 1896, and on December 1st, 1896, the Commission denied such application, from which an appeal was taken to the United States Court for the Central District of the Indian Territory, which said Court on August 25, 1897, affirmed the decision of the Commission, and an appeal was taken from the judgment of that Court to the United States Supreme Court, where the decision of the District Court was affirmed.

Q Did you, or any one for you, or for your wife, ever make application to the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A Yes, two years ago.

The records of the Commission show that on January 30, 1899, this applicant appeared before the Commission at Philadelphia, Mississippi, and made a plication for the identification of himself, his wife, Margaret, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 148; also, upon page 54 of the Schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians, residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Numbers 514 and 515, respectively, thereon/.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and wife? A Yes, sir.

Q Do you claim your rights as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek?

A Yes sir.

John Johnson, et al., #3.

- Q Have any of your ancestors or your wife's ancestors, or have you or your wife ever received any benefits as Choctaw Indians? A I have got my daddy's old patent.
- Q What is your father's name? A Ha-cubbee.
- Q Did your father have a child named Susa? A Yes.
- Q Was that a boy or a girl? A Girl.
- Q Did your father have a child named Bah-ne-tubbee? A Yes.
- Q Was that a boy or girl? A Boy.
- Q Did your father have a child named Ish-te-la-mah? A Yes.
- Q What was that, a boy? A No, girl.
- Q Was Susa and Ishtelamah sisters of yours? A Yes.
- Q Was Bah-ne-tubbee your brother? A Yes.
- Q Were these children all older than you? A Yes.
- Q Did your father and these two sisters and t ix brother all receive land from the Government? A Yes.
- Q Who has that land now? A They done sold it all out.
- Q Who sold it? A I don't know who sold it, but its gone and I didn't get it.
- Q It all went for taxes didn't it? A I don't know.
- Q Have you a patent to that land your father got from the Government? A Got two patents.
- Q One to your father? A My daddy's patent and Bah-ne-tubbee's patent.
- Q Do you want to file these patents with the Commission, that the Commission may know your statement is true? A Yes.

The original patent issued to Ha-cubbee, 2nd, as the head of a family, the same being the father of the present applicant, John Johnson, or Ho-cha, dated at Washington, the 6th day of December 1845, and signed by James K. Polk, President of the United States, by J. Knox Walker, Secretary, recorded in Volume 2, page 16, deeding to the said Ha-cubbee 2nd, a certain section of land described as follows, to-wit: Section 16, containing 640 acres, in Township 8 (North) of Range 13 East (of the Choctaw meridian), in the district of lands subject to sale at Columbus, Mississippi, is presented by this applicant, received by the Commission, filed, marked Exhibit "A", and made a part of the record in the application w ich he makes for the identification of himself and his wife, Margaret.

The original patent issued to Bah-ne-tubbe, brother of this applicant, dated at Washington the 18th day of August 1846, signed by James K. Polk, President of the United States, by J. Knox Walker, Secretary, deeding to the said Bah-ne-tubbe, the S.W. 1/4 of Section 15, containing 160.27 acres, in Township 8 North of Range 13 East (of the Choctaw meridian), in the district of lands subject to sale at Columbus, Mississippi, is presented by the applicant, filed, marked Exhibit "B", and made a part of the record in this application.

The name of Ha-cubbe, 2nd, appears in case 41 on page 539 of Volume One of the Record of the Court of Claims, in the case of the Choctaw Nation of Indians versus the United States, Number 12472, in which case he is shown to be the head of a family, while Susa, Bah-ne-tubbe and Ish-te-la-mah are shown to be children under ten years of age. Ha-cubbe, 2nd, is shown to have received Section

John Johnson 4.

16, Township 8, Range 13 E., while Susa, a child under ten years of age, received the S.E.1/3 of Section 15, Township 8, Range 13 East, Bah-ne-tubbe, the S.W.1/4 of Section 15, Township 8, Range 13 East, Ish te ha mah, the N.W.1/4 of Section 15, Township 8, Range 13 East.

This case is found in Abstract Number one, reported by Commissioners Tyler, Gaines and Rush, appointed under the Act of Congress of August 23rd, 1842, to hear applicants for reservations of land in Mississippi under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek.

Q Are there any additional statements you desire to make in support of the application which you make for the identification of yourself and wife? A No.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors or any of your wife's ancestors, were, in the year 1830, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, or ever received any benefits under that article of that treaty? A I have patents, but they are somewhere in the country and I can't get them.

Q Do you think you could get these patents, or find them anywhere? A I don't know whether I could hunt them up or not.

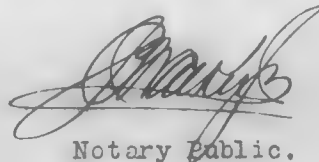
Q

(This applicant has every appearance and characteristic of a full blood Choctaw Indian. He does not speak the English language, his testimony having been entirely through a sworn interpreter of the Choctaw language. He has introduced in evidence with the Commission, patents issued by the Government, one to his father and one to his older brother showing a compliance on the part of his ancestors with the provisions of the 14th article of the Treaty of 1830.)

The decision of the Commission as to the application you make for the identification of yourself, and wife as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 15th day of May 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause on said date.

Subscribed and sworn to before me at Meridian, this 24th day of June, 1901.

  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

*Civil*

In the matter of the application of John Johnson, et al., for identification as Mississippi Choctaws, M.C.R. 2292.

-----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 May 15, 1901, by John Johnson for himself and his wife, Margaret Johnson, 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.

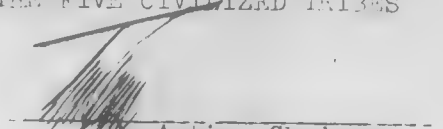
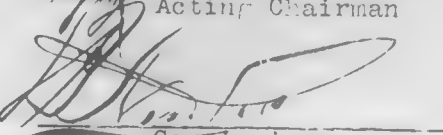
Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902,

(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 John Johnson and Margaret Johnson 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

Miss. Choctaw 2292

Muskogee, Indian Territory, November 10, 1902.

J. O. Walton,  
Osceola, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 4, asking, on behalf of Mr. J. B. McAlpine, for the return of the patent filed by Hooha Johnson in the matter of the application of the said Hooha Johnson for identification as a Mississippi Choctaw.

In reply to your letter you are advised that it does not appear from our records that either you or Mr. McAlpine have authority to act for Hooha Johnson, and your request cannot be granted.

Respectfully,

Acting Chairman.

COPY.

Y C R 2292

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 John Johnson and his wife Margaret Johnson 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 Johnson and wife 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,

*Tam Dickey.*

Acting Chairman.

Register  
GR-encl-21-27





10. 12

1922

John Johnson

1922

MAR 11 1903

#67

No

For Identification as a Mississippi Choctaw.

Date

MAY 15 1901

Name John Johnson

Age 73 - Blood full

Post Office, Union, Miss.

Father: Tom Billy (Ha-cubbe)<sup>f. b.</sup> <sup>2nd</sup> d

Mother: Nancy (Ha-la-che-muk)<sup>f. b.</sup> d

Claims through both parents.

wife - Margaret f. b. 46 l.

father - Big John (Ha-la-cha) d

mother - ~~OK-a-la-cho-40~~<sup>OK-a-la-cho-40</sup> d

Both full bloods -

Children:

Claims for self & wife -

See M.C. Card filed No. 148

Stenographer

R. A. Street

# THE UNITED STATES OF AMERICA,

To all to whom these Presents shall come, Greeting:

WHEREAS, under the *fourteenth article* of the Treaty, concluded at Dancing Rabbit Creek, on the twenty-seventh day of September, in the year of our Lord one thousand eight hundred and thirty, by the Commissioners on the part of the United States, and the Chiefs, Captains, and Head Men of the Choctaw Nation, on the part of said Nation, *Ha-cubbe 2<sup>d</sup>, (instead of a family)* — became entitled, out of the lands ceded to the United States by the said Treaty, to *one section* \_\_\_\_\_ of land;

And whereas, it appears from a return, reported November 22<sup>d</sup> 1845, by the Commissioner of Indian Affairs to the General Land Office, that the Commissioners under the Act of Congress, approved 23<sup>d</sup> August 1842, entitled "An Act to provide for the satisfaction of claims arising under the fourteenth and nineteenth articles of the Treaty of Dancing Rabbit Creek, concluded in September, one thousand eight hundred and thirty", have made an award, which was approved, on the 23<sup>d</sup> July 1845, by the Secretary of War, in favor of the said *Ha-cubbe*, of the following described tract, viz: Section sixteen, containing six hundred and forty acres, in Township eight (North) of Range thirteen East, (of the Choctaw Meridian) in the District of lands subject to sale at Columbus Mississippi —

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the provisions of the said Treaty, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said *Ha-cubbe*, and to the heirs of the same \_\_\_\_\_

~~and to~~ ~~heirs~~, the said tract of land above described: TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said *Ha-cubbe* \_\_\_\_\_ and to ~~the~~ heirs and assigns for ever of the said *Ha-cubbe* \_\_\_\_\_

IN TESTIMONY WHEREOF, I, *James K. Polk* PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these Letters to be made PATENT, and the SEAL of the GENERAL LAND OFFICE to be hereunto affixed.

GIVEN under my hand, at the CITY OF WASHINGTON, the *sixth* \_\_\_\_\_ day

And whereas, it appears from a return, reported November 22<sup>d</sup> 1845, by the Commissioners of Indian Affairs to the General Land Office, that the Commissioners under the Act of Congress, approved 23<sup>d</sup> August 1842, entitled "An Act to provide for the satisfaction of claims arising under the fourteenth and nineteenth Articles of the Treaty of Dancing Rabbit Creek, concluded in September, one thousand eight hundred and thirty," have made an award, which was approved, on the 23<sup>d</sup> July 1845, by the Secretary of War, in favor of the said *Ta-cubbe*, of the following described tract, viz: Section sixteen, containing six hundred and forty acres, in Township eight (North) of Range thirteen East, (of the Choctaw Meridian) in the District of Lands subject to sale at Columbus Mississippi.

**NOW KNOW YE**, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the provisions of the said Treaty, **HAVE GIVEN AND GRANTED**, and by these presents **DO GIVE AND GRANT**, unto the said *Ta-cubbe*, and to the heirs of the same

~~and to~~ ~~heirs~~, the said tract of land above described: TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said *Ta-cubbe* and to the heirs and assigns for ever of the said *Ta-cubbe*

**IN TESTIMONY WHEREOF**, I, *James K. Polk* **PRESIDENT OF THE UNITED STATES OF AMERICA**, have caused these Letters to be made **PATENT**, and the **SEAL** of the **GENERAL LAND OFFICE** to be hereunto affixed.

**GIVEN** under my hand, at the **CITY OF WASHINGTON**, the *sixth* day of *December* in the year of our Lord one thousand eight hundred and *forty five* and of the **INDEPENDENCE OF THE UNITED STATES** the ~~sixty~~ *seventieth*.

**BY THE PRESIDENT:**

By

*James K. Polk*  
*John Wacker*

Sec'y.

Recorded Vol. 2 Page 16.

*J. H. Garrison*

Recorder of the General Land Office.

*1845*



States by the said Treaty, to

of land;

And whereas,

*[Faint handwritten text, likely describing the land and the treaty provisions.]*

**NOW KNOW YE,** That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the provisions of the said Treaty, **HAVE GIVEN AND GRANTED,** and by these presents **DO GIVE AND GRANT,** unto the said

and to *[Name]* heirs; the said tract of land above described: TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appertinances of whatsoever nature thereunto belonging, unto the said *[Name]* and to *[Name]* and assigns for ever.

**IN TESTIMONY WHEREOF, I,** *[Signature]* **PRESIDENT OF THE UNITED STATES OF AMERICA,** have caused these Letters to be made PATENT, and the SEAL of the GENERAL LAND OFFICE to be hereunto affixed.

GIVEN under my hand, at the CITY OF WASHINGTON, the *[Day]* day of *[Month]* in the year of our Lord one thousand eight hundred and *[Year]* and of the INDEPENDENCE OF THE UNITED STATES the *[Year]* ~~sixty~~

**BY THE PRESIDENT:**

Recorded Vol. *[Number]* Page *[Number]*

*[Signature]*  
Recorder of the General Land Office.

Choctaw MCR 2293

Andy Johnson

MCR 2293



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Andy Johnson for  
identification as a Mississippi Choctaw, H.C.R. 2293.

-----o-----

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Andy Johnson for  
identification as a Mississippi Choctaw, M.C.R. 2293.

--: I N D E X :--

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Decision of the Commission identifying above applicant....	6

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Decatur, Mississippi, May 16, 1901.

In the matter of the application of Andy Johnson for identification as a Mississippi Choctaw.

Andy Johnson, having been first duly sworn, upon his oath testified as follows: (Indian McDonald, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Andy Johnson.
- Q What is your age? A Twenty Four.
- Q What is your post office address? A Union, Mississippi.
- Q How long have you lived at Union? A All my life.
- Q Always lived in Newton County? A Yes.
- Q What is your father's name? A John Johnson.
- Q What is his Indian name? A Ho-cha.
- Q Full blood? A Yes.
- Q Living? A Yes.
- Q What is your mother's name? A Margatet.
- Q Full blood? A Yes.
- Q Living? A Yes.
- Q Do you claim through both parents? A Yes sir.
- Q Are you a full blood? A Yes.
- Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians, by the Choctaw tribal authorities or by the authorities of the United States? A No.
- Q Are you married? A No.
- Q Have you any children? A No.
- Q You make application for yourself alone? A Yes.
- 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 member of that tribe? A No sir.
- Q Did you, or any one for you, 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 I didn't myself, but I think my daddy did.

The records of the Commission show that Andy Johnson made application to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Choctaw Nation, his name appearing in the case of Jack Amos, et al., versus the Choctaw Nation. The original application was filed with the Commission on September 10, 1896; on December 1st, 1896, the Commission denied such application, from which decision of the Commission, an appeal was taken to the United States Court for the Central District of Indian

Andy Johnson #2.

Territory, which said Court on August 25, 1897, affirmed the decision of the Commission, and an appeal was taken to the Supreme Court of the United States, here the decision of the District Court was affirmed.

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 by the United States Court for Indian Territory? A I don't know.

Q Have you ever made application before this time to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation, or has such an application been made for you? A My father made application two years ago for me.

Q Your father made application for you then under the name of Outie; is that a mistake? A Yes.

The records of the Commission show that on January 30, 1899, the father of this applicant appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of this applicant as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw Card, Field Number 148; also, upon page 54 of the Schedule of Mississippi Choctaws, which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians, residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Number 516 thereon.

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

Q Do you claim your rights as a beneficiary under the provisions of the Fourteenth Article of the Treaty of 1830? A Yes sir.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Yes, Ha cubbe, 2nd.

Q Who was Ha cubbe, 2nd? A My grand father.

Q Your father's father? A Yes.

Q Did he get land from the Government? A Yes sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors were, in 1830, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, or ever received any benefits under that article of that treaty? A My father, John Johnson, had some patents that he filed in his case yesterday, and I would like to file these deeds in my case but my father has already filed them.

Q What was your grand father's name who had a patent from the Government? A Ha cubbe, 2nd.

Q Did your grand father, Ha cubbe, 2nd, receive any land from the United States Government under Article Fourteenth of the Treaty of 1830? A Yes sir.

Q

Andy Johnson, et al., #3.

Q And it is t is patent, issued by the Government to your grand father, Ha cubbe, 2nd, signed by James K. Polk, which patent your father John Johnson, has filed in his application for identification as a Mississippi Choctaw, at Decatur, Mississippi, on May 15, 1901; that patent is evidence of the land received by Ha cubbe, 2nd, from the United States Government as a beneficiary under Article Fourteen of the Treaty of 1830? A Yes sir.

It will be necessary that this original patent be filed with the records in the case of your father, John Johnson, but you may have certified copies of this patent filed with the records of the case you make for identification as a Mississippi Choctaw.

Q Do you want time in which to file certified copy of this patent, in order that you may make it a part of the record in your case? A Yes.

Thirty days time from the date here of is allowed this applicant in which to file certified copy of the original patent given to his grand father, Ha cubbe, 2nd, which patent is now on file with the records in the case of his father, John Johnson, in order that he may prove that his ancestor was a beneficiary under the provisions of the Fourteenth Article of the Treaty of 1830, and as such beneficiary received by said patent, dated the 6th day of December, 1845, a tract of land described as follows, to-wit: "Section 16, containing 640 acres, in Township 8, (North), Range 13 East (of the Choctaw meridian) in the district of lands subject to sale at Columbus, Mississippi. The applicant desires, if it can be done consistently with the rules of the Commission, that at this time a cross-reference be made to t is patent, issued to his grandfather, Ha cubbe, 2nd, under the Fourteenth Article of the Treaty of 1830, and filed with the records in the case of his father, John Johnson, for the identification of himself and wife as Mississippi Choctaws.

Q Did you have an uncle named Bah ne tubbe? A Yes.

Q Was Bah ne tubbe an older brother of your father? A Older, yes.

Q Was a patent issued to your uncle, Bah ne tubbe, by the United States Government under Article Fourteen of the Treaty of 1830, giving him land in Mississippi? A Yes.

Q Have you seen that patent? A Yes.

Q And do you know that by that patent your uncle, Bah ne tubbe, received land in Mississippi from the United States Government under Article Fourteen of the Treaty of 1830, described as follows, to-wit: The S.W. 1/4 of Section 15, ~~Zamshka~~ containing 160.27 acres, in Township 8 (North) of Range 13 East (of the Choctaw meridian) in the district of lands subject to sale at Columbus, Mississippi? A Yes

Q Would you like to also file a certified copy of this patent issued to your father's brother, Bah ne tubbe, in order to show that your family including your grand father and uncle complied with the provisions of the Fourteenth Article of the Treaty of 1830, and received land in Mississippi under that Article? A Yes sir.

Andy Johnson, et al., #4.

Permission is granted to this applicant to file certified copy of this patent issued to his uncle by the United States Government, within a period of thirty days from this date.

Q Do you remember any other of the members of your grand father's family who received land from the Government? A No.

The name of Ha cubbe, 2nd, appears in case 41 on page 539 of Volume One of the records of the Court of Claims, in the case of the Choctaw Nation of Indians versus the United States, Number 12472, in which case he is shown to be the head of a family, while Susa, Bah ne tubbe and Ish te la mah are shown to be children under ten years of age. Ha cubbe, 2nd, is shown to have received Section 15, containing 640 acres of land, in Township 8, Range 13 East, while Susa, a child under ten years of age, is shown to have received the S.E.1/3 of Section 15, Township 8, Range 13 East; Bah ne tubbe, the S.W.1/4 of Section 15, Township 8, Range 13 East; Ish te la mah the N.W.1/4 of Section 15, Township 8, Range 13 East. This case is found in Abstract Number One, reported by Commissioners Tyler, Gaines and Rush, appointed under the Act of Congress of August 23, 1842, to hear applicants for reservations of land in Mississippi under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek.

Q Do you know the names of any other of your ancestors, who were residents of the old Choctaw Nation in Mississippi and Alabama, and who were acknowledged members of the Choctaw tribe of Indians in 1830, when the Treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Nation? A I don't know.

Q Have you any evidence to show that any of your ancestors, except Ha cubbe, 2nd, were recognized members of the Choctaw tribe of Indians at that time? A No sir.

Q Did any of your ancestors ~~ex~~ go from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Do you know whether your grand father, Ha cubbe 2nd, who received land from the Government of the United States in Mississippi, afterwards went to the Indian Territory with the other Indians? A I don't know.

Q Do you know whether any of your ancestors went to the United States Indian Agent in Mississippi, within six months after the ratification of the Treaty of Dancing Rabbit Creek, and told him that they desired to stay in Mississippi and not go to the Territory? A I don't know.

Q Are there any additional statements you desire to make in support of this application? A No.

(Witness excused.)

Andy Johnson, #5.

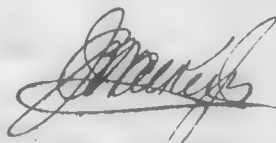
(The applicant in this case, has every appearance of a full blood Choctaw Indian. He speaks the Choctaw language and has no knowledge of the English language, his examination having been conducted through a sworn interpreter of the Choctaw language. He claims a compliance on the part of his ancestor, Ha cubbe, 2nd, with the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, having made reference in his testimony to the original patent issued to his grandfather, Ha cubbe 2nd, which patent is now on record with the Commission in the application for identification as Mississippi Choctaws made by his father in his own behalf and in behalf of his wife, Margaret Johnson.)

The decision of the Commission as to the application you make for identification as a Mississippi Choctaw will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 16th day of May, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings upon said date.



Subscribed and sworn to before me at Meridian, Mississippi, this 24th day of June, 1901.



Notary Public.

*Case*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of Andy Johnson for identification as a Mississippi Choctaw, M.C.R. 2293.

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 May 16, 1901, by Andy Johnson 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 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 Andy Johnson should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Acting Chairman.

  
Commissioner.

Muskogee, Indian Territory,

  
Commissioner.

FEB 14 1903

COPY

M.C.R. 2293

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 Andy Johnson 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 Andy Johnson 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)

*Fame Dixby.*  
Acting Chairman.

Registered.  
Enc. H.C. 21

Muskogee, Indian Territory, March 11, 1903.

Andy Johnson,  
Union, 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,

*Tams Bixby.*  
Chairman.

Registered.

Enc. 2293

#658

No. 2112

For Identification as a Mississippi Choctaw.

Date MAY 16 1901

Name Andy Johnson

Age 27 Blood full -

Post Office Union, Miss

Father: John Johnson (HOCHA) f.b. 1

Mother: Margaret f.b. 1

Claims through both parents

See M.C. Card filed No  
148

~~Children:~~

For sep alone

Stenographer R. S. Street

*Cindy Johnson*

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

Choctaw MCR 2294

Susan Banks

MCR 2294

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

---o---

In the matter of the application of Susan Banks, et al.,  
for identification as Mississippi Choctaws, M.C.R. 2294.

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

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Original application of Susan Banks, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the ap- plication of Susan Banks, et al., for identifi- cation as Mississippi Choctaws-----	4

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Department of the Interior,  
~~Commission to the Five Civilized Tribes,~~  
Decatur, Mississippi, May 16, 1901.

In the matter of the application of Susan Banks for the identification of herself and two minor children as Mississippi Choctaws.

Susan Banks, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Susan Banks.  
Q What is your age? A About twenty four.  
Q What is your post office address? A Newton, Mississippi.  
Q How long have you lived in Newton? A I have been living there nearly a year.  
Q Where were you born? A Clark County, Mississippi.  
Q Have you always lived in Mississippi? A Yes sir.  
Q What is your father's name? A William Lee.  
Q Is he living? A Yes sir; there he is there now.  
Q Is he a full blood? A I don't remember.  
Q How much Choctaw blood has he? A I couldn't tell you. He is half I reckon.  
Q What is the other half? A White.  
Q What is your mother's name? A Ann Lee; she was Pitman before she married.  
Q Is she living? A Yes sir.  
Q Is she a full blood Choctaw? A No sir; she is a black woman.  
Q How much Choctaw blood do you claim? A I couldn't tell you.  
Q Has your father, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians, by either the Choctaw tribal authorities or by the authorities of the United States? A No sir.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A Banks.  
Q What is the first name? A Bill Banks.  
Q Is he a negro? A Yes sir.  
Q You don't claim for him, do you? A No sir.  
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes sir.  
Q What is the name of the oldest child? A Charley O'Connor Banks.  
Q How old is he? A About eight years old.  
Q What is the other child's name? A Angeline Banks.  
Q How old is Angeline? A Four years old.  
Q Is Bill Banks the father of these children? A No sir.  
Q Who is? A They aint got no daddy.  
Q Don't know who is the father of these children? A I don't know.  
Q Are you sure that Bill Banks is not the father of these children?  
A Yes sir.  
Q



Susan Banks, et al., #2.

Q Have you any children of which Bill Banks is the father? A No sir.

Q Is your name, or the names of these children 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 for the enrollment of yourself or these children as members of that tribe? A No sir.

Q Did you, or any one for you, 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 by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.

Q Is this the first application of any kind you have ever made? A Yes sir.

Q You now seek to be identified as Mississippi Choctaws? A Yes sir.

Q Do you claim your rights as beneficiaries under the provisions of Article Fourteen of the Treaty of 1830? A I don't know much about it; Yes sir.

Q Have you ever received any benefits as a Choctaw Indian? A No sir.

Q Did your ancestors ever receive any benefits as Choctaw Indians? A No sir.

Q What was the name of your ancestor, or ancestors, who lived in the old Choctaw Nation in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made, who were recognized members of the Choctaw tribe of Indians at that time? A My grandmother's name is Sukey.

Q Was that your mother's mother? A That was my father's mother.

Q Was she a full blood Negro? A No sir.

Q What was she? A She was Choctaw.

Q How much of a Choctaw? A Whole Choctaw, I reckon.

Q You don't know, do you? A No sir.

Q Have you any evidence showing that this ancestor, Sukey, was a recognized member of the Choctaw tribe of Indians in 1830? A I don't know sir.

Q Did this ancestor, if a Choctaw Indian, remove from the territory occupied by the Choctaw Indians in Mississippi and Alabama to the present Choctaw Nation in Indian Territory between the years 1833 and 1838? A No sir, I don't know.

Q Did she, or any of your ancestors, within six months after the ratification of the Treaty of 1830, signify to the United States Indian Agent in Mississippi, their intention to remain in Mississippi and become citizens of the United States? A No sir.

Q You don't know much about your ancestors, do you? A No sir.

Q Have any of your ancestors ever claimed or received any land in Mississippi under Article Fourteen of the Treaty of 1830? A No sir.

Q Can you speak the Choctaw language? A No sir, I can't talk Choctaw.

Susan Banks, et al., #3.

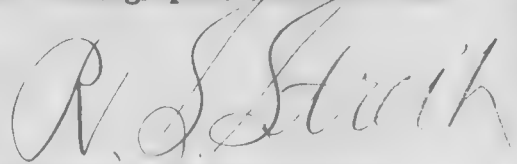
Q Are there any additional statements you want to make now in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors were, in 1830, recognized members of the Choctaw tribe of Indians, or that they ever complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of 1830, or ever received any benefits under that article of that treaty? A No sir.

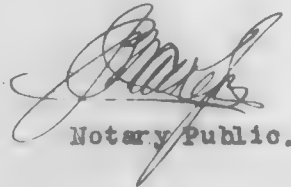
(This applicant appears to be a negro. She does not speak the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with the provisions of the Fourteenth Article of the Treaty of 1830.)

The decision of the Commission as to the application you make at this time for the identification of yourself and two minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, on the 16th day of May, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings upon said date.



Subscribed and sworn to before me at Meridian, Mississippi, this 25th day of June, 1901.



Notary Public.

COPY.

*Handwritten initials and scribble*

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

---0---

In the matter of the application of Susan Banks, et al.,  
for identification as Mississippi Choctaws, M.C.R. 2294.

---: 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 Susan Banks for herself and her two minor children, Charley O'Connor and Angeline Banks, 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 Sukey, who is alleged to have been a Choctaw Indian, degree of

blood 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 Stats. 321).

It is found that the name Sukey appears on pages 220, 227, and 664, and the name Sucky on pages 403 and 1024, and Suckey (or Mahla) on page 591, and Socka on page 503, and Socka on page 316 of Volumes I and II of the Claimants Brief and Evidence in the case of the Choctaw Nation versus the United States before the Court of Claims, No. 12742, and the name Suckia appears on page 78 of Volume VII, American State Papers, Public Lands, all of which citations are to certain lists, schedules and depositions relating to claims under the treaty of "Dancing Rabbit Creek". It also appears that persons by the names of Sukey, Socka, Suckey and Suka received scrip as beneficiaries under the provisions of article fourteen of the treaty of "Dancing Rabbit Creek". It does not appear from the evidence submitted by the applicants herein that the Sukey through whom they claim is identical with any one of the persons mentioned in the records above cited.

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 Sukey, from whom applicants claim, 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 Susan Banks, Charley O'Connor Banks and Angeline Banks, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Tams Bixby.*

*Acting Chairman.*

(SIGNED)

*T. B. Needles.*

*Commissioner.*

(SIGNED)

*C. R. Breckinridge.*

*Commissioner.*

Muskogee, Indian Territory,

APR 27 1903

COPY

Muskogee, Indian Territory, April 27, 1903.

Susan Banks,

Newton, Mississippi.

Dear Madam:

You are hereby advised that on the 27th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Susan Banks, 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 decision concludes as follows:

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

-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,

SIGNE

*Tams Bixby.*

Chairman.

Registered.

COPY.

Muskogee, Indian Territory, April 27, 1903.

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

You are hereby advised that on the 27th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Susan Banks, 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).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan Banks, Charley O'Connor Banks and Angeline Banks, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

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

Respectfully,

SIGNED

*Tamc Dixby.*

Chairman



COPY.

Muskogee, Indian Territory, May 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Susan Banks, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 27, 1903.

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

Respectfully,

(SIGNED).

Through the  
Commissioner of Indian Affairs.

*T. B. Needles.*

2 Enc.: M.C.R. 2294.

COMMISSIONER IN CHARGE.

COPY

JWH.  
WHR.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

D.C. 30247.  
ITD. 5380-1903.  
L.R.S.

WASHINGTON, October 27, 1903.

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

Gentlemen:

May 13, 1903, you transmitted the record in the case of Susan Banks (M.C.R. 2294), Charley O'Connor Banks and Angeline Banks, applicants for identification as Mississippi Choctaws, including your decision of April 27, 1903, refusing to identify them as such.

The principal applicant, Susan Banks, through whom the others claim, was born in 1877, in Clark County, Mississippi. She obtained her Choctaw blood from her father, William Lee, who was the son of a full-blood Choctaw woman known as Sukey.

Reporting in the matter July 1, 1903, the Commissioner of Indian Affairs stated:

The Commission mentions a number of persons of the name of Sukey, Sucky, and various other modes of spelling the name, whose names appear in the printed record in the case of the Choctaw Nation against the United States, in the Court of Claims, but rejects the applicants for the reason that it does not appear from the evidence offered in support of said application, or from the record in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, that said Sukey, from whom the applicants claim descent, or an ancestor less remote, complied or attempted to

comply with the provisions of the fourteenth article  
of the Choctaw treaty of 1830,

and recommended that the case be remanded to you for further in-  
vestigation.

The Department concurs in the recommendation of the  
Commissioner and the record in the case is herewith returned to  
you for appropriate action to be had in accordance with instruc-  
tions heretofore given in similar cases. In this connection see  
departmental letter of October 26, 1903, relative to the case of  
Julie Indian (M.C.R. 3028), with which certain affidavits were  
transmitted relative to various persons of the name of Sukey  
who received the benefits of article 14 of the treaty of Septem-  
ber 27, 1830.

A copy of the Commissioner of Indian Affairs report  
of July 1, 1903, is inclosed.

Respectfully,

Thos. Ryan,  
Acting Secretary.

2 Inclosures.

Copy.

Land.  
31588-1903.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July, 1, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Susan Banks, for herself and her two minor children, Charlie O'Connor and Angeline Banks, for identification as Mississippi Choctaws, wherein a decision rejecting the applicants was rendered by the Commission on April 27, 1903.

The record in this case shows that the applicants base their claim to a right to identification on their descent from one Sukey, who it is claimed was a citizen of the Choctaw Nation in Mississippi in 1830, the head of a family, and as such complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of that year.

The Commission mentions a number of persons of the name of Sukey, Sucky, and various other modes of spelling the name, whose names appear in the printed record of the case of the Choctaw Nation against the United States, in the Court of Claims,

but rejects the applicants for the reason that it does not appear from the evidence offered in support of said application, or from the record in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, that said Sukey, from whom the applicants claim descent, or an ancestor less remote, complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830.

The record in this case is not sufficient to enable this office to say whether the Sukey who is claimed as the ancestor of the applicants in this case, was one of the Sukeys who were beneficiaries under the fourteenth article of the Choctaw treaty of 1830, and I therefore recommend that the case be remanded for further investigation relative to that question. This office fully reported relative to the Sukeys who were beneficiaries under the fourteenth article of the Choctaw treaty of 1830, in the case of Julia Indian, on March 30, 1903.

Very respectfully,

W. A. Jones,  
Commissioner.

EBK-0.

M C R 2294

Muskogee, Indian Territory, November 6, 1903.

Susan Banks,  
Newton, Mississippi.

Dear Madam:

The Secretary of the Interior with his letter of October 27, 1903, returned to this Commission the record in the matter of your application for the identification of yourself and two minor children as Mississippi Choctaws, with instructions that you be granted an opportunity to introduce additional testimony and evidence in support of your claim.

The Secretary of the Interior in his letter states:

"The principal applicant, Susan Banks, through whom the others claim, was born in 1877, in Clark County, Mississippi. She obtained her Choctaw blood from her father, William Lee, who was the son of a full blood Choctaw woman known as Sukey."

The Secretary of the Interior in a letter of October 26, 1903, stated that the Acting Commissioner of Indian Affairs, in his report of March 30, 1903, furnished information showing that there were a number of persons of the name of Sukey or Suky who received the benefits of article 14 of the treaty of 1830.

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:

S B 2

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

S B 3

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, December 7, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.

R & R Dep

Registered



Muskogee, Indian Territory, November 6, 1903.

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

Gentlemen:

The Secretary of the Interior with his letter of October 27, 1903, returned to this Commission the record theretofore forwarded the Department in the Mississippi Choctaw case of Susan Banks, et al., with instructions that the principal applicant be granted further opportunity to introduce additional testimony and evidence in support of her claim.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, December 7, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.

M C R 2294

Muskogee, Indian Territory, November 23, 1903.

Susan Banks,

Newton, Mississippi.

Dear Madam:

The Commission is this day in receipt of a letter from Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, in which they request that if it is your desire to offer any testimony in support of your application for identification as a Mississippi Choctaw, you first serve notice upon them in order that they may be present and cross examine any witnesses offered.

In accordance with the request contained in said letter, you are hereby notified that before offering any testimony in support of your application, notice of the taking of such testimony must first be served upon said attorneys at South McAlester, Indian Territory.

Respectfully,

Chairman.

M C R 2294

Muskogee, Indian Territory, November 23, 1903.

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

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you request that the applicants in the Mississippi Choctaw case of Susan Banks, et al., which has been remanded to this Commission for rehearing, be required to serve notice upon you in the event they desire to introduce any testimony in support of their claim.

In reply you are informed that the Commission has this day notified Susan Banks, Newton, Mississippi, the principal applicant in said case that if she desires to offer any testimony in support of her case she must first serve notice of the taking of the same upon the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

Muskogee, Indian Territory, December 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On May 13, 1903, the Commission transmitted to the Department the record in the Mississippi Choctaw case of Susan Banks, et al., together with its decision of April 27, 1903, refusing the application made by Susan Banks for the identification of herself and her minor children as Mississippi Choctaws.

With departmental letter of October 27, 1903 (I T D 5380-1903), the record in this case was remanded in order that the principal applicant might be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission, on November 6, 1903, notified the principal applicant, Susan Banks, that she would be allowed up to and inclusive of Monday, December 7, 1903, to introduce additional evidence in support of the application made by her for the identification of herself and minor children as Mississippi Choctaw, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

No appearance having been entered by or on behalf of the applicants, and no additional testimony having been offered by

-2-

them, the original record in said case, together with copies of notices furnished the principal applicant, and the attorneys for the Choctaw and Chickasaw Nations, is therefore herewith transmitted.

Respectfully,

Chairman.

Through the Commissioner  
of Indian Affairs.

McM 14

DC.3647-1904.

(COPY) W.C.F. FHE.

DEPARTMENT OF THE INTERIOR,

ITD.404-1904.  
L. R. S.

WASHINGTON, January 27, 1904.

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

Gentlemen:

The Department has considered the case involving the application of Susan Banks for the identification of herself and her two minor children, Charley O'Connor and Angeline Banks, as Mississippi Choctaws, which was transmitted with your letter of May 13, 1903

The applicants trace their Choctaw descent from Sukey, through her son William Lee, father of the principal applicant Susan Banks, it being alleged that said Sukey was a full blood Choctaw Indian.

Your decision rejecting the applicants was rendered April 27, 1903. On October 27, 1903, the Department remanded the case to you for further investigation, inasmuch as it appeared that the records in your possession showed that a number of persons by the name of Sukey, Suckey, and various other modes of spelling the name, appeared in the printed record in in the case of the Choctaw Nation against the United States in the Court of Claims.

It appears that on November 6, 1903, you notified the principal applicant Susan Banks, that she would be allowed thirty days within which to introduce additional evidence in support of the application made by her for herself and her minor children for identification as Mississippi Choctaws; that during said time no ap-

pearance was entered by or on behalf of the applicants, and no additional testimony was offered by them.

The Department considers that the interests of the applicants have been fully protected, and your decision rejecting them is hereby approved.

A copy of the Acting Commissioner of Indian Affairs' letter of January 19, 1904, resubmitting the case, is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Land.  
80384-1903.

(COPY)

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Jan. 19, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit, herewith, for your consideration, the record of proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Susan Banks for the identification of herself and her two minor children, Charlie O'Connor and Angeline Banks as Mississippi Choctaws, wherein a decision rejecting the applicants was rendered by the Commission on April 27, 1903.

Office letter of July 1, 1903, recommended that this case be remanded to the Commission for further investigation.

Departmental letter of October 27, 1903, concurred in said recommendation and remanded the case for appropriate action in accordance with instructions heretofore given in similar cases, and called attention in this connection to Departmental letter of October 26, 1903, relative to the case of Julia Indian, M.C.R. 3028.

In accordance therewith the Commission on November 6, 1903, notified the principal applicant that she would be allowed up to and inclusive of Monday, December 7, 1903, to introduce additional evidence in support of her claim, and on the same date notice was furnished the attorneys for the Choctaw and Chickasaw Nations.



No appearance having been entered by or on behalf of the applicants, and no additional testimony having been offered by them, the recommendation of the Commission rejecting the applicants is concurred in.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(C.T.C.) P.

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

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2294

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory, February 8, 1904.

Susan Banks,

Newton, Mississippi.

Dear Madam:

You are hereby notified that on the 27th day of January, 1904, 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 Susan Banks et al., of which decision you were advised by registered mail on the 27th day of April, 1903.

Respectfully,

  
Commissioner in Charge.

M.C.R. 2294

Muskogee, Indian Territory, February 8, 1904.

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

Gentlemen:

You are hereby notified that on the 27th day of January, 1904, 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 Susan Banks et al., of which decision you were advised by mail on the 27th day of April, 1903.

Respectfully,

Commissioner in Charge.

No.

For Identification as a Mississippi Choctaw.

Date MAY 16 1901

Name Susan Banks,

Age 24 Blood don't know

Post Office, Newton, Miss.

Father: William Lee, 1/2 l.

Mother: Ann Lee negro, l.

Claims through father  
Husband

Bill Banks, —

No claim for husband

Children:

Charley O'Connor Banks 8.

Angelina " 4

Three children are  
illegitimate. Father

or father's unknown,

Claims for self and  
two illegitimate children.

Stenographer R. S. Street

*Dusan Banks et al*

REFUSED

7290

ACTIVELY APPROVED BY  
SECRETARY OF INTERIOR.

JAN 27 1904

NOTICE OF APPEAL  
ACTION MADE A RECORD

4

RECORD OF APPEAL ACTION  
FOR THE YEAR  
NOVEMBER 1903

DEF. ...  
COMM. ...

FILED  
JUL 1 1903

*[Handwritten signature]*

CHAIRMAN

MAY  
1903

Reg No 130.

Susan Banks,  
Newton, Mississippi.



Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

**REGISTERED**

APR 29 1903  
MUSKOGEE, IND. TER.



1320 P.M.  
1-2 AM '01

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

MAR 15 1901

CHAIRMAN

NEW YORK  
FEB 15  
1901



2274

General Office . . . . . U. S. R.

Advising that the Secretary of the Interior has affirmed Commission's decision, refusing application for identification of Mississippi Choctaws.



Susan Fanks,

Director, AIMEED, pp. 1.



Department of the Interior.

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

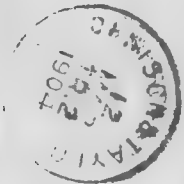
OFFICIAL BUSINESS.

Penalty for private use, \$300.



General Office

Advise that the Secretary of the Interior has assigned Com-  
missioner's position, regarding appl-  
ication for the title of "Mississippi Porters."



Susan Fanks,

Natchez, Mississippi.



Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

MCR 2295

Choctaw MCR 2295

Henry Johnson

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Henry Johnson, et  
al., for identification as Mississippi Choctaws, M.C.R. 2295.

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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Henry Johnson, et al., for identification as Mississippi Choctaws, M.C.R. 2295.

---: I N D E X :---

	(Page)
Original application of Henry Johnson, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Decision of the Commission identifying above applicants...	7

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Decatur, Mississippi, May 16, 1901.

In the matter of the application of Henry Johnson for the identification of himself, his wife and two minor children as Mississippi Choctaws.

Henry Johnson, having been first duly sworn, upon his oath states: (Indian McDonald, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Henry Johnson.
- Q What is your age? A Twenty eight.
- Q What is your post office address? A Union, Mississippi.
- Q Where were you born? A Leake County.
- Q Have you always lived in Mississippi? A Yes.
- Q What County did you ever live in except Leake County? A Newton County.
- Q What is your father's name? A John Johnson.
- Q What is his Indian name? A Ho-cha.
- Q Is he a full blood Indian? A Yes.
- Q Is he living? A Yes sir.
- Q What is your mother's name? A Margaret.
- Q Is she a full blood Indian? A Yes.
- Q Is she living? A Yes sir.
- Q Do you claim to be a full blood Indian? A Yes sir.
- Q Do you claim your Choctaw blood through both your parents? A Yes
- Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States  
A No sir.
- Q Are you married? A Yes.
- Q What is your wife's name? A Reecy Johnson.
- Q Is she a full blood Indian? A Yes.
- Q Do you make application for her? A Yes.
- Q What is her father's name? A Billy.
- Q What is the first name? A That's all.
- Q Is he a full blood? A Yes.
- Q Is he living? A Dead.
- Q What is your wife's mother's name? A Mollie Bob.
- Q Is she a full blood? A Yes sir.
- Q Does she claim her Choctaw blood through both her parents?  
A Yes sir.
- Q When were you married to your wife? A In March two years ago.
- Q Have your wife's parents, through whom you claim for her the right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States? A No.
- Q Were you married to your wife under the license or according to the Choctaw custom? A Choctaw custom.
- Q You have no license then? A No.
- Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes.
- Q What is the name of the oldest one? A Amos.
- Q How old is Amos? A Seven years old.

Henry Johnson, et al., #2.

- Q What is the name of the next child? A Thomas.  
Q How old is Thomas? A Not a year old; 11 months.  
Q Is Reecy the mother of these two children? A Yes, just the mother  
Q of this last child.  
Q Who is the mother of Amos? A Eliza /  
Q Is Eliza living? A Dead.  
Q Was she a full blood Choctaw? A Yes.  
Q Who was Eliza's father? A Williamson Phillip.  
Q Was he a full blood? A Yes.  
Q Is he dead? A Living.  
Q What was her mother's name? A I don't know.  
Q Was she a full blood? A Yes.  
Q Is she dead or living? A Living.  
Q When did Eliza die? A About four years ago.  
Q Is your name, the name of your wife, or the name of your children  
Amos and Thomas, on any of the tribal rolls of the Choctaw Nation in  
Indian Territory? A No.  
Q Have you ever made application to the Choctaw tribal authorities  
for yourself, your wife, or children, in Indian Territory, to be  
enrolled as members of that tribe? A No.  
Q Did you, or any one for you, or for your wife and children, in  
1896, make a plication to the Commission to the Five Civilized  
Tribes for citizenship in the Choctaw Nation under the Act of  
Congress of June 10, 1896? A I made application through Mr. Winton  
five years ago.

The records of the Commission show that the applicant, Henry Johnson, made application for himself, his wife, Eliza and his child, Amos, to the Commission to the Five Civilized Tribes in the year 1896, for citizenship in the Choctaw Nation, ~~his~~ their names appearing in the case of Jack Amos, et al., versus the Choctaw Nation, ~~Muzibak~~. The original application was filed with the Commission on September 10, 1896; on December 1, 1896, the Commission denied such application, from which decision of the Commission an appeal was taken to the United States Court for the Central District of the Indian Territory, which said Court on August 25, 1897, affirmed the decision of the Commission, and an appeal was taken to the United States Supreme Court, where the decision of the District Court was affirmed.

- Q Have you, or your wife or children ever been admitted to citizenship in the Choctaw Nation, by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No sir.  
Q Have you ever made application before this time for yourself, your wife or children to the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A I made application two years ago.  
Q Where? A At Philadelphia.

The records of the Commission show that on January 31, 1899, this applicant appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of himself and his minor child, Amos, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, field Number 200; also, upon page 60 of the Schedule of Mississippi Choctaws, which accompa-

Henry Johnson, et al., #3.

nied the report of March 10, 189, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Numbers 685 and 686, respectively, thereon.

Q Is it now your purpose to make application for the identification of yourself, your wife and minor children as Mississippi Choctaws?

A Yes.

Q Do you claim your rights as beneficiaries under the provisions of the Fourteenth Article of the Treaty of 1830? A Yes.

Q Have you or your wife ever received any benefits as Choctaw Indians? A No.

Q Have any of your ancestors or your wife's ancestors ever received any benefits as Choctaw Indians? A Yes sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors, or any of your wife's ancestors were, in 1830, recognized members of the Choctaw tribe of Indians in Mississippi, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, or ever received any benefits under that article of that treaty? A I would like to refer to the patents that were filed in the case of my father, who made application for identification yesterday, but those patents, one of which was issued to my grand father, Ha cubbe, 2nd, and the other to my uncle, were filed by my father in his case before the Commission on May 15, 1901.

Q What was your grand father's name who had a patent from the United States Government? A Ha cubbe, 2nd.

Q He was your grand father, was he? A Yes.

Q Your father's father? A Yes.

Q Did your grand father, Ha cubbe, 2nd, receive land in Mississippi from the United States Government under Article Fourteen of the Treaty of 1830? A Yes sir.

Q And it is this patent, issued by the Government of the United States to your grand father, Ha cubbe, 2nd, signed by James K. Polk, President of the United States, which patent your father has filed in his application for identification as a Mississippi Choctaw at Decatur, Mississippi on May 15, 1901, that is evidence of the land received by Ha cubbe, 2nd, from the Government of the United States, as a beneficiary under the provisions of Article Fourteen of the Treaty of 1830? A Yes sir.

It will be necessary that this original patent be filed with the records in the case of your father, John Johnson, but you may have certified copies of this patent filed in the case that you make for your own identification and for the identification of your wife, and children.

Q Do you want time in which to file a certified copy of this patent in order that you may make it a part of the record in your case?

A Yes.

Permission is granted to the applicant to file certified copy of this patent issued to Ha cubbe 2nd, within thirty days from the date hereof, which patent is now on file



with the records in the case of his father, John Johnson, in order that he may prove that his ancestors were beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, and as such beneficiary received by said patent dated the 6th day of December, 1845, a tract of land described as follows, to-wit: Section 16, containing 640 acres, in Township 8 (North), Range 13 East (of the Choctaw meridian) in the district of lands subject to sale at Columbus, Mississippi. The applicant desires, if it can be done consistently with the rules of the Commission, that at this time a cross-reference be made to this patent, issued to his grandfather, Ha-cubbe, 2nd, under the Fourteenth Article of the Treaty of 1830, and filed with the records in the case of his father, John Johnson, for the identification of himself and wife as Mississippi Choctaws.

- Q Did you have an uncle named Bah ne tubbe? A Yes.  
Q Was Bah ne tubbe, an older brother of your father? A Yes.  
Q Was a patent issued to Bah ne tubbe by the Government of the United States under Article Fourteen of the Treaty of 1830, giving him land in Mississippi? A Yes.  
Q Have you seen that patent? A Yes.  
Q And you also saw the patent to your grand father? A Yes.  
Q Are these the patents? A Yes sir.  
Q Do you know that by that patent your uncle, Bah ne tubbe, received land in Mississippi from the United States Government under the Fourteenth Article of the Treaty of 1830, described as follows: The S.W.1/4 of Section 15, containing 160.27 acres, in Township 8 (North), of range 13 East, (of the Choctaw meridian), in the district of lands subject to sale at Columbus, Mississippi? A Yes.  
Q Would you like to also file a certified copy of this patent issued to your father's brother, Bah ne tubbe, in order to show that your family, including your grand father and your uncle, complied with the provisions of the Fourteenth Article of the Treaty of 1830, and received land under that article? A Yes sir.

Permission is granted to this applicant to file certified copy of this patent issued to his uncle, Bah ne tubbe, by the United States Government, within a period of thirty days from this date.

- Q Do you remember the names of any other of your grand father's family who received land from the Government? A No.

The name of Ha-cubbe, 2nd, appears in case 41 on page 539 of Volume One of the records of the Court of Claims, in the case of the Choctaw Nation of Indians versus the United States, Number 12472, in which case he appears as the head of a family, while Susa, Bah ne tubbe and Ish-te-lamah are shown to be children under ten years of age. Ha-cubbe, 2nd, is shown to have received Section 16, containing 640 acres, in Township 8, Range 13 East, while Susa, a child under ten years of age, received the S.E.1/3 of Section 15, Township 8, Range 13 East, Bah ne tubbe, the S.W.1/4 of Section 15, Township 8, Range 13 East, Ish-te-lamah, the N.W.1/4 of Section 15, Township 8, Range 13 East. This case is found in Abstract Number One, reported by Commissioners Tyler, Gaines and Rush, appointed under

the Act of Congress of August 23, 1842, to hear applicants for reservations of land in Mississippi under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek.

Q Do you know the names of any other of your ancestors, or your wife's ancestors, who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830, when the Treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw tribe of Indians? A I don't know.

Q Have you any evidence to show that any of your wife's ancestors or your ancestors, except Ha cubbe, 2nd, were recognized members of the Choctaw tribe of Indians at that time? A No.

Q Did any of your wife's ancestors, or any of your ancestors, except Ha cubbe, 2nd, remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of your ancestors, or your wife's ancestors, within six months after the ratification of the Treaty of Dancing Rabbit Creek, signify to the United States Agent for the Choctaws, their intention to remain in Mississippi and become citizens of the United States? A I don't know.

Q Do you know whether your grand father, Ha cubbe, 2nd, who received land from the Government of the United States in Mississippi, afterwards went to the Indian Territory with the other Indians? A I don't know.

Q Are there any additional statements you desire to make in support of this application? A No.

(Witness excused.)

Q John Johnson, having been first duly sworn, upon his oath testified in behalf of the applicant, as follows:

Q What is your name? A John Johnson.

Q What is your father's name? A Ha cubbe, 2nd.

Q Did he receive any land from the United States Government?

A Yes sir.

Q Did your brother, Bah ne tubbe, also receive land from the United States Government? A Yes.

Q Are these two patents, the patents you have filed in your case, one to the land received by your father, and the other by your brother? A Yes sir.

Q You have filed these patents in your case have you not, and made them a part of your records? A Yes.

Q Is this your son who is now making application for identification as a Mississippi Choctaw? A Yes sir.

Q Is his claim the same as yours? A Yes sir.

Q Have you relied upon this patent to show that your father was a beneficiary under the Fourteenth Article of the Treaty of 1830; his claim is the same is it not? A Yes sir.

(This applicant, Henry Johnson, has every appearance of a full blood Choctaw Indian. He speaks the Choctaw language and has no knowledge whatever of the English language, his examination having been conducted through a sworn interpreter of the Choctaw language. He claims a compliance on the part of his ancestors who is his grand father, Hacubbe 2nd,

Henry Johnson, et al., #6

with the provisions of the Fourteenth Article of the Treaty of 1830, having made reference in his testimony to the original patent issued to his grand father, Ha cubbe, 2nd, which patent is now on file with the Commission in the application for identification as a Mississippi Choctaw made by his father.)

The decision of the Commission with reference to the application you make for the identification of yourself, your wife and two minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Strit, 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 16th day of May, 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.

*R. S. Strit*

Subscribed and sworn to before me at Meridian, Mississippi, this 24th day of June, 1901.

*[Signature]*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
CHOCTAW LAND OFFICE.  
Atoka, Indian Territory, August 18, 1903.

M O I 329 - 330 - 331 - 332.

Card No. 107

In the matter of the proof of settlement within the Choctaw-Chickasaw country of Henry Johnson, his wife Reecy Johnson, and his two children, Amos and Thomas Johnson, duly identified Mississippi Choctaws, Identified Choctaw card ~~NO~~ No. 107.

Henry Johnson being first duly sworn, testifies as follows:  
(Jacob Homer, official interpreter.)

Examination by the Commission.

- Q What is your name? A Henry Johnson.  
Q What was your post office in Mississippi? A Union, Miss.  
Q What is your father's name? A John Johnson.  
Q Has he a Choctaw name? A I don't know.  
Q What is your mother's name? A Margaret Johnson.  
Q Is your father living? A Yes.  
Q Is your mother living? A Yes.  
Q Are you married? A Yes.  
Q What is your wife's name? A Reecy Johnson.  
Q What is Reecy's mother's name? A Mollie Bob.  
Q What is Reecy's father's name? A Bill.  
Q Are you and Reecy living together at this time? A Yes.  
Q Have you any children? A Yes.  
Q How many? A Two.  
Q What are their names? A Amos and Thomas.  
Q When did you remove from Mississippi to the Indian Territory?  
A We came over on the special train on the night of August 13, 1903.  
Q Did Reecy Johnson come with you on that train? A Yes.  
Q Did Amos? A Yes.  
Q Did Thomas? A Yes.  
Q Who bore the expense of the transportation of yourself, your wife, Reecy Johnson, and your two minor children, Amos and Thomas from Mississippi to the Indian Territory? A The United States government.  
Q Have you made any contract or agreement whatever for the leasing, sale or encumbrance in any way of such property as you or your wife Reecy or your minor children may receive from the Choctaw or Chickasaw tribe of Indians? A No.  
Q Are you, your wife, and your two minor children, Amos and Thomas now located in the Choctaw Indian camp three and one-half miles south-west of Atoka, Indian Territory? A Yes sir.  
Q Is it your intention and that of your wife Reecy to accept such land as the United States government may select for you and also such land as it may select for your two minor children, and to make the permanent home of yourself and your family in the Choctaw Chickasaw country?  
A Yes.  
Q Did you bring any of your property from Mississippi to the Choctaw Nation with you? A Yes, I brought it all.  
Q What did it consist of? A Trunk and bedding.

Witness excused.

W. G. Blair being duly sworn states on oath that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*W. G. Blair*

Subscribed and sworn to before me this 25 day of August, 1903.

*W. G. Blair*  
Notary Public.

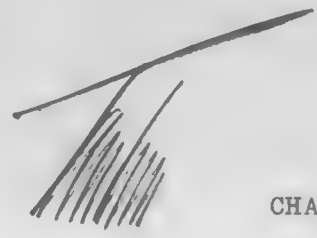
8.9.04

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

-----oOo-----

In the matter of the removal to and settlement within the Choctaw-Chickasaw country, Indian Territory, of Thomas Johnson, schedule of identified Mississippi Choctaws No.332.

The evidence herein shows that Thomas Johnson was identified as a Mississippi Choctaw by the Commission to the Five Civilized Tribes February 14, 1903; that he removed to and established his residence in the Choctaw-Chickasaw country, Indian Territory, August 13, 1903; that satisfactory proof of such removal and settlement was submitted to the Commission to the Five Civilized Tribes August 18, 1903, and that he 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.

Muskogee, Indian Territory,  
December 12, 1904.

*Q. W. W.*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Henry Johnson, et al., for identification as Mississippi Choctaws, M.C.R. 2295.

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 May 16, 1901 by Henry Johnson for himself, his wife Reecy Johnson, and his two minor children Amos and Thomas Johnson under the following provision of the act of Congress approved June 26, 1898 (30 Stats., 496):

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

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

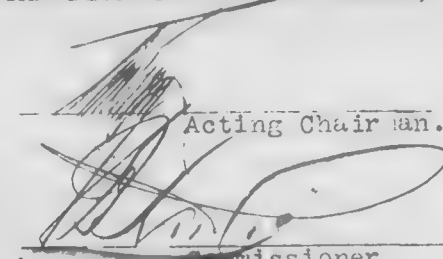
Section forty-one of the act of Congress entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1,

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 Henry Johnson, Reecy Johnson, Amos Johnson and Thomas Johnson should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Acting Chairman.  
Commissioner.

Muskogee, Indian Territory,

  
Commissioner.

FEB 14 1903

COPY.

M C R 2295

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 Henry Johnson, his wife Reecy Johnson, and minor children Amos Johnson and Thomas Johnson 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 Henry Johnson, his wife and 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,

*Tamm - [Signature]*  
Acting Chairman.

Register.  
GR-encl-21-25.



Muskogee, Indian Territory, March 11, 1903.

Henry Johnson,

Union, 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, Reecy Johnson, and minor children, Amos Johnson and Thomas Johnson, 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 Metch, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*Tame Pirby*  
Chairman.

Registered.

Enc.: 2295.

Muskogee, Indian Territory, August 27, 1903.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

You are advised that the following notations have this day been made upon identified Mississippi Choctaw card Number 107, and the information is forwarded in order that you may make corresponding notations upon the duplicate card in the possession of your office:

"SETTLEMENT ADDRESS "Atoka, Ind. Ter."

DATE OF PROOF OF SETTLEMENT "AUGUST 18, 1903."

Respectfully,

Chairman.

IN RE

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW  
INFANT CHILD

*Thomas Johnson*  
MISSISSIPPI CHOCTAW.

Nation.

Approved,

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

190

Commissioner.

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

FILED  
MAY 16 1901

The application herein is accepted by the Commission as evidence of the birth of this child, and not as an application for its ENROLLMENT as a citizen of the Choctaw Nation; and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws.

*[Signature]*  
Acting Chairman.

MISSISSIPPI CHOCTAW, 200

2295

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*IN RE* Application for Enrollment, as a citizen of the *Choctaw* Nation,  
of *Thomas Johnson*, born on the *9<sup>th</sup>* day of *June*, 1900.  
(Here insert name of child)  
Name of Father: *Henry Johnson*, a citizen of the *Choctaw* Nation.  
Name of Mother: *Reeey Johnson*, a citizen of the *Choctaw* Nation.  
Post-office, *Union, Miss.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
~~INDIAN TERRITORY.~~  
*Newton Co. Miss.* District.

I, *Reeey Johnson*, on oath state that I am *22*  
years of age and a citizen, by *blood*, of the *Choctaw* Nation;  
that I am the lawful wife of *Henry Johnson*, who is a citizen, by  
*blood*, of the *Choctaw* Nation, that a *Male* child was  
(male or female)  
born to me on the *9<sup>th</sup>* day of *June*, 1900 that said child has been  
named *Thomas Johnson*, and is now living.

WITNESSES TO MARK  
(Must be Two)  
*Charles H. Sawyer*  
*R. D. Street*  
*Reeey Johnson*

Subscribed and sworn to before me this *16* day of *May*, 1901.  
*J. C. Warden*  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
~~INDIAN TERRITORY.~~  
*Newton Co. Miss.* District.

I, *Henry Johnson* husband of *Reeey Johnson*, on oath state that I  
attended on Mrs. *Reeey Johnson* my wife  
on the *9<sup>th</sup>* day of *June*, 1900; that there was born to her on  
said date a *Male* child; that said child is now living and is said to have been  
named *Thomas Johnson*.

WITNESSES TO MARK:  
(Must be Two)  
*Charles H. Sawyer*  
*R. D. Street*  
*Henry Johnson*

Subscribed and sworn to before me this *16* day of *May*, 1901.  
*J. C. Warden*  
NOTARY PUBLIC

#660

No

For Identification as a Mississippi Choctaw.

Date MAY 16 1901

Name Henry Johnson

Age 28 Blood full

Post Office, Union, Miss.

Father: John Johnson (HOCHA) f. b. l

Mother: Margant. f. b. - l

Claims through both parents wife

father: - Pecky f. b. 22 - d  
mother: - Mollie Bah f. b. l

see M.C. Card filed No 200 -

Children:

Amos — 7  
Henry

Thomas, born June 9, 1900. 11 m  
Eliza - mother of Amos, f. b. d 1st wife  
father, Williamson Phillip f. b. l  
mother, — f. b. l

Claims for self wife and children

Stenographer R. S. Streit

Choctaw MCR 2296

Lewis, A-me-ah-tubbee

MCR 2296

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Lewis A-ke-ah-tubbee,  
et al., for identification as Mississippi Choctaws, M.C.R. 2294.

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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Lewis A-me-ah-tubbee,  
et al., for identification as Mississippi Choctaws, M.C.R. 2296.

--: I N D E X :--

	(Page)
Original application of Lewis A-me-ah-tubbee, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Decision of the Commission identifying above applicants...	4

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Decatur Mississippi, May 16, 1901.

In the matter of the application of Lewis A-me-ah-tubbee for the identification of himself and his wife and two minor children as Mississippi Choctaws.

Lewis A-me-ah-tubbee, having been sworn, upon his oath states as follows: (Indian McDonald, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Lewis A-me-ah-tubbee.
- Q What is your age? A Fifty two.
- Q What is your post office address? A Battlefield, Mississippi.
- Q What county is that in? A Newton County.
- Q How long have you lived in Newton County, Mississippi? A All my life.
- Q Born here? A Yes.
- Q What is your father's name? A A-me-ah-tubbee.
- Q Any other name? A A-me-ah-tubbee Billy.
- Q Is he living? A Dead.
- Q Was he a full blood? A Yes.
- Q What is your mother's name? A I don't recollect my mother; I was little when she died, and I don't recollect her name.
- Q Wouldn't her name be A-me-ah-tubbee? A I don't know.
- Q Was she a full blood? A Yes.
- Do you claim to be a full blood Choctaw? A Yes.
- Q Do you claim your Choctaw blood through both your parents? A Yes.
- Q What is your wife's name? A Amy.
- Q Is she living or dead? A Dead.
- Q Was she a full blood? A Yes.
- Q Have you any children you want to make application for? A Yes.
- Q What is the name of the oldest one? A Henry.
- Q How old? A Thirteen years old.
- Q What is the name of the next? A Sidney.
- Q How old? A Twelve.
- Q Was Amy the mother of these two children? A Yes.
- Q Are you the father? A Yes.
- Are these children living with you at your home? A Yes.
- Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States? A I don't know.
- Q Were you married to your wife Amy under a license or according to the Choctaw custom? A Choctaw custom.
- Q Is your name, or the name of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Lewis A me ah tubbee, et al., #2.

Q Have you ever made a plication for yourself or children to the Choctaw tribal authorities in Indian Territory to be enrolled as members of the Choctaw tribe? A No sir.

Q Did you, or any one for you, or for your children 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 made application before this time, for yourself or children, either to the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as citizen of the Choctaw Nation? A Yes, two years ago.

The records of the Commission show that on February 8, 1896, this applicant appeared before the Commission at Decatur, Mississippi, and made application for the identification of himself and two minor children, Henry and Sidney, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 469; also, on page 100 of the Schedule of Mississippi Choctaws, which accompanied the report of March 10, 1896, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Numbers, 1712, 1713 and 1714, respectively, thereon.

Q It is now your purpose to make application for the identification of yourself and minor children as Mississippi Choctaws? A Yes sir.

Q Do you claim your rights as beneficiaries under the provisions of 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 I think some of them drew some money? A

Q Do you know which one of your ancestors drew some money? A I think my daddy.

Q What was your daddy's name? A Billy A me ah tubbee.

Q Did your father get any land? A No sir.

Q Where did he draw this money in Mississippi or in the Indian Territory? A In the Choctaw Nation.

Q Did your father go to the Indian Territory? A Yes.

Q When did he go? A I don't know how many years; I don't recollect how many years; I was little at that time.

Q Did he go when the other Indians went between the years 1853 and 1838? A It was the time the Choctaws went from here; that was the time.

Q Did he get any land there? A No.

Q Did he get any when he come back to Mississippi? A No.

Q Did any of the other of your ancestors get any land that you know of? A I don't know.

Q Did any of the other of your ancestors go to the Choctaw Nation, in Indian Territory when the other Indians moved out there? A I think my grand father went.

Q Do you know that your grand father went? What was his name? A Jim Moore.

Q That was your grand father? A Yes.

Lewis A me sh tubbee, et al., #3.

Q Did he get any land? A I think he drew some money, but got no land.

Q Are there any additional statements you desire to make in support of this application? A No.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors were, in 1830, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, or ever received any benefits under that article of that treaty? A No sir.

(This applicant appears to have all the characteristics of a full blood Choctaw Indian. He does not speak the English language, his testimony having been given before the Commission through the medium of a sworn Choctaw interpreter; he has no knowledge of a compliance on the part of his ancestors with any of the provisions of the Fourteenth Article of the Treaty of 1830.)

The decision of the Commission as to the application you make at this time for the identification of yourself and minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 16th day of May 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 Meridian, Mississippi, this 25th day of June, 1901.

  
Notary Public.

*C. W.*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Lewis A-me-ah-tubbee, et al., for identification as Mississippi Choctaws, M.C.R. 2296.

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 May 16, 1901 by Lewis A-me-ah-tubbee for himself and his two minor children Henry and Sidney A-me-ah-tubbee 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 reports 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 Chicka-

saw 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 Lewis A-me-ah-tubbee, Henry A-me-ah-tubbee and Sidney A-me-ah-tubbee should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Acting Chairman.

  
Commissioner.

Muskogee, Indian Territory,

  
Commissioner.

FEB 14 1903

COPY.

M C R 2896

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 Lewis A-me-ah-tubbee and minor children Henry A-me-ah-tubbee, and Sidney A-me-ah-tubbee 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 Lewis A-me-ah-tubbee and 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,

W. H. HEDD.

*Wm. H. Hedd*

Register.  
GI-encl-21-30.

Acting Chairman.

M.C.R. 2296

Muskogee, Indian Territory, March 11, 1903

Lewis A-me-ah-tubbee,

Battlefield, 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, Henry and Sidney A-me-ah-tubbee, 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,

Chairman

Registered

Enclosure 2296

*April 17*  
And one, I. T. ~~February 17~~, 1903.

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

I will please deliver to J. G. Wells, of Atoka, Indian Territory, two copies of records in a case that, under the rule of law the Commission is directed to Attorney's, as I have employed him to assist in this case.

WITNESSETH:  
*[Signature]*  
-----  
-----

*Lewis* <sup>his</sup> *Ah-me-ah-tubbee*  
mark



#661

No

For Identification as a Mississippi Choctaw.

Date

11. 1901

Name LEWIS A-me-ah-tubber

Age 52 Blood full.

Post Office, Battlefield, Miss (f.b. - d.)

Father: Billy A-me-ah-tubber

Mother: dont know. f.b. d

Claims through both parents -  
wise army f. b. d

See M. C. Card filed No. 469

Children:

HENRY	13
SIRNEY	12

Claims for self and children -

Stenographer R. S. Street,

A. W. S. ...

Lewis, A-mc-ah-tubbee, et al

MAR 11 1903

Choctaw MCR 2297

Fayette Johnson

MCR 2297

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Fayette Johnson, et  
al., for identification as Mississippi Choctaws, M.C.R. 2297.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--- O ---

In the matter of the application of Fayette Johnson, et al., for identification as Mississippi Choctaws, M.C.R. 2297.

: I N D E X :--

	(Page)
Original application of Fayette Johnson, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Decision of the Commission identifying the above applicants	7.

--- O ---

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Decatur, Mississippi, May 16, 1901.

In the matter of the application of Fayette Johnson for the identification of himself, his wife and three children as Mississippi Choctaws.

Fayette Johnson, having been first duly sworn, upon his oath states as follows; (Indian McDonald, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Fayette Johnson.
- Q What is your age? A About twenty six.
- Q What is your post office address? A Union.
- Q How long have you lived at Union? A Always lived there.
- Q Born there? A Yes.
- Q What is your father's name? A John Johnson.
- Q What is his Indian name? A Ho-cha.
- Q Is he a full blood? A Yes.
- Q Is he living? A Yes.
- Q What is your mother's name? A Margaret.
- Q Is she living? A Yes.
- Q Is she a full blood? A Yes.
- Q Are you a full blood? A Yes.
- Q Do you claim your Indian blood through both your father and mother? A Yes.
- Q Have your parents through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States?
- A I don't know.
- Q Are you married? A Yes.
- Q What is your wife's name? A Isby.
- Q Is Isby a full blood Choctaw? A Yes.
- Q What is her age? A About twenty seven.
- Q What is her father's name? A Jim Thomas.
- Q Is he a full blood? A Yes.
- Q Is he living? A Dead.
- Q What was her mother's name? A Melissa.
- Q Full blood? A Yes.
- Q Is she dead or living? A Living.
- Q Does she claim her full Choctaw blood through both her father and mother? A Yes sir.
- Q Have your wife's parents, through whom you claim for her the right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians either by the Choctaw tribal authorities or by the authorities of the United States? A No sir.
- Q Have you any children under twenty one years of age and unmarried for whom you wish to make an application now? A Yes.
- Q What are their names? A Ostar, Jimmie and Lona.
- Q How old is Ostar? A 5 years old.
- Q How old is Jimmie? A 4 years old.
- Q How old is Lona? A 2 years old.
- Q Did you obtain a license to marry, or were you married under the Choctaw custom? A Under license.
- Q In what county? A Neshoba.
- Q You had a license from the clerk of Neshoba County? A Yes sir.

Fayette Johnson, et al., #2.

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

Q Have you ever made application for yourself, your wife or children to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.

Q Did you, or any one for you, or for your wife or children, 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 Yes.

Q

The records of the Commission show that Fayette Johnson made application to the Commission to the Five Civilized Tribes in the year 1896 for citizenship in the Choctaw Nation, his name appearing in the case of Jack Anos, et al, versus the Choctaw Nation. The original application was filed with the Commission on September 10, 1896; on December 1st, 1896, the Commission denied such application, from which decision of the Commission, an appeal was taken to the United States Court for the Central District of Indian Territory, which said Court on August 25, 1897, affirmed the decision of the Commission, and an appeal was taken to the United States Supreme Court, where the decision of the District Court was affirmed.

Q When were you married to your wife? A About ten years ago.

Q Can you tell the exact date? A I don't know.

Q Have you ever been admitted to citizenship, or your wife, or children, in the Choctaw Nation either by the Choctaw tribal authorities or by the Commission to the Five Civilized Tribes, or by the United States Court for Indian Territory? A No sir.

Q Have you ever made application before this time for yourself your wife or these children to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A My daddy put it in.

Q Where, at Carthage? A At Philadelphia.

The records of the Commission show that on January 30, 1899, the father of this applicant appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of this applicant, his wife, Isby, and children, Ostar and Jimmie, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 149; also, upon page 54 of the Schedule of Mississippi Choctaws, which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Numbers 517, 518, 519 and 520, respectively, thereon.

Q Is this the first application you have made, except two years ago? A Yes sir.

Q Is it now your purpose to make application for the identification of yourself, your wife and children, as Mississippi Choctaws? A Yes sir.

Q Do you claim your rights as beneficiaries under the provisions of the Fourteenth Article of the Treaty of 1830? A Yes sir.

Fayette Johnson, et al., #3.

Q Have you, your wife, or your children ever received any benefits as Choctaw Indians? A No sir.

Q Have any of your ancestors or your wife's ancestors ever received any benefits as Choctaw Indians? A Yes.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any proper papers showing that your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of 1830, or that they ever received any benefits under that article of that treaty? A My father, John Johnson, had some patents that he filed in his case yesterday, and I would like to file those deeds in my case, but my father has already filed them.

Q What was your grand father's name, who had a patent from the Government? A Ha-cubbee, 2nd.

Q He was your grand father? A Yes sir.

Q Your father's father? A Yes.

Q Did your grand father, Ha-cubbe 2nd, receive any land from the United States Government under Article Fourteen of the Treaty of 1830? A Yes sir.

Q And it is this patent issued by the Government to your grand father, Ha-cubbe, 2nd, signed by James M. Polk, which patent your father has filed in his application for identification as a Mississippi Choctaw at Decatur on May 15, 1901; that patent is evidence of the land received by Ha-cubbe, 2nd, from the United States Government as a beneficiary under Article Fourteenth of the Treaty of 1830?

A Yes sir.

Q

It will be necessary that this original patent be filed with the records in the case of your father, John Johnson, but you may have certified copies of this patent filed with the records of the case that you make for yourself wife and children for identification as Mississippi Choctaws.

Q Do you want time in which to file a certified copy of this patent, in order that you may make it a part of the records in your case? A Yes.

Thirty days time from the date hereof is allowed this applicant in which to file certified copy of the original patent given to his grand father, Ha-cubbe, 2nd, which patent is now on file with the records in the case of his father, John Johnson, in order that he may prove that his ancestors were beneficiaries under the provisions of the Fourteenth Article of the Treaty of 1830, and as such beneficiary, received by said patent, dated the 6th day of December, 1845, a tract of land described as follows, to-wit: Section 16, containing 640 acres, in Township 8 (North, of Range 13 East (of the Choctaw meridian), in the district of lands subject to sale at Columbus, Mississippi.

The applicant desires, if it can be done consistently with the rules of the Commission, that at this time a cross-reference be made to this patent, issued to his grandfather, Ha-cubbe, 2nd, under the Fourteenth Article of the Treaty of 1830, and filed with the records in the case of his father, John Johnson, for the identification of himself wife and children as Mississippi Choctaws.



Fayette Johnson, et al., #4.

Q Did you have an uncle, named Bah ne tubbe? A Yes.

Q Was Bah he tubbe an older brother of your father? A Older, yes.

Q Was a patent issued to your uncle, Bah ne tubbe, by the United States Government under article Fourteent of the Treaty of 1830, giving him land in Mississippi? A Yes.

Q Have you seen that patent? A Yes.

Q And do you know that by that patent, your uncle, Bah ne tubbe, received land in Mississippi from the United States Government under Article Fourteen of the Treaty of 1830, described as follows, to-wit: The S.W.1/4 of Section 15, containing 160.27, in Township 8(North) Range 13 East (of the Choctaw meridian) in the district of lands subject to sale at Columbus, Mississippi? A Yes.

Q Would you like to also file a certified copy of this patent issued to your father's brother, Bah ne tubbe, in order to show that your family, including your grand father and uncle complied with the provisions of Article Fourteen of the Treaty of 1830, and received land in Mississippi under that Article? A Yes sir.

Permission is granted to this applicant to file certified copy of this patent issued to his uncle by the United States Government, within a period of thirty days from this date.

Q Do you remember any other of the members of your grand father's family who received land from the Government? A No.

The name of Ha-cubbe, 2nd, appears in case 41 on page 539 of Volume One of the records of the Court of Claims, in the case of the Choctaw Nation of Indians versus the United States, Number 12472, in which case he is shown to be the head of a family, while Susa, Bah-he-tubbe and Ish-te-la-mah are shown to be children under ten years of age. Ha' cubbe, 2nd, is shown to have received Section 16, containing 340 acres, in Township 8, Range 13 East, while Susa, a child under ten years of age, received the S.E.1/3 of Section 15, Township 8, Range 13 East, Bah ne tubbe, the S.W.1/4 of Section 15, Township 8, Range 13 E., Ish te la mah, the N.W.1/4 of Section 15, Township 8, Range 13 East. This case is found in Abstract Number One, reported by Commissioners Tyler, Gaines and Rush, appointed under the Act of Congress of August 23, 1842, to hear applicants for reservations of land in Mississippi under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek.

Q Do you know the names of any other of your ancestors, or your wife's ancestors, who were residents of the old Choctaw Nation in Mississippi and Alabama, and who were acknowledged members of the Choctaw tribe of Indians in 1830, when the Treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Nation? A I don't know.

Q Have you any evidence to show that any of your ancestors, or any of your wife's ancestors, except Ha-cubbe, 2nd, were recognized members of the Choctaw tribe of Indians at that time? A No sir.

Q Did any of your ancestors or any of your wife's ancestors, go from the territory occupied by the Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory ~~at~~ at the time of the removal of the other members of the Choctaw tribe of Indians between the year 1833 and 1838? A I don't know.

Q Do you know whether your grand father, Ha cubbe, 2nd, who received

Fayette Johnson, et al., #5.

land from the Government of the United States in Mississippi, afterwards went to the Indian Territory with the other Indians? A I don't know.

Q Do you know whether any of your ancestors, or any of your wife's ancestors went to the United States Indian Agent in Mississippi, within six months after the ratification of the Treaty of 1830, and told him that they desired to stay in Mississippi and not go to the Territory? A I don't know.

Q Are there any additional statements you desire to use in support of your application? A No.

(Witness Excused.)

John Johnson, having been first duly sworn, upon his oath testified as follows:

Q What is your name? A John Johnson.

Q What is your Indian name? A Ho-cha.

Q This applicant is your son, is he? A Yes.

Q What was your father's name? A Ha cubbe, 2nd.

Q You have filed in your application for identification as a Mississippi Choctaw, the original patent issued by the United States Government to your father, Ha cubbe, 2nd, have you not? A Yes.

Q And you claim that this son of yours is entitled to land in Indian Territory on the ground that his ancestor, who was your father, complied with the Fourteenth Article of the Treaty of 1830, and received land in Mississippi under that Article of that Treaty, as is proven by this patent that is filed in your case? A Yes.

Q You also have filed in your application a patent issued to your older brother, Bah-ne-tubbe, have you not? A Yes.

Q And whatever claims you have before the Commission, should also be given to your son as a descendant of a Choctaw ancestor who complied with the Fourteenth Article of the Treaty of 1830? A Yes.

(The applicant in this case, Fayette Johnson, has every appearance of a full blood Choctaw Indian. He speaks the Choctaw language and has no knowledge whatever of the English language, his examination having been conducted through a sworn interpreter of the Choctaw language. He claims a compliance on the part of his ancestors, who is his grand father, Ha cubbe, 2nd, with the provisions of the Fourteenth Article of the Treaty of 1830, having made reference in his testimony to the original patent issued to his grand father, Ha cubbe, 2nd, which patent is now on record with the Commission in the application for identification as Mississippi Choctaws made by his father in his own behalf and in behalf of his wife, Margaret Johnson.)

The decision of the Commission as to the application you make for the identification of yourself, your wife and three minor children as Mississippi Choctaws, will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be

Fayette Johnson, et al., #6.

mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 16th day of May, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi, this 24th day of June, 1901.

*[Signature]*  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Fayette Johnson, et al., for identification as Mississippi Choctaws, M.C.R. 2297.

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 May 16, 1901 by Fayette Johnson for himself, his wife Isby Johnson, and his three minor children Ostar, Jimmie and Lona Johnson 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.

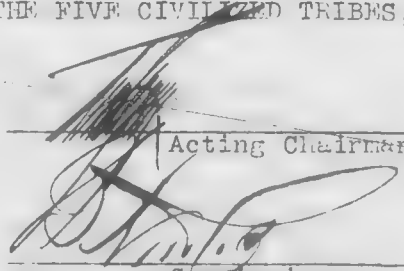
Section forty-one of the act of Congress entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902 (32 Stats., 641) and ratified by the Choctaw and Chicka-

saw 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 Fayette Johnson, Isby Johnson, Ostar Johnson, Jimmie Johnson and Lona Johnson should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Acting Chairman.

  
Commissioner.

Muskogee, Indian Territory,

  
Commissioner.

FEB 14 1903

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 Fayette Johnson, his wife Isby Johnson, and minor children Oslar Johnson, Jimmie Johnson and Lona Johnson as Mississippi Choctaw Indians under 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 Fayette Johnson, his wife and 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,

W. B. BIRBY

*W. B. Birby.*  
Acting Chairman.

Register.  
BR-enol-21-29

M.C.R. 2297

Muskogee, Indian Territory, March 11, 1903

Fayette Johnson,  
Union, 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 Isby Johnson, and your minor children, Ostar, Jimmie and Lona Johnson, 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 W. ...*  
Chairman

Registered

Enclosure 2297

IN RE  
FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.  
INFANT CHILD

*Lona Johnson,*  
as a citizen of

MISSISSIPPI CHOCTAW, Nation.

Approved, 190

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

Commissioner.

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

FILED  
MAY 16 1901

ACTING CHAIRMAN

The application herein is accepted by the Commission as evidence of the birth of this child, and not as an application for its ENROLLMENT as a citizen of the Choctaw Nation; and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws.

*[Signature]* 2297

Acting Chairman.

MISSISSIPPI CHOCTAW, 1447



M.C. 49

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
of Lona Johnson born on the 15<sup>th</sup> day of March, 1901

Name of Father: Fayette Johnson, a citizen of the Choctaw Nation.

Name of Mother: Deby Johnson, a citizen of the Choctaw Nation.

Post-office, Union, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }

Newton Co. Miss District. }

I, Deby Johnson, on oath state that I am 27  
years of age and a citizen, by blood, of the Choctaw Nation;  
that I am the lawful wife of Fayette Johnson, who is a citizen, by  
blood, of the Choctaw Nation, that a female child was  
born to me on the 15<sup>th</sup> day of March, 1899; that said child has been  
named Lona Johnson and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Deby Johnson  
Charles K. Sawyer male  
Rd. Street

Subscribed and sworn to before me this 16<sup>th</sup> day of May, 1901.

J. D. Wuttou, Clerk,  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }

Newton Co. Miss District. }

I, Fayette Johnson husband, on oath state that I  
attended on Mrs. Deby Johnson my wife,  
on the 15<sup>th</sup> day of March, 1899, that there was born to her on  
said date a female child; that said child is now living and is said to have been  
named Lona Johnson his

WITNESSES TO MARK:

(Must be Two Witnesses)

Fayette Johnson  
Charles K. Sawyer male  
Rd. Street

Subscribed and sworn to before me this 16 day of May, 1901.

J. D. Wuttou, Clerk,  
NOTARY PUBLIC

#662

No. 2297

## For Identification as a Mississippi Choctaw.

Date MAY 16 1901

Name Fayette Johnson

Age 26

Blood

full

Post Office,

Union Miss

Father: John Johnson (HOCHA) ft. l

Mother: Margaret ft. l

Claims through

both parents.

wife  
 father - J. S. Thomas ft. l  
 Mother - Melissa ft. l

see M.C. Card filed No. 149.

Children:

Ostar	5
Jimmie	4
Lona	2

(Claims for himself,  
 wife and three children)

Stenographer

R. S. Street

FOR IDENTIFICATION NO.  
A MISSISSIPPI CHOCTAW

B.2297

*Fayette Johnson et al*

RECEIVED FOR THE  
COMMISSIONER OF THE  
INDIAN AFFAIRS  
WASHINGTON, D. C.

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

END

OF

ROLL

